

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

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

Penmor Lithographers

Lewiston, Maine

2006

CHAPTER 667

H.P. 1416 - L.D. 2016

An Act To Extend the Corrections Alternatives Advisory Committee

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

Whereas, the Corrections Alternatives Advisory Committee was established to work to effectively identify the costs, benefits and cost savings associated with alternative corrections service delivery options, including improved collaboration between State Government and county government and regionalization opportunities and cost reductions; and

Whereas, the Corrections Alternatives Advisory Committee needs to continue its work to further identify options to be evaluated with the goal of achieving efficiencies and managing the cost of correctional services at both the state and county levels; 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 enacted by the People of the State of Maine as follows:

Sec. 1. PL 2005, c. 386, Pt. J, §1, sub-§1 is amended to read:

1. Advisory committee established. The Corrections Alternatives Advisory Committee, referred to in this Part as "the advisory committee," is established to guide the development of the study of corrections service delivery options. The advisory committee is not a decision-making body, but serves to provide advice and information to the Department of Corrections. The advisory committee consists of the following members:

A. The Commissioner of Corrections and 2 state corrections officials designated by the commissioner;

B. A representative of a statewide association of county commissioners nominated by the association and appointed by the Governor;

C. A representative of a statewide association of county sheriffs nominated by the association and appointed by the Governor;

D. A representative of a statewide association of county jails nominated by the association and appointed by the Governor; ~~and~~

E. A municipal representative appointed by the Governor; ~~and~~

F. A representative of a statewide association of prosecutors nominated by the association and appointed by the Governor.

The Governor shall ask the Chief Justice of the Supreme Judicial Court to serve as or to name a designee to serve as a member of the advisory committee and to appoint one trial judge or a designee to serve as a member of the advisory committee.

If a member cannot serve, the person responsible for appointing that member shall appoint a new member.

The advisory committee shall consult with labor unions representing both state and county employees and keep them informed regularly throughout the development of the study.

Sec. 2. PL 2005, c. 386, Pt. J, §1, sub-§2 is amended to read:

2. Appointments; chairs; meetings. All appointments must be made no later than 30 days following the effective date of this Part. The Governor shall appoint 2 cochairs from among the membership of the advisory committee, one representing the Department of Corrections and one representing county government. If a cochair cannot serve, the Governor shall appoint a new cochair. The cochairs shall call and convene the first meeting of the advisory committee no later than 15 days after the appointment of all members. The advisory committee may meet as often as necessary to accomplish its work.

Sec. 3. PL 2005, c. 386, Pt. J, §1, sub-§4 is amended to read:

4. Reports. The advisory committee shall submit interim reports and proposed recommendations to the Intergovernmental Advisory Group, established in the Maine Revised Statutes, Title 30-A, section 2181, for its review. The Intergovernmental Advisory Group shall coordinate the solicitation of public comment. The Department of Corrections shall deliver its ~~final~~ interim report with recommendations and proposed implementing legislation to the Joint Standing Committee on Criminal Justice and Public Safety and to the Joint Standing Committee on State and Local Government no later than ~~January 1, 2006~~ March 15, 2006. The Department of Corrections shall deliver its final report with recommendations and proposed implementing legislation to the Legislature no later than December 15, 2006.

Sec. 4. PL 2005, c. 386, Pt. J, §1, sub-§5 is amended to read:

5. Corrections Incentive Fund recommendation. The Commissioner of Corrections shall submit proposed legislation establishing a Corrections Incentive Fund to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on State and Local Government no later than ~~February 1, 2006~~ December 15, 2006. The purpose of the proposed Corrections Incentive Fund is to achieve significant and sustainable savings in the cost of delivering correctional services by funding proposals that are consistent with the final study recommendations. The proposed legislation must also include a provision for evaluating the effectiveness of the incentive fund and a requirement to sunset the fund unless there is sufficient evidence presented by the Department of Corrections to continue the fund.

Sec. 5. PL 2005, c. 386, Pt. J, §1, sub-§6 is enacted to read:

6. Authorized duties; nonlapsing funds. In addition to that specified in this section, the advisory committee is authorized to conduct any additional work authorized by law within its budgeted resources. Any General Fund appropriations originally appropriated to support the work of the advisory committee that remain within the Department of Corrections may not lapse but must be carried forward to be used for the same purpose.

Sec. 6. Retroactivity. This Act applies retroactively to January 1, 2006.

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

Effective May 30, 2006.

CHAPTER 668

S.P. 818 - L.D. 2086

An Act To Facilitate the Regionalization of Emergency Communications Dispatching Services

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

Sec. 1. 5 MRSA §17656, sub-§2 is enacted to read:

2. Reemployment of public safety communications dispatchers with Department of Public

Safety. Notwithstanding subsection 1, a member of the retirement system whose previous membership was based upon employment as a public safety communications dispatcher with a participating local district and whose employment with the participating local district was terminated as a result of the consolidation of the participating local district's public safety dispatching services with the Department of Public Safety and who then becomes employed as a public safety communications dispatcher for the department may elect to include that previously earned creditable service with service earned as a state employee if that member:

A. Makes a one-time, irrevocable election no later than 30 days after commencing employment as a public safety communications dispatcher for the Department of Public Safety; and

B. Has not previously withdrawn all of the member's accumulated contributions.

If a member makes the election provided in this subsection, the State shall make whatever contribution is necessary to provide the benefits under the retirement system for the member as though the previous employment had been as a state employee, and all funds in the retirement system contributed by the member's former employer on account of the member's previous employment must be transferred to the account of the State and must be used to liquidate the liability incurred by reason of the previous employment.

Upon notification by the Department of Public Safety to the retirement system that an employee has made an election under this subsection, the retirement system shall calculate and provide to the Department of Public Safety the amount of the employer contribution required under this subsection.

A member who makes the election provided in this subsection and for whom applicable additional employer contributions have been paid is entitled to include the creditable service and earnable compensation with the previous employer with the creditable service and earnable compensation with the State for the purposes of benefit qualification under section 17851 and computation of benefits under section 17852.

See title page for effective date.

CHAPTER 669

H.P. 1483 - L.D. 2091

An Act To Make Changes to the Laws Regarding Pine Tree Development Zones