

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	\$0	\$10,791
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$10,791

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT,
DEPARTMENT OF**

Veterans Services 0110

Initiative: Allocates funds received from the Maine Military Family Relief Fund voluntary checkoff.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$10,200
Other Special Revenue Funds Total	\$0	\$10,200

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF		
DEPARTMENT TOTALS	2003-04	2004-05

OTHER SPECIAL REVENUE FUNDS	\$0	\$10,200
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$10,200
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SECTION TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	\$0	\$20,991
SECTION TOTAL - ALL FUNDS	\$0	\$20,991

See title page for effective date.

CHAPTER 704

H.P. 1399 - L.D. 1883

**An Act To Coordinate Education,
Job Training and Employers in
Maine**

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

Sec. 1. 5 MRSA §12004-G, sub-§7-F is enacted to read:

<u>7-F.</u>	<u>Future for</u>	<u>Legislative</u>	<u>5</u>
<u>Economic</u>	<u>Youth in</u>	<u>Per Diem</u>	<u>MRSA</u>
<u>Development</u>	<u>Maine State</u>	<u>for</u>	<u>§13161</u>
	<u>Work Action</u>	<u>Legislators</u>	
	<u>Tactics</u>	<u>Only</u>	
	<u>Team.</u>		
	<u>"S.W.A.T."</u>		

Sec. 2. 5 MRSA c. 383, sub-c. 1-B is enacted to read:

SUBCHAPTER 1-B

MARKETING AND PROMOTION

§13060-G. Comprehensive marketing strategy

Beginning in fiscal year 2005-06, the department shall develop and administer a comprehensive marketing strategy to promote Maine to persons 15 to 35 years of age as an attractive location to pursue education, employment and business development opportunities. The department shall consult with the Department of Education, the Department of Labor, the University of Maine System, the Maine Community College System, the Finance Authority of Maine, the Maine State Housing Authority and other public and private stakeholders in the development of the marketing strategy. The strategy must highlight the State's public and private institutions of higher education and the resources available for starting a business in the State. The strategy must be designed to target current, former and prospective residents 15 to 35 years of age.

Sec. 3. 5 MRSA c. 389 is enacted to read:

CHAPTER 389

**FUTURE FOR YOUTH IN MAINE STATE
WORK ACTION TACTICS TEAM**

§13161. Future for Youth in Maine State Work Action Tactics Team established

The Future for Youth in Maine State Work Action Tactics Team, referred to in this chapter as "the S.W.A.T. team," is established as an advisory body to bring together representatives of government, education, business and labor in a focused, coordinated effort to recommend to the Governor and the Legislature and to oversee strategies, including realigning and streamlining the State's economic development policies and resources, and specific efforts to retain and attract youth. For the purposes of this chapter, "youth" means persons 15 to 35 years of age.

1. Voting members; appointment. The S.W.A.T. team consists of the following 15 voting

members, including at least 2 members under 35 years of age, appointed as follows:

A. Five members appointed by the President of the Senate as follows:

(1) Three members representing business; one business representative must be an individual under 35 years of age who has started a business;

(2) One member representing labor and workforce development; and

(3) One member who is a college student under 35 years of age, the appointment alternating annually between a student recommended by the Board of Trustees of the University of Maine System and a student recommended by the Board of Trustees of the Maine Community College System;

B. Five members appointed by the Speaker of the House as follows:

(1) Four members representing business; and

(2) One member representing labor and workforce development;

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

D. The President of the Maine Community College System or the president's designee;

E. One representative of the Department of Economic and Community Development, appointed by the Commissioner of Economic and Community Development;

F. One representative of the Department of Education, appointed by the Commissioner of Education; and

G. One representative of the Department of Labor, appointed by the Commissioner of Labor.

2. Chair; vice-chair. The member representing the Department of Economic and Community Development, appointed by the Commissioner of Economic and Community Development, shall serve as the chair of the S.W.A.T. team. A member who is elected from among those appointed under subsection 1, paragraph A, subparagraph (1) or (2) or paragraph B shall serve as the vice-chair of the S.W.A.T. team.

