

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

## Proposed Legislative Studies and Related Commissions, 119th Legislature, Second Regular Session (April 14, 2000)

LD #	Emergency	Bill Title	Policy Area	Purpose	# Members	# Legislators	Start Date	Report Date	Compensation	Staffing	Fiscal Costs	Sponsor
LD 2005	Non-Emerg.	Resolve, to Establish the Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry	ACF	Study trends in logging industry, including employment relationships, dynamics of import & export markets for roundwood & other forest products.	19	4	not specified	12/5/01	Per Diem & Expenses	OPLA	10,480 PS:\$880 AO:\$9,600 (4 mtgs)	Rep. Volenik
LD 2486	Emergency	Resolve, to Establish a Legislative Committee to Study Access to Private and Public Land in Maine	ACF	Gather and study information on issues relating to access to forest lands for which access is restricted by gates, checkpoints or other means..	5	5	8/1/00	11/1/00	Per Diem & Expenses	OPLA	3,650 PS:\$1,650 AO:\$2,000 (6 mtgs)	Rep. McGlocklin
LD 2343	Emergency	Resolve, to Establish the Task Force to Reduce the Burden of Home Heating Costs on Low-Income Households	AFA	Investigate problems facing low-income households in the heating of their homes, cost of heating, energy conservation, demand-side management and availability of federal programs.	16	4	30 days following last appointment	11/1/00	Per Diem & Expenses	Legislative Council	5,720 PS:\$1,320 AO:4,400 (6 mtgs)	Rep. Berry

LD #	Emergency	Bill Title	Policy Area	Purpose	# Members	# Legislators	Start Date	Report Date	Compensation	Staffing	Fiscal Costs	Sponsor
HP 1857	Non-Emerg.	Joint Order Relative to Establishing the Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for all Maine Citizens	BAN	Examine the public policy, regulatory and legislative issues related to the creation of a public/private purchasing alliance.	13	13	5/15/00	12/1/00	Per Diem & Expenses	OPLA	6 meetings/ Council to approve	Rep. J. Saxl
LD 1931	Non-Emerg.	An Act to Amend the Franchise Law. [The Commission to Study the Most Effective Method of Providing Retail Rate Reimbursement for Parts and Labor]	BEC	Study how to most effectively implement the retail rate reimbursement provisions of the 10 MRSA, Section 1176, while protecting interests of warranty/nonwarranty repair consumers.	5	2	15 days following last appointment	12/15/00	Per Diem & Expenses	Legislative Council	1,340 PS:\$440 AO:\$990 (4 mtgs)	Sen. LaFountain
LD 2535	Non-Emerg.	Resolve, to Establish the Commission to Study Ownership Patterns in Maine	BEC	Investigate the current patterns of in-state, out-of-state and international ownership of Maine businesses.	13	4	14 days following last appointment	11/15/00	Per Diem & Expenses	State Planning Office	3,380 PS:\$880 AO:\$2,500 (4 mtgs)	Rep. Rowe
LD 2557	Non-Emerg.	An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy	BEC	Commission would be re-authorized to meet to continue the work of the Commission from the 119th First Regular Session relating to state internet policy.	18	5	Following adjournment of 2nd Regular Session	12/6/00	Per Diem & Expenses	OPLA	3,125 PS:\$1,375 AO:\$1,750 (5 mtgs)	Sen. Kontos

LD #	Emergency	Bill Title	Policy Area	Purpose	# Members	# Legislators	Start Date	Report Date	Compensation	Staffing	Fiscal Costs	Sponsor
LD 2174	Emergency	An Act to Protect the Citizens of Maine from the Dangers of Counterfeit Consumer Goods [Commission to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels]	CRJ	Examine the effect of counterfeit goods in this state, including the effect of counterfeit Universal Price Code labels on state revenue, losses to merchants and manufacturers.	9	4	7/1/00	12/1/00	Per Diem & Expenses	OPLA	3,600 PS:\$1,100 AO:\$2,500 (5 mtgs)	Sen. Kilkelly
LD 2651	Emergency	Resolve, to Establish the Commission to Study Domestic Violence	CRJ	Study the problem of domestic violence and determine methods of alleviating this problem by evaluating areas of law enforcement, education and investigation procedures.	19	5	30 days after last appointment	12/5/01	Per Diem & Expenses	OPLA	3,900 PS:\$1,100 AO:\$2,800 (4 mtgs)	Rep. McAlevey
LD 2685	Non-Emerg.	Maine Fire Protection Services Commission (on-going)	CRJ-Special	Monitor and evaluate the state's fire protection services.	21	5	Title 5	12/31/00	Per Diem & Expenses	May employ staff as needed	52,100 PS:\$3,740 AO:\$48,360	CRJ
HP 1938	Non-Emerg.	Joint Order relating to the Joint Study Committee to Study Bomb Threats in Maine Schools	EDU	Study the problem of bomb threats in schools in the State and methods of deterring threats, including withholding certain privileges from a student until the age of 20.	6	6	6/1/00	11/1/00	Per Diem & Expenses	OPLA	4,280 PS:\$630 AO:\$3,650	Rep. McDonoug



LD #	Emergency	Bill Title	Policy Area	Purpose	# Members	# Legislators	Start Date	Report Date	Compensation	Staffing	Fiscal Costs	Sponsor
LD 2608	Non-Emerg.	An Act to Improve Educational Programming at Juvenile Correctional Facilities [a: Task Force on Educational Programming at Juvenile Correctional Facilities; b: Policy Review Council]]	EDU	Establishes a task force to study educational programs at juvenile correctional facilities.	13	4	30 days following last appointment	11/1/00	Per Diem & Expenses	OPLA	4,720 a: PS:\$880 AO:\$3,000 (4 mtgs) b: PS:\$440 AO:\$400 (4 mtgs)	Rep. Brennan
HP 1864	Non-Emerg.	Joint Order Relative to Establishing the Joint Select Committee on School-based Health Care Services	EDU/HHS	Committee will review current funding sources for school-based health care services, & examine the social & financial impact & efficacy of mandating health insurance coverage.	5	5	5/15/00	12/1/00	Per Diem & Expenses	OPLA		Rep. Fuller
LD 2327	Non-Emerg.	Resolve, to Establish a Commission to Study Kindergarten-to-grade-12 Educator Recruitment and Retention	EDU-Special	Study teacher supply and hiring needs, hiring practices, teacher's salaries, supervisory systems and benefits and attractiveness of teaching profession as a career.	14	0	15 days following last appointment	1/15/01	Expenses Only	consultant to be hired	38,200 AO:\$38,000	Rep. Brennan
LD 2187	Non-Emerg.	Resolve, to Study Youth Homelessness	HHS	Study youth homelessness, a potential homeless youth system, effects of recent decreased funding of general assistance program and relationship of program to homeless.	10	3	9/10/00	12/1/00	Per Diem & Expenses	OPLA	22,100 PS:\$1,100 AO:\$1,000	Rep. Quint

LD #	Emergency	Bill Title	Policy Area	Purpose	# Members	# Legislators	Start Date	Report Date	Compensation	Staffing	Fiscal Costs	Sponsor
LD 1623	Non-Emerg.	Youth in Need of Services Oversight Committee (on-going)	HHS-Special	Oversee, monitor and review reports and gather facts regarding the needs of youth health and youth services being provided in the state.	25	6	not provided	1/15/01	Per Diem & Expenses	DHS	1,260 PS:\$660 AO:\$600 (2 mtgs)	Rep. Brennan
LD 2580	Non-Emerg.	Task Force to Study the Implementation of the Marijuana for Medical Purposes Law	HHS-Special	Study the implementation of the marijuana for medical purposes law and recommend steps to implement the law and provide access to marijuana for medical purposes.	7	7	not provided	10/1/00	Per Diem & Expenses	Attorney General	2,940 PS:\$1,540 AO:\$1,400 (4 mtgs)	Sen. Rand
LD 2679	Non-Emerg.	An Act to Establish the Council on Children and Families and to Ensure the Continuation of the Governor's Children's Cabinet (on-going)	HHS-Special	Establish a council to advise and make policy recommendations to the Governor, the Children's Cabinet, the Legislature and the Judiciary regarding several program & policy goals.	12	7	Meet 3X a year, with report each year to Governor		Per Diem & Expenses	Governor's Office/ Add'l staff may be requested by Leg. Council	2,205 PS:\$1,155 AO:\$1,050 (3 mtgs)	EDU
LD 2645	Emergency	Resolve, to Create the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft	IFW	Determine the percentage of gas tax paid on gas consumed by certain vehicles, assess need for enforcement of laws, and review strategic boating plan and off-road fuel consumption.	15	10	30 days following last appointment	12/6/00	Per Diem & Expenses	OPLA	10,100 PS:\$4,400 AO:\$5,700 (8 mtgs)	IFW

