

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

A. Review current data and research on levels of educational attainment among the New England states and nationally;

B. Assess the economic impact of the State's current levels of educational attainment and the benefits likely to accrue from raising that level;

C. Assess the role of educational attainment in providing an economic climate that allows the State's young adults to find employment at competitive wages here in the State; and

D. Assess the current success of the State's higher educational institutions in preparing students for the challenges of the modern economy.

2. The commission shall develop a plan to:

A. Encourage more high school graduates in the State to enroll in postsecondary educational programs;

B. Assist adults in the State in pursuing and attaining higher degrees;

C. Attain a state educational achievement level, defined as a percentage of adults over the age of 25 years with at least a bachelor's degree, that is equal to the New England average; and

D. Build an educational system that will provide the best possible return to students in the State and the State's economy by preparing students for the modern economy.

The plan must, to the extent possible, build upon current efforts and must include an estimate of the costs associated with implementing it; and be it further

Sec. 6. Staff assistance. Resolved: That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

Sec. 7. Compensation. Resolved: That the members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings; and be it further

Sec. 8. Report. Resolved: That the commission shall submit its report, including the plan required by section 5, together with any necessary implementing legislation, to the Second Regular Session of the

120th Legislature no later than December 5, 2001. If the commission requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 9. Budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 28, 2001.

CHAPTER 67

S.P. 513 - L.D. 1632

Resolve, Directing the Maine Science and Technology Foundation to Determine the Technological, Economic and Public Policy Challenges and Opportunities for the Deployment of Broadband Information Technology Infrastructure to all Parts of the State

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, information technology infrastructure is vital to the economic well-being of the State; and

Whereas, the rural areas of the State, most in need of economic development, tend to be the farthest behind in information technology infrastructure; and

Whereas, the advance of information technology is moving faster than ever before and can outpace the capabilities of existing infrastructure in even a matter of months; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. State Economist and Chief Information Officer to determine technological, economic and public policy challenges and opportunities for deployment of broadband information technology to all parts of State.

Resolved: That the State Economist and the Chief Information Officer in the Department of Administrative and Financial Services shall determine the technological, economic and public policy challenges and opportunities for the deployment of broadband information technology infrastructure to all parts of the State; and be it further

Sec. 2. Working group and advisory panel. **Resolved:** That the Telecommunications Working Group, referred to in this resolve as the "working group," is established.

1. The working group consists of the following:

A. The Chief Information Officer in the Department of Administrative and Financial Services, who shall serve as the chair of the working group;

B. The State Economist;

C. The Director of Operations and Technology, Office of the Governor; and

D. The President of the Maine Science and Technology Foundation or the president's designee.

2. An advisory panel, referred to in this resolve as the "advisory panel," is established to provide information and advice to the working group members. The advisory panel consists of the following 17 members:

A. The Commissioner of Economic and Community Development or the commissioner's designee;

B. The Commissioner of Education or the commissioner's designee;

C. The Chancellor of the University of Maine System or the chancellor's designee;

D. The Public Advocate or the Public Advocate's designee;

E. The chair of the Public Utilities Commission or the chair's designee;

F. Two representatives from regional or county economic development organizations in the

State, appointed by the chair of the working group;

G. A member of the Board of Directors of the Maine Science and Technology Foundation, designated by the board;

H. A member of the Board of Directors of the Telephone Association of Maine or that member's designee, appointed by the chair of the working group;

I. A member of the Maine Telecommunications Users Group or that member's designee, appointed by the chair of the working group;

J. Four representatives of the telecommunications and Internet service providers industry, appointed by the chair of the working group;

K. A member of the board of the Electronic Commerce Forum of Maine, appointed by the chair of the working group;

L. The Executive Director of the Maine Rural Development Council or the executive director's designee; and

M. The State Director of the United States Department of Agriculture's Rural Development Program in this State or the director's designee; and be it further

Sec. 3. Chair. **Resolved:** That the Commissioner of Economic and Community Development or the commissioner's designee is the chair of the advisory panel; and be it further

Sec. 4. Appointments; meetings. **Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. When the appointment of all members has been completed, the chair of the working group shall call and convene the first meeting of the working group and the advisory panel. Notice of all meetings must be given to the Executive Director of the Legislative Council and chairs of the Joint Standing Committee on Business and Economic Development and the Joint Standing Committee on Utilities and Energy; and be it further

Sec. 5. Duties. **Resolved:** That the working group, in carrying out the purposes of this resolve, shall perform the following duties:

1. Identify specific geographic areas where advanced telecommunications capability is deployed at a significantly lower rate than the rest of the State;

2. Study the following:

A. The investment in telecommunications facilities with advanced capabilities in rural areas, including an assessment of the various levels of capability deployed under different technologies, the bandwidth capabilities of the deployment and whether or not comparable bandwidth is deployed consistently;

B. The availability of telecommunications backbone networks and "last mile" facilities with advanced capability in potentially underserved areas;

C. The technological, economic and public policy barriers to the wide deployment of broad bandwidth to all parts of the State;

D. The capability of various technological enhancements to existing wired and wireless networks to provide "last mile" advanced telecommunications capability in rural areas; and

E. The feasibility of various technological alternatives to provide "last mile" advanced telecommunications capability in rural areas; and

3. Identify successful strategies that have been implemented in other states and regions to deploy advanced telecommunications capability to rural areas; and be it further

Sec. 6. Compensation. Resolved: That the members of the working group and the advisory panel serve without compensation; and be it further

Sec. 7. Report. Resolved: That the working group, after considering the information and advice provided to it by the advisory panel, shall conclude its work and report its findings and recommendations to the Joint Standing Committee on Business and Economic Development and the Joint Standing Committee on Utilities and Energy no later than December 5, 2001. The Joint Standing Committee on Business and Economic Development and the Joint Standing Committee on Utilities and Energy may report out legislation pursuant to this resolve to the Second Regular Session of the 120th Legislature. Upon submission of the required report, the working group and advisory panel terminate.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 28, 2001.

CHAPTER 68

H.P. 28 - L.D. 28

Resolve, to Extend the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft was created by Resolve 1999, chapter 131, with a final reporting date of December 6, 2000; and

Whereas, that commission was authorized to undertake research as necessary to collect and update information on the amount and type of fuel purchased for and consumed within this State by snowmobiles, all-terrain vehicles and motorboats and information on the amount and type of fuel purchased in this State for those vehicles and consumed outside the jurisdiction of this State; and

Whereas, that commission has authorized surveys to determine the amount of gasoline consumed by snowmobiles, all-terrain vehicles and watercraft; and

Whereas, the information obtained through those surveys is essential for the commission to fulfill its charge of determining the equitable distribution of gas tax revenues generated by snowmobiles, all-terrain vehicles and motorboats; and

Whereas, it is critical to the validity of the survey results that adequate time be allowed to develop the survey methodology and the survey questionnaire, to select the random sample of survey participants, to administer the survey and to analyze the survey results; and

Whereas, the successful completion of that work requires that the commission be extended until December 5, 2001, for the purpose of providing policy oversight of those survey efforts and to submit its findings and recommendations to the Second Regular Session of the 120th Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it