

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

ucts, as adopted pursuant to section 1. No later than February 1, 2013, the department shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report must identify the reporting fees and alternatives assessment fees actually assessed by the department, the actual costs to the department and the related priority chemicals that were the basis for the fees. The report must also include a description of the process used by the department to contract with contractors to prepare independent reports, including, but not limited to, the use of a competitive bidding process. Following its review of the report, the committee may submit a bill to the First Regular Session of the 126th Legislature regarding fees related to chemical use in children's products.

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

Effective April 1, 2010.

CHAPTER 195

S.P. 733 - L.D. 1818

**Resolve, To Continue
Evaluating Climate Change
Adaptation Options for the
State**

Sec. 1. Continuation of stakeholder group; membership. Resolved: That the Department of Environmental Protection with a stakeholder group authorized pursuant to Resolve 2009, chapter 16 shall continue to evaluate the options and actions available to Maine people and businesses to prepare for and adapt to the most likely impacts of climate change in accordance with Resolve 2009, chapter 16; and be it further

Sec. 2. Reports. Resolved: That, by January 31, 2011, the Department of Environmental Protection shall submit a report on the progress on developing a plan for state climate change adaptation to the joint standing committee of the Legislature having jurisdiction over natural resources matters. By January 31, 2012, the Department of Environmental Protection shall submit a final plan for state climate change adaptation to the Governor and the joint standing committee of the Legislature having jurisdiction over natural resources matters.

See title page for effective date.

CHAPTER 196

H.P. 1315 - L.D. 1828

**Resolve, Regarding Emergency
Communications Services**

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 activities relating to emergency communications services required under this legislation need to be undertaken as soon as possible; 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. Report for Optimum PSAP Reconfiguration Assessment. Resolved: That the Legislature finds the recommendations contained in the January 2010 Report for Optimum PSAP Reconfiguration Assessment, referred to in this resolve as "the Kimball report," submitted to the State by L. R. Kimball under a contract with the Emergency Service Communications Bureau, referred to in this resolve as "the bureau," meet the requirements of Public Law 2009, chapter 219 and are reasonable and a plan for implementing those recommendations should be developed; and be it further

Sec. 2. Actions to implement the Kimball report. Resolved: That the bureau shall, in consultation with public safety answering points and other interested entities, develop a plan for achieving the 15 to 17 public safety answering point configuration proposed in the Kimball report. The bureau, in developing the plan, shall examine the issues raised in the Kimball report, including issues relating to system fragmentation and the separation of E-9-1-1 call processing and dispatch functions; the transfer of E-9-1-1 calls and the absence of key E-9-1-1 features at dispatch-only facilities; the routing of E-9-1-1 wireless telephone calls; rate shopping and cost shifting; and the lack of collaboration among state, county and local agencies. The plan must address how appropriate consolidation studies should be conducted and funded, how appropriate consolidation incentives may be designed and implemented and how consolidation may be coordinated with the development of "Next Generation 9-1-1" as identified in the Kimball report; and be it further

Sec. 3. Report. Resolved: That the Emergency Service Communications Bureau shall submit its plan, together with any recommendations relating to the plan, including draft legislation to implement any recommendations for changes to law, to the Joint

Standing Committee on Utilities and Energy by November 1, 2010.

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

Effective April 1, 2010.

CHAPTER 197

H.P. 389 - L.D. 551

Resolve, To Direct the Commissioner of Education To Review the Essential Programs and Services Funding Formula

Sec. 1. Review. Resolved: That the Commissioner of Education, in conjunction with the Maine Education Policy Research Institute, shall conduct a review of certain education finance and policy issues associated with The Essential Programs and Services Funding Act established under the Maine Revised Statutes, Title 20-A, chapter 606-B. In conducting this review, the Commissioner of Education and the Maine Education Policy Research Institute shall:

1. Analyze the components of the essential programs and services funding formula, including analyses of:

A. The original policy goal or educational objective established for each of the essential programs and services cost components and a detailed description of the original and current methodology used to calculate the resources determined to be adequate for each cost component;

B. The subsidy distribution methodology originally established for the essential programs and services funding formula and the subsidy distribution methodology currently included in the school funding formula; and

C. The practices found in schools identified as higher-performing, more efficient schools and schools identified as lower-performing, less efficient schools by the Maine Education Policy Research Institute, including the best practices found in higher-performing, more efficient schools where the actual educational performance of specialized student populations exceeds the expected performance for these specialized student populations as compared to the actual and expected educational performance of similar students in other schools in the State;

2. Evaluate the current statutory framework related to the Commissioner of Education's annual funding level computations and funding level recommendations as set forth in the Maine Revised Statutes, Ti-

tle 20-A, chapter 606-B, as well as the provisions that provide for reviewing and updating certain essential programs and services cost components using information provided by a statewide educational policy research institute;

3. Propose any necessary changes to the current mechanisms that would permit the joint standing committee of the Legislature having jurisdiction over education matters the opportunity to review the most recent data available as the Legislature considers the enactment of legislation to appropriate the necessary funds for the State's share of the general purpose aid for local schools program and any changes to the essential programs and services funding formula necessary to respond to changing conditions; and

4. Make recommendations on the components and issues included in this section and on other matters relating to the essential programs and services funding formula; and be it further

Sec. 2. Report. Resolved: That, no later than January 3, 2011, the Commissioner of Education and the Maine Education Policy Research Institute shall submit a report that includes their findings and recommendations, including any suggested legislation, to the joint standing committee of the Legislature having jurisdiction over education matters.

See title page for effective date.

CHAPTER 198

H.P. 1194 - L.D. 1693

Resolve, Regarding a Report on the Status of Federal Ship Ballast Water Discharge Rules

Sec. 1. Report. Resolved: That the Department of Environmental Protection shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 5, 2012 on the status of rulemaking by the United States Coast Guard relating to ship ballast water discharge.

See title page for effective date.

CHAPTER 199

H.P. 1195 - L.D. 1694

Resolve, To Increase Transparency and Accountability and Assess the Impact of Tax Expenditure Programs