3. Nonvoting members; appointment. The S.W.A.T. team includes 8 nonvoting members, appointed as follows:

A. Two Senators, appointed by the President of the Senate;

B. Two members of the House of Representatives, appointed by the Speaker of the House;

C. Two representatives of kindergarten to grade 12 education, appointed jointly by the President of the Senate and the Speaker of the House; one kindergarten to grade 12 representative must be a high school student, alternately selected annually by the Dirigo Boys State and Dirigo Girls State programs or successor programs;

D. One representative of the Finance Authority of Maine, appointed by the Chief Executive Officer of the Finance Authority of Maine; and

E. One representative of the Maine State Housing Authority, appointed by the Director of the Maine State Housing Authority.

4. Terms. Members appointed to the S.W.A.T. team serve 3-year terms except for the high school student and college student, who each serve a one-year term. The terms of the initially appointed members, aside from the student appointees, must be staggered as follows: Four of the initial policy-making appointees serve for one year, 5 serve for 2 years and 5 serve for 3 years; and 2 of the initial advisory members serve for one year, 2 serve for 2 years and 3 serve for 3 years.

5. Compensation. Members of the S.W.A.T. team are not entitled to compensation for their services except for those members of the Legislature appointed to the S.W.A.T. team, who receive the legislative per diem.

§13162. Duties

1. Recommendation and implementation of economic policy and strategy. The S.W.A.T. team shall:

A. Recommend to the Governor and Legislature and oversee and evaluate the implementation of education policies that focus on meeting the needs of the labor market and the business community and economic development priorities; and

B. Recommend to the Governor and Legislature and oversee and evaluate the implementation of short-term and long-term strategies to retain and attract youth by improving coordination and reducing fragmentation within and between labor, education, business and economic development sectors. Specific responsibilities in this area include:

(1) Recommending a comprehensive action plan for economic development and education policy initiatives specifically designed to expand opportunities for youth;

(2) Creating a publicly accessible site on the Internet that is a comprehensive clearinghouse of information regarding higher education, career opportunities and jobs available in the State, including the high-growth and high-paying jobs in the State. The S.W.A.T. team shall ensure that this resource is well publicized and easily accessible to all residents of and all students attending high school or college in the State. The S.W.A.T. team shall provide statewide access to this resource no later than January 15, 2005 and shall update the information at least every 2 months thereafter;

(3) Recommending and overseeing the implementation of an initiative to provide all high school students in the State with information about higher education and career opportunities in the State. The initiative must include information regarding public and private postsecondary education programs in the State, career paths, required education and training and lists of high-growth occupations, high-paying jobs and occupational shortages. The S.W.A.T. team shall implement the initiative statewide no later than January 15, 2005; and

(4) Recommending and overseeing the implementation of a program to bring volunteers from business and government to high schools throughout the State to provide students with information about career opportunities and the education required for different careers. The S.W.A.T. team shall implement this program statewide no later than January 15, 2005.

2. Higher education planning. The S.W.A.T. team shall:

A. Assist the University of Maine System and the Maine Community College System in their development of a comprehensive plan for higher education that will meet the needs of the State's economy and business community for research and development, commercialization of products and services, emerging technologies and workforce training; and

B. Review the need for and develop proposals for funding to develop professional health care education and training at the University of Maine

System and the Maine Community College System that will increase employment opportunities throughout the State.

3. Oversight. The S.W.A.T. team shall monitor and oversee the development and implementation of initiatives undertaken by state agencies and organizations to create opportunities for youth through economic development, education, employment and other strategies.

§13163. Construction; authority of boards of trustees of higher education institutions

Nothing in this chapter may be construed to provide the S.W.A.T. team with any authority regarding the policies and resources of the Maine Community College System or the University of Maine System or the board of trustees of either system.

Sec. 4. 30-A MRSA §4722, sub-§1, ¶W, as amended by PL 1991, c. 780, Pt. TT, §1, is further amended to read:

W. Pursuant to the purpose of the Act to provide housing assistance to persons of low income and in accordance with rules adopted under the Maine Administrative Procedure Act, operate programs to provide energy conservation and fuel assistance on behalf of persons of low income in connection with single-family or multi-unit residential housing and accept, obtain, distribute and administer federal and state funds, including block grants, for energy conservation and fuel assistance for the purpose of operating those programs.

