

# 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**

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.

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## 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

**Whereas,** it is also important to identify the State's needs and resource gaps regarding homeland security; 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 Maine's Homeland Security Needs, 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 11 members appointed as follows:

1. Two Senators, who may not be members of the same political party, appointed by the President of the Senate;

2. Four members of the House of Representatives, who may not all be members of the same political party, appointed by the Speaker of the House; and

3. Five members representing the public interest who are not directly involved in emergency preparedness or homeland security, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives and 3 members appointed by the Governor; and be it further

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

**Sec. 4. Appointments; convening of task force. 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 task force, which may be no later than August 1, 2005; and be it further

**Sec. 5. Duties. Resolved:** That the task force shall do the following:

1. Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security;

2. Review the current state of homeland security preparedness, spending priorities and any gap between available resources and identified needs in such areas as personnel, equipment and training, including review of the impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness;

3. As part of its review of needs and preparedness, receive a report on the status of the Maine's Homeland Security Task Force report on its vision and plans and the status of those plans as of May 2005;

4. Hold at least 2 of its meetings outside of Augusta and provide an opportunity for public comment at those meetings; and

5. Review ways to improve the flow of information to the Legislature and the general public about Maine's homeland security needs and preparedness; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Maine Emergency Management Agency shall provide necessary staffing services to the task force; and be it further

**Sec. 7. Compensation. Resolved:** That the 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 related to their attendance at authorized meetings of the task force. All other 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 attendance at authorized meetings of the task force; and be it further

**Sec. 8. Report. Resolved:** That, no later than December 7, 2005, the task force shall submit an interim report that includes findings and recommendations, including suggested legislation, to the Second Regular Session of the 122nd Legislature. The task force 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. No later than November 1, 2006, the task force shall submit a final report that includes its findings and recommendations, including suggested legislation, to the First Regular Session of the 123rd Legislature. The task force is authorized to introduce legislation related to its report to the First Regular Session of the 123rd Legislature at the time of submission of its report; and be it further

**Sec. 9. Extension. Resolved:** That, if the task force requires a limited extension of time to complete its interim or final study and make its report,

it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 10. Funding. Resolved:** That the Maine Emergency Management Agency shall transfer \$5,320 at the beginning of fiscal year 2005-06 and \$5,320 at the beginning of fiscal year 2006-07 to the Legislature to support the cost of the task force; and be it further

**Sec. 11. Task force budget. Resolved:** That the chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget; and be it further

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

LEGISLATURE

Miscellaneous Studies 0444

Initiative: Provides funds for the per diem and expenses for members of the Task Force to Study Maine's Homeland Security Needs as well as public hearings and other costs to support the meetings of the task force.

OTHER SPECIAL REVENUE FUNDS

	2005-06	2006-07
Personal Services	\$1,320	\$1,320
All Other	\$4,000	\$4,000

OTHER SPECIAL REVENUE

FUNDS TOTAL	\$5,320	\$5,320
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**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 23, 2005.

CHAPTER 127

S.P. 590 - L.D. 1608

**Resolve, To Establish a Study Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access**

**Sec. 1. Commission established. Resolved:** That the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access, referred to in this resolve as "the commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 11 members appointed as follows:

1. Three members of the Senate, appointed by the President of the Senate. When making the appointments, the President of the Senate shall ensure representation from both political parties and give preference to members from the Joint Standing Committee on Legal and Veterans Affairs;

2. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives. When making the appointments, the Speaker of the House of Representatives shall ensure representation from the major parties, include an unenrolled member or a member of a minor party and give preference to members from the Joint Standing Committee on Legal and Veterans Affairs;

3. The Secretary of State or a designee;

4. A representative of the Maine Municipal Association appointed by the President of the Senate from a list provided by the association;

5. A representative of the Maine Town and City Clerks' Association appointed by the Speaker of the House from a list provided by the association;

6. An official of the Maine Democratic Party, appointed by the chair of the party; and

7. An official of the Maine Republican Party, appointed by the chair of the party.

**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 examine proposals to improve ballot access and address issues regarding elections and the citizen initiative process, including, but not limited to:

1. The institution of an "instant run-off" method of determining the winners of elections, which simulates the ballot counts that would occur if all