

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

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-

tion of the public peace, health and safety; now, therefore, be it

Sec. 1. Study group established. Resolved: That the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals, referred to in this resolve as "the study group," is established; and be it further

Sec. 2. Study group membership. Resolved: That the study group consists of 17 members appointed as follows:

1. The Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management;
2. A representative of the deaf community, appointed by the Governor;
3. The Director of the Division of Deafness within the Department of Labor, Bureau of Rehabilitation Services;
4. A representative of the emergency services committee created by the Division of Deafness, recommended by the Director of the Division of Deafness and appointed by the Governor;
5. The Director of the Emergency Services Communications Bureau within the Department of Public Safety or the director's designee;
6. A person employed by the office of the Chief Information Officer within the Department of Administrative and Financial Services who serves on Homeland Security Initiative III, recommended by the Commissioner of Administrative and Financial Services and appointed by the Governor;
7. A representative of the Office of the Governor, appointed by the Governor;
8. A person employed in the Department of Labor knowledgeable about the requirements of the federal Americans With Disabilities Act of 1990, recommended by the Commissioner of Labor and appointed by the Governor;
9. Two persons knowledgeable in the subject of closed captioning on commercial television broadcasts, appointed by the Governor;
10. A representative of the Maine Public Broadcasting Corporation, appointed by the Governor;
11. Two representatives of municipal emergency service providers, appointed by the Governor;
12. A representative of state or local law enforcement, appointed by the Governor;

13. A person with expertise in telephone and pager technology, appointed by the Governor; and

14. Two persons with technical expertise in emergency notification systems and state-of-the-art technologies relevant to the subject of the study, appointed by the Governor; and be it further

Sec. 3. Chair. Resolved: That the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management shall serve as chair; and be it further

Sec. 4. Appointments; convening of study group. 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 chair shall call and convene the first meeting of the study group; and be it further

Sec. 5. Duties. Resolved: That the study group shall:

1. Study the development of emergency alert systems for deaf and hard-of-hearing individuals for all types of emergencies, including weather-related emergencies;
2. Develop recommendations for establishing or improving emergency alert systems for deaf and hard-of-hearing individuals;
3. Compile and evaluate information relevant to the subject of the study;
4. Seek input and information from any state agencies with expertise relevant to the subject of the study;
5. Invite public comments and testimony during the development of its recommendation; and
6. Invite participation from any interested members of the Joint Standing Committee on Utilities and Energy; and be it further

Sec. 6. Staff assistance. Resolved: That the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management shall provide staff assistance to the study group. The study group may request of the Legislative Council assistance from the Office of Policy and Legal Analysis in drafting any legislation the study group proposes; and be it further

Sec. 7. Compensation. Resolved: That members of the study group are not entitled to a per diem or reimbursement for expenses related to their

participation in the work of the study group; and be it further

Sec. 8. Report. Resolved: That, no later than November 21, 2003, the study group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 121st Legislature. The study group 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.

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

Effective June 17, 2003.

CHAPTER 79

H.P. 943 - L.D. 1271

Resolve, To Study the Implementation of a Plan To Prohibit the Discharge of Certain Wastewater into Coastal Waters

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 directs the Department of Environmental Protection to develop a plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State; and

Whereas, this resolve is necessary as an emergency measure to afford adequate time for the issues to be appropriately addressed by the department; 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. Stakeholder group established. Resolved: That the Department of Environmental Protection shall convene a stakeholder group to assist the department in developing a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State. The stakeholder group must be convened no later than 30 days after the effective date of this resolve; and be it further

Sec. 2. Membership. Resolved: That the department shall invite a marine biologist, an oceanographer and a harbor master and a representative of each of the following interested parties to participate in the stakeholder group: the Joint Standing Committee on Natural Resources, an environmental advocacy organization, a marine trade association, the marina industry, the United States Coast Guard, a group representing the interests of saltwater recreational boaters, the boatbuilding industry, the commercial fishing industry including lobstermen and shellfish harvesters, the aquaculture industry, the tourism industry, the hotel industry, an organization whose mission is to protect Casco Bay, a group representing the Maine petroleum industry, the marine terminal industry and other interested parties as determined by the department; and be it further

Sec. 3. Duties. Resolved: That the Department of Environmental Protection, with the assistance of the stakeholder group established pursuant to section 2, shall develop a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State. The department shall, at a minimum, hold one meeting in Portland with the stakeholder group and one meeting in Bar Harbor with the stakeholder group. The department shall include in its review the following:

1. The issues identified in Legislative Document 1158, "An Act to Protect Maine's Coastal Water" of the 121st Legislature;

2. The benefits and detriments to identifying certain waters in Casco Bay as no-discharge zones prior to applying to the United States Environmental Protection Agency for designation of up to 50 significant harbors or bays in the territorial waters of the State as no-discharge zones pursuant to Public Law 1999, chapter 655;

3. A process for determining the boundaries of those waters that should be designated as no-discharge zones; and

4. The parameters for the regulation of gray water, including vessel weight and vessel passenger capacity; and be it further

Sec. 4. Report. Resolved: That the Department of Environmental Protection shall submit to the Joint Standing Committee on Natural Resources no later than November 1, 2003 a recommended plan, including any legislation necessary to implement the plan, for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State; and be it further

Sec. 5. Funding. Resolved: That, pursuant to the Maine Revised Statutes, Title 38, section 351,