

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

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tified nursing assistant in certain settings and make recommendations for changes, including, but not limited to, the addition of crimes involving sexual assault and violence. The working group shall consider issues related to the duration of the employment prohibition, the direct care workers to which it is applicable and whether the law should be retroactive; and be it further

Sec. 3. Report recommendations. Resolved: That, by January 1, 2010, the Department of Health and Human Services shall report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety the findings and recommendations of the working group under section 1, including any necessary implementing legislation; and be it further

Sec. 4. Legislation. Resolved: That, after receipt and review of the report and recommendations submitted pursuant to section 3, the Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 124th Legislature.

See title page for effective date.

**CHAPTER 69
H.P. 670 - L.D. 968**

**Resolve, Regarding New Utility
Line Extension Construction**

Sec. 1. New utility line extension construction. Resolved: That the Public Utilities Commission shall convene a stakeholder group to study the practices of investor-owned transmission and distribution utilities with respect to new utility line extension construction, other than the actual rates and prices charged for line extensions. The study must include, but is not limited to, an evaluation of how the utilities' line extension practices affect private line extension contractors and a review of the methodologies used to apportion line extension costs. The commission shall, at a minimum, invite representatives from the following to participate in the stakeholder group: the investor-owned transmission and distribution utilities in the State, associations of builders and contractors, private line extension contractors and the Office of the Public Advocate; and be it further

Sec. 2. Report; authority for legislation. Resolved: That, no later than February 15, 2010, the Public Utilities Commission shall submit to the Joint Standing Committee on Utilities and Energy a report of the findings and recommendations of the stakeholder group under section 1. The report must include, but is not limited to, an assessment of any differences in the apportionment methodologies used by the

investor-owned transmission and distribution utilities and recommendations to achieve a common standard operating procedure for line extension cost estimating. After receipt and review of the report, the committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature, as necessary, to direct the Public Utilities Commission to amend its rules governing private line extensions pursuant to the Maine Revised Statutes, Title 35-A, section 314, subsection 5.

See title page for effective date.

**CHAPTER 70
H.P. 756 - L.D. 1094**

**Resolve, To Study Safety
Measures Relating to Open
Trenches and Excavations**

Sec. 1. Department of Transportation to establish a working group to study safety measures relating to open trenches and excavations. Resolved: That the Department of Transportation, in conjunction with the Department of Public Safety, shall establish a working group to study trench and excavation safety, referred to in this resolve as "the working group." In addition to representatives of the Department of Transportation and the Department of Public Safety, the working group must include, but is not limited to, the Department of Labor, the Public Utilities Commission, the Maine Turnpike Authority, the Maine Better Transportation Association, the Maine Municipal Association, Associated General Contractors of Maine and other representatives of the construction industry in the State to examine safety issues relating to unattended trenches and excavations on both public and private property. The working group, in its deliberations, shall study the trench safety law recently enacted in Massachusetts, which is specifically designed to prevent a member of the public from falling into an unattended trench and suffering an injury or fatality. The working group shall develop recommendations for improving the safety of unattended trenches and excavations for the general public; and be it further

Sec. 2. Report. Resolved: That the working group shall submit a report to the Joint Standing Committee on Transportation no later than the first business day in February 2010. The report must include an analysis of federal and state trench and excavation safety laws, regulations and rules with recommended legislation to strengthen laws relating to trench and excavation safety. After reviewing the report, the Joint Standing Committee on Transportation may report out a bill to the Second Regular Session of

the 124th Legislature concerning the subject matter of this resolve.

See title page for effective date.

CHAPTER 71

S.P. 426 - L.D. 1154

Resolve, To Require a Study of Economic Development Incentives in the Unorganized Territory

Sec. 1. Study. Resolved: That the Department of Economic and Community Development and the State Tax Assessor shall convene a study group to conduct a study of the role of economic development incentives, including tax increment financing, in the unorganized territory. The department and the assessor shall invite participation in the study by the fiscal administrator of the unorganized territory, property owners in the unorganized territories and representatives of counties with unorganized territories, regional economic development organizations whose territory covers unorganized territories, businesses with development interests in the unorganized territories and organizations interested in natural resources development. The study group shall:

1. Consider the process of promoting and approving economic development incentives in the unorganized territory and recommend the appropriate role of state, county and regional organizations in the decision-making process;
2. Review the legal issues surrounding tax increment financing in the unorganized territory and the legally acceptable methods of identifying special benefits from property tax incentives in that jurisdiction;
3. Consider the role of tax increment financing in shifting the property tax burden throughout the unorganized territory and evaluate the potential for alternative tax mechanisms, such as a wind power excise tax, to provide support for economic development infrastructure; and
4. Report the findings and recommendations of the study to the Joint Standing Committee on Taxation by January 15, 2010. The joint standing committee may submit legislation to the Second Regular Session of the 124th Legislature regarding the study.

See title page for effective date.

CHAPTER 72

H.P. 765 - L.D. 1110

Resolve, Directing the Bureau of Maine Veterans' Services To Report on Homeless Veterans

Sec. 1. Bureau of Maine Veterans' Services to study issue of homeless veterans. Resolved: That the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management shall work with the existing groups that work on the issue of homelessness among veterans to determine possible solutions to the issue and further assistance that can be given to homeless veterans in the State and shall develop a report on their findings. The report must include an estimate of the effect that additional veterans services officers would have on the issue of homelessness among veterans; and be it further

Sec. 2. Report. Resolved: That the Director of the Bureau of Maine Veterans' Services shall submit the report developed under section 1 no later than January 15, 2010 to the Joint Standing Committee on Legal and Veterans Affairs including any recommended legislation to address the issue of homeless veterans. The Joint Standing Committee on Legal and Veterans Affairs is authorized to report out legislation to the Second Regular Session of the 124th Legislature based on the report.

See title page for effective date.

CHAPTER 73

H.P. 859 - L.D. 1240

Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding a Proposal To License Wetland Scientists

Sec. 1. Commissioner of Professional and Financial Regulation to conduct a sunrise review regarding a proposal to license wetland scientists. Resolved: That the Commissioner of Professional and Financial Regulation shall conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of a proposal submitted to the commissioner to license wetland scientists; and be it further

Sec. 2. Reporting date established. Resolved: That no later than February 15, 2010 the