

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

ensure the long-term conservation of Maine's outstanding marine resources; now, therefore, be it

Sec. 1. Review of certain licenses. Resolved: That the Commissioner of Marine Resources shall review the State's licensing requirements for the commercial harvest of lobster, scallop, sea urchin, shrimp, shellfish, marine worm and seaweed resources to identify any opportunities to improve the operation and effectiveness of those laws in the context of federal law, the United States Constitution and the Constitution of Maine. In conducting the review, the commissioner shall consult with the Office of the Attorney General and may solicit input from other federal, state or municipal entities and interested parties; and be it further

Sec. 2. Recommendations; report. Resolved: That no later than January 3, 2005 the Commissioner of Marine Resources shall submit the commissioner's report and recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The commissioner is authorized to introduce a bill related to the report to the First Regular Session of the 122nd Legislature.

See title page for effective date.

CHAPTER 140

H.P. 1459 - L.D. 1959

Resolve, Authorizing Professional and Occupational Licensing Authorities in State Government To Defer or Waive Continuing Education Requirements for Military Personnel

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

Whereas, many citizens of Maine have been called to active duty in military service to the United States and will be returning to civilian life during the next 18 months; and

Whereas, it is necessary to ensure continuation of professional and occupational licensure for individuals in active military service; and

Whereas, current Maine law does not adequately provide for deferment or waiver of continuing education requirements to maintain active licensure; 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. Professional and occupational licensing authorities authorized to defer or waive all or any portion of any continuing education requirement with respect to Maine citizens returning from active military duty. Resolved: That state authorities authorized to license and regulate any profession or occupation may waive or defer all or any portion of any continuing education requirement in current law as a condition of license renewal for a person who is a member of the National Guard or the Reserves of the United States Armed Forces under an order to active duty in support of an operational mission during a period of war declared by the Congress of the United States or a period of national emergency declared by the President of the United States or the Congress of the United States for a period of more than 30 days and who was licensed or registered to engage in a profession or occupation prior to being called to active duty; and be it further

Sec. 2. Reporting date established. Resolved: That the commissioner of a department or the director of an agency of State Government that waives or defers all or a portion of a continuing education requirement pursuant to section 1 of this resolve shall report by December 1, 2004 and monthly thereafter to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters with respect to the deferment or waiver of continuing education requirements for affected military service personnel; and be it further

Sec. 3. Repeal. Resolved: That this resolve is repealed October 1, 2005.

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

Effective April 27, 2004.

CHAPTER 141

H.P. 1447 - L.D. 1947

Resolve, To Clarify Title to Land Related to the Waldo-Hancock Bridge Replacement

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not

be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Sec. 1. Director of Bureau of Parks and Lands authorized to transfer management responsibility for certain land in Fort Knox State Park to Department of Transportation.

Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by financial order transfer management responsibility of the following described property to the Department of Transportation for the purposes of: construction and maintenance of the westerly approach and abutment of the new bridge replacing the Waldo-Hancock Bridge; and confirmation of control, management and supervision of the portion of State Route 174 that crosses Fort Knox State Park and a portion of U.S. Route 1 that leads to the westerly approach to the existing Waldo-Hancock Bridge. The property is more particularly described as follows:

A portion of the Fort Knox State Historic Site, situated in the Town of Prospect, County of Waldo, and State of Maine, containing a total of 5.37 acres, as shown on a plan entitled, "State of Maine Department of Transportation Right of Way Map, State Highway '251' (Route 174) Prospect-Verona P.I.N. 007965.40," Sheets 3, 4 and 5 of 7 sheets, dated January 2004, D.O.T. File No. 14-77, to be recorded in the Waldo and Hancock Registries of Deeds, and on file at the Department of Transportation, 16 State House Station, Augusta, Maine.

; and be it further

Sec. 2. No funds may be exchanged. Resolved: That no funds may be exchanged between the Department of Transportation and the Department of Conservation for the transfer of management responsibility described in section 1.

See title page for effective date.

CHAPTER 142

S.P. 658 - L.D. 1725

Resolve, To Commission a Portrait of the Honorable George J. Mitchell To Hang in the State House

Sec. 1. Portrait commissioned. Resolved: That the State House and Capitol Park Commission, as established in Title 5, section 12004-I, is directed to commission a portrait of the Honorable George J. Mitchell to hang in the State House; and be it further

Sec. 2. Funding. Resolved: That the State House and Capitol Park Commission may seek and

accept outside sources of funding for the purposes of section 1. Prompt notice of solicitation and acceptance of funds must be sent to the Executive Director of 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. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

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State House and Capitol Park Commission

Initiative: Allocates funds needed to commission a portrait of the Honorable George J. Mitchell in the event funds are not received for this purpose.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$20,000
Other Special Revenue	_____	_____
Funds Total	\$0	\$20,000

See title page for effective date.

CHAPTER 143

H.P. 1417 - L.D. 1915

Resolve, To Implement the Recommendations of the Commission To Study the Scope and Quality of Citizenship Education

PART A

Sec. A-1. Considering citizenship education during review of system of learning results. Resolved: That the Department of Education shall consider the recommendations of the Commission to Study the Scope and Quality of Citizenship Education, established in Resolve 2003, chapter 85, related to implications for the system of learning results when the department reviews the guiding principles, the performance standards and the content indicators of the system of learning results beginning during the 2003-2004 school year in accordance with the Maine Revised Statutes, Title 20-A, section 6209, subsection 4; and be it further

Sec. A-2. Statewide public forums for youth. Resolved: That, subject to available resources, the Legislative Youth Advisory Council shall conduct a series of statewide public forums on