

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

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;

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

3. Four members appointed as follows:

A. One member representing municipal law enforcement officers, appointed by the President of the Senate;

B. One member representing municipal firefighters, appointed by the Speaker of the House;

C. One member representing county law enforcement officers, appointed by the Speaker of the House; and

D. One member representing state law enforcement officers, including employees of the Office of the State Fire Marshal who have law enforcement powers, appointed by the President of the Senate; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the task force and the first-named House of Representatives member is the House chair of the task force; and be it further

Sec. 4. Appointments; convening of task force; 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 all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force. The task force may hold up to 4 meetings; and be it further

Sec. 5. Duties. Resolved: That the task force shall examine the following issues concerning retirement and health insurance benefits for state, county and municipal law enforcement officers and firefighters:

1. Review the differences in retirement benefits provided to state law enforcement officers, county law enforcement officers and municipal law enforcement officers;

2. Develop options for providing parity in benefits and for increasing portability of benefits for law enforcement officers who move between state, county and municipal employment, including employment in the Office of the State Fire Marshal, or those who change municipal or county employers; and

3. Review the differences among retirement and health insurance benefits provided to municipal law

enforcement officers and firefighters in various municipalities and consider the advantages and disadvantages of creating a uniform retirement and health insurance benefit plan for municipal law enforcement officers and firefighters; and be it further

Sec. 6. Staff assistance. Resolved: That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force. The Maine State Retirement System shall provide technical assistance as requested by the task force; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the task force are entitled to receive legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the task force and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force; and be it further

Sec. 8. Report. Resolved: That the task force shall submit its 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. The task force is authorized to introduce a bill related to its report to the Second Regular Session of the 121st Legislature at the time of submission of its report; and be it further

Sec. 9. Extension. Resolved: That, if the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10. Task force budget. Resolved: That the chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget.

Upon request from the task force, the Executive Director of the Legislative Council or the executive director's designee shall promptly provide the task force chair and staff with a status report on the study budget, expenditures incurred and paid and available funds.

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

Effective June 17, 2003.

CHAPTER 77

S.P. 26 - L.D. 40

Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags

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

Whereas, a commission was established by the 120th Legislature to arrange for a plaque or plaques and a flag or flags to be displayed in the Hall of Flags in the State House to honor the Maine veterans of World War II and the Korean War; and

Whereas, the commission was required to file its final report and to terminate on November 1, 2002; and

Whereas, the commission, which consists of 7 members, requires additional time to complete its work; and

Whereas, the process to solicit and select designs and to raise the necessary funds to produce the plaque or plaques and flag or flags chosen by the commission could not be completed by the original report deadline; 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. Resolve 2001, c. 113, §§5 and 7, amended. Resolved: That Resolve 2001, c. 113, §§5 and 7 are amended to read:

Sec. 5. Meetings. Resolved: That the commission may hold up to ~~4~~ 8 meetings; and be it further

Sec. 7. Consultation; reports. Resolved: That the commission shall consult with the State House and Capitol Park Commission to ensure the appropriateness of the design and location of the new

plaque or plaques and the selection and placement of the new flag or flags within the State House Hall of Flags. When the commission has agreed upon an appropriate location and design, but no later than October 4, 2002, the commission shall submit its initial report for review by the Legislative Council through the Office of the Executive Director. A final report must be submitted to the Executive Director of the Legislative Council by November 1, ~~2002~~ 2003. Upon submission of its required reports, the commission terminates; and be it further

; and be it further

Sec. 2. Retroactivity. Resolved: That the section of this resolve that amends Resolve 2001, chapter 113 applies retroactively to November 1, 2002; and be it further

Sec. 3. Funding; intent. Resolved: That it is the intent of the Legislature to fund the cost of the study through the Legislature's study budget.

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

Effective June 17, 2003.

CHAPTER 78

S.P. 134 - L.D. 397

Resolve, To Create the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals

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 Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals needs to be established to study the development of an emergency alert notification system to protect the safety of deaf and hard-of-hearing individuals; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to 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 preserva-