LD #	Emergency	Bill Title	Policy Area	Purpose	# Members	# Legislators	Start Date	Report Date	Compensation	Staffing	Fiscal Costs	Sponsor
HP 1914	Non-Emerg.	Joint Order Relative to the Committee to Study Further Decriminalization of the Criminal Laws of Maine	JUD	Study further decriminalization of the criminal laws of Maine.	5	5	5/1/00	11/1/00	Per Diem & Expenses	OPLA	4,175 PS:\$1,050 AO:\$3,125	Rep. Thompson
HP 1930	Non-Emerg.	Commission on the Study and Prevention of Child Abuse	JUD	Investigate the mistreatment of children and report on the occurrence and causes of mistreatment and recommend measures to intervene to the benefit of children.	15	8	6/1/00	11/1/00	Per Diem & Expenses	OPLA		Rep. Trahan
LD 1620	Emergency	Resolve, to Establish the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf and to Continue Oversight of Multiagency Cooperation	JUD	Develop a compensation program for victims of abuse at the Governor Baxter School for the Deaf.	5	5	5/15/00	11/1/00	Per Diem & Expenses	OPLA	31,700 PS:\$2,200 AO:\$29,500 (8 meetings)	Rep. Townsend
LD 2334	Non-Emerg.	An Act to Correct Errors and Inconsistencies in the Laws of Maine [No Council Action Req'd]	JUD-Special	Resolve extends the deadline to 1/15/01 for the Maine Criminal Justice Information System Policy Board to complete its drafting project established by Resolve 1997, Chapter 105.				1/1/00		OPLA		Rep. Thompson

LD #	Emergency	Bill Title	Policy Area	Purpose	# Members	# Legislators	Start Date	Report Date	Compensation	Staffing	Fiscal Costs	Sponsor
LD 835	Emergency	Resolve, to Study Pension Plan Design and Benefits under the Maine State Retirement System	LAB	Study the design of pension plans for state employees and teachers and the level and equity of the benefits available under those plans..	13	13	not specified	11/1/00	Per Diem & Expenses	Legislative Council	19,325 PS:\$3,575 AO:\$15,750 (5 meetings)	Rep. T. Murphy
LD 1562	Non-Emerg.	Resolve, to Create the Commission to Study the Establishment of an Environmental Leadership Program	NAT	To develop criteria for defining a company as an environmental leader, incentives for them to become environmental leaders, & opportunities for an environmental leadership program.	8	8	45 days following effective date	1/15/02	Per Diem & Expenses	OPLA	7,220 PS:\$3,520 AO:\$3,700 (8 Meetings)	Sen. Amero
LD 2442	Non-Emerg.	Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry	NAT	To study market power issues in all aspects of the public and private solid waste hauling and disposal industry.	5	5	30 days following last appointment	12/5/01	Per Diem & Expenses	OPLA	7,600 PS:\$1,100 AO:\$6,500 (4 mtgs)	Rep. Povich
LD 2600	Non-Emerg.	An Act to Implement the Land Use Recommendations of the Task Force on State Office Building Location, other State Growth-related Capital Investments and Patterns of Development	NAT	To review the growth management laws, including the subdivision law, with the goal of improving the law to make it more responsive to issues of sprawl.	14	3	30 days following last appointment	11/1/00	Per Diem & Expenses	OPLA	9,320 PS:\$4,620 AO:\$4,700 (6 mtgs) Other \$	NAT

LD #	Emergency	Bill Title	Policy Area	Purpose	# Members	# Legislators	Start Date	Report Date	Compensation	Staffing	Fiscal Costs	Sponsor
LD 2084	Non-Emerg.	Mercury Products Advisory Committee (Title V) (on-going)	NAT-Special	Advise the department, the Executive Department, State Planning Office and the Legislature on actions needed to prevent and reduce environmental releases of mercury.	13	4	not provided (meet 4X year)	1/15/02	Per Diem & Expenses	DEP	3,480 PS:\$880 AO:\$2,600	Sen. Treat
LD 2461	Non-Emerg.	Resolve, to Create a Commission to Study Economically and Socially Just Policies on Investments and Purchasing by the State	SLG	Study economically and socially just policies for investment and purchase by the State and to make recommendations about such policies.	12	4	Executive Director shall call and convene 1st mtg	11/1/00	Per Diem & Expenses	OPLA	4,820 PS:\$1,320 AO:\$3,500 (6 mtgs)	Rep. Matthews
LD 253	Emergency	Resolve, to Create the Commission to Study the Feasibility of Televising Senate and House Sessions	SLG	Review the experience of other states that broadcast proceedings and find ways to televise proceedings without diminishing the historical value of the chambers, and proposed costs.	15	9	30 days following last appointment	12/15/00	Per Diem & Expenses	OPLA	8,865 PS:\$3,465 AO:\$5,400 (7 meetings)	Rep. Andrews
LD 299	Emergency	Resolve, to Create the Committee to Study the Governance of the Unorganized Territories of Maine	SLG	Examine the feasibility of establishing an alternative system of governance for the unorganized territories.	17	5	15 days after last member appointed	11/1/00	Per Diem & Expenses	OPLA	7,250 PS:\$1,650 AO:\$5,600 (6 meetings)	Rep. Joy

LD #	Emergency	Bill Title	Policy Area	Purpose	# Members	# Legislators	Start Date	Report Date	Compensation	Staffing	Fiscal Costs	Sponsor
LD 2087	Non-Emerg.	Board of Directors/Public Resources and Information for Maine Foundation (on-going)	SLG-Special	Provide the State's citizens with increased access to unbiased information about state government procedures, deliberations and public policy events to promote civic education.	15	2	Annual		Per Diem & Expenses	Title 5	840 PS:\$440 AO:\$400 (4 mtgs)	Sen. Kontos
LD 2471	Non-Emerg.	Resolve, to Recognize Veterans of the Vietnam War in the State House Hall of Flags [No Council Action Req'd]	SLG-Special	Arrange for a plaque, accept private donations and make arrangements for flag to be displayed in Hall of Flags.	5	0	not specified	12/1/00	No Compensation	None	500	Rep. Campbell
LD 2460	Non-Emerg.	Economic Development Incentive Commission (5 MRSA, Section 13070-L) (on-going)	TAX-Special	Review existing economic development and tax incentive programs and report to joint standing committee of the Legislature having jurisdiction over taxation for 2 year period.	11	5	not specified	11/1/00	Per Diem & Expenses	OFPR	20,000 AO:\$20,000	Rep. Gagnon
HP 1774	Non-Emerg.	Joint Study Order to Establish a Committee on Gasoline and Fuel Prices	TRA	Established to gather information on fuel oil prices, the change in gasoline prices, and study and gauge the effect of these changes on the state.	13	13	February 1, 2000	11/1/00	Per Diem & Expenses	OPLA	10,055 PS:\$2,730 AO:\$7,325	Rep. Goodwin

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND

—  
H.P. 1400 - L.D. 2005

**Resolve, to Establish the Round Table to Study Economic and  
Labor Issues Relating to the Forest Products Industry.**

**Sec. 1. Round table established. Resolved:** That the Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry, referred to in this resolve as the "round table," is established; and be it further

**Sec. 2. Round table membership. Resolved:** That the round table consists of 19 members appointed or designated as follows.

1. The Governor shall appoint 6 members as follows:
  - A. One economist with forestry expertise;
  - B. One owner or representative of a large sawmill;
  - C. One owner or representative of a small sawmill;
  - D. One logging contractor residing and operating in northern Maine;
  - E. One landowner or representative of a landowner owning more than 1,000 acres in the State; and
  - F. One representative of an environmental organization working on forestry issues.

2. The Speaker of the House shall appoint 5 members as follows:

- A. One landowner of less than 1,000 acres in the State;
- B. One sociologist with expertise in rural issues;
- C. One independent logger from a region of the State impacted by the H2-A Bonded Labor Program; and
- D. Two members who at the time of appointment are members of the House of Representatives and serve on either the Joint Standing Committee on Agriculture, Conservation and Forestry or the Joint Standing Committee on Labor or who have experience in a forest-based industry. Appointments of House members must include at least one member of the Joint Standing Committee on Agriculture, Conservation and Forestry and at least one member of the party holding the 2nd largest number of seats in the House.

3. The President of the Senate shall appoint 5 members as follows:

- A. One municipal or county official with expertise in tree growth tax issues and the administration of the tree growth tax law;
- B. One representative of a paper company;
- C. One logger residing in southern Maine; and
- D. Two members who at the time of appointment are members of the Senate and serve on either the Joint Standing Committee on Agriculture, Conservation and Forestry or the Joint Standing Committee on Labor or who have experience in a forest-based industry. Appointments of Senate members must include at least one member of the Joint Standing Committee on Agriculture, Conservation and Forestry and at least one member of the party holding the 2nd largest number of seats in the Senate.

4. The following 3 members shall also serve as voting members of the round table:

- A. The Commissioner of Conservation or the commissioner's designee;
- B. The Commissioner of Labor or the commissioner's designee; and



C. The Dean of the College of Natural Sciences, Forestry and Agriculture, University of Maine or the dean's designee; and be it further

**Sec. 3. Chairs. Resolved:** That the first Senate member named is the Senate chair of the round table and the first House member named is the House chair of the round table; and be it further

**Sec. 4. Appointments; convening round table. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by the appointing authorities once the selections have been made. The chairs shall call and convene the first meeting of the round table; and be it further

**Sec. 5. Duties. Resolved:** That the round table shall:

1. Study key economic and labor issues related to the forest products industry, with the goals of helping to keep more value-added wood processing in the State and make logging a more respected and more attractive profession, thus benefiting the rural Maine economy. Issues studied must include:

A. An assessment of the import and export of roundwood and other wood products as determined by the round table; the market forces and government policies in Maine, the United States and other countries that impact this trade; the status of value-added manufacturing; and the relationship of these issues to employment in Maine;

B. An evaluation of trends in logging, including changes in mechanization, logger training and education, workers' compensation and insurance, employment relationships, types of wood measurement and means of payment; and

C. An assessment of regional variations in and seasonal capacity of the logging labor force in Maine, policies both within Maine and in nearby Canadian provinces and factors, including current and projected resource availability, transportation costs, market forces and imperfections and geographic locations, that might impact wage and employment opportunities for Maine workers;

2. Assess problems within its area of study and develop recommendations. In developing its recommendations, the round table shall consider the impact of these recommendations on the competitive position of Maine's forest-based industry and on any specific segment of the industry and consistencies and

inconsistencies with state and federal policy; and

3. Provide public notice of all of its meetings. The round table shall issue a report of its findings and may make recommendations for policy changes. The round table shall advertise a public meeting to invite comment on its findings before submitting a final report to the Legislature; and be it further

**Sec. 6. Staff assistance. Resolved:** That upon approval of the Legislative Council the Office of Policy and Legal Analysis shall provide staffing services to the round table. The Department of Labor and the Maine Forest Service shall also provide assistance as requested by the round table; and be it further

