

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 480

S.P. 46 - L.D. 123

**An Act to Allow Hunters to
Exchange Assigned Hunting Areas or
Zones with Other Hunters**

**Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 12 MRSA §7073, sub-§1, as amended by PL 2001, c. 690, Pt. A, §2, is further amended to read:

1. Form. The commissioner shall furnish application blanks, licenses and permits in such form as the commissioner may designate. ~~The department may charge a fee of up to \$10 to cover administrative costs for the issuance of miscellaneous licenses and permits that do not have a fee provided by law.~~

Sec. 2. 12 MRSA §7073, sub-§8 is enacted to read:

8. Transaction fees. The commissioner may charge a transaction fee of up to \$10 to cover administrative costs for the issuance of a license or permit that does not have a fee provided by law. When a transfer of a license or permit or exchange of a hunting zone or area is authorized under this Part, the commissioner may assess a \$5 transaction fee for that transfer or exchange.

The commissioner may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 12 MRSA §7113 is enacted to read:

§7113. Transfer of hunting areas or zones

A person who has been assigned a designated hunting area or zone by the department for purposes of hunting a game animal may exchange that designated zone or area with another person assigned a different hunting zone or area for the same game animal for purposes of hunting that same game animal. The commissioner may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF

Licensing Services - IFW 0531

Initiative: Appropriates funds to cover the administrative costs of certain fee collections and the exchange process for assigned hunting areas or zones.

General Fund	2003-04	2004-05
All Other	\$5,000	\$5,000
General Fund Total	\$5,000	\$5,000

See title page for effective date.

CHAPTER 481

H.P. 557 - L.D. 751

**An Act To Implement the
Recommendations of the Legislative
Youth Advisory Council**

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

Whereas, the changes in legislative representation on the Legislative Youth Advisory Council must be made at the earliest opportunity; and

Whereas, the realignment and coordination of the terms of the youth members of the Legislative Youth Advisory Council must happen immediately; and

Whereas, the tasks assigned to agencies of state government in this Act must begin immediately in order to allow those tasks to be completed this year; 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 enacted by the People of the State of
Maine as follows:**

Sec. 1. 3 MRSA §168-A, sub-§3, as enacted by PL 2001, c. 439, Pt. PPPP, §1 and affected by §4, is amended to read:

3. Membership. The council consists of ~~24~~ 22 voting members and 5 nonvoting members who are Maine residents in accordance with this subsection. In appointing members, the appointing authorities shall consider geographic distribution and shall appoint at least one member from each of the 3 service regions of the Department of Human Services. Members shall serve for terms of 2 years and, if eligible, may be reappointed for subsequent 2-year terms, except that the appointing authorities shall appoint 1/2 of the

members first appointed to the council to terms of one year.

A. The President of the Senate shall appoint ~~40~~ 11 members as follows:

- (1) Six youths who are students in secondary schools or who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma;
- (2) One youth who is enrolled in an equivalent instruction program under Title 20-A, chapter 211, subchapter ~~I-A~~ 1-A;
- (3) Two students at postsecondary educational institutions located in the State; and
- (4) ~~One member~~ Two members of the Senate whose ~~term coincides~~ terms coincide with the term of office in the Senate.

B. The Speaker of the House shall appoint 11 members as follows:

- (1) Six youths who are students in secondary schools or who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma;
- (2) One youth who is enrolled in an equivalent instruction program under Title 20-A, chapter 211, subchapter ~~I-A~~ 1-A;
- (3) Two students at postsecondary educational institutions located within the State; and
- (4) Two members of the House of Representatives whose terms coincide with their terms of office in the House of Representatives.

C. The members of the Children's Cabinet, established pursuant to Title 5, section 19131, serve ex officio and may not vote.

Sec. 2. 3 MRSA §168-A, sub-§4, as enacted by PL 2001, c. 439, Pt. PPPP, §1 and affected by §4, is repealed and the following enacted in its place:

4. Chairs. There is a legislative chair and a youth chair of the council. The legislative chair alternates every 2 years between the first-appointed member of the House of Representatives and the first-appointed member of the Senate, beginning in 2003 with the first-appointed member of the House of Representatives serving as the legislative chair for the 121st Legislature. The members shall elect one of

their youth members to serve as the youth chair for a term of one year.

Sec. 3. Coordinating terms of current youth members of Legislative Youth Advisory Council. Notwithstanding the provisions of the Maine Revised Statutes, Title 3, section 168-A, the terms of the appointed youth members of the Legislative Youth Advisory Council expire on the following dates:

1. Members whose terms expire on August 30, 2003 are Trevor Bragdon, Paul Brunetti, Elizabeth Comeau, David Heidrich, Barrett Littlefield, Melissa Simones and Alicia Stokes; and
2. Members whose terms expire on August 30, 2004 are Molly Feeney, Keith Rollings, Megan Bernard, Britney Dupee, William Lane, Hannah Pennington, Brenwin Soucie, Nathanael Yellis, Patricia Takacs and Jennifer Thompson.

The term of the person appointed to replace the vacant position previously held by William Barker expires on August 30, 2004.

Sec. 4. Executive Branch youth advisory committee. The Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services shall develop recommendations for the establishment of a youth advisory committee within the Executive Branch to serve as a resource for any state agency charged with developing, implementing or enforcing programs, policies or laws that apply specifically to youth. The Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse shall report those recommendations to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003.

Sec. 5. Office of Substance Abuse. The Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services shall:

1. Review the procedures used by the Office of Substance Abuse for collecting information on drug and alcohol use among youth, including a review of Washington State's "Healthy Youth Survey," and report back to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003 with recommendations on the following issues:

A. Options to the existing Maine Youth Drug and Alcohol Use Survey tool that include a more appropriate survey tool and a methodology based on random sampling that provides statistically

valid data at the state level and within participating local school districts; and

B. Expanding the target population of the survey to include not only students who attend school but also home-schooled students and youth who attend school infrequently or have dropped out of school; and

2. Review procedures used by the Office of Substance Abuse for awarding grants for youth-related drug and alcohol abuse prevention programs and services to ensure that those grants are being awarded to programs with the highest demonstrated level of effectiveness and in those areas of the State having the highest demonstrated need. The director shall report the findings of that review to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003.

Sec. 6. Office of Substance Abuse and Department of Education; review of survey support. The Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services shall review the office's procedures for preparing and training teachers and others who administer the Maine Youth Drug and Alcohol Use Survey in the schools to ensure that all persons administering the survey are adequately prepared to perform that task. The Director of the Office of Substance Abuse and the Commissioner of Education shall, in coordination with appropriate representatives of local school districts, develop a plan for training and coordinating the administration of the 2004 Maine Youth Drug and Alcohol Use Survey, or any successor survey, and present that plan to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003.

Sec. 7. Department of Education. The Commissioner of Education shall review the Project ALERT program and other similar prevention programs and prepare recommendations on the viability of those programs as options to the Drug Abuse Resistance Education, DARE, program in Maine schools. The commissioner shall include a teacher training program as part of any recommended option considered by the department. Options recommended by the commissioner must be available statewide and available through the system of learning results as an alternative to the DARE program. The commissioner shall present those recommendations to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003.

Sec. 8. Review of alcohol and drug use policies for student athletes. The Commissioner of Education shall review the principles and goals of

the alcohol and drug use policies for student athletes proposed in the 2002 report by the Youth Policy and Empowerment Project and discuss that report with the Legislative Youth Advisory Council established in the Maine Revised Statutes, Title 3, section 168-A during the fall of 2003. If the commissioner determines that the principles and goals in that report are appropriate for the State and are not adequately incorporated into the school curriculum, either through the system of learning results established in Title 20-A, section 6209 or through some other mechanism, the commissioner may make recommendations to the Legislative Youth Advisory Council on the appropriate mechanism for incorporating those principles and goals into the school curriculum.

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

Effective June 23, 2003.

CHAPTER 482

H.P. 367 - L.D. 475

An Act To Improve Conditions for Inmates with Mental Illness

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 30-A MRSA §1651, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

§1651. Examination of jails; board of visitors

1. Examination. At the commencement of each session required by law, the county commissioners shall examine the jail in their county and take necessary precautions for the security of prisoners, for the prevention of infection and sickness and for the accommodations of the prisoners.