

# 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**

Committee on Education and Cultural Affairs no later than December 7, 2005.

See title page for effective date.

## CHAPTER 121

### H.P. 899 - L.D. 1302

#### **Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and 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,** this resolve establishes the Task Force to Study Cervical Cancer Prevention, Detection and Education; 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. Task force established. Resolved:** That the Task Force to Study Cervical Cancer Prevention, Detection and Education, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of the following 16 voting members:

1. Seven members appointed by the President of the Senate as follows:

- A. One member of the Senate;
- B. One representative of a women's health organization;
- C. One communications consultant;
- D. One representative of the American Academy of Pediatrics;
- E. One representative of the American Academy of Family Physicians;
- F. One licensed registered nurse; and

G. One representative of the Maine Medical Association or its successor;

2. Seven members appointed by the Speaker of the House of Representatives as follows:

- A. Two members of the House of Representatives;
- B. One representative of the American Cancer Society who is an oncologist;
- C. One representative of the health insurance industry;
- D. One representative of the American College of Obstetricians and Gynecologists;
- E. One member of the Maine Osteopathic Association or its successor; and
- F. One person who has survived cervical cancer;

3. The medical director of the Maine Cancer Registry or the medical director's designee; and

4. The Director of the Maine Breast and Cervical Health Program within the Department of Health and Human Services, Bureau of Health and other members of the Bureau of Health, as necessary to the work of the task force, who serve as ex officio nonvoting members of the task force.

When making appointments to the task force, each appointing authority shall ensure that appointees reflect the composition of the State's population with regard to ethnicity, race and age; and be it further

**Sec. 3. Chair. Resolved:** That the Senate member shall serve as chair and the first-named House member shall serve as vice-chair; and be it further

**Sec. 4. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days after the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. The chair shall call and convene the first meeting of the task force by August 1, 2005; and be it further

**Sec. 5. Quorum. Resolved:** That a majority of the task force constitutes a quorum for the transaction of its business; and be it further

**Sec. 6. Committees. Resolved:** That the task force chair may establish committees for the purpose of making special studies pursuant to its duties and may appoint persons who are not members of the task force to serve on each committee as resource persons. Resource persons are voting members of the committees to which they are

appointed. Committees may meet with the frequency needed to accomplish the purposes of this resolve; and be it further

**Sec. 7. Duties. Resolved:** That the task force shall:

1. Review statistical and qualitative data on the prevalence and incidence of cervical cancer in Maine;
2. Review preventive strategies and new technologies, including newly introduced vaccines and their effectiveness in preventing and controlling the risk of cervical cancer, as well as their relative costs;
3. Identify and examine the strengths and limitations of existing laws, regulations, programs and services regarding coverage and awareness of cervical cancer;
4. Consider reports and testimony from individuals, local health departments, community-based organizations, voluntary health organizations and other public and private organizations statewide to learn more about their contributions to cervical cancer diagnosis, prevention and treatment and their ideas for improving prevention, diagnosis and treatment in Maine;
5. Develop, in consultation with the Department of Health and Human Services, a statewide comprehensive cervical cancer prevention plan and strategies for plan implementation and for promoting the plan and awareness of the causes, risk factors, prevention, early detection and treatment of cervical cancer to the general public, state and local elected officials and various public and private organizations, associations, businesses, industries and agencies; and
6. Recommend strategies for coordination and communication among state and local agencies and organizations regarding their involvement in achieving the aims of the cervical cancer prevention plan; and be it further

**Sec. 8. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the task force; and be it further

**Sec. 9. Compensation. Resolved:** That legislative members of the task force 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 for their attendance at authorized meetings of the task force. 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 task force; and be it further

**Sec. 10. Report. Resolved:** That, no later than December 7, 2005, the task force shall submit an initial report to the Joint Standing Committee on Health and Human Services and the Governor. The task force is not authorized to meet from December 21, 2005 to April 25, 2006 or to introduce legislation. The task force shall submit its final report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by November 1, 2006. The joint standing committee of the Legislature having jurisdiction over health and human services matters in the First Regular Session of the 123rd Legislature may report out legislation on cervical cancer prevention, detection and education; and be it further

**Sec. 11. Task force funding. Resolved:** That the task force shall seek outside funds to fully fund all costs of the task force. If sufficient outside funding has not been received by September 15, 2005 to fully fund all costs of the task force, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the task force may not be accepted from any party having 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. Such 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 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 task force. The executive director shall notify the chair of the task force when sufficient funding has been received; and be it further

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

#### LEGISLATURE

##### Miscellaneous Studies 0444

Initiative: Provides an allocation of Other Special Revenue Funds in the event outside funding is collected to support the activities of the Task Force to Study Cervical Cancer Prevention, Detection and Education. If sufficient outside funding has not been received by September 15, 2005 to fully fund all costs of the task force, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

<b>OTHER SPECIAL REVENUE</b>		
<b>FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
Personal Services	\$880	\$880
All Other	\$3,600	\$3,600
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OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$4,480	\$4,480

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

Effective June 21, 2005.

## CHAPTER 122

### H.P. 699 - L.D. 1015

#### **Resolve, To Increase Small Business Access to State Contracts**

##### **Sec. 1. Increase access to state contracts.**

**Resolved:** That all state agencies with assistance from the Department of Economic and Community Development shall do more outreach to increase access to government contracts by the small business community and shall assist small businesses in making contacts with the Market Development Center.

See title page for effective date.

## CHAPTER 123

### H.P. 226 - L.D. 301

#### **Resolve, To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws**

##### **Sec. 1. Advisory committee established.**

**Resolved:** That the Freedom of Access Advisory Committee, referred to in this resolve as "the committee," is established to serve as a resource for ensuring compliance with the Maine Revised Statutes, Title 1, chapter 13, subchapters 1 and 1-A and upholding the integrity of the purposes underlying subchapter 1 as it applies to all public entities in the conduct of the public's business; and be it further

**Sec. 2. Membership. Resolved:** That the committee consists of the following 13 members:

1. One Senator, appointed by the President of the Senate, who serves as Senate chair;
2. One member of the House of Representatives, appointed by the Speaker of the House, who serves as House chair;

3. One representative of municipal interests, appointed by the Governor;

4. One representative of county or regional interests, appointed by the President of the Senate;

5. One representative of school interests, appointed by the Governor;

6. One representative of law enforcement interests, appointed by the President of the Senate;

7. One representative of the interests of State Government, appointed by the Governor;

8. One representative of a statewide coalition of advocates of freedom of access, appointed by the Speaker of the House;

9. One representative of newspaper and other press interests, appointed by the President of the Senate;

10. One representative of broadcasting interests, appointed by the Speaker of the House;

11. One representative of the public, appointed by the Speaker of the House;

12. The Attorney General or the Attorney General's designee; and

13. The committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee; and be it further

**Sec. 3. Appointments; convening first meeting. Resolved:** That all appointments must be made no later than 15 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 must be no later than October 1, 2005; and be it further

**Sec. 4. Meetings. Resolved:** That the committee may meet up to 3 times; and be it further

**Sec. 5. Duties and powers. Resolved:** That the committee:

1. Shall provide to the review committee under the Maine Revised Statutes, Title 1, chapter 13, subchapter 1-A information and advice concerning the review of exceptions to public records under subchapter 1-A and shall assist the review committee in ensuring that the schedule for review is maintained, that proposed exceptions are subject to the review