

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

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;

6. The Director of the Maine Forest Service within the Department of Conservation or a designee; and

7. The fiscal administrator of the unorganized territory or a designee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the commission and the first-named 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 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 commission, which must be no later than August 1, 2005; and be it further

Sec. 5. Duties. Resolved: That the commission shall:

1. Study the provision of fire preparedness and protection services by the Maine Forest Service and others in the unorganized territories; the provision of land use planning services and related activities by the Maine Land Use Regulation Commission in the unorganized territories, including planning, permitting and compliance activities; the provision of education services in the unorganized territories; and the provision of other types of services in the unorganized territories that are determined relevant by the commission;

2. Study the cost and reimbursement for services provided in the unorganized territories; and

3. Recommend whether adjustments in the level or method of funding should be made for services provided in the unorganized territories; 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. 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. 8. Report. Resolved: That, no later than December 7, 2005, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 122nd Legislature. The commission 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 commission 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. Commission budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. 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's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission 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 23, 2005.

CHAPTER 126

S.P. 610 - L.D. 1645

Resolve, To Establish the Task Force To Study Maine's Homeland Security Needs

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

Whereas, it is appropriate and timely to create a task force to receive the report of Maine's Homeland Security Task Force and to involve and educate the Legislature and the public regarding the issues of preparedness and emergency response; and