

# MAINE STATE LEGISLATURE

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**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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

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**RESOLVES OF THE STATE OF MAINE  
AS PASSED AT  
THE FIRST SPECIAL SESSION OF THE  
ONE HUNDRED AND TWENTY-SECOND  
LEGISLATURE  
2005**

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**CHAPTER 7**

**H.P. 340 - L.D. 465**

**Resolve, Regarding Legislative  
Review of Chapter 125: Calendar  
Adoption, a Major Substantive Rule  
of the Department of Education**

**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 125: Calendar Adoption, a provisionally adopted major substantive rule of the Department of Education 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 April 8, 2005.

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**CHAPTER 8**

**S.P. 498 - L.D. 1456**

**Resolve, Directing the Department of  
Inland Fisheries and Wildlife To  
Increase Turkey Hunting  
Opportunities**

**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 Department of Inland Fisheries and Wildlife has adopted rules to establish an open turkey hunting season, without a lottery system of limited entry, beginning in 2006; and

**Whereas,** this legislation authorizes opening the 2005 spring turkey season to all qualified applicants, without a lottery system of limited entry; and

**Whereas,** this legislation must take effect prior to the beginning of this year's spring turkey season, scheduled to begin in May; 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. Authorized permits for all applicants. Resolved:** That, notwithstanding any lottery system of limited entry in effect at the time of application, the Department of Inland Fisheries and Wildlife shall provide turkey hunting permits to all qualified persons who submitted timely applications for permits for the 2005 spring turkey hunting season.

Nothing in this resolve may be construed to prohibit a system of alternate weeks of seasons within the open turkey hunting season; and be it further

**Sec. 2. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF  
Licensing Services - IF&W 0530

Initiative: Appropriates funds for the administrative costs of issuing an increased number of wild turkey hunting permits.

GENERAL FUND	2004-05	2005-06	2006-07
All Other	\$8,756	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$8,756</b>	<b>\$0</b>	<b>\$0</b>

**SAVINGS FUND PROGRAM 0822**

Initiative: Appropriates funds to be used only to avoid future fee increases.

GENERAL FUND	2004-05	2005-06	2006-07
All Other	\$25,371	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$25,371</b>	<b>\$0</b>	<b>\$0</b>

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

DEPARTMENT TOTALS	2004-05	2005-06	2006-07
GENERAL FUND	\$34,127	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$34,127</b>	<b>\$0</b>	<b>\$0</b>

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

Effective April 15, 2005.

**CHAPTER 9**

**S.P. 82 - L.D. 229**

**Resolve, Directing the Department of Health and Human Services To Report on Certain MaineCare Practices**

**Sec. 1. Report on certain MaineCare practices. Resolved:** That by January 15, 2006 the Department of Health and Human Services shall provide a report to the Joint Standing Committee on Insurance and Financial Services and the Joint Standing Committee on Health and Human Services regarding the Private Health Insurance Premium Program, referred to in this resolve as "the program," under the Maine Revised Statutes, Title 22, section 18; and be it further

**Sec. 2. Required information. Resolved:** That the report required by section 1 must include the following information:

1. Information regarding the purchase of insurance under the program for persons enrolled in MaineCare, including the total number of persons enrolled in the program and the type of insurance purchased, whether individual or group;

2. The total payments made for health care services under the program;

3. The total premiums paid under the program and to which health insurance carriers those premiums were paid; and

4. The total savings achieved by the program.

Health insurance carriers providing coverage under the program shall cooperate with the Department of Health and Human Services in the collection of data necessary for the report required by this resolve; and be it further

**Sec. 3. Authorization to report out legislation. Resolved:** That the Joint Standing Committee on Insurance and Financial Services and the Joint Standing Committee on Health and Human Services may report out legislation related to the report required by this resolve to the Second Regular Session of the 122nd Legislature.

See title page for effective date.

**CHAPTER 10**

**S.P. 148 - L.D. 450**

**Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory**

**Sec. 1. State Tax Assessor authorized to convey real estate. Resolved:** That the State Tax Assessor is authorized to convey by sale the interest of the State in real estate in the unorganized territory as indicated in this resolve. Except as otherwise directed in this resolve, the sale must be made to the highest bidder subject to the following provisions.

1. Notice of the sale must be published 3 times prior to the sale, once each week for 3 consecutive weeks, in a newspaper in the county where the real estate lies except in those cases in which the sale is to be made to a specific individual or individuals as authorized in this resolve, in which case notice need not be published.

2. A parcel may not be sold for less than the amount authorized in this resolve. If identical high bids are received, the bid postmarked with the earliest date is considered the highest bid.

If bids in the minimum amount recommended in this resolve are not received after the notice, the State Tax Assessor may sell the property for not less than the minimum amount without again asking for bids if the property is sold on or before April 1, 2006.