

# 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**

Human Services and the Commissioner of Labor shall initiate a competitive bidding process to solicit bids from prospective providers of consumer-directed personal care assistance services; and be it further

**Sec. 3. Implementation of recommendations.**

**Resolved:** That the Commissioner of Health and Human Services and the Commissioner of Labor shall develop a plan and timeline for the implementation of the following recommendations of the working group established pursuant to Public Law 2003, chapter 673 on consumer direction in Maine's long-term supportive services system, as outlined in the working group's January 1, 2005 report:

1. Expanding the availability of consumer-directed alternatives across the range of long-term care services;
2. Enhancing the intake process to provide consumers with information about the range of services available, including consumer-directed services; and
3. Providing consumers the opportunity to participate in consumer-directed services with the use of an unpaid agent, commonly referred to as a "surrogate," to assist with the management tasks associated with these services; and be it further

**Sec. 4. Submission of plan; timeline. Resolved:** That the Commissioner of Health and Human Services and the Commissioner of Labor shall submit the plan and timeline developed pursuant to section 4 to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over labor matters no later than 6 months after the effective date of this resolve. Following receipt and review of the plan and timeline, the committees may report out to the First Regular Session of the 123rd Legislature legislation necessary to implement the plan and the timeline; and be it further

**Sec. 5. Salary and benefits survey and report. Resolved:** That the Commissioner of Health and Human Services and the Commissioner of Labor shall perform a survey of wages and benefits to determine the wages paid to personal care assistants across the State. The survey must include all programs for which funds are provided by the State. By January 1, 2007, the Commissioner of Health and Human Services and the Commissioner of Labor shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with the results of the survey and include any recommendations for legislative action or rulemaking by the Department of Health and Human Services and the Department of Labor; and be it further

**Sec. 6. Major substantive rules. Resolved:** That rules adopted pursuant to this resolve by the Department of Health and Human Services and the Department of Labor related to the expansion of availability of or participation in consumer-directed long-term care services are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 200**

**H.P. 893 - L.D. 1296**

**Resolve, To Create the Human Trafficking Task Force**

**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 Human Trafficking Task Force is necessary to propose appropriate criminal statutes and to develop methods for a coordinated approach to assisting victims of human trafficking; 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 Human Trafficking Task Force, 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 12 members appointed as follows:

1. One member of the Senate, appointed by the President of the Senate;
2. One member of the House of Representatives, appointed by the Speaker of the House;
3. The Attorney General, or the Attorney General's designee;
4. The Commissioner of Health and Human Services, or the commissioner's designee;

5. The Commissioner of Public Safety, or the commissioner's designee;

6. The Commissioner of Labor, or the commissioner's designee;

7. A representative of health care providers, appointed by the President of the Senate;

8. A representative of local law enforcement, appointed by the Speaker of the House;

9. A representative of social service agencies, appointed by the President of the Senate;

10. A representative of advocates for refugee and immigrant women, men and children, appointed by the Speaker of the House;

11. A representative of providers of services and support for survivors of domestic violence, appointed by the President of the Senate; and

12. A representative of providers of services and support for survivors of sexual assault, appointed by the Speaker of the House; and be it further

**Sec. 3. Chairs. Resolved:** That the Senate member is the Senate chair of the task force and the House 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 and notification by the Executive Director of the Legislative Council that sufficient funding has been received, the chairs shall call and convene the first meeting of the task force; and be it further

**Sec. 5. Duties. Resolved:** That the task force shall study human trafficking and make recommendations to combat the trafficking of human beings across state borders and into the State for sexual and labor exploitation. The task force shall:

1. Review human trafficking laws and legislation in other jurisdictions;

2. Recommend proposed statutory language that criminalizes the trafficking of women, men and children into the State from other countries. The proposed language must: protect from prosecution the women, men and children who have been trafficked into this State; prohibit the trafficker's assertion of the victim's consent as a defense; and hold responsible a landowner or employer who knew or should have known that trafficking was occurring on the premises

over which the landowner or employer exerted control;

3. Identify available federal, state and local programs that provide services to victims of trafficking that include, but are not limited to, health care, human services, housing, education assistance, job training preparation, interpreting services, English as a second language classes and immigration services;

4. Collect research and information on trafficking victims and evaluate state and local government approaches to increasing public awareness of the trafficking in persons;

5. Review antitrafficking legislation considered and enacted in other states such as Hawaii, Washington and Texas, including legislation designed to regulate "bride trafficking" and "international matchmaking organizations";

6. Work with prosecutors and law enforcement officials to develop methodologies for data collection and strategies to reduce barriers faced by victims of trafficking who might seek assistance; and

7. Make recommendations on methods to provide a coordinated system of support to persons who are victims of trafficking; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council 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. 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. 8. Report. Resolved:** That, no later than November 30, 2006, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation 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 the report; and be it further

**Sec. 9. Extension. Resolved:** That, if the task force 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. Task force budget. 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, 2006 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 a 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. The 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 the funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of the funds. The Executive Director of the Legislative Council shall administer any funds received by the task force. The Executive Director of the Legislative Council shall notify the chairs of the task force when sufficient funding has been received. 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. 11. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LEGISLATURE**

**Study Commissions - Funding 0444**

Initiative: Provides an Other Special Revenue Funds allocation to the Legislature in the event outside funding is received for the Human Trafficking Task Force.

**OTHER SPECIAL REVENUE**

<b>FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
Personal Services	\$0	\$440
All Other	\$0	\$2,400
<b>OTHER SPECIAL REVENUE</b>		
<b>FUNDS TOTAL</b>	<b>\$0</b>	<b>\$2,840</b>

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

Effective April 28, 2006.

**CHAPTER 201**

**H.P. 1241 - L.D. 1733**

**Resolve, Directing the Commissioner of Administrative and Financial Services To Establish a Working Group To Develop Options for the Long-term Renovation and Use of the Stone Buildings, the Administrative Building and the Center Building Formerly Occupied by the Augusta Mental Health Institute**

**Sec. 1. Commissioner of Administrative and Financial Services directed to establish working group to develop plan for buildings formerly occupied by Augusta Mental Health Institute. Resolved:** That the Commissioner of Administrative and Financial Services shall establish a working group to develop options for the long-term renovation and use of the Stone Buildings, the Administrative Building and the Center Building formerly occupied by the Augusta Mental Health Institute. The commissioner shall seek to include in the working group representatives from the Department of Administrative and Financial Services, Bureau of General Services; the Capitol Planning Commission; the Maine Historic Preservation Commission; the City of Augusta; the Maine Association of Realtors; and other individuals or organizations determined appropriate by the commissioner; and be it further

**Sec. 2. Working group duties. Resolved:** That the working group established in section 1 shall make recommendations regarding options for the long-term renovation and use of the buildings formerly occupied by the Augusta Mental Health Institute along with specific fiscal implications of those options. Options must include without limitation the following:

1. Using bonds to fund the renovation of the buildings;
2. Using a combination of ground leases and building sales in a public-private partnership for renovation; and
3. Using a combination of state agencies and private lease options for occupancy; and be it further

**Sec. 3. Report. Resolved:** That the working group established in section 1 shall report its findings and recommendations under section 2 to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than February 15, 2007; and be it further

**Sec. 4. Authority to report out legislation. Resolved:** That the joint standing committee of the Legislature having jurisdiction over state and local