

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.

J.S. McCarthy Company
Augusta, Maine
2002

countries; explore opportunities for expanded federal assistance or demonstrations, waivers or pilot projects; and solicit suggestions from groups and individuals with expertise in long-term care finance and delivery; and be it further

Sec. 5. Meetings and hearings. Resolved: That the commission may hold up to 4 meetings per year. One of the meetings of the commission held each year may be a public hearing scheduled during nonbusiness hours in the State. The commission may not meet during the legislative session; 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. Funding. Resolved: That the commission may seek and accept other sources of funds to advance its work. 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. 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. If other sources of funds become available, these funds may be used to compensate members of the commission; and be it further

Sec. 9. Report. Resolved: That the commission shall submit its report, together with any recommended implementing legislation, to the Legislature no later than November 6, 2003. The commission may also submit an interim report as it determines necessary. The commission shall also make an interim report to the Legislature and the Long-term Care Implementation Committee, established pursuant to Public Law 1999, chapter 731, Part BBBB, section 15, by November 6, 2002. If the commission requires an extension of time to make its reports, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 10. Budget. Resolved: That the co-chairs of the commission, with assistance from the commission's 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; and be it further

Sec. 11. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding

Initiative: Provides a base allocation from Other Special Revenue funds in the amount of \$500 in the event grants are awarded and outside funds are received.

Other Special Revenue Funds	2001-02	2002-03
All Other	\$0	\$500

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

Effective April 11, 2002.

CHAPTER 115

H.P. 1556 - L.D. 2058

Resolve, to Continue the Study of the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families

Sec. 1. Committee established. Resolved: That the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families, referred to in this resolve as the "committee," is established; and be it further

Sec. 2. Committee membership. Resolved: That the committee consists of 15 members:

1. Seven members appointed by the President of the Senate as follows:

- A. One Senator;
- B. One representative of employers in the health care industry;

C. One representative of employers in the insurance industry;

D. One representative of municipal employers; and

E. Three members representing labor, women's groups and senior citizens;

2. Six members appointed by the Speaker of the House of Representatives as follows:

A. One member of the House of Representatives;

B. One representative from the low-income advocacy field;

C. One representative of a child care organization;

D. One parent or educator; and

E. Two members of the business community, one representing a large business and one representing a small business;

3. The President of the Maine State Chamber of Commerce or the president's designee; and

4. The Commissioner of Labor or the commissioner's designee; and be it further

Sec. 3. Chairs. Resolved: That the Senate member is the Senate chair of the committee and the House of Representatives member is the House chair of the committee; 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. The appointing authorities shall notify the Executive Director of the Legislative Council once the appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee no later than 15 days after completion of the appointments; and be it further

Sec. 5. Duties. Resolved: That the committee shall study the benefits and costs of providing family and medical leave benefits. In conducting the study, the committee shall:

1. Review and consider information gathered by the committee during the 2001 interim;

2. Continue to examine the issues set forth in Joint Order 2001, House Paper 1386, section 5, paragraph A;

3. Identify or develop additional sources of Maine-specific data on use of family and medical leave and the availability of paid leave;

4. Obtain information from other states and interest groups that are conducting studies or developing methodologies for estimating costs and benefits on paid family and medical leave;

5. Arrange for the assistance of experts in economic analysis to prepare costs and benefit estimates for the committee if other sources of funds are received for this purpose in accordance with section 9; and

6. Invite testimony from experts on early childhood development, including experts on bonding between children and parents, to assist the committee in considering potential long-term benefits of providing paid leave so that parents will be able to take leave following the birth or adoption of a child; 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 committee; and be it further

Sec. 7. Compensation. Resolved: That members of the committee 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 committee. Other members of the committee 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 committee. If other sources of funding become available, those funds may be used to compensate members; and be it further

Sec. 8. Report. Resolved: That the committee shall submit its report, together with any necessary implementing legislation, to the First Regular Session of the 121st Legislature no later than November 6, 2002. The committee is authorized to introduce legislation related to its report to the First Regular Session of the 121st Legislature at the time of submission of its report. If the committee 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; grants. Resolved: That the chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The

committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council promptly shall provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds. The chairs of the committee may seek and accept grants and other sources of funding on behalf of the committee. Prompt notice of solicitation and acceptance of such funds must be sent to the Legislative Council. All funds accepted must be forwarded to the executive director, along with an accounting that includes amount, date received, from whom, purpose and limitation on use of the funds. The executive director administers any funds received; and be it further

Sec. 10. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding

Initiative: Provides a base allocation from the Federal Expenditures Fund in the amount of \$500 in the event grants are awarded and other sources of funds are received to support the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families.

Federal Expenditures Fund	2001-02	2002-03
All Other	\$0	\$500

Study Commissions - Funding

Initiative: Provides a base allocation from Other Special Revenue funds in the amount of \$500 in the event grants are awarded and other sources of funds are received to support the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families.

Other Special Revenue Funds	2001-02	2002-03
All Other	\$0	\$500

LEGISLATURE

DEPARTMENT TOTALS	2001-02	2002-03
FEDERAL EXPENDITURES FUND	\$0	\$500
OTHER SPECIAL REVENUE FUNDS	0	500
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1000

See title page for effective date.

CHAPTER 116

H.P. 1593 - L.D. 2096

Resolve, to Promote the Interests of the People of Maine when Public Funds are Used to Acquire Conservation Easements

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 State Planning Office in the fall of 2001 convened a working group with duties that closely approximate the responsibilities envisioned in this resolve; and

Whereas, this group has engaged the services of a consulting attorney and is close to finalizing its guidelines for easements; and

Whereas, membership of the working group approximates that of the working group envisioned in this resolve with the exception of a Legislator; and

Whereas, participation by a Legislator in the final meetings of the working group is essential to assure that the intent of this resolve has been adequately addressed; 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. Participation in working group.

Resolved: That the Director of the State Planning Office, within the Executive Department, expeditiously shall conclude the deliberations of the working group convened by the director to develop a set of principles to be addressed when any agency of the State is considering a conservation easement to be acquired in whole or in part with state funding. The Speaker of the House shall appoint one Legislator who served on the Committee to Study Access to Private and Public Lands in Maine established by Joint Study Order 2001, H.P. 1387 to participate in the working group; and be it further

Sec. 2. Process to be developed by working group.

Resolved: That the working group described in section 1 shall continue its efforts to develop a process to be used by state agencies involved in negotiating any conservation easement to be acquired with state funds. The process must include provisions for: