

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

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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Penmor Lithographers
Lewiston, Maine
2007

JOINT STUDY ORDERS

**JOINT STUDY ORDER
ESTABLISHING THE
COMMISSION TO
DEVELOP STRATEGIES
TO INCREASE
POSTSECONDARY ACCESS,
RETENTION AND
COMPLETION FOR LOW-
WAGE, LOW-SKILLED
ADULTS**

S.P. 717

ORDERED, the House concurring, that the Commission To Develop Strategies To Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults is established as follows.

1. Commission established. The Commission To Develop Strategies To Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults, referred to in this order as "the commission," is established.

2. Membership. The commission consists of the following 13 members:

- A. Two members of the Senate, who may not be from the same political party, appointed by the President of the Senate;
- B. Five members of the House of Representatives, of whom no more than 2 may be from the same party, appointed by the Speaker of the House of Representatives;
- C. One representative of a low-income advocacy group, appointed by the President of the Senate;
- D. One representative of the Maine Educational Opportunity Center, appointed by the President of the Senate;
- E. One representative of a public higher education system with expertise in financial aid and access programs, appointed by the President of the Senate;
- F. One representative of a statewide organization representing the economic interests of women, appointed by the Speaker of the House of Representatives;
- G. One representative of a statewide organization with expertise in economic policy analysis, especially relating to challenges faced by low-wage, low-skilled adults, appointed by the President of the Senate; and
- H. One employer with experience in, and who has demonstrated support of, educational

programs for employees, appointed by the Speaker of the House of Representatives.

The commission may invite the participation and input of the Commissioner of Labor or the commissioner's designee.

3. Commission chairs. The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

4. Appointments; convening of commission. All appointments must be made no later than 30 days following the passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission.

5. Duties. The commission shall study and make recommendations on ways to assist low-wage, low-skilled adults to overcome barriers to obtaining postsecondary degrees or occupational credentials to achieve the goals of improving the economy of the State and increasing the number of workers who earn a family-sustaining wage. In performing its duties, the commission shall consider:

- A. The need for remedial or developmental education;
- B. The availability of financial aid for non-traditional students that takes into account their need for flexible and part-time attendance;
- C. The need for a financial aid package that recognizes the full array of education-related expenses that nontraditional students incur, including expenses for child care and transportation and lost wages as workers reduce their work hours to attend classes;
- D. The need for additional resources for student advising and counseling to help students navigate academic challenges and social and economic barriers that affect attendance;
- E. The alignment of related program resources in other departments of State Government to help students with access to postsecondary education; and
- F. The design of program offerings, including modules, nontraditional hours and distance learning opportunities.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

7. Report. No later than December 5, 2007, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Labor and the Joint Standing Committee on Education and Cultural Affairs. Pursuant to Joint Rule 353, the commission is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Labor, pursuant to Joint Rule 353, may introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

Passed by the Senate June 20, 2007 and the House of Representatives June 20, 2007.

**JOINT ORDER TO REVIEW
THE MAINECARE
PROGRAM**

S.P. 720

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services shall hold no more than 3 meetings during the 2007 interim to receive information regarding and to review the MaineCare program. The review of the MaineCare program must include full exploration of a range of issues regarding MaineCare. The issues must include, but are not limited to:

1. The efficiency, cost-effectiveness, performance and fiscal soundness of the MaineCare program;
2. The potential for maximizing 3rd-party liability collections and other cost savings;
3. Analysis of MaineCare program delivery and options for improving delivery;
4. The roles that care coordination and disease management play in improving health outcomes and consequent reductions in utilization and costs;
5. Fulfillment of the obligations of the State in operating the MaineCare program;
6. The implementation of health care reforms in the MaineCare program during 2007, including clinical management and managed behavioral health care;
7. The relationship of the MaineCare program to the Dirigo Health Program and the elderly low-cost drug program;
8. The effect of the merger of the Department of Health and Human Services and the Department of Behavioral and Developmental Services on the MaineCare program and the delivery of MaineCare services; and
9. The transformation of the Department of Health and Human Services, Office of MaineCare Services.

The joint standing committee is authorized to submit legislation regarding the MaineCare program to the Second Regular Session of the 123rd Legislature.

Passed by the Senate June 20, 2007 and the House of Representatives June 20, 2007.

**JOINT ORDER REQUIRING
THE JOINT STANDING
COMMITTEE ON HEALTH
AND HUMAN SERVICES TO
REVIEW ELIGIBILITY FOR
AND TRANSITIONING OF
THE MAINECARE
PROGRAM**

S.P. 724

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services shall review eligibility for and transitioning of the MaineCare program and may submit legislation to the Second Regular Session of the 123rd Legislature. The committee shall consider in its review the coverage of young adults 19 and 20 years of age, qualified working disabled persons whose unearned income does not exceed 150% of the federal poverty level, parents and caretaker relatives whose income exceeds eligibility levels and children whose family income exceeds eligibility for the Cub Care program. The committee must complete its work in no more than 3 meetings held during the interim between the First Regular Session of the 123rd Legislature and the Second Regular Session of the 123rd Legislature.

Passed by the Senate June 20, 2007 and the House of Representatives June 20, 2007.

**JOINT ORDER DIRECTING
THE JOINT STANDING
COMMITTEE ON
TRANSPORTATION TO
STUDY APPROPRIATE
FUNDING OF THE
STATE POLICE**

S.P. 725

ORDERED, the House concurring, that the Committee To Study Appropriate Funding of the State Police is established as follows.

1. Committee To Study Appropriate Funding of the State Police established. The Committee To Study Appropriate Funding of the State Police, referred to in this order as "the committee," is established.

2. Membership. The committee consists of the following 13 members:

A. Three members of the Senate, appointed by the President of the Senate, 2 of whom serve on the Joint Standing Committee on Transportation and one of whom serves on the Joint Standing Committee on Criminal Justice; and

B. Ten members of the House of Representatives, appointed by the Speaker of the House, 5 of whom serve on the Joint Standing Committee on Transportation and 5 of whom serve on the Joint Standing Committee on Criminal Justice.

3. Committee chairs. The first-named Senator is the Senate chair of the committee and the first-named member of the House is the House chair of the committee.

4. Appointments; convening of committee. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee.

5. Duties. The committee shall examine the formula for funding the Department of Public Safety, Bureau of State Police from the General Fund and the Highway Fund. The committee shall examine the final report of the Office of Program Evaluation and Government Accountability issued in February 2007 entitled "Highway Fund Eligibility at the Department of Public Safety - an Analysis of Select Departmental Activities" and any other information the committee determines appropriate. The committee shall develop recommendations for appropriate funding for the Department of Public Safety, Bureau of State Police.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the committee.

7. Compensation. Legislative members of the committee are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

8. Funding. To the extent funding for the study described in this joint order is provided from the Highway Fund by appropriate allocation or other provision of law, the committee is funded from such funds. If such funding is not provided, or if the committee requires additional funding, the committee may be funded from other available funding sources as approved by the Legislative Council.

9. Report. No later than December 5, 2007, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Transportation and the Joint Standing Committee on Criminal

Justice. Pursuant to Joint Rule 353, the committee is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Transportation may, pursuant to Joint Rule 353, introduce a bill during the session in which the report is submitted to implement its recommendations on matters relating to the study.

Passed by the Senate June 20, 2007 and the House of Representatives June 20, 2007.

**JOINT ORDER REQUIRING
THE JOINT STANDING
COMMITTEE ON MARINE
RESOURCES TO STUDY
THE DEPLETION OF
FINFISH STOCK**

S.P. 726

ORDERED, the House concurring, that the Joint Standing Committee on Marine Resources shall study the depletion of finfish stocks in the Gulf of Maine and may report out a bill to the Second Regular Session of the 123rd Legislature implementing the committee's recommendation on matters relating to the study.

Passed by the Senate June 20, 2007 and the House of Representatives June 20, 2007.

**JOINT ORDER DIRECTING
THE JOINT STANDING
COMMITTEE ON
TRANSPORTATION TO
STUDY CERTAIN
TRANSPORTATION-
RELATED MATTERS**

S.P. 731

ORDERED, the House concurring, that the Joint Standing Committee on Transportation study certain transportation-related matters as follows.

1. Duties. The Joint Standing Committee on Transportation shall:

A. Examine the physical and functional features of and jurisdictional responsibilities over the current collector and state aid highway networks;

B. Review the evolution of state and federal law governing the current collector and state aid highway networks;

C. Identify inequities experienced by municipalities as a result of current law regarding jurisdictional responsibilities over and funding of the current collector and state aid highway networks;

D. Compare Maine with other states on matters of jurisdiction over and financing of major and minor collector highways;

E. Assess the need to:

- (1) Coordinate existing multiple highway classification systems;
- (2) Adjust jurisdictional responsibilities for highway maintenance;
- (3) Adjust jurisdictional responsibilities for capital improvement of highways;
- (4) Amend the level of funding and the distribution formula under the Urban-Rural Initiative Program under the Maine Revised Statutes, Title 23, section 1803-B;
- (5) Increase financial resources for maintenance and capital improvement of highways; and
- (6) Improve the efficiency and effectiveness of maintenance and capital improvement methods; and

F. Develop recommendations to address identified issues and needs related to the subject matter of this study and identify the anticipated positive and negative impacts to property tax valuations and rates, local road conditions and state aid collector road conditions resulting from those recommendations.

2. Meetings. The Joint Standing Committee on Transportation may meet up to 4 times during the 2007 interim for the purpose of conducting this study. The committee may request authorization from the Legislative Council for additional meetings.

3. Staff assistance. The Legislative Council shall provide necessary staffing services to the Joint Standing Committee on Transportation for this study.

4. Compensation. Committee members are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings.

5. Funding. To the extent funding for the study described in this joint order is provided from the Highway Fund by appropriate allocation or other provision of law, the committee is funded from such funds. If such funding is not provided, or if the committee requires additional funding, the committee may be funded from other available funding sources as approved by the Legislative Council.

6. Legislation. The Joint Standing Committee on Transportation may submit a bill during the Second Regular Session of the 123rd Legislature relating to

the subject matter of the committee's study pursuant to this joint order.

Passed by the Senate June 20, 2007 and the House of Representatives June 20, 2007.

**JOINT STUDY ORDER TO
ESTABLISH THE
COMMISSION TO STUDY
PRIMARY CARE MEDICAL
PRACTICE**

S.P. 732

ORDERED, the House concurring, that the Com to Study Primary Care Medical Practice is established as follows.

1. Commission to Study Primary Care Medical Practice established. The Commission to Study Primary Care Medical Practice, referred to in this order as "the commission," is established.

2. Membership. The commission consists of the following 13 members, appointed as follows:

A. Three members of the Senate, appointed by the President of the Senate;

B. Five members of the House of Representatives, appointed by the Speaker of the House;

C. Two independent primary care physicians, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;

D. One member of an organization representing hospitals in the State, appointed by the President of the Senate;

E. One member of an organization that has expertise in issues regarding the enhancement of quality of life and that provides information, advocacy and service to members of the public, including patients and consumers, appointed by the President of the Senate; and

F. One member of an organization representing physicians in the State, appointed by the Speaker of the House.

3. Commission chairs. The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

4. Appointments; convening of commission. All appointments must be made no later than 30

days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission.

5. Duties. The commission shall:

- A. Identify the causes of the loss of independent ownership of primary care medical practices due to financial, regulatory or business-related reasons;
- B. Seek input from independent primary care physicians on payor mix, reimbursement and Medicaid regulatory changes and the effects of such factors on the ability of independent primary care physicians to practice medicine in Maine;
- C. Seek to determine the effect of hospital control of primary care medical offices or primary care physicians on health care costs, access to health care and medical treatment of Maine's citizens; and
- D. Review how comparable states manage physician-hospital relationships with respect to health care costs, patient advocacy and access to health care.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

7. Report. No later than December 5, 2007, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services. Pursuant to Joint Rule 353, the commission is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Health and Human Services may, pursuant to Joint Rule 353, introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

Passed by the Senate June 20, 2007 and the House of Representatives June 20, 2007.

**JOINT ORDER TO CREATE
THE JOINT SELECT
COMMITTEE ON FUTURE
MAINE PROSPERITY**

H.P. 1018

WHEREAS, the State of Maine possesses unique opportunities for innovative growth; and

WHEREAS, those opportunities raise issues that are normally placed before several different joint standing committees of the Legislature; and

WHEREAS, to capitalize on those opportunities, a focused, integrated and long-term approach is necessary to build sustainable prosperity for our State; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Select Committee on Prosperity is established as follows:

1. Establishment. The Joint Select Committee on Future Maine Prosperity, referred to in this order as "the committee," is established.

2. Membership. The committee consists of 15 members of the Legislature: 4 Senators appointed by the President of the Senate and 11 members of the House of Representatives appointed by the Speaker of the House. The President shall appoint 2 members from the party holding the largest number of seats and 2 from the party holding the second-largest number of seats. The Speaker shall appoint 5 members from the party holding the largest number of seats, 5 from the party holding the second-largest number of seats and 1 who is unenrolled in any party. The first-named Senate and House members serve as co-chairs.

3. Duties. The committee shall develop a comprehensive plan to achieve sustainable prosperity in the State. In order to reach that goal, the committee shall:

A. Review recent reports aimed at addressing the long-term growth of the State's economy and the preservation of our quality of life, including, but not limited to:

- (1) "Charting Maine's Future: An Action Plan for Promoting Sustainable Prosperity and Quality Places," by the Brookings Institution;
- (2) The final report of the Joint Select Committee on Research, Economic Development and the Innovation Economy; and
- (3) The report of the Governor's Council on Jobs, Innovation and the Economy;
- (4) "Economic Development Programs in Maine - EDPs Still Lack Elements Critical for Performance Evaluation and Public Accountability," from the Office of Program Evaluation and Government Accountability; and
- (5) "Maine Comprehensive Research and Development Evaluation 2006," February 6, 2007, prepared pursuant to the Maine Revised Statutes, Title 5, section 13108; and

B. Develop recommendations for future legislative action to expand the State's economy over the long term and to identify and address threats to the State's quality of life.

4. Meetings. In conducting its duties, the committee may meet with any individuals, depart-

ments, organizations or institutions it considers appropriate. The committee is authorized to meet 5 times to perform its duties.

5. Staff assistance. The Office of Policy and Legal Analysis and the Office of Fiscal and Program Review shall provide staffing and clerical assistance to the committee and may, within existing resources, obtain technical assistance from appropriate sources.

6. Compensation. Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel for attendance at meetings of the committee held during the legislative interim.

7. Report. The committee shall submit its findings and recommendations, along with any necessary implementing legislation, to the Second Regular Session of the 123rd Legislature by January 2, 2008.

8. Termination. The committee terminates January 4, 2008.

Passed by the House of Representatives June 20, 2007 and the Senate June 20, 2007.

**JOINT STUDY ORDER TO
ESTABLISH THE
COMMITTEE TO STUDY
THE PRISON INDUSTRIES
PROGRAM**

H.P. 1334

ORDERED, the Senate concurring, that the Committee To Study the Prison Industries Program is established as follows.

1. Committee To Study the Prison Industries Program established. The Committee to Study the Prison Industries Program, referred to in this order as "the committee," is established.

2. Membership. The committee consists of the 13 members of the Joint Standing Committee on Criminal Justice and Public Safety.

3. Committee chairs. The Senate Chair and the House Chair of the Joint Standing Committee on Criminal Justice and Public Safety are the chairs of the committee.

4. Convening of committee. The chairs of the committee shall call and convene the first meeting of the committee, which must be no later than September 15, 2007.

5. Duties. The committee's duties include:

A. Reviewing and assessing the current Department of Corrections' industries program, as well as past industries programs studies and proposed changes;

B. Investigating industries programs in other states;

C. Consulting with the Department of Labor and other experts to help determine what areas of the workforce clients who participate in industries programs may be able to transition into upon release;

D. Developing a plan to ensure that an industries program has the financial capacity to be of value;

E. Identifying a standard accounting procedure and other standard policies for operating an industries program; and

F. Exercising any other steps necessary to evaluate, define and implement a financially viable, productive and useful corrections industries program that will support itself, provide support to the corrections system and provide skills to clients.

The committee is authorized to meet no more than 3 times to complete these duties.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the committee.

7. Compensation. Members of the committee are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

8. Report. No later than January 15, 2008, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 123rd Legislature. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 123rd Legislature at the time of submission of its report.

9. Extension. If the committee 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. Upon submission of its required report, the committee terminates.

10. Budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status

report on the committee's budget, expenditures incurred and paid and available funds.

**Passed by the House of Representatives June 20,
2007 and the Senate June 20, 2007.**
