

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

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 25.20: Protected Resources, a provisionally adopted major substantive rule of the Department of Marine Resources that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 24, 2004.

CHAPTER 115

H.P. 1376 - L.D. 1850

Resolve, Regarding Legislative Review of Chapter 31: Affordable Housing Development District - Recovery of Public Revenue, a Major Substantive Rule of the Maine State Housing Authority

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 31: Affordable Housing Development District - Recovery of Public Revenue, a provisionally adopted major substantive rule of the Maine State Housing Authority that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 24, 2004.

CHAPTER 116

H.P. 784 - L.D. 1066

Resolve, To Establish a Committee To Examine Issues Relating to the Administration of Municipal General Assistance

Sec. 1. General assistance committee established. Resolved: That the Department of Human Services shall convene a general assistance committee, referred to in this resolve as "the committee," composed of persons interested in the administration of municipal general assistance. The committee must include, but is not limited to, representatives of the Department of Human Services, the Maine Municipal Association, municipal general assistance administrators and persons with low incomes; and be it further

Sec. 2. Committee duties. Resolved: That the committee shall examine and make recommendations regarding the following issues:

1. Whether the administration of municipal general assistance can be simplified and access to general assistance for those in need can be improved;
2. The potential for regional general assistance offices, cooperative agreements among towns and other initiatives to reduce administrative costs of providing municipal general assistance and to improve access to general assistance;
3. Ways in which federal housing assistance can be maximized to assist low-income residents of the State. The committee shall meet with representatives of federal and state housing agencies to evaluate whether fair market rents, as established by the United

States Department of Housing and Urban Development, are representative of the rental market in each region of the State. If the committee determines that the fair market rents are not representative of actual rental values, the committee shall make recommendations to address the issue. The committee shall also examine the housing data that is collected in the State and make recommendations for additional data collection to improve the State's ability to maximize federal housing assistance; and

4. How to improve the State's collection of data regarding general assistance in order to better understand how municipal programs are functioning. The committee shall make recommendations to ensure adequate data collection, including, but not limited to, data concerning the number of applications and the number of people granted and denied assistance; and be it further

Sec. 3. Reports. Resolved: That the committee shall submit a progress report no later than January 15, 2005 and a final report, including suggested legislation, no later than January 15, 2006 to the joint standing committee of the Legislature having jurisdiction over human services matters. Following receipt and review of the final report, the joint standing committee of the Legislature having jurisdiction over human services matters may report out legislation based on the report to the Second Regular Session of the 122nd Legislature.

See title page for effective date.

CHAPTER 117

H.P. 171 - L.D. 212

Resolve, Directing the Secretary of State To Study the Feasibility of Instant Run-off Voting

Sec. 1. Secretary of State to study feasibility of instant run-off voting. Resolved: That the Secretary of State shall conduct a thorough study of the feasibility of establishing instant run-off voting in the State. The Secretary of State may consult with individuals or organizations that advocate for the implementation of instant run-off voting and those that oppose the implementation of instant run-off voting in the State during the course of the study. The Secretary of State shall submit a report to the joint standing committee of the Legislature having jurisdiction over election matters by January 15, 2005. That report must include a summary of existing instant run-off voting systems in the United States and other nations, the benefits and drawbacks of instant run-off voting, the feasibility of implementing such a system for the

conduct of elections in the State and any federal resources that may be available to fund the implementation of instant run-off voting in the State.

See title page for effective date.

CHAPTER 118

S.P. 225 - L.D. 616

Resolve, To Improve the Quality of Health Care

Sec. 1. Review and report. Resolved: That the Maine Quality Forum Advisory Council, established pursuant to the Maine Revised Statutes, Title 5, section 12004-I, subsection 30-A, shall review direct-care registered nurse staffing levels in general, acute and specialty care hospitals, the issue of minimum staffing ratios for direct-care registered nurse staffing in hospitals and the rules of the Department of Human Services on direct-care registered nurse staffing. The Maine Quality Forum Advisory Council shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on its review under this section and any recommendations from the council by January 15, 2005.

See title page for effective date.

CHAPTER 119

S.P. 407 - L.D. 1261

Resolve, To Direct the Public Utilities Commission To Examine Certain Issues Relating to Energy Efficiency

Sec. 1. Public Utilities Commission examination of program to encourage use of energy-efficient products. Resolved: That the Public Utilities Commission shall investigate the feasibility and design of a program that would provide incentives to residential and commercial consumers to purchase and install energy-efficient appliances or that would establish energy efficiency standards. The commission shall analyze which energy-efficient products should be included in any program; possible incentive mechanisms such as rebates, grants, low-interest loans or other financial incentives; program costs and benefits; funding sources; and the advantages and disadvantages of implementing any recommended program. The commission shall issue a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction