

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §6206, sub-§1, ¶E, as amended by PL 2001, c. 548, §2, is further amended to read:

E. On January 1st of every odd-numbered year, report to the joint standing committee of the Legislature having jurisdiction over matters pertaining to state parks and public lands on expenditures from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund and revisions to the strategies and guidelines. This report must include a description of access to land and interest in land acquired during the report period. If an acquisition has been made that does not include guaranteed public vehicular access to the land acquired, the board must provide justification for that acquisition and a plan for continuing efforts to acquire guaranteed public access to the land. This report must include a summary of the board's experience during the reporting period with projects funded pursuant to section 6203 or 6203-A and in which the land or interest in land is acquired by a cooperating entity. This report must also include on a county-by-county basis a summary of the expenditures made by the board and acreage conserved through acquisition of fee or less-than-fee interest by the board during the report period. Each report must include cumulative totals by county of acreage conserved through acquisition of fee or less-than-fee interest through action by the board.

See title page for effective date.

CHAPTER 216

S.P. 141 - L.D. 417

**An Act To Improve the Role of
Boards of Visitors for State
Correctional Facilities**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 34-A MRSA §3002, as amended by PL 1989, c. 503, Pt. B, §159, is repealed and the following enacted in its place:

§3002. Boards of visitors

1. Appointment. The Governor shall appoint a board of 5 visitors for each correctional facility under the department, as authorized by Title 5, section 12004-I, subsection 5.

A. The terms of the members of the boards of visitors are for 3 years.

B. Members of the boards of visitors are eligible for reappointment at the expiration of their terms.

C. A member of the Legislature or an employee of the department may not serve on any board of visitors.

D. At least one member of each board must be a person licensed by this State to provide mental health services.

E. Each member of the boards of visitors must be compensated according to the provisions of Title 5, chapter 379.

F. The Governor shall appoint a chair from the membership.

2. Duties. Boards of visitors have the following duties.

A. Each board of visitors shall inspect the correctional facility to which it is assigned. Each board of visitors must be provided open access to all physical areas of the correctional facility, including access to areas housing clients. Each board of visitors must be provided the opportunity to speak to clients and to staff. Members of the board shall comply with all departmental policies and procedures and facility security practices regarding access to the correctional facility, shall adhere to all federal and state law regarding confidentiality and shall refer concerns or complaints regarding specific individuals to the chief administrative officer or advocate.

B. Each board of visitors shall review the management of the correctional facility to which it is assigned to determine whether that management is consistent with the philosophy, mission and policy goals of the department and facility. Each board of visitors shall prepare an annual report including its recommendations and shall provide copies of its report to the chief administrative officer of the facility, the commissioner and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The commissioner shall provide copies with the department's response to the reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters within one month of receiving the annual reports.

C. Each board of visitors shall appear before the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters upon request.

D. Boards of visitors shall meet regularly and at least 4 times a year. At each meeting, a board of visitors may request and must receive information from the chief administrative officer as the board determines will assist in the review of the management of the facility. To the extent that a board of visitors is not discussing matters made confidential by federal or state law, meetings of boards are public proceedings and must be conducted in accordance with Title 1, section 403. Boards of visitors may meet jointly.

E. Each board of visitors shall share copies of that board's annual report with the other boards.

3. Visit to correctional facilities and communications with clients and staff. A member of a board of visitors may visit the correctional facility to which that board is assigned and may speak with clients and with staff. The member shall comply with all departmental policies and procedures and facility security practices regarding access to the correctional facility, shall adhere to all federal and state law regarding confidentiality and shall refer concerns or complaints regarding specific individuals to the chief administrative officer or advocate.

4. Volunteer activities. Volunteer activities of a member of a board of visitors may be prescribed by departmental policies regarding volunteer activities generally.

Sec. 2. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 34-A, section 3002, the terms of members of boards of visitors appointed pursuant to Title 34-A, section 3002 during the first year following the effective date of this Act must be staggered and be for 1, 2 or 3 years.

Sec. 3. Application. Notwithstanding the Maine Revised Statutes, Title 34-A, section 3002, subsection 1, paragraph C, a current member of a board of visitors who is an employee of the Department of Corrections may continue to serve on a board until March 15, 2006 or until a new member is appointed, whichever is sooner.

See title page for effective date.

CHAPTER 217

S.P. 203 - L.D. 648

An Act To Exempt Maine Agricultural Fairs from the Requirements of the Site Location of Development Laws

Be it enacted by the People of the State of
Maine as follows:

Sec. 1. 38 MRSA §488, sub-§23 is enacted to read:

23. Agricultural fair property. Development on property that is used for one or more agricultural fairs licensed by the Commissioner of Agriculture, Food and Rural Resources under Title 7, chapter 3 is exempt from review under this article if:

A. The property is not used for motorized vehicle racing for more than 14 days beyond those days authorized for the operation of the agricultural fair;

B. Motorized vehicle racing on the property is licensed by the Department of Public Safety;

C. Use of the property beyond those days authorized for the operation of the agricultural fair meets a noise standard pursuant to section 484, subsection 3. The department shall enforce the noise standard under this paragraph; and

D. The property has been identified as the location of an agricultural fair in an agricultural fair license issued by the Department of Agriculture, Food and Rural Resources prior to September 15, 2006.

Sec. 2. Environmental evaluation checklist. The Department of Agriculture, Food and Rural Resources, in consultation with the Department of Environmental Protection, shall develop a checklist of environmental issues that may have an impact on agricultural fair property and distribute the checklist to each person, agricultural society, association or corporation that submits an application to hold, conduct or operate an agricultural fair licensed under the Maine Revised Statutes, Title 7, chapter 3. The person, agricultural society, association or corporation shall, with the assistance of a soil and water conservation district, complete the checklist and submit it to the Department of Agriculture, Food and Rural Resources. The Department of Agriculture, Food and Rural Resources may not issue a license for an agricultural fair prior to receipt of the environmental checklist.

See title page for effective date.

CHAPTER 218

H.P. 1087 - L.D. 1546

An Act Concerning Technical Changes to the Tax Laws

Be it enacted by the People of the State of
Maine as follows: