

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

B. One member of the House of Representatives, appointed by the Speaker of the House;

C. Three members who are appointed by the Governor for a term of 4 years, or until a successor is appointed, and who are eligible for reappointment at the discretion of the Governor:

(1) One prosecutor;

(2) One representative of a statewide association representing victims of crime; and

(3) One representative representing law enforcement;

D. The compact administrators for the Interstate Compact for Adult Offender Supervision and the Interstate Compact for Juveniles, who may be designees appointed by the Commissioner of Corrections to administer the Interstate Compact for Adult Supervision and the Interstate Compact for Juveniles;

E. The Associate Commissioner for Adult Services or the associate commissioner's designee; and

F. The Associate Commissioner for Juvenile Services or the associate commissioner's designee.

The council shall invite the Chief Justice of the Supreme Judicial Court to designate a trial judge to act as advisor to the council.

See title page for effective date.

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## CHAPTER 707

H.P. 1382 - L.D. 1856

### An Act To Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners

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

**Sec. 1. PL 2003, c. 451, Pt. K, §2, sub-§1** is amended to read:

**1. Initial commission membership.** The commission consists of 17 initial members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate;

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

C. The Attorney General or a designee;

D. The Commissioner of the Department of Corrections or a designee;

E. The Commissioner of Behavioral and Developmental Services or a designee;

F. A representative of Adult Community Corrections appointed by the Commissioner of Corrections;

G. A representative of a statewide association of prosecutors nominated by the association and appointed by the Governor;

H. A representative of a statewide association of county commissioners nominated by the association and appointed by the Governor;

I. A representative of a statewide association of county sheriffs nominated by the association and appointed by the Governor;

J. A representative of a statewide association of criminal defense lawyers appointed by the Governor;

K. A member of the public appointed by the Governor; and

L. A representative of a statewide membership organization representing people with mental illness and their families appointed by the Governor.

The commission shall ask the Chief Justice of the Supreme Judicial Court to serve or name a designee to serve as a voting member of the commission and to appoint 2 trial judges or their designees to serve as voting members of the commission.

**Sec. 2. PL 2003, c. 451, Pt. K, §2, sub-§1-A** is enacted to read:

**1-A. Additional members; appointments.** In addition to the commission members in subsection 1, the commission includes 6 members appointed as follows:

A. One member of the Senate representing the political party holding the 2nd-largest number of seats in the Senate, appointed by the President of the Senate;

B. One member of the House of Representatives representing the political party holding the 2nd-largest number of seats in the House, appointed by the Speaker of the House;

C. One representative of the Maine Chiefs of Police Association, appointed by the President of the Senate;

D. One representative of people who provide direct support services to victims of sexual assault, appointed by the President of the Senate;

E. One representative of people who provide direct support services to victims of domestic violence, appointed by the Speaker of the House; and

F. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee.

Appointments must be made pursuant to this subsection no later than 30 days following adjournment of the Second Special Session of the 121st Legislature. Legislators serving on the commission may continue to serve until the commission completes its work, regardless of whether those Legislators are elected to serve in November 2004.

**Sec. 3. PL 2003, c. 451, Pt. K, §2, sub-§2** is amended to read:

**2. Appointments; chair; meetings.** ~~All~~ Except as provided in subsection 1-A, all appointments must be made no later than 30 days following the effective date of this Act. The Governor shall appoint a chair from among the membership of the commission, who shall call and convene the first meeting of the commission no later than 15 days after appointments of all members. The commission may ~~hold a total of 6 meetings, one of which may be a public hearing meet~~ no more than 4 times to complete its final report under section 7.

**Sec. 4. PL 2003, c. 451, Pt. K, §2, sub-§6** is amended to read:

**4. Staff assistance.** ~~The State Planning Office~~ Department of Corrections shall provide staffing assistance.

**Sec. 5. PL 2003, c. 451, Pt. K, §2, sub-§6** is amended to read:

**6. Initial report to address immediate needs.** The commission shall submit ~~a~~ an initial report that includes its findings and recommendations, including legislation, to the joint standing committee of the Legislature having jurisdiction over ~~sentencing policies during the Second Regular Session of the 121st Legislature~~ criminal justice and public safety matters no later than ~~December 3, 2003~~ February 2, 2004. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 121st Legislature at the time of submission of its report.

