

# 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**

**Sec. 6. Meetings. Resolved:** That the commission is authorized to meet 4 times in 2005 and with approval of the presiding officers may hold meetings at various locations throughout the State. Meetings must be open to the public. The commission shall consult stakeholders and health care and medical organizations for information and assistance in gathering information related to the duties described in section 5; and be it further

**Sec. 7. Staff assistance. Resolved:** That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis and the Office of Fiscal and Program Review shall provide staffing assistance to the commission. The Department of Health and Human Services, the Governor's Office of Health Policy and Finance, the Maine Health Data Organization and the Maine Health Data Processing Center shall provide information and assistance as requested by the commission; and be it further

**Sec. 8. Compensation. Resolved:** That legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for 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 a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission. The Executive Director of the Legislative Council shall administer the commission's budget; and be it further

**Sec. 9. Budget. Resolved:** That, within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission exceeding its approved budget. Upon request from the commission, the executive director shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds; and be it further

**Sec. 10. Receipt of outside funds authorized. Resolved:** That the commission may seek outside funds to fund costs of the commission other than authorized per diem and expenses of the members authorized by section 8. 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 contributions are subject to

approval 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 or any limitation on the use of the funds. The Executive Director of the Legislative Council shall administer any funds received by the commission; and be it further

**Sec. 11. Reports. Resolved:** That the commission shall submit a report with findings and accompanying recommendations for legislation to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Appropriations and Financial Affairs by December 7, 2005; and be it further

**Sec. 12. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

LEGISLATURE

Miscellaneous Studies 0444

Initiative: Provides a base allocation of Other Special Revenue Funds in the event outside funding is collected to support the activities of the Blue Ribbon Commission on the Future of MaineCare.

<b>OTHER SPECIAL REVENUE</b>		
<b>FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
All Other	\$500	\$500
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OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$500	\$500

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

Effective June 21, 2005.

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**CHAPTER 118**

**S.P. 139 - L.D. 415**

**Resolve, To Create the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978**

**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 Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978 should be established to examine the extent to which the State complies with the federal Indian Child

Welfare Act of 1978 and to identify ways in which to improve compliance; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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. Committee established. Resolved:** That the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978, referred to in this resolve as "the committee," is established; and be it further

**Sec. 2. Committee membership. Resolved:** That the committee consists of the following members:

1. Two members of the Senate, appointed by the President of the Senate;
2. Three members of the House of Representatives, appointed by the Speaker of the House;
3. The Governor of the Passamaquoddy Tribe, or a designee;
4. The Governor of the Penobscot Nation, or a designee;
5. The Tribal Chief of the Houlton Band of Maliseet Indians, or a designee;
6. The Tribal Chief of the Aroostook Band of Micmacs, or a designee;
7. The Commissioner of Health and Human Services, or the commissioner's designee; and
8. The Attorney General, or the Attorney General's designee.

The Chief Justice of the Supreme Judicial Court is requested to designate a representative of the judicial branch to serve as a voting member of the committee; and be it further

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair of the committee and the first-named House of Representatives member is the House chair of the committee; and be it further

**Sec. 4. Appointments; convening of committee. 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 once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the committee, which may be no later than August 1, 2005; and be it further

**Sec. 5. Duties. Resolved:** That the committee shall study state compliance with the federal Indian Child Welfare Act of 1978. The committee may hold one public hearing, in Augusta, to collect public testimony; and be it further

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

**Sec. 7. Compensation. Resolved:** That the legislative members of the committee 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 committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the committee; and be it further

**Sec. 8. Report. Resolved:** That, no later than December 7, 2005, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Judiciary and the Legislative Council. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report; and be it further

**Sec. 9. Extension. Resolved:** That, if the committee requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 10. Committee budget. Resolved:** That the chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee budget, expenditures incurred and paid and available funds.

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

Effective June 21, 2005.

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## CHAPTER 119

### H.P. 35 - L.D. 32

#### Resolve, To Reestablish the Health Care System and Health Security Board

**Sec. 1. Board reestablished; duties. Resolved:** That the Health Care System and Health Security Board, established by Public Law 2001, chapter 439, Part ZZZ, and amended by Public Law 2003, chapter 492, and referred to in this resolve as "the board," is reestablished and those members serving on the board on November 1, 2004 continue to serve as members, except that new legislative members must be appointed in accordance with Public Law 2001, chapter 439, Part ZZZ, section 1. The board is reestablished for the sole purpose of finalizing its recommendations regarding the feasibility of a single-payor health plan to provide health care coverage to all citizens of this State and may not conduct any other activities; and be it further

**Sec. 2. Report; extension prohibited. Resolved:** That, no later than December 7, 2005, the board shall submit a report, including any suggested legislation, for presentation to the Joint Standing Committee on Insurance and Financial Services and the Legislative Council. Following receipt and review of the report, the Joint Standing Committee on Insurance and Financial Services may report out a bill related to the report to the Second Regular Session of the 122nd Legislature. The board is not authorized to introduce legislation. The board may not apply to the Legislative Council for an extension and may not take any further action after December 7, 2005, unless further action is authorized by law; and be it further

**Sec. 3. Funding; limitation. Resolved:** That any unexpended funds allocated to the board as of November 1, 2004 must be carried forward for use by the board and may not lapse. Except for these unexpended funds, no additional funds may be appropriated or allocated from any source to support the board. The board may not seek any outside funding. The board may not incur expenses that exceed available funds; and be it further

**Sec. 4. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

LEGISLATURE

#### Miscellaneous Studies 0444

Initiative: Allocates funds to support the meeting costs of the Health Care System and Health Security Board.

#### OTHER SPECIAL REVENUE

FUNDS	2005-06	2006-07
Personal Services	\$1,100	\$0
All Other	\$4,305	\$0

#### OTHER SPECIAL REVENUE

FUNDS TOTAL	\$5,405	\$0
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See title page for effective date.

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## CHAPTER 120

### H.P. 709 - L.D. 1024

#### Resolve, To Review and Recodify Laws Pertaining to Violence in Our Schools

**Sec. 1. Review and recodification. Resolved:** That the Office of Policy and Legal Analysis shall review the Maine Revised Statutes, Title 20-A and identify provisions pertaining to safety in schools and provisions that establish policies, procedures and penalties to address violence in schools.

The Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall jointly prepare a bill for submission to the Joint Standing Committee on Education and Cultural Affairs during the Second Regular Session of the 122nd Legislature that recodifies selected sections of Title 20-A, in accordance with the following.

**1. Scope of recodification.** In preparing the bill, the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall reorganize the laws contained in Title 20-A to consolidate or accurately cross-reference sections pertaining to violence and threatening behavior in schools. In preparing the bill, the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall eliminate confusing language and make technical changes necessary to improve the accessibility of all provisions pertaining to violence and threatening behavior in schools. The recodification is not intended to contain substantive changes to Title 20-A.

**2. Participation of department.** The Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall invite the participation of the Department of Education in preparing the proposed recodification.

**3. Report.** The Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall submit the proposed bill to the Joint Standing