

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

process and that the criteria for review are appropriately applied;

2. Shall review the public's access to public proceedings and records; and

3. Shall make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities for changes in law and practice that are appropriate to maintain the integrity of the freedom of access laws and their underlying principles; and be it further

Sec. 6. Reimbursement for expenses. 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 and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the committee; and be it further

Sec. 7. Assistance. Resolved: That the committee may request from any public agency or official assistance and information to enable the committee to effectively carry out the responsibilities described in this section; and be it further

Sec. 8. Report. Resolved: That by December 7, 2005 the committee shall report to the Governor, the Legislative Council, the Joint Standing Committee on Judiciary and the Chief Justice of the Supreme Judicial Court about the state of the freedom of access laws and the public's access to public proceedings and records. The joint standing committee may report out a bill to make necessary changes in law.

See title page for effective date.

CHAPTER 124

S.P. 516 - L.D. 1498

Resolve, To Establish the Committee To Study the Establishment of a Memorial for Emergency Medical Services Personnel and To Set Aside Space for That Memorial

Sec. 1. Committee established. Resolved: That the Committee to Study the Establishment of a Memorial for Emergency Medical Services Personnel,

referred to in this resolve as "the committee," is established; and be it further

Sec. 2. Committee membership. Resolved: That the committee consists of 9 members appointed as follows:

1. One member of the Senate appointed by the President of the Senate;

2. Two members of the House of Representatives appointed by the Speaker of the House;

3. Three Maine emergency medical services licensed personnel of different license levels appointed by the President of the Senate;

4. One representative of the Maine Emergency Medical Services Memorial Fundraising Project appointed by the Speaker of the House;

5. One representative of the State House and Capitol Park Commission appointed by the chair of that commission; and

6. One representative of the Capitol Planning Commission appointed by the chair of that commission; and be it further

Sec. 3. Chair. Resolved: That the Senate member of the committee is the 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 Secretariat of the Capitol Planning Commission once all appointments have been completed. Within 15 days after appointment of all members, the chair shall call and convene the first meeting of the committee; and be it further

Sec. 5. Duties. Resolved: That the committee shall study issues and make recommendations regarding the establishment of a memorial to honor emergency medical services personnel who have fallen in the line of duty and others who have made significant contributions to the development of the statewide Maine emergency medical services system, including, but not limited to:

1. Where within the areas described in section 11 of this resolve, the memorial should be located;

2. What should be inscribed on the memorial;

3. The design of the memorial; and

4. The cost of establishing and maintaining the memorial and the process of fund-raising to ensure that no state funds will be required; and be it further

Sec. 6. Staff assistance. Resolved: That the Department of Administrative and Financial Services, Bureau of General Services shall provide necessary staffing services to the committee; and be it further

Sec. 7. Meetings. Resolved: That the committee may hold up to 4 meetings, one of which must be a public hearing; and be it further

Sec. 8. 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. Other members of the committee 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 committee; and be it further

Sec. 9. Funding. Resolved: That the committee shall seek outside funds to fully fund all costs of the committee. If sufficient outside funding has not been received by November 15, 2005 to fully fund all costs of the committee, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. The Department of Administrative and Financial Services shall establish an account to receive donations and other funds raised for the memorial. All funds accepted must be forwarded to the department along with an accounting record that includes the amount of funds, date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Department of Administrative and Financial Services, Bureau of General Services shall administer any funds received. The Department of Administrative and Financial Services must transfer \$1,260 to the Legislature at the beginning of the fiscal year for the payment of per diem and expenses of the Legislators; and be it further

Sec. 10. Consultation; reports. Resolved: That, no later than January 2, 2006, the committee 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 committee terminates; and be it further

Sec. 11. Coordination with Capitol Planning Commission. Resolved: That, no later than

January 15, 2006, the Capitol Planning Commission shall submit its initial report to the Joint Standing Committee on State and Local Government identifying where, within the Capitol Planning District boundaries, it intends to establish a memorial park. The initial report must also include criteria for the types of memorials permitted, the method for submission and the approval of a memorial and the criteria for material, design and scale of proposed memorials. The final report to the Joint Standing Committee on State and Local Government is due on March 15, 2006. If a suitable location for the emergency medical services memorial cannot be located within the memorial park, then the memorial may be located adjacent to the existing police and firefighters memorials; and be it further

Sec. 12. 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 funds for the expenses of members of the Committee to Study the Establishment of a Memorial for Emergency Medical Services Personnel.

