

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

CHAPTER 105
H.P. 295 - L.D. 365

**Resolve, To Promote
Community Integration for
Individuals with Brain Injuries**

Sec. 1. Community integration Medicaid waiver. Resolved: That the Department of Health and Human Services shall:

1. Complete a comprehensive plan to address the needs of persons with disabilities due to brain injuries by January 1, 2008 that addresses:

- A. Current and future gaps in services;
- B. Advances in medical, rehabilitative knowledge and technologies; and
- C. Models of effective, evidence-based practices and efficient approaches that respond to the wide range of needs of persons with brain injuries and their families.

The planning process shall provide information to and seek input from a broadly representative group of interested parties, including MaineCare members with brain injuries, families and friends of MaineCare members with brain injuries, advocates for people with brain injuries and providers of services to persons with brain injuries. The department shall also include all other agencies that provide services to people with brain injuries. The planning process shall include a thorough evaluation of waiver or any other Medicaid programs from the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services that will promote community integration for individuals with brain injuries, as well as a thorough evaluation of services available to people with brain injuries under MaineCare.

2. Provide reports to the Legislature by January 15, 2008, January 15, 2009 and April 15, 2009 regarding its progress implementing the elements of the plan; and be it further

Sec. 2. Authorization. Resolved: That the Joint Standing Committee on Health and Human Services is authorized to submit legislation regarding services to persons with brain injuries to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 106
S.P. 580 - L.D. 1675

**Resolve, Regarding Full, Fair
and Nondiscriminatory Access
to the Internet**

Preamble. Whereas, the Legislature finds that the development and continued enhancement of advanced communications technology in the State is vital to economic development; and

Whereas, full, fair and nondiscriminatory access to the Internet is critical to the ability of Maine citizens to participate in the information economy and is an important element of citizens' access to information necessary to their roles as informed participants in our nation's democracy; and

Whereas, regulation of the Internet is generally viewed as principally a matter within the jurisdiction of the Federal Government; and

Whereas, the interests of the State of Maine and its citizens must be vigorously protected; now, therefore, be it

Sec. 1. Monitoring state and federal activity relating to Internet access regulations. Resolved: That the Office of the Public Advocate shall take the following actions to monitor and review state and federal activity on issues relating to full, fair and nondiscriminatory access to the Internet. The Office of the Public Advocate shall:

1. Evaluate the actions of the Federal Communications Commission, the United States Congress and other appropriate agencies of government with respect to ensuring that citizens' rights to full, fair and nondiscriminatory access to the Internet are not impeded;

2. Monitor the Federal Communication Commission's inquiry into broadband industry practices, FCC-07-31, WC Docket No. 07-52;

3. Collect information on legislative and regulatory actions of other states on these issues;

4. Review the State's telecommunications and technology policies, including the ConnectME Authority established pursuant to the Maine Revised Statutes, Title 35-A, section 9203, and evaluate the extent to which those policies are encouraging adequate investment in technology infrastructure to support a strong Internet system and continued expansion of broadband access in this State; and

5. Review the extent of the State's authority to protect the rights of users of the Internet in the State to full, fair and nondiscriminatory access to the Internet; and be it further

Sec. 2. Report. Resolved: That, no later than February 1, 2008, the Office of the Public Advocate

shall submit a report summarizing the results of its activities under section 1 to the Joint Standing Committee on Utilities and Energy.

See title page for effective date.

CHAPTER 107

H.P. 605 - L.D. 789

Resolve, Directing the Bureau of Revenue Services To Convene a Study Group on the Motor Vehicle Excise Tax

Sec. 1. Study group. Resolved: That the Department of Administrative and Financial Services, Bureau of Revenue Services shall convene a study group to review the motor vehicle excise tax. When choosing members of the study group the bureau must invite participation from the Department of the Secretary of State, Bureau of Motor Vehicles, representatives of municipal government and groups representing motor vehicle dealers; and be it further

Sec. 2. Study and recommendations. Resolved: That the study group under section 1 shall review the structure and administration of the motor vehicle excise tax, including its relationship to the personal property tax, and research taxes on motor vehicles imposed in other states. The study group shall report its findings and any recommendations for improvement to the State's taxation of motor vehicles to the Joint Standing Committee on Taxation by January 15, 2008. The committee may submit legislation to the Second Regular Session of the 123rd Legislature related to the report.

See title page for effective date.

CHAPTER 108

H.P. 793 - L.D. 1075

Resolve, To Assist Maine Local Land Trusts

Sec. 1. State agencies directed to assist local land trusts in identifying funding sources. Resolved: That the Executive Department, State Planning Office shall, in consultation with the Department of Conservation and the Department of Inland Fisheries and Wildlife, identify potential funding sources for acquisition projects initiated by municipalities and local land trusts. The State Planning Office shall compile information on state and federal programs that award grants, provide matching funds or otherwise financially assist with efforts to conserve land for public recreation. Funding sources for both fee purchases and acquisitions of interest in land must

be included. The State Planning Office shall make the information collected available to municipalities and local land trusts.

For the purposes of this resolve, "local land trust" means a nonprofit organization under 26 United States Code, Section 501(c)(3) that, as provided for in its mission statement, acquires land or interest in land within a defined region of the State to promote stewardship or conservation of land with natural features of value to the people of that region; and be it further

Sec. 2. Report to Joint Standing Committee on Agriculture, Conservation and Forestry.

Resolved: That the Executive Department, State Planning Office shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 31, 2008 on its findings pursuant to section 1 and the means used to disseminate this information to municipalities and local land trusts; and be it further

Sec. 3. Authority to submit legislation. Resolved: That the Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation to the Second Regular Session of the 123rd Legislature pertaining to the ability of municipalities and local land trusts to conserve land for public recreation.

See title page for effective date.

CHAPTER 109

S.P. 551 - L.D. 1528

Resolve, To Require State Agencies with Jurisdiction over Dams To Review and Update Plans for the Passage of Native Diadromous Fish

Sec. 1. Diadromous fish passage over dams on the Kennebec River and Sebasticook River. Resolved: That the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Environmental Protection, referred to in this resolve as "the departments," shall conduct a detailed review of their efforts to provide eel and other native diadromous fish species both upstream and downstream passage over dams on the Kennebec River and the Sebasticook River. The review must include but not be limited to current, past and planned activities, an evaluation of the effectiveness of those activities with regard to all diadromous fish, measures needed to ensure diadromous fish passage on those rivers and the feasibility of options to provide that passage; and be it further

Sec. 2. Reports on impediments to carrying out current plans to provide diadromous