

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

**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 120th Legislature enacted Public Law 2001, chapter 327 to end the practice of sea urchin license leasing, which law also grandfathered persons who had been fishing on leased licenses, through a one-time license transfer program; and

**Whereas,** the one-time license transfer program was intended to stop future license leasing without adversely impacting those persons who had been fishing legally under the previously existing system; and

**Whereas,** certain individuals, however, who had been sea urchin fishing on leased licenses in the past were not able to qualify for licenses under the provisions of the one-time license transfer program; 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. One-time issuance of new sea urchin licenses. Resolved:** That a person who meets the requirements of one of the following subsections may apply to the Commissioner of Marine Resources for a sea urchin dragging license in 2002. The person must provide written documentation to the commissioner that the person meets the requirements. The commissioner shall issue a 2002 sea urchin dragging license to a person who demonstrates that:

1. The person was the owner of a vessel named on a sea urchin dragging license under the Maine Revised Statutes, Title 12, section 6748-A in 2001 but not the person named on that license. A person who meets the requirements of this subsection must provide written documentation to the Commissioner of Marine Resources within 60 days after the effective date of this subsection;

2. The person was the owner of a vessel named on a sea urchin dragging license under Title 12, section 6748-A in 2001 but not the person named on that license and the holder of that license did not authorize a transfer of the license pursuant to Title 12, section 6748-A, subsection 2-A;

3. The person was the owner of a vessel named on a sea urchin dragging license in 2000 but not the person named on that license and the license was a Passamaquoddy tribal license issued under Title 12, section 6302-A;

4. The person was the owner of a vessel named on a sea urchin dragging license under Title 12, section 6748-A in 2000 but not the person named on that license and the holder of that license died prior to December 1, 2001;

5. The person held or leased more than one sea urchin dragging license for 2000 and 2001, was the owner of the vessels named on those licenses during those same years and is currently the owner of the vessels named on those licenses; or

6. The person fished in 1997, 1998, 1999 and 2000 under a sea urchin dragging license issued under Title 12, section 6748-A to a parent who has a permanent medical disability and from a vessel owned by a parent who has a permanent medical disability. A person who meets the requirements of this subsection must provide written documentation to the Commissioner of Marine Resources within 10 days after the effective date of this subsection.

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

Effective April 9, 2002.

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## CHAPTER 113

S.P. 735 - L.D. 2046

### **Resolve, to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags**

**Sec. 1. Commission established. Resolved:** That a commission is established to arrange for a plaque or plaques and a flag or flags to be displayed in the Hall of Flags in the State House to honor the Maine veterans of World War II and the Korean War; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 7 members: 3 members appointed by the Governor, 2 members appointed by the President of the Senate, one of whom must be a Senator and 2 members appointed by the Speaker of the House of Representatives, one of whom must be a State Representative. All members must be appointed no later than 30 days following the effective date of this resolve. The Senate member appointed by the President of the Senate and the House member appointed by the Speaker of the House of Representatives serve as cochairs. When appointment of all members is completed, the cochairs shall so notify the Executive Director of the Legislative Council and shall call and convene the first meeting of the commission no later than 15 days following completion of the appointments; and be it further

**Sec. 3. Duties. Resolved:** That the commission shall develop a design, choose a site, accept donations and make arrangements for the plaque or plaques and a flag or flags to be displayed in the State House Hall of Flags; and be it further

**Sec. 4. Staffing. Resolved:** That, upon approval from the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

**Sec. 5. Meetings. Resolved:** That the commission may hold up to 4 meetings; and be it further

**Sec. 6. Funding. Resolved:** That the commission may seek and accept outside sources of funding. Prompt notice of solicitation and acceptance of funds must be sent to the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further

**Sec. 7. Consultation; reports. Resolved:** That the commission shall consult with the State House and Capitol Park Commission to ensure the appropriateness of the design and location of the new plaque or plaques and the selection and placement of the new flag or flags within the State House Hall of Flags. When the commission has agreed upon an appropriate location and design, but no later than October 4, 2002, the commission shall submit its initial report for review by the Legislative Council through the Office of the Executive Director. A final report must be submitted to the Executive Director of the Legislative Council by November 1, 2002. Upon submission of its required reports, the commission terminates; and be it further

**Sec. 8. Compensation. Resolved:** That those 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 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 of the commission; and be it further

**Sec. 9. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**Commission to Arrange for a Plaque or Plaques and a Flag or Flags to be Displayed in the Hall of Flags in the State House**

Initiative: Provides for costs associated with a plaque or plaques and a flag or flags honoring Maine veterans of World War II and the Korean War in the Hall of Flags in the State House.

<b>Other Special Revenue Funds</b>	<b>2001-02</b>	<b>2002-03</b>
All Other	\$0	\$500

See title page for effective date.

**CHAPTER 114**

**H.P. 1436 - L.D. 1933**

**Resolve, Establishing the Blue Ribbon Commission to Address the Financing of Long-term Care**

**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 cost of long-term care in the State is among the highest in the nation; and

**Whereas,** the demographic profile of the State indicates a population that is rapidly aging and quickly approaching the need for long-term health services; and

**Whereas,** elderly and disabled individuals are without sufficient resources to finance the cost of their long-term care and depend upon the State to assist them in gaining access to these services; and

**Whereas,** the increased rate of growth in the state contribution for these services requires a comprehensive plan that will anticipate future need and creatively design a solution for financing this need while maintaining high quality in the system and ensuring choice and independence for the consumer of these services; and

**Whereas,** the commission established in this resolve must begin its work as soon as possible to address the escalating costs in the delivery and financing of long-term care services for the people of the State; 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