

MAINE STATE LEGISLATURE

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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. 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

Sec. 1. Commission established. Resolved: That the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Commission membership; appointed and ex officio members. Resolved: That the commission consists of 15 appointed members and up to 3 ad hoc members as follows.

1. Legislative members reappointed. The legislative members who were appointed pursuant to Resolve 1999, chapter 131, who are members of the 120th Legislature are members of this commission.

2. Filling of legislative vacancies. The President of the Senate shall appoint 3 members of the Senate to replace the members of the Senate appointed pursuant to Resolve 1999, chapter 131, who are not members of the 120th Legislature. When making those appointments, the President of the Senate shall give preference to members from the joint standing committees of the Legislature having jurisdiction over inland fisheries and wildlife matters, transportation matters and taxation matters.

3. Ex officio members. The following persons are ex officio voting members:

- A. The Commissioner of Conservation or the commissioner's designee;
- B. The Commissioner of Marine Resources or the commissioner's designee;
- C. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;
- D. The Commissioner of Transportation or the commissioner's designee; and
- E. The Director of the Bureau of Revenue Services within the Department of Administrative and Financial Services or the director's designee.

4. Ad hoc members. Persons who were appointed by the President of the Senate or the Speaker of the House pursuant to Resolve 1999, chapter 131, who are not elected members of the 120th Legislature may serve as nonvoting ad hoc members of the commission; and be it further

Sec. 3. Appointments; meetings. Resolved: That all appointments must be made no later than 30 days after the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once the appointments have been made. The Executive Director of the Legislative Council shall notify the chairs when all

appointments have been made. The chairs of the commission shall call and convene the first meeting of the commission not later than August 15, 2001; and be it further

Sec. 4. Duties. Resolved: That the commission shall fulfill all the duties required by Resolve 1999, chapter 131 and shall:

1. Oversee contracts. Oversee the surveys of gasoline consumption by all-terrain vehicles, snowmobiles and watercraft undertaken by the Margaret Chase Smith Center for Public Policy at the University of Maine pursuant to a cooperative agreement between the university and the Department of Conservation, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Transportation as provided in a contract among those entities signed in November 2000. That oversight must include regular meetings during 2001 with the university and interested parties to assist in the development of the surveys and to review and discuss the results of each survey;

2. Seek input. Seek input from the public; from organizations representing snowmobile, all-terrain vehicle and watercraft users, including the Maine Snowmobile Association, groups representing all-terrain vehicle users and the Maine Marine Trade Association; and from any other interested individuals or organizations. In seeking that input, the commission shall, within its budgeted resources, hold its meetings in geographically diverse locations throughout the State;

3. Strategic boating plan. Review and report on any updates or supplemental information prepared by the Department of Inland Fisheries and Wildlife, the Department of Conservation or the Department of Marine Resources pertaining to the strategic boating plan prepared by those agencies pursuant to Resolve 1999, chapter 131; and

4. Collect other data. Collect other data and make other recommendations the commission considers appropriate on the issue of off-road fuel consumption or on any other matter pertaining to off-road recreational vehicle use; and be it further

Sec. 5. Report. Resolved: That the commission shall submit its report, together with any recommended 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 make its report, it may apply to the Legislative Council, which may grant the extension; 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 staffing

assistance to the commission. The Office of Fiscal and Program Review and the Department of Transportation, the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the Department of Conservation and the Department of Administrative and Financial Services, Bureau of Revenue Services shall also provide assistance as requested by the chairs of the commission; and be it further

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

Sec. 8. Budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. The commission may not incur expenses exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission and its staff with a status report on the commission's budget, expenditures incurred and remaining available funds; and be it further

Sec. 9. Appropriations carried over. Resolved: That funds appropriated to the commission by Resolve 1999, chapter 131 that are unexpended are carried forward to fiscal year 2001-02 to be used for the purposes specified in that resolve and in this resolve. The commission may not expend more money than carried forward to fiscal year 2001-02 pursuant to this section.

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

Effective June 28, 2001.

CHAPTER 69

H.P. 1364 - L.D. 1821

Resolve, to Require Further Study of the Effect and Cost Impact of Mental Illness on the State and Private Health Insurance

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective

until 90 days after adjournment unless enacted as emergencies; and

Whereas, legislation has been introduced in the First Regular Session of the 120th Legislature to require equality in health insurance coverage for mental illness, eating disorders and substance abuse treatment; and

Whereas, the Department of Professional and Financial Regulation, Bureau of Insurance reports that approximately one in 5 Mainers is estimated to need mental health care during that person's lifetime; and

Whereas, millions of General Fund dollars are appropriated every year for the treatment of these conditions for children and adults in the budgets for the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Human Services and the Department of Corrections; and

Whereas, a comprehensive examination of cost-shifting from the private health insurance industry to Maine taxpayers has never been undertaken by State Government; and

Whereas, all studies of proposed mandated health insurance benefits for mental illness have not been required to include information about cost savings to the State and to private employers; and

Whereas, these same mandate studies have never required information from the private health insurance industry regarding the numbers of denied claims for coverage of mental illness; and

Whereas, the Governor's Year 2000 Blue Ribbon Commission on Health Care report indicates cost-shifting occurs in many forms and contributes to the complexity of the health care delivery system and uneven treatment of consumers; 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. Cost savings to state agencies. Resolved: That the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Human Services and the Department of Corrections shall study the cost savings in their department budgets that may result from enactment of legislation mandating that private health insurance provide equality in coverage of mental illness and mental disorders, eating disorders and substance abuse for adults and children. In addition to the estimates of