OTHER SPECIAL REVENUE		
FUNDS	2005-06	2006-07
All Other	\$2,000	\$0

OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$2,000	\$0

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

DEPARTMENT TOTALS

OTHER SPECIAL REVENUE		
FUNDS	2005-06	2006-07
	\$2,000	\$0

DEPARTMENT TOTAL -		
ALL FUNDS	\$2,000	\$0

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Miscellaneous Studies 0444

Initiative: Provides funds for the per diem and expenses of 2 legislative members of the committee.

OTHER SPECIAL REVENUE		
FUNDS	2005-06	2006-07
All Other	\$1,260	\$0

OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$1,260	\$0

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DEPARTMENT TOTALS

OTHER SPECIAL REVENUE		
FUNDS	2005-06	2006-07
	\$1,260	\$0

DEPARTMENT TOTAL - ALL FUNDS	\$1,260	\$0
SECTION TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$3,260	\$0
SECTION TOTAL - ALL FUNDS	\$3,260	\$0

See title page for effective date.

CHAPTER 125

H.P. 1154 - L.D. 1636

Resolve, To Study the Cost of the Provision of Certain Governmental Services in the Unorganized Territories

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 characteristics of land ownership and patterns of development in the unorganized territories are changing at a rapid rate, and the development pressures associated with those changes are increasingly similar to those in organized areas of the State; and

Whereas, current occurring fragmentation of land ownership in the unorganized territories is resulting in more landowners holding smaller parcels of land accompanied by increased construction of residential and other development; and

Whereas, major development proposals by large landowners in the unorganized territories are occurring at a significant rate; and

Whereas, the cost of providing basic government services such as fire protection for structures and forest lands and land use regulation is not always related to the size of land holdings, and the changes in ownership and development patterns result in an unequal demand and cost of providing services throughout the unorganized territories; and

Whereas, the costs of providing basic governmental services ought to be borne equitably by those owning land or residing in the unorganized territories; 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 preserva-

tion of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission to Study the Cost of Providing Certain Services in the Unorganized Territories, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 17 members appointed as follows:

1. The following members appointed by the President of the Senate:

A. Two members of the Senate, at least one of whom is a member of either the Joint Standing Committee on Agriculture, Conservation and Forestry or the Joint Standing Committee on Natural Resources and at least one of whom is a member of the political party with the 2nd highest number of members of the Senate;

B. A representative of county government from a county that includes areas within the jurisdiction of the Maine Land Use Regulation Commission; and

C. Two owners of land in the unorganized territories, one of whom owns less than 500 acres and one of whom owns more than 100,000 acres.

2. The following members appointed by the Speaker of the House of Representatives:

A. Four members of the House of Representatives, at least one of whom is a member of either the Joint Standing Committee on Agriculture, Conservation and Forestry or the Joint Standing Committee on Natural Resources and at least 2 of whom are members of the political party with the 2nd highest number of members of the House of Representatives;

B. A representative of county government from a county that includes areas within the jurisdiction of the Maine Land Use Regulation Commission; and

C. Two owners of land in the unorganized territories, one of whom owns between 500 acres and 5,000 acres and one of whom owns between 5,000 acres and 100,000 acres.

3. The State Tax Assessor or a designee;

4. The Commissioner of Conservation or a designee;

5. The Director of the Maine Land Use Regulation Commission or a designee;