**Sec. 6. PL 2003, c. 451, Pt. K, §2, sub-§7** is enacted to read:

**7. Authorized duties; nonlapsing funds.** The commission is authorized to conduct any additional work authorized by law within its authorized number of meeting days and budgeted resources. Any unencumbered balance of General Fund appropriations originally appropriated to support the work of the commission that remain on June 30, 2004 within the Department of Corrections may not lapse but must be carried forward to June 30, 2005 to be used for the same purpose.

**Sec. 7. Final report to address long-term needs.** The Commission to Improve the Sentencing Supervision Management and Incarceration of Prisoners that was established in Public Law 2003, chapter 451, Part K, section 2 shall submit a final report to address long-term needs that includes its findings and recommendations, including legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters during the First Regular Session of the 122nd Legislature no later than November 3, 2004.

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

**CORRECTIONS, DEPARTMENT OF**

**Administration - Corrections 0141**

Initiative: Deappropriates available funds within the account earmarked for the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners.

General Fund	2003-04	2004-05
All Other	\$0	(\$3,360)
General Fund Total	\$0	(\$3,360)

**CORRECTIONS, DEPARTMENT OF**

DEPARTMENT TOTALS	2003-04	2004-05
<b>GENERAL FUND</b>	<b>\$0</b>	<b>(\$3,360)</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>(\$3,360)</b>

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**Miscellaneous Studies 0444**

Initiative: Appropriates funds for the payment of per diem and expenses of legislative members of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners.

General Fund	2003-04	2004-05
Personal Services	\$0	\$1,760
All Other	0	1,600
General Fund Total	\$0	\$3,360

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DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	\$3,360
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$3,360
SECTION TOTALS	2003-04	2004-05
GENERAL FUND	\$0	\$0
SECTION TOTAL - ALL FUNDS	\$0	\$0

**Sec. 9. Retroactivity.** This Act applies retroactively to December 3, 2003.

See title page for effective date.

**CHAPTER 708**

**H.P. 1419 - L.D. 1917**

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

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

**Sec. 1. 22 MRSA §3-A**, as amended by PL 1971, c. 622, §69-D, is further amended to read:

**§3-A. State wards**

When a state ward becomes 18 years of age and ~~he~~ the state ward and the department agree that need for care and support for educational, social or physical reasons exists, the department is authorized to continue care and support of this person up to the age of 21 years.

**1. Continued support for certain state wards who reach 21 years of age and are enrolled in postsecondary education programs.** When a state ward who is enrolled in a postsecondary education program becomes 21 years of age prior to the completion of the postsecondary education program, the department is authorized, at its discretion and by agreement with that state ward, to continue providing support for room, board and related education expenses until the state ward becomes 23 years of age. Funds allocated under this subsection must come from an identified education and training account specifically established for the postsecondary education-related costs of state wards after they become 21 years of age and before they become 23 years of age.

**Sec. 2. Participation in school activities by students residing with other than parent or parents.** The Department of Human Services, the

Department of Behavioral and Developmental Services and the Department of Education shall jointly study the impact of school parental consent requirements on opportunities for students residing with other than the parent or parents to participate in extracurricular and off-site school activities, identify barriers to participation in such activities by those students and develop a plan to address identified needs. In conducting the study, the departments shall solicit input from students residing with other than the parent or parents. The departments shall submit a written report on the results of the study, including suggested implementing legislation, to the Legislative Youth Advisory Council not later than December 15, 2004. Upon request of the council, a representative of each department shall appear before the council to discuss the study.

**Sec. 3. Qualification for driver's licenses by youth residing in group homes.** The Secretary of State and the Department of Human Services shall jointly study the process for issuance of driver's licenses to youth and review experiences of and identify barriers to youth residing in group homes in obtaining driver's licenses and develop a plan to address identified needs. In conducting the study, the Secretary of State and the department shall solicit input from students residing in group homes. The Secretary of State and the department shall submit a written report of their study, including suggested implementing legislation, to the Legislative Youth Advisory Council not later than December 15, 2004. Upon request of the council, a representative of the Office of the Secretary of State and a representative of the department shall appear in person before the council to discuss the study.

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

**HUMAN SERVICES, DEPARTMENT OF**

**Child Welfare Services - Education and Training Account 0139**

Initiative: Provides base allocations in the event that funds are received for a new education and training account established for the postsecondary education-related costs of state wards after they become 21 years of age and before they become 23 years of age.

<b>Federal Expenditures Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$0	\$500
Federal Expenditures Fund Total	\$0	\$500
<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$0	\$500
Other Special Revenue Funds Total	\$0	\$500