

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.

Penmor Lithographers
Lewiston, Maine
2005

CHAPTER 17**H.P. 688 - L.D. 978****Resolve, Directing the Advisory Council on Tax-deferred Arrangements To Study Deferred Retirement Option Programs**

Sec. 1. Advisory Council on Tax-deferred Arrangements to study deferred retirement options. Resolved: That the Advisory Council on Tax-deferred Arrangements, established by the Maine Revised Statutes, Title 5, section 12004-I, subsection 25, shall study whether it is in the interest of the State and of employees and retirees who are members of the Maine State Retirement System to make available a deferred retirement option program as part of the deferred compensation programs offered to these employees and retirees; and be it further

Sec. 2. Report and recommendations. Resolved: That the Advisory Council on Tax-deferred Arrangements shall report its findings and recommendations, including suggested legislation if appropriate, to the Joint Standing Committee on Labor no later than January 15, 2006; and be it further

Sec. 3. Administrative support. Resolved: That the Department of Administrative and Financial Services shall provide administrative support for the study under section 1, and any costs associated with this study must be absorbed within existing budgeted resources; and be it further

Sec. 4. Authority to report out legislation. Resolved: That the Joint Standing Committee on Labor is authorized to report out legislation concerning the study under section 1 to the Second Regular Session of the 122nd Legislature.

See title page for effective date.

CHAPTER 18**S.P. 17 - L.D. 37****Resolve, Directing the Department of Health and Human Services To Seek Federal Funding To Serve Immigrant and Refugee Populations in Need of Mental Health and Substance Abuse Treatment**

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

Whereas, immigrants and refugees who have relocated to Maine are at considerable risk for mental illness and substance abuse; and

Whereas, Maine's mental health system lacks the cultural diversity necessary to adequately respond to the needs of Maine's immigrant and refugee communities; 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. Department of Health and Human Services to seek federal funding to serve immigrant and refugee populations in need of mental health and substance abuse treatment. Resolved:

That the Department of Health and Human Services shall seek funding from the federal Substance Abuse and Mental Health Services Administration in order to provide substance abuse and mental health treatment programs for immigrant or refugee persons residing in the State. If a federal grant is received for this purpose, the department may use the funding for development and operation of one or more programs on a statewide basis to serve immigrant or refugee persons who are in need of substance abuse or mental health treatment services in accordance with any federal restrictions or conditions placed upon the receipt of the funding; and be it further

Sec. 2. Reporting date established. Resolved: That, by November 15, 2005, the Department of Health and Human Services shall report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Appropriations and Financial Affairs. The report is not limited to but must address:

1. The progress the department has made in securing the federal funding identified in section 1 of this resolve;
2. If funds have been received, the progress the department has made in developing the programs authorized in section 1 of this resolve;
3. The staff development and training efforts involved with the programs;
4. The location or locations of the programs; and
5. The number of immigrant or refugee persons served to date.

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

Effective May 13, 2005.

CHAPTER 19

H.P. 76 - L.D. 100

Resolve, Requiring the Secretary of State To Develop Voting Systems Standards

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

Whereas, federal law requires that the State implement certain voting systems standards no later than January 1, 2006; and

Whereas, in order to adopt those standards, it is vital that a stakeholders group begin its work immediately so that a legislative proposal may be crafted and acted upon before the adjournment of the First Regular Session of the 122nd Legislature; 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. Voting systems standards. Resolved: That, pursuant to the federal Help America Vote Act of 2002, Public Law 107-252, Section 301, the State shall adopt and implement by January 1, 2006 voting systems standards that apply uniformly and in a nondiscriminatory manner and that define what constitutes a vote and what must be counted as a vote for each category of voting system used in the State; and be it further

Sec. 2. Secretary of State to convene stakeholders group. Resolved: That the Secretary of State shall convene a group of stakeholders to review the relevant case law and the law in other states regarding the standards required under section 1 and to develop proposed legislation to accomplish the implementation of the standards; and be it further

Sec. 3. Membership. Resolved: That the stakeholders group consists of 6 members of the public with experience with elections and election recounts, 3 members appointed by the President of the Senate and 3 members appointed by the Speaker of the

House. All appointments must be made no later than 10 days after the effective date of this resolve; and be it further

Sec. 4. Submission to joint standing committee. Resolved: That the Secretary of State shall submit a report of the stakeholders' review, including proposed legislation, to the Joint Standing Committee on Legal and Veterans Affairs by June 1, 2005 and the committee may submit a bill based on the report to the First Special Session of the 122nd Legislature.

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

Effective May 13, 2005.

CHAPTER 20

H.P. 568 - L.D. 803

Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Study the Management and Fee Structure of Scarborough Beach State Park

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

Whereas, efficient management and fair fees are important to all who visit Maine's state parks; and

Whereas, the summer season, with peak usage of the state parks, begins in June; 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. Study management and fee structure for Scarborough Beach State Park. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation shall convene a study committee with membership that includes, but is not limited to, the director or the director's designees, representatives of the corporation under contract with the Bureau of Parks and Lands for the management of Scarborough Beach State Park and members of the public having an interest in Scarborough Beach State Park. The purpose of the study committee is to study the management of Scarborough Beach State Park in order to explore ways to improve