

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

liminary report with draft recommendations to the Second Regular Session of the 125th Legislature. The final report, including findings and recommendations, must be submitted to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by November 7, 2012. That joint standing committee is authorized to introduce a bill to the First Regular Session of the 126th Legislature related to the subject matter of the report; and be it further

Sec. 8. Outside funding. Resolved: That the task force shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

Sec. 9. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Provides allocations to authorize expenditures for the Task Force on Franco-Americans in the event that funding for the task force is received by the Legislature from outside sources.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
Personal Services	\$660	\$660
All Other	\$3,485	\$3,485
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,145	\$4,145

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

Effective July 6, 2011.

CHAPTER 103

S.P. 251 - L.D. 848

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act

Sec. 1. Commission on Governmental Ethics and Election Practices to study the Maine

Clean Election Act. Resolved: That the Commission on Governmental Ethics and Election Practices shall study the Maine Clean Election Act to address any adverse rulings by the United States Supreme Court in the case of McComish v. Bennett, No. CV-08-1550-PHX-ROS (D. Ariz. Jan. 20, 2010); and be it further

Sec. 2. Report. Resolved: That the Commission on Governmental Ethics and Election Practices shall submit a report of its findings including any suggested changes to the Maine Clean Election Act pursuant to the study under section 1 by October 15, 2011 to the Joint Standing Committee on Veterans and Legal Affairs. The Joint Standing Committee on Veterans and Legal Affairs shall report out legislation based on the report by December 1, 2011 for presentation to the Second Regular Session of the 125th Legislature; and be it further

Sec. 3. Transfer of funds; Commission on Governmental Ethics and Election Practices - Other Special Revenue Funds. On the effective date of this resolve, the State Controller shall transfer \$3,250 from the Commission on Governmental Ethics and Election Practices, Clean Elections Other Special Revenue Funds account to the Legislative General Fund account in the Legislature to fund the costs of 2 interim meetings of the Joint Standing Committee on Veterans and Legal Affairs to review the commission's report under section 2 and report out legislation.

See title page for effective date.

CHAPTER 104

S.P. 297 - L.D. 951

Resolve, Establishing the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts

Sec. 1. Commission To Study Priorities and Timing of Judicial Proceedings in State Courts established. Resolved: That the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 9 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
2. Three members of the House of Representatives appointed by the Speaker of the House, including

at least one member from each of the 2 parties holding the largest number of seats in the Legislature;

3. Two members appointed by the Chief Justice of the Supreme Judicial Court;

4. One member appointed by the Attorney General; and

5. One representative of the Maine Trial Lawyers Association designated by the Maine Trial Lawyers Association; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

Sec. 5. Participation. Resolved: That the commission shall seek the participation of the Maine State Bar Association, the Maine Prosecutors Association, Pine Tree Legal Assistance, the Maine Commission on Indigent Legal Services and the Maine Association of Criminal Defense Lawyers and may seek the participation of any other individuals or organizations whose participation or input may be helpful; and be it further

Sec. 6. Duties. Resolved: That the commission shall study the priority and timing of judicial proceedings in state courts including, but not limited to, judicial proceedings that require priority treatment pursuant to statute; and be it further

Sec. 7. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 8. Reimbursement. Resolved: That, notwithstanding Joint Rule 353, public members of the commission are not entitled to reimbursement for expenses; and be it further

Sec. 9. Report. Resolved: That, no later than December 7, 2011, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Judiciary. The Joint Standing Committee on Judiciary is authorized to introduce a bill related

to the subject matter of the report to the Second Regular Session of the 125th Legislature.

See title page for effective date.

CHAPTER 105

H.P. 1165 - L.D. 1582

Resolve, Creating the Advisory Committee on Maine's Health Insurance Exchange

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

Whereas, to be eligible for health insurance exchange funding, the Federal Government requires the states to make substantial progress in the following core areas: background research; stakeholder consultation; legislative and regulatory action; governance; program integration; exchange information technology systems; financial management; oversight and program integrity; health insurance market reforms; providing assistance to individuals and small businesses, coverage appeals and complaints; and business operation; and

Whereas, the deadlines for applying for the next round of federal funding are September 30, 2011 and December 31, 2011; 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. Advisory Committee on Maine's Health Insurance Exchange established. Resolved: That the Advisory Committee on Maine's Health Insurance Exchange, referred to in this resolve as "the advisory committee," is established to develop and provide recommendations, including suggested enabling legislation, to the Governor and the Legislature for a health insurance exchange that addresses the core areas specified by the Federal Government and consider the views of the health care industry and other stakeholders; and be it further

Sec. 2. Membership of the advisory committee. Resolved: That the advisory committee consists of no more than 9 members appointed by the Governor, after consultation with the chairs and lead minority members of the Joint Standing Committee on Insurance and Financial Services. The Governor shall appoint members that represent the diverse interests of stakeholders related to the establishment of a health insurance exchange. The members must include repre-