

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

Committee on Health and Human Services by January 15, 2004 with recommendations for legislation; and be it further

**Sec. 3. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HUMAN SERVICES, DEPARTMENT OF**

**Bureau of Health**

Initiative: Appropriates funds for one 1/2-time Public Health Nurse II position and associated administrative costs to develop and administer rules for the development of protocols for the use of latex gloves.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0,500)	(0,500)
Personal Services	\$19,718	\$23,661
All Other	28,700	14,800
General Fund Total	\$48,418	\$38,461

See title page for effective date.

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**CHAPTER 71**

**S.P. 52 - L.D. 129**

**Resolve, Directing the Department of Inland Fisheries and Wildlife To Conduct a Programmatic Review within Certain Areas of the Department**

**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 Department of Inland Fisheries and Wildlife manages the State's vast inland fish and wildlife resources that provide varied and unique outdoor opportunities and form the bedrock of Maine's economy; and

**Whereas,** it is widely recognized that periodic independent reviews of the department are essential to the effective and efficient operation of the department; and

**Whereas,** the department has not undergone an exhaustive departmentwide review in recent history; 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. Contract for assessment of Division of Public Information and Education, Bureau of Warden Service, Bureau of Administrative Services and wildlife management program. Resolved:** That the Commissioner of Inland Fisheries and Wildlife, referred to in this resolve as "the commissioner," shall contract with outside experts to assess, evaluate and recommend improvements in all aspects of the Division of Public Information and Education, Bureau of Warden Service, Bureau of Administrative Services and the State's wildlife management program, referred to in this resolve as "the review areas"; and be it further

**Sec. 2. Procedures to be used. Resolved:** That a contract awarded pursuant to this resolve must be awarded in accordance with applicable state laws, rules and procedures relating to the purchase of services and awarding of contracts. The Department of Inland Fisheries and Wildlife, referred to in this resolve as "the department," shall establish a panel to assist in developing a scope of work and evaluating and selecting a proposal. The panel must include appropriate department staff and up to 5 people representing statewide organizations with an interest in one or more of the review areas; and be it further

**Sec. 3. Scope of work. Resolved:** That the programmatic review required in this resolve must include, but not be limited to: planning and budgeting; staffing levels; personnel leadership and technical skills; applicable laws, rules and policies governing the program; decision-making processes; and resource management and public involvement practices. In addition to a contract specifying that the contractor must assess the department's professional ability to design and carry out an effective Bureau of Administrative Services, Division of Public Information and Education, Bureau of Warden Service and wildlife management program, a contract awarded pursuant to this resolve must include a requirement that the contractor identify members of the public who consider themselves stakeholders and include their feedback in the assessment process; and be it further

**Sec. 4. Funding. Resolved:** That all funding for the work required in this resolve must come solely from non-General Fund sources. The commissioner must secure funding from non-General Fund sources prior to commencing work pursuant to this resolve. The commissioner may accept grants and donations for the work required pursuant to this resolve and expend those funds as necessary to accomplish the purposes of this resolve. In the event that adequate funds are not secured, the commissioner may at the commissioner's discretion terminate this work; and be it further

**Sec. 5. Report required. Resolved:** That the commissioner shall submit in a single report the

work conducted in response to this resolve and any findings and recommendations to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 4, 2005; and be it further

**Sec. 6. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**INLAND FISHERIES AND WILDLIFE,  
DEPARTMENT OF**

**Inland Fisheries and Wildlife – Outdoor  
Heritage Fund Grant 0892**

Initiative: Allocates funds for the cost of conducting a required study.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$50,000	\$0
Other Special Revenue		
Funds Total	\$50,000	\$0

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

Effective June 9, 2003.

**CHAPTER 72**

**S.P. 583 - L.D. 1628**

**Resolve, Concerning Reauthorization  
of a 1997 Pollution Control Bond  
Issue**

**Preamble.** Whereas, the Treasurer of State may not sell the remaining \$1,000,000 in bonds authorized but not yet issued from the \$13,000,000 pollution control bond issue authorized by the voters in 1997 unless the Legislature reauthorizes the issuance of those bonds; and

**Whereas,** the Department of Environmental Protection requires this \$1,000,000 in bonds to meet its projected plan for the cleanup of remaining large tire stockpiles in 2004 in order to protect public health and safety and the environment; now, therefore, be it

**Sec. 1. Extension for issuing. Resolved:** That, pursuant to the provisions of the Constitution of Maine, Article IX, Section 14, the period for issuance of bonds or of bond anticipation notes authorized but unissued pursuant to Public Law 1997, chapter 561, authorized by the voters in a statewide election held on

November 4, 1997, for the cleanup of tire stockpiles, is further extended for a 5-year period.

See title page for effective date.

**CHAPTER 73**

**H.P. 364 - L.D. 472**

**Resolve, Directing the Community  
Preservation Advisory Committee To  
Study Issues Pertaining to Barriers to  
Affordable Housing in the State**

**Sec. 1. Community Preservation Advisory Committee to study issues pertaining to affordable housing. Resolved:** That the Community Preservation Advisory Committee, as established in the Maine Revised Statutes, Title 30-A, section 4350, referred to in this resolve as "the committee," shall undertake a comprehensive study to identify regulatory or other barriers to the creation of affordable housing in the State. For each barrier identified, the committee shall make recommendations on ways to reduce that barrier and to provide incentives for the creation of affordable housing. The committee's study must include, but is not limited to, a review of and recommendations on methods to remove or reduce barriers to the creation or availability of affordable housing created by:

1. State rules or local regulations that inhibit the construction of new affordable housing units or the renovation of existing buildings for the purpose of creating affordable housing units. The committee's recommendations in this area must be consistent with the legitimate concerns of the State and the local communities for healthy neighborhoods, sound environmental practices, sustainable affordability and inclusive communities;
2. Zoning or zoning practices that create barriers to affordable housing;
3. Laws pertaining to municipal impact fees, as allowed under Title 30-A, section 4354, to the extent those laws create barriers to the creation of affordable housing. In reviewing this issue, the committee shall consider and make recommendations on exempting affordable housing units from such impact fees and applying that exemption only to affordable housing located within a locally designated growth area identified in the municipality's comprehensive land use plan. If the committee recommends such an exemption, its recommendations must include specific recommendations on how an exemption would be calculated and applied and what impact that exemption would have on the ability of a municipality to