

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 114**H.P. 1057 - L.D. 1512****Resolve, Directing the Bureau of Health To Study Additional Information about Abortions**

Sec. 1. Bureau of Health study. Resolved: That the Department of Health and Human Services, Bureau of Health shall study additional data that could be collected within existing resources that would be helpful in implementing statewide policies to further reduce the number of unintended pregnancies and abortions. The Bureau of Health shall submit a written report to the Joint Standing Committee on Judiciary by January 15, 2006 with findings and recommendations. The Joint Standing Committee on Judiciary may report out legislation to the Second Regular Session of the 122nd Legislature in response to the report.

See title page for effective date.

CHAPTER 115**H.P. 36 - L.D. 33****Resolve, Regarding Legislative Review of Chapter 101: Establishment of the Capital Investment Fund, a Major Substantive Rule of the Governor's Office of Health Policy and Finance**

Sec. 1. Adoption. Resolved: That final adoption of Chapter 101: Establishment of the Capital Investment Fund, a provisionally adopted major substantive rule of the Governor's Office of Health Policy and Finance that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized, only if the rule is amended as follows:

1. Section 3, paragraph D, subsection (1) of the rule must be amended to add a 5th additional criterion: specifically, consideration of any unused balance in the Capital Investment Fund from the prior year;
2. Section 3, paragraph D, subsection (2) of the rule must be amended to state that the Governor's Office of Health Policy and Finance may convene an ad hoc panel of experts, as provided in the Maine Revised Statutes, Title 2, section 102, subsection 2, to provide input to the office at a public meeting in accordance with the freedom of access laws;
3. Section 3, paragraph E of the rule must be amended to provide for a public hearing between 17 and 24 days after publication of the notice in the

Kennebec Journal, with notice to persons requesting notification between 17 and 24 days prior to the hearing that contains information on the time and place of the public hearing and with the deadline for the submission of comments and with a written notice of the final Capital Investment Fund amount within 120 days; and

4. Section 4 of the rule, "Use and Operation of the Capital Investment Fund," must be amended to exempt hospital and nonhospital projects that are funded fully with public funding from the use of the Capital Investment Fund as a limit on annual resource allocations under the certificate of need program by the Department of Health and Human Services.

See title page for effective date.

CHAPTER 116**H.P. 588 - L.D. 829****Resolve, To Raise a Monument for Women Veterans of Maine**

Sec. 1. Commission established. Resolved: That the Commission to Arrange for a Monument Honoring Women Veterans of Maine, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 8 members appointed as follows:

1. One member of the Senate, appointed by the President of the Senate;
2. One member of the House of Representatives, appointed by the Speaker of the House;
3. Three members with military experience, 2 of whom must be women veterans, appointed by the President of the Senate;
4. A representative of the Department of Defense, Veterans and Emergency Management who has expertise in veteran affairs, appointed by the President of the Senate;
5. A representative of the Bureau of General Services within the Department of Administrative and Financial Services who has expertise in the design of monuments, appointed by the Speaker of the House; and
6. The chair of the Capitol Planning Commission; and be it further

Sec. 3. Chairs. Resolved: That the Senate member is the Senate chair of the commission and the

House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council and the Director of the Bureau of General Services within the Department of Administrative and Financial Services once all appointments have been completed. Within 15 days after appointment of all members, but not later than August 1st, the chairs shall call and convene the first meeting of the commission; and be it further

Sec. 5. Duties. Resolved: That the commission shall develop recommendations for a design and a location and other matters relating to installation of a monument honoring women veterans of Maine for review by and approval of the Capitol Planning Commission pursuant to section 10 of this resolve; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Meetings. Resolved: That the commission may hold meetings, one of which must be a public hearing. When possible, meetings should be held when the Legislature is not in session; and be it further

Sec. 8. Funding. Resolved: That the commission may seek outside funds to fully fund all costs of the commission. If sufficient outside funding has not been received by September 15, 2005 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the commission may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. The certification must be made in the manner prescribed by 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 the funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the commission. The Executive Director shall notify the chairs of the commission when sufficient funding has been received; and be it further

Sec. 9. Compensation. Resolved: That the legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission; and be it further

Sec. 10. Consultation; reports. Resolved: That, when the commission has developed recommendations about an appropriate location and design for the monument honoring women veterans of Maine, but not later than January 2, 2006, the commission shall submit its initial report for review by the Capitol Planning Commission. A final report must be submitted to the Capitol Planning Commission by March 1, 2006. Upon submission of its required reports, the commission terminates; and be it further

Sec. 11. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Buildings and Grounds Operations 0080

Initiative: Provides a base allocation to the Bureau of General Services in the event that outside sources of funding are received for the memorial.

OTHER SPECIAL REVENUE		
FUNDS	2005-06	2006-07
All Other	\$500	\$500
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OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$500	\$500

See title page for effective date.

CHAPTER 117

H.P. 594 - L.D. 835

**Resolve, To Establish the Blue
Ribbon Commission on the Future of
MaineCare**

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