

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**  
**July 29, 2005**

**SECOND REGULAR SESSION**  
**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 23, 2006**

**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**  
**2006**

authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved:** That final adoption of portions of Chapter 520: Rules Regarding Publication of Public Comments on Statewide Referenda, a provisionally adopted major substantive rule of the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. With regard to the payment required for publication, the language must be changed so that cash is not included as a method of acceptable payment. Language must be changed to require that comments are due by 5:00 p.m. on the day prescribed in the provisionally adopted rule.

2. With regard to the rejection of comments submitted to be included in the Citizen's Guide, the language must be changed to provide a timeline by which the Secretary of State reviews the comments and then notifies the person that submitted the comments so that the submitter may correct the comments and resubmit them. This timeline must be similar to the one provided in Chapter 520, section 3.

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

Effective April 11, 2006.

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## CHAPTER 181

S.P. 246 - L.D. 748

### Resolve, Establishing the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers

**Sec. 1. Commission established. Resolved:** That the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers, referred to in this resolve as "the commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 9 members appointed as follows:

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. One member representing corrections officers, appointed by the President of the Senate;

4. One member representing employers of mental health workers, appointed by the President of the Senate;

5. One member representing employers of corrections officers, appointed by the Speaker of the House; and

6. One member representing mental health workers, appointed by the Speaker of the House; 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 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 commission, which must be no later than September 1, 2006; and be it further

**Sec. 5. Duties. Resolved:** That the commission may hold up to 4 meetings and shall study the following issues:

1. Whether corrections officers and mental health workers should have uniform retirement benefits;

2. Whether corrections officers and mental health workers, regardless of their age, should be eligible to retire after 25 years of service without a reduction in benefits;

3. Which job classifications should be included in this retirement plan, if the plan is recommended by the commission; and

4. Possible ways of funding this retirement plan, if the plan is recommended by the commission; 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 November 1, 2006, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the joint standing committee of the Legislature having jurisdiction over labor matters and the Legislative Council. The commission 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 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.

See title page for effective date.

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## CHAPTER 182

H.P. 1375 - L.D. 1963

### Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule That Has Been Provisionally Adopted by the Department of 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,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgement 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. Adoption. Resolved:** That final adoption of portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective April 12, 2006.

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