

# 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.**

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**Augusta, Maine**  
**2010**

**CHAPTER 202  
H.P. 1306 - L.D. 1823**

**Resolve, To Review and  
Update the  
Telecommunications  
Taxation Laws**

**Sec. 1. Convene working group. Resolved:** That the Department of Administrative and Financial Services, Bureau of Revenue Services shall convene a working group to review the telecommunications personal property tax and other forms of taxation of telecommunications providers in this State and make recommendations for updating the telecommunications taxation laws. The Department of Administrative and Financial Services, Bureau of Revenue Services shall invite the participation of the Maine Municipal Association and other interested stakeholders representing the telecommunications industry including the incumbent local exchange carriers, newer competitive phone services without significant personal property in the State, including wireless carriers, and the cable industry; and be it further

**Sec. 2. Duties. Resolved:** That the working group under section 1 shall review options for updating the telecommunications taxation laws that are revenue neutral for the State and provide for the equitable tax treatment of telecommunications providers. The options must include, but are not limited to, options that replace the personal property tax on telecommunications personal property with a sales tax or a gross receipts tax. The working group shall review the financial and administrative impact on state and local government as well as the impact on consumers. The working group shall make recommendations for changes to the telecommunications taxation laws based on this review; and be it further

**Sec. 3. Report recommendations. Resolved:** That, by January 17, 2011, the Department of Administrative and Financial Services, Bureau of Revenue Services shall report to the joint standing committee of the Legislature having jurisdiction over taxation matters findings and recommendations for updating the telecommunications taxation laws under section 2, including any necessary implementing legislation.

See title page for effective date.

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**CHAPTER 203  
H.P. 1090 - L.D. 1548**

**Resolve, To Prevent the Spread  
of Invasive Plants and Protect  
Maine's Lakes**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** it is essential that the efforts to prevent the spread of invasive plants in Maine's lakes proposed in this resolve be initiated before the start of the spring boating season; 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. Review of lakes within the State infested with aquatic invasive plant species. Resolved:** That the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife shall collaborate to review all lakes individually in the State with known infestations of aquatic invasive plant species to determine:

1. The type, extent and location of each infestation and its proximity to boat access points;
2. The general uses of the body of water;
3. The extent of involvement by local courtesy boat inspectors and lake associations regarding the prevention and control of aquatic invasive plant species; and
4. The use of existing surface water management strategies.

The departments shall collaborate with lake associations and user groups to identify private boat ramps on lakes infested with aquatic invasive plant species. For purposes of this section, "boat access point" includes but is not limited to public boat ramps, carry-in sites, lake access provided by sporting camps and private boat ramps and access areas; and be it further

**Sec. 2. Surface water extraction information and review. Resolved:** That the Department of Environmental Protection shall collect data on the types and extent of surface water extraction and review surface water extraction activities to determine in each case if an informational letter to the extractor regarding the spread of aquatic invasive plant species is necessary to prevent the introduction or spread of an aquatic invasive plant species through the surface water extraction process; and be it further

**Sec. 3. Educational and outreach efforts. Resolved:** That the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife shall work cooperatively to increase the effectiveness of educational and outreach efforts regarding aquatic invasive plant species through methods that may include but are not limited to:

1. Department of Inland Fisheries and Wildlife radio broadcasts;
2. Placing signs about aquatic invasive plant species on Interstate 95;
3. Prominently publishing information about aquatic invasive plant species on the departments' publicly accessible websites;
4. E-mailing aquatic invasive plant species alerts to e-mail addresses contained in databases of the Department of Inland Fisheries and Wildlife; and
5. Improving communication with sporting and tourist camps and professional guides; and be it further

**Sec. 4. Working group. Resolved:** That the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife shall facilitate the continued work of an aquatic invasive plant species working group that includes the Maine Congress of Lake Associations, a statewide sporting group, bass fishing clubs and any other person or entity that the working group determines is necessary to conduct its work. The working group shall continue its work exploring initiatives related to aquatic invasive plant species and collaborate with the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species established pursuant to the Maine Revised Statutes, Title 5, section 12004-D. The working group shall assign a chair, who is in charge of convening the meetings and keeping notes of discussions. The working group shall hold meetings before January 1, 2011 and may continue its work after that date as needed; and be it further

**Sec. 5. Report. Resolved:** That the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife shall report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters, the joint standing committee of the Legislature having jurisdiction over natural resources matters and the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species, established pursuant to the Maine Revised Statutes, Title 5, section 12004-D, by January 2, 2011 regarding matters contained in this resolve and on any new aquatic invasive plant species infestations identified; and be it further

**Sec. 6. Funding. Resolved:** That the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife shall meet the requirements of this resolve within existing resources but may accept outside funding to supplement those resources.

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

Effective April 6, 2010.

**CHAPTER 204**  
**H.P. 1204 - L.D. 1703**

**Resolve, To Implement the  
Recommendations of the  
Juvenile Justice 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 Legislature recognizes the immediate need to better coordinate services for juveniles in order to improve and protect their educational opportunities, safety and health; 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. Coordinated services district system. Resolved:** That the Department of Corrections, the Department of Education, the Department of Health and Human Services and the Department of Labor shall develop a jointly agreed-upon statewide coordinated services district system by June 1, 2010. The system shall coordinate and implement service delivery initiatives to increase high school graduation rates, reduce the number of youth in the juvenile justice system, reduce child abuse and neglect and increase employment opportunities for youth. The system shall work with and report to the Children's Cabinet and the commissioners who are members of the cabinet; and be it further

**Sec. 2. Create and coordinate a service system. Resolved:** That the Department of Corrections, in cooperation with the Department of Health and Human Services, the Department of Education and the Department of Labor, shall work with the coordinated services district system developed under section 1 and the Children's Cabinet to coordinate services and to ensure flexible funding and timely response and provision of services. The coordinated services district system must be funded with existing resources; and be it further

**Sec. 3. Plan for in-home and out-of-home placements. Resolved:** That, by September 1, 2010, the Department of Corrections, in conjunction with the Department of Health and Human Services, shall develop a plan that will detail a statewide system for in-home and out-of-home placements for youth in the juvenile justice system. The plan must include funding options for emergency shelter placements, foster home placements and residential placements; and be it further