

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

the Second Regular Session of the 121st Legislature on issues pertaining to barriers to affordable housing.

See title page for effective date.

CHAPTER 74

H.P. 1206 - L.D. 1627

Resolve, Regarding Legislative Review of Chapter 14: Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 14: Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers, a provisionally adopted major substantive rule of the Department of Labor, Bureau of Labor Standards that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized; and be it further

Sec. 2. Department to request legal opinion. Resolved: That the Department of Labor shall ask the Attorney General to provide a legal opinion by September 1, 2003 as to the ability of the Department of Labor to take into account hours worked outside the State when determining whether overtime pay is required for work within the State; and be it further

Sec. 3. Report to labor committee. Resolved: That the Department of Labor shall meet with the Joint Standing Committee on Labor in September 2003, at the committee's request, to report on the Attorney General's opinion and the department's response to the opinion, including any proposed changes to the rule described in section 1.

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

Effective June 16, 2003.

CHAPTER 75

H.P. 292 - L.D. 372

Resolve, to Improve Community Safety and Sex Offender Accountability

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

Whereas, completion of the study established in this resolve to review policies affecting sentencing, registration, release and placement of sex offenders is of vital interest to the citizens of this State and must be completed as soon as possible; and

Whereas, immediate passage of this resolve is necessary to provide for full consideration of these important issues, timely completion of the study and submission of recommendations for consideration by the Second Regular Session of the 121st Legislature; 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. Commission established. Resolved: That the Commission to Improve Community Safety and Sex Offender Accountability, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following 18 members:

1. One member of the Senate, appointed by the President of the Senate;

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

3. One representative of the Department of Corrections, appointed by the Commissioner of Corrections;

4. One representative of the Department of Public Safety's Sex Offender Registry Office, appointed by the Commissioner of Public Safety;

5. One representative of the Office of the Attorney General, appointed by the Attorney General;

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

A. One representative of a statewide coalition advocating for victims of sexual assault;

B. One representative of people who provide direct support services to victims of sexual assault;

C. One representative of people who provide direct services for sex offenders;

D. One representative of the Maine Civil Liberties Union; and

E. One representative of the Maine Chiefs of Police Association; and

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

A. One representative of the Maine Association of Criminal Defense Lawyers;

B. One representative of the Maine Prosecutors Association;

C. One representative of victims of sexual assault;

D. One representative of psychologists or psychiatrists who treat sex offenders;

E. One representative of the Maine Council of Churches; and

F. One representative of the Maine Sheriffs' Association.

The Chief Justice of the Supreme Judicial Court is invited to designate a judge or a justice to serve on the commission as a member; and be it further

Sec. 3. Appointments; chairs; 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 completed. The Senate member is the Senate chair and the first-named House of Representatives member is the House chair. The chairs 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 4 meetings, one of which may be a public hearing; and be it further

Sec. 4. Duties. Resolved: That the commission shall invite the participation of experts and interested parties, gather information and request necessary data from public and private entities to examine and recommend any changes to current laws governing the sentencing, registration, release and placement of sex offenders.

In conducting its study, the commission shall:

1. Define and establish minimum standards for notification and guidelines concerning notification of sex offenders to the public;

2. Examine matters concerning the management of offenders, including the risk assessment that is currently used to assess offenders upon release, the necessity of prerelease discharge plans and the benefits of treatment while in corrections facilities; and

3. Examine issues regarding registration, including the current time period allowed offenders before they must register with local law enforcement agencies.

The commission's study may include any other issues the commission determines appropriate; and be it further

Sec. 5. 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. 6. Compensation. Resolved: That the members of the commission 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 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 and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission; and be it further

Sec. 7. Funding. Resolved: That the commission may seek and accept outside funds to support the study. 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. Report. Resolved: That the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 121st Legislature no later than December 3, 2003. If the commission requires an extension of time to complete its report, it may apply to the Legislative Council, which may grant the extension. Following review of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out a bill related to the study to the Second Regular Session of the 121st Legislature; and be it further

Sec. 9. Budget. Resolved: That the cochairs 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. 10. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Commission to Improve Community Safety and Sex Offender Accountability

Initiative: Provides a base allocation to authorize expenditures from the anticipation of collecting outside funds.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$500	\$0
Other Special Revenue Funds Total	\$500	\$0

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

Effective June 17, 2003.

CHAPTER 76

H.P. 989 - L.D. 1343

Resolve, To Create the Task Force To Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters

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

Whereas, this resolve establishes the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters; and

Whereas, this resolve is necessary as an emergency measure to afford adequate time for the issues to be appropriately addressed by the task force; 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. Task force established. Resolved: That the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters, referred to in this resolve as "the task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of 8 members appointed as follows:

1. Two members of the Senate, appointed by the President of the Senate. When making the appointments, the President of the Senate shall give preference to members who serve on the Joint Standing Committee on State and Local Government, the Joint Standing Committee on Criminal Justice and Public Safety or the Joint Standing Committee on Labor;