(1) The Maine State Housing Authority shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on June 30, 1992 and annually thereafter on the low-income energy assistance program. The report must include, but is not limited to, program revenue and expenditures, number of individuals served and types of services provided; ~~and~~

Sec. 5. 30-A MRSA §4722, sub-§1, ¶X, as enacted by PL 1991, c. 9, Pt. I, §7 and affected by §8, is amended to read:

X. Advise the Governor and other officials of State Government on matters relating to energy conservation; ~~and~~

Sec. 6. 30-A MRSA §4722, sub-§1, ¶Y is enacted to read:

Y. Expand access to housing for young professionals and young families. The Maine State

Housing Authority shall develop recommendations to create or modify programs with the goal of expanding access to housing for young professionals and young families. The Maine State Housing Authority shall specifically consider strategies to assist renters and first-time home buyers who are under 35 years of age and explore options for linking assistance levels to student loan obligations. The Maine State Housing Authority shall collaborate with the Maine Community College System, vocational high schools and community action programs to encourage the development of affordable housing in high-cost housing areas of the State.

(1) The Maine State Housing Authority shall report its findings and recommendations regarding expanded access to housing for young professionals and young families to the Future for Youth in Maine State Work Action Tactics Team established in Title 5, section 13161 and to the joint standing committee of the Legislature having jurisdiction over housing matters no later than January 15, 2005 and annually thereafter.

Sec. 7. Report. The Future for Youth in Maine State Work Action Tactics Team established in the Maine Revised Statutes, Title 5, section 13161 shall report all findings, accomplishments, future plans and policy recommendations, including its comprehensive action plan developed pursuant to Title 5, section 13162, subsection 1, paragraph B for economic and education policy initiatives, to the presiding officers of the Legislature, who shall refer the reports to the appropriate joint standing committees of the Legislature for review. The team shall make its report to the presiding officers no later than January 15, 2005.

Sec. 8. Comprehensive education plan and report. The Board of Trustees of the Maine Community College System and the Board of Trustees of the University of Maine System shall collaboratively develop a comprehensive plan and implement a formal process to work with public sector and private sector representatives of business, industry and economic development and determine the extent, if any, to which higher education planning and resource allocation can be coordinated with the private sector to better meet the needs of the State's economy and business sector. The Board of Trustees of the Maine Community College System and the Board of Trustees of the University of Maine System shall consult with the Future for Youth in Maine State Work Action Tactics Team established in the Maine Revised Statutes, Title 5, section 13161 in developing the plan. At a minimum, the plan must address the needs of the business sector with respect to research and develop-

ment, the commercialization of new products and services, business development and workforce training. The Board of Trustees of the Maine Community College System and the Board of Trustees of the University of Maine System shall report on this collaborative process and present this comprehensive plan to the Future for Youth in Maine State Work Action Tactics Team, the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over business matters no later than January 15, 2005.

Sec. 9. Appropriations and allocations.

The following appropriations and allocations are made.

LEGISLATURE, DEPARTMENT OF

Legislature

Initiative: Provides funds on an ongoing basis for the per diem and expenses for legislative advisory members of the Future for Youth in Maine State Work Action Tactics Team, S.W.A.T. team.

General Fund	2003-04	2004-05
Personal Services	\$0	\$1,320
All Other	0	1,200
General Fund Total	\$0	\$2,520

See title page for effective date.

CHAPTER 705

H.P. 1335 - L.D. 1813

An Act To Make Minor Substantive Changes to the Tax Laws

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

Sec. 1. 36 MRSA §111, sub-§1-A, as amended by PL 2003, c. 479, §1 and affected by §8, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of ~~May 28,~~ December 31, 2003.

Sec. 2. 36 MRSA §177, sub-§4, as amended by PL 1999, c. 790, Pt. A, §41, is further amended to read:

4. Revocation for nonsegregation. If any person who is a "~~retailer~~" retailer under Part 3 or a fuel supplier, retailer, distributor or importer subject to Part 5 fails to make the required payments on account to the State Tax Assessor, the assessor may revoke any registration certificate that has been issued to that