

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

**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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved:** That final adoption of portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective June 22, 2013.

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**CHAPTER 66**

**S.P. 562 - L.D. 1504**

**Resolve, Directing the Adjutant General of the State To Ensure the Maine Code of Military Justice Addresses Sexual Trauma in the Military**

**Sec. 1. Adjutant General to conduct assessment of Maine Code of Military Justice. Resolved:** That the Adjutant General shall conduct an assessment of the Maine Code of Military Justice and other provisions of the Maine Revised Statutes, Title 37-B that govern state active duty personnel in or attached to the Maine National Guard, including air reserve technicians and other activated military personnel, with regard to provisions that apply to sexual assault in the military. The purpose of the assessment is to determine if the Maine Code of Military Justice and other provisions of Title 37-B governing state

active duty personnel in or attached to the Maine National Guard allow for the adequate prosecution of sexual assault and proper treatment of military victims of sexual assault by comparing them with specific National Guard Bureau guidance and the provisions of the National Defense Authorization Act for Fiscal Year 2013 that amend 10 United States Code and that address the following:

1. Mandatory administrative separation or dismissal of any member of the Maine National Guard convicted of any sexual offense;

2. Retention of restricted report documentation for 50 years, if so desired by the victim, including information regarding a victim's consent regarding use of report records;

3. Allowing victims to return to active duty after separation to help prosecute sex offenders;

4. The creation of an independent review panel to examine the way sexual assaults are investigated, prosecuted and adjudicated under the Maine Code of Military Justice;

5. Annual command climate assessment surveys to track individual attitudes toward sexual assault and sexual harassment;

6. Mandatory insurance coverage for mental and physical health issues, including abortions in cases of rape or incest for service women and military family members;

7. Required sexual assault prevention and intervention in precommand and command courses for officers and relevant personnel;

8. Notification to Maine National Guard personnel of the options available for the correction of military records that reflect any retaliatory personnel action consequent to a report of sexual assault or sexual harassment;

9. Prohibition against the use of a moral waiver for recruitment of anyone convicted of a sexual offense;

10. Active duty retention of survivors until the completion of a line of duty determination to ensure completion of an official investigation and adjudication of the sexual offense case;

11. Development of a policy for and documented annual review of required initial and annual sexual assault prevention training for all new enlistees and members of the Maine National Guard, respectively;

12. Development of a policy addressing data collection and retention requirements to track reports of sexual harassment, sexual assault and rape from the date of an incident report to case closure;

13. Annual briefing by the Adjutant General to the Governor and the joint standing committee of the

Legislature having jurisdiction over veterans and legal affairs, including a summary of all sexual assault and rape incidents, their status and the outcomes, including the duty status of adjudicated and administratively dismissed military offenders and military victims; and

14. Development of a policy to ensure convicted felons who meet national sex offender registry requirements are placed on that registry.

Nothing in this section prohibits the Adjutant General from considering other provisions of federal law that relate to prosecution and punishment of members of the Maine National Guard who have been accused of sexual assault in the military and the treatment of members of the Maine National Guard who are victims of sexual assault; and be it further

**Sec. 2. Report. Resolved:** That, no later than February 15, 2014, the Adjutant General shall submit a report to the Joint Standing Committee on Veterans and Legal Affairs describing the results of the assessment described in section 1. The report must include recommendations for legislation to make provisions of the Maine Code of Military Justice and other provisions of the Maine Revised Statutes, Title 37-B that deal with military personnel comparable to provisions of federal law that address the issue of sexual assault in the military. The Joint Standing Committee on Veterans and Legal Affairs is authorized to report out a bill based on the report to the Second Regular Session of the 126th Legislature.

See title page for effective date.

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## CHAPTER 67

### H.P. 540- L.D. 789

#### Resolve, To Establish the Task Force on Milk Tier Pricing

**Sec. 1. Task force established. Resolved:** That the Task Force on Milk Tier Pricing, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of 11 members, one of whom is the Executive Director of the Maine Milk Commission. The Executive Director of the Maine Milk Commission shall invite the following to participate as members of the task force:

1. The Executive Director of the Maine Dairy Industry Association;
2. One representative of a large milk processor;
3. One representative of a small milk processor, giving preference to an organic milk processor;
4. One representative of a Maine milk retailer;

5. One representative from each of the 4 milk pricing tiers;

6. One representative from the farm equipment industry; and

7. One representative from the grain industry; and be it further

**Sec. 3. Compensation. Resolved:** That members of the task force are not entitled to reimbursement for their expenses; and be it further

**Sec. 4. Convening of commission; chair. Resolved:** That all invitations to join the task force must be made to designated members no later than 30 days following the effective date of this resolve. The Executive Director of the Maine Milk Commission shall call and convene the first meeting of the task force, at which the members shall elect a chair from its members; and be it further

**Sec. 5. Staffing. Resolved:** That, within existing resources, the Department of Agriculture, Conservation and Forestry shall provide staffing to the task force; and be it further

**Sec. 6. Duties. Resolved:** That the task force shall study the current dairy stabilization tier program, established in the Maine Revised Statutes, Title 7, chapter 611, to determine if any modifications are necessary to ensure the effectiveness of the program; and be it further

**Sec. 7. Report. Resolved:** That, no later than December 4, 2013, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry. The committee is authorized to report out a bill to the Second Regular Session of the 126th Legislature based on the recommendations of the task force.

See title page for effective date.

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## CHAPTER 68

### H.P. 488 - L.D. 716

#### Resolve, To Review and Make Recommendations on Appropriate Prescribing of Certain Medications for Children with Attention Deficit Hyperactivity Disorder That Are Reimbursed under the MaineCare Program

**Sec. 1. Department of Health and Human Services work group. Resolved:** That the Commissioner of Health and Human Services shall convene a work group to review and make recommenda-