**Sec. 7. Compensation. Resolved:** That those members of the round table who are Legislators are entitled to receive legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses related to their attendance at meetings of the round table. Other members of the round table who are not compensated by their employers or other entities whom they represent are entitled to receive reimbursement for travel and other necessary expenses related to their attendance at meetings of the round table; and be it further

**Sec. 8. Report. Resolved:** That the round table shall submit its report, together with any recommended implementing legislation, to the 120th Legislature no later than December 5, 2001. If the round table requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 9. Budget. Resolved:** That the chairs of the round table, with assistance from the round table staff, shall administer the round table's budget. Within 10 days after its first meeting, the round table shall present a work plan and proposed budget to the Legislative Council for approval. The round table may not incur expenses that would result in the round table exceeding its approved budget. Upon request from the round table, the Executive Director of the Legislative Council shall promptly provide the round table chairs and staff with a status report on the round table's budget, expenditures incurred and paid and available funds; and be it further

**Sec. 10. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

**LEGISLATURE****Round Table to Study Economic and  
Labor Issues Relating to the Forest  
Products Industry**

Personal Services	\$880
All Other	9,600

Provides funds for the per diem and expenses of legislative members and expenses of other eligible members of the Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry, for public meeting notices, to conduct one public hearing and to print the required report.

**LEGISLATURE  
TOTAL**

---

**\$10,480**

LD 2486

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
TWO THOUSAND

---

H.P. 1775 - L.D. 2486

**Resolve, to Establish a Legislative Committee to Study  
Access to Private and Public Land in Maine**

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

**Whereas,** this resolve establishes the Legislative Committee to Study Access to Private and Public Lands in Maine; and

**Whereas,** the charge of this committee is vital to the interests of Maine citizens and camp and business owners in this State; and

**Whereas,** the spring months begin the seasons of peak use of the Maine woods for Maine citizens and tourists and, therefore, are the optimal time for the committee to study access issues; 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. Study committee established. Resolved:** That the Legislative Committee to Study Access to Private and Public Lands in Maine, referred to in this resolve as the "committee," is established; and be it further

**Sec. 2. Committee membership. Resolved:** That the committee consists of 3 members of the House appointed by the Speaker of the House and 2 Senators appointed by the President of the Senate. Appointments by each presiding officer must include at least one member of a party that does not hold the majority of seats in that body and at least one member who serves on the Joint Standing Committee on Agriculture, Conservation and Forestry; and be it further

**Sec. 3. Committee chair. Resolved:** That the first-named member of the House of Representatives is the chair of the committee and that member must serve on the Joint Standing Committee on Agriculture, Conservation and Forestry; and be it further

**Sec. 4. Appointments; convening of committee. 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 made. When the appointment of all members has been completed, the chair of the committee shall call and convene the first meeting of the committee, which must be no later than August 1, 2000; and be it further

**Sec. 5. Duties. Resolved:** That the committee shall hold a minimum of 6 meetings at locations to be determined by the chair. Geographic locations of meetings must be chosen to accommodate maximum participation by landowners and people using lands beyond existing checkpoints. The committee shall gather information and request necessary data from public and private entities in order to:

1. Estimate the number of people accessing land and the number of acres of land beyond checkpoints operated by landowners and landowner associations, categorize the various uses of those lands and assess environmental damage and costs to landowners associated with public access to those lands;

2. Determine the number of acres of land managed by the Bureau of Parks and Lands within the Department of Conservation or the Department of Inland Fisheries and Wildlife that are commonly accessed via roads on which checkpoints are located and fees are charged;

3. Review existing fee structures for accessing lands beyond checkpoints operated by landowners or landowner associations and compare these fees and systems of public access to access and fee systems in other states; and

4. Assess the need for legislation to ensure reasonable access to the public resources of this State; and be it further

**Sec. 6. Staff assistance. Resolved:** That upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee; and be it further

**Sec. 7. Compensation. Resolved:** That the members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses related to their attendance at meetings to fulfill their duties as charged; and be it further

**Sec. 8. Report. Resolved:** That the committee shall submit its report together with any recommended implementing legislation to the joint standing committee of the Legislature having jurisdiction over parks and lands no later than November 1, 2000. The joint standing committee of the Legislature having jurisdiction over parks and lands may report out legislation during the First Regular Session of the 120th Legislature concerning the findings and recommendations of the committee; and be it further

**Sec. 9. Budget. Resolved:** That the chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds; and be it further

**Sec. 10. Allocation. Resolved:** That the following funds are allocated from the General Fund to carry out the purposes of this resolve.

2000-01

## LEGISLATURE

Legislative Committee to Study  
Access to Private and Public  
Lands in Maine

Personal Services	\$1,650
All Other	2,000

Provides funds for the per diem and expenses of legislative members of the Legislative Committee to Study Access to Private and Public Lands in Maine and to print the required report.

**LEGISLATURE**  
**TOTAL**

\$3,650

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



STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND

—  
H.P. 1677 - L.D. 2343

**Resolve, to Establish the Task Force to Reduce the Burden  
of Home Heating Costs on Low-income Households**

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

**Whereas,** a comprehensive study of Maine's low-income heating assistance program is needed to assess the effectiveness and needs of clients of that program and since this information would be most useful in preparation for winter; 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. Task force established. Resolved:** That the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households, referred to in this resolve as the "task force," is established; and be it further

**Sec. 2. Membership. Resolved:** That the task force consists of 16 members as follows:

1. The Executive Director of the Maine State Housing Authority or the director's designee;

2. The Public Advocate;

3. The following members appointed by the President of the Senate:

- A. One member of the Joint Standing Committee on Appropriations and Financial Affairs;
- B. One member of the Joint Standing Committee on Utilities and Energy, representing the majority party;
- C. One member from a community action program agency that delivers the federal Low-income Home Energy Assistance Program;
- D. One member from a business that provides energy maintenance services;
- E. One member from a regulated utility providing energy for home heating;
- F. One member from an organization of oil dealers;
- G. One member from a regulated local distribution natural gas utility providing natural gas for home heating; and
- H. One member from an institute of higher education with expertise in home construction or energy conservation in residential structures; and

4. The following members appointed by the Speaker of the House:

- A. Two members of the House of Representatives, including one member of the Joint Standing Committee on Health and Human Services and one member of the Joint Standing Committee on Utilities and Energy, one member representing the majority party and one member representing the minority party;
- B. One member representing a nonprofit agency that delivers the federal Weatherization Assistance for Low-income Persons Program;
- C. One member from an organization of petroleum distributors;
- D. One member with knowledge of residential building trades, with special knowledge about energy conservation features; and

E. One member from a statewide organization representing low-income people; and be it further

**Sec. 3. Appointments. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The first named House member and the first named Senate member serve as cochaIRS of the task force. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The cochaIRS shall convene the first meeting of the task force no later than 30 days after the appointment of all members is complete; and be it further

**Sec. 4. Duties. Resolved:** That the task force shall investigate the problems facing low-income households in the heating of their homes, including cost of heating, energy conservation, demand-side management and availability and reliability of federal programs of assistance in paying heating costs and reducing energy demand. In examining these issues, the task force shall examine the operation and effectiveness of existing programs to assist low-income households, the coordination of resources to maximize the effects of available resources, the need for state programs to supplement federal programs or to enable existing programs to serve a greater portion of those eligible and techniques to utilize resources in new ways or new combinations that have the potential for easing the burden of heating costs or enhancing the efficient use of energy for low-income households. The task force shall examine the effects of interruptable natural gas services on the supply and price of home heating oil. The task force shall examine programs and techniques that are employed in other states or countries, solicit suggestions from groups and individuals with expertise in energy management and energy pricing and make recommendations for consideration by the 120th Legislature; and be it further

**Sec. 5. Staff assistance. Resolved:** That the task force shall request staffing and clerical assistance from the Legislative Council; and be it further

**Sec. 6. Reimbursement. Resolved:** That those members of the task force who are Legislators are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the task force. Other members of the task force who are not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement for necessary expenses incurred for their attendance at authorized meetings; and be it further

**Sec. 7. Report. Resolved:** That the task force shall submit a report with an accompanying bill for the First Regular Session of the 120th Legislature by November 1, 2000. If the task force requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 8. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

**2000-01**

**LEGISLATURE**

**Task Force to Reduce the  
Burden of Home Heating Costs  
on Low-income Households**

Personal Services	\$1,320
All Other	4,400

Provides funds for the per diem and expenses of legislative members and expenses of other eligible members of the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households and to print the required report.

**LEGISLATURE  
TOTAL**

---

**\$5,720**

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

HP 1857



# 119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

## Joint Study Order

House Paper No. 1857

---

House of Representatives, February 29, 2000

**The Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance  
to Ensure Access to Health Care for All Maine Citizens.**

---

Reference to the Committee on Banking and Insurance.

A handwritten signature in black ink, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SAXL of Bangor.

Cosponsored by Senator ABROMSON of Cumberland and

Representatives: DUDLEY of Portland, GLYNN of South Portland, JONES of Pittsfield, MAYO of Bath, NUTTING of Oakland, O'NEIL of Saco, PERRY of Bangor, SULLIVAN of Biddeford.

STATE OF MAINE

In House February 29, 2000

ORDERED, the Senate concurring, that the Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for all Maine Citizens is established as follows.

1. **Joint select committee established.** The Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for All Maine Citizens, referred to in this order as the "committee," is established.

2. **Membership.** The committee consists of the following 13 members:

A. Three members of the Senate, appointed by the President of the Senate, each of whom serves on the Joint Standing Committee on Banking and Insurance; and

B. Ten members of the House of Representatives, appointed by the Speaker of the House, each of whom serves on the Joint Standing Committee on Banking and Insurance.

3. **Chairs.** The Senate and House chairs of the Joint Standing Committee on Banking and Insurance are the chairs of the committee.

4. **Appointments; convening of committee.** All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members is complete, the chairs shall call the first meeting of the committee no later than May 15, 2000.

5. **Duties.** The committee shall:

A. Examine the public policy, regulatory and legislative issues related to the creation of a public/private purchasing alliance, including, but not limited to:

(1) The priorities and objectives of a purchasing alliance;

R 44  
(2) The critical mass needed for an alliance to be effective and the possible public entities that could be included in an alliance;

(3) The ability of private payers such as individuals, small employers and large employers to join an alliance;

(4) The use of community rating, separate risk pools or other risk adjustment mechanisms in an alliance;

(5) The governance and administrative structure of an alliance; and

(6) The benefit structure and choice of health plans that should be offered through an alliance;

B. Review the experience of other states or entities that have established purchasing alliances;

C. Recommend a model and strategies for the establishment of purchasing alliances in this State; and

D. Invite the participation of experts and interested parties, including the Department of Professional and Financial Regulation, Bureau of Insurance; Department of Human Services, Bureau of Medical Services; the State Employee Health Commission; the Maine Health Management Coalition; and the University of Southern Maine, Edmund S. Muskie School of Public Service.

6. **Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

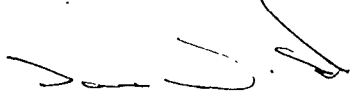
7. **Compensation.** Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

8. **Meetings.** The committee shall hold 6 meetings, but if the committee requires additional meetings, it may apply to the Legislative Council, which may approve additional meetings.

9. **Report.** The committee shall submit a report along with any recommended legislation to the Legislature by December 1, 2000. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.



10. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chairs and staff with a status report on the committee budget, expenditures incurred and paid and available funds.

SPONSORED BY:   
(Representative J. SAXL)

TOWN: Bangor

HP1857

H.P. 1857

Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for All Maine Citizens

	<u>FY 1999-00</u>	<u>FY 2000-01</u>
General Fund Appropriations:	\$1,365	\$7,325

Comments:

The Legislature will incur additional costs estimated to be \$1,365 in fiscal year 1999-00 and \$7,325 in fiscal year 2000-01 for the per diem and expenses of legislative members for 6 meetings of the Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for all Maine Citizens and to print the required report. Of