

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

Environmental Protection. The municipal officers of the City of Old Town and the Town of Alton shall establish a joint citizen advisory committee consisting of 7 members, of which 5 must be from the City of Old Town and 2 from the Town of Alton. In appointing members to the committee, the municipal officers shall use Title 38, section 2171, subsection 1 as guidance. The committee shall meet as soon as practical following appointment of its members and shall select a chair from among its members. The committee shall establish procedures for the conduct of meetings. The committee may:

- A. Review proposed contracts, site analyses, applications and other documents relating to the construction, permitting and operation of the disposal facility;
- B. Hold periodic public meetings to solicit the opinions of residents concerning the disposal facility and any permit applications, contracts or other provisions relating to the disposal facility;
- C. Provide the disposal facility operator and office with any alternative contract provisions, permit conditions, plans or procedures the committee considers appropriate; and
- D. Serve as a liaison between the communities and the disposal facility operator or the office to facilitate communications during the development and operation of the disposal facility and provide residents with updated information about the project, including providing explanations of any technical terms; and be it further

Sec. 2. Report. Resolved: That, by February 15, 2004, the Executive Department, State Planning Office shall submit a report to the Joint Standing Committee on Natural Resources on the acquisition of the disposal facility authorized under section 1 and a review of the operations related to that disposal facility.

See title page for effective date.

CHAPTER 94

S.P. 588 - L.D. 1632

Resolve, To Ratify the Endorsement of the Towns of Otisfield and Harrison in Renaming the Bolsters Mills Bridge

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 boards of selectmen in the 2 towns connected by the bridge named in this resolve agreed in May 2003 to the name authorized by this resolve; 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. Bolsters Mills Road bridge name change. Resolved: That the bridge crossing the Crooked River on Bolsters Mills Road that is on the town lines of Harrison and Otisfield be named the Kerry Grover Memorial Bridge, in honor of a local man who was an integral part of both communities; and be it further

Sec. 2. Towns authorized to erect signs if desired. Resolved: That the towns of Harrison and Otisfield, whose municipal officials unanimously endorsed the name change set out in section 1, are authorized to erect signs naming the bridge the Kerry Grover Memorial Bridge at the towns' own expense if the towns desire to have signs. The towns shall work with the Department of Transportation to ensure that the signs are of the proper size and placed properly.

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

Effective June 23, 2003.

CHAPTER 95

H.P. 363 - L.D. 471

Resolve, To Study Obesity and Methods To Decrease the Cost of Health Care and Increase the Public Health

Sec. 1. Commission established. Resolved: That the Commission to Study Public Health, referred to in this resolve as "the commission," is established to study the causes of obesity and methods to decrease the cost of health care and increase the public health; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 31 members appointed as follows:

1. Fourteen members appointed by the President of the Senate as follows:

A. Two Senators, at least one of whom serves on the Joint Standing Committee on Health and Human Services;

B. Two representatives of nutrition or health advocacy organizations; and

C. One representative from each of the following organizations or professions:

- (1) Secondary school administrators;
- (2) A cancer society;
- (3) A heart association;
- (4) A diabetes association;
- (5) An advocacy group for affordable health care;
- (6) School health professionals;
- (7) Physical education educators;
- (8) The food industry;
- (9) The Maine dairy industry; and
- (10) A physical activity organization;

2. Fourteen members appointed by the Speaker of the House as follows:

A. Two members of the House of Representatives, at least one of whom serves on the Joint Standing Committee on Health and Human Services; and

B. One representative from each of the following organizations or professions:

- (1) An organization of school principals;
- (2) An organization of allopathic physicians;
- (3) A public health advocacy organization;
- (4) Providers of oral health care;
- (5) An organization of osteopathic doctors;
- (6) Food service workers;
- (7) Nurses;
- (8) Health insurers;
- (9) Dieticians;
- (10) A parent-teacher organization;

(11) Maine bottlers and distributors of beverages; and

(12) A doctoral-level nutritionist;

3. The Attorney General or a designee;

4. The Commissioner of Education or a designee; and

5. The Commissioner of Human Services or a designee.

The Commissioner of Education and the Commissioner of Human Services or their designees serve as nonvoting members; and be it further

Sec. 3. Appointments; chairs; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The first-named Senate member and the first-named House of Representatives member shall serve as cochairs of the commission. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. The cochairs shall convene the first meeting of the commission no later than 15 days after appointment of all members; and be it further

Sec. 4. Duties. Resolved: That the commission shall study obesity in the State and methods to decrease the cost of health care and improve the public health. The commission shall specifically include in its study:

1. An analysis of whether schools are meeting modern nutrition standards for school meals and food and drink offered on school property and, if not, an analysis of what strategies are available to encourage more nutritious offerings;

2. Options for the adoption of a nutrition pyramid, with emphasis on increased consumption of vegetables, whole grains, milk, beans, soy products and nuts;

3. An analysis of physical education standards in Maine schools from 1970 to the present, including a review of the Maine system of learning results and standards in other states. A review of general trends in Maine toward a less active and more sedentary lifestyle, including the contribution of these trends to the rising rates of obesity in the State and the nation and strategies for addressing physical activity issues, must be included in the analysis;

4. An analysis of whether advertising targeted at children is contributing to the rising rates of obesity in Maine and the nation and, if so, an analysis of possible strategies to address this issue;

5. Methods of encouraging healthy food purchasing by families using public benefit programs, including the possibility of requiring purchases of some healthy foods in public benefit programs;

6. An analysis of discrimination based on personal size, using the Michigan human rights law as an example and consulting with the Attorney General regarding legal issues;

7. An analysis of the potential savings in health care costs and decreases in lost work time from the creation of fitness centers in major centers of state employment and the savings over time from the fitness centers;

8. An analysis of whether food offered for sale in places of state employment contributes to the rising rate of obesity in Maine and whether food and drinks offered for sale in state institutions and buildings present a variety of healthy options, including 100% juices, nonfat milk, fruits, vegetables and healthy snacks. Possible strategies to address these issues must accompany the analysis; and

9. An analysis of the costs, benefits and potential savings of providing insurance or health coverage for obesity prevention and nutrition counseling for state employees, retirees and MaineCare enrollees and of providing health coverage by carriers licensed under the Maine Revised Statutes, Title 24 or Title 24-A; and be it further

Sec. 5. Staff assistance. Resolved: That, upon approval from 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 legislative members of the commission are entitled to receive the 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 commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses 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. Report. Resolved: That the commission shall submit its report with any accompanying legislation to the Second Regular Session of the 121st Legislature by December 3, 2003. The commission is authorized to introduce a bill related to its report to the Second Regular Session of the 121st Legislature. The report and legislation must have as goals improving public health, including cardiovascular health,

decreasing rates of obesity, decreasing the cost of health care, increasing the physical activity of youth and increasing awareness of healthy eating choices; and be it further

Sec. 8. Extension. Resolved: That, if the commission 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. 9. Funding. Resolved: That the commission shall seek outside funds to fully fund all costs of the commission. If sufficient outside funding has not been received by August 15, 2003 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the commission may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by 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, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council administers any funds received by the commission. The executive director shall notify the chairs of the commission when sufficient funding has been received; and be it further

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

LEGISLATURE

Commission to Study Public Health

Initiative: Allocates funds for the postage, printing, legislative per diem and other expenses of the commission.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$880	\$0
All Other	6,400	0
Other Special Revenue Funds Total	\$7,280	\$0

See title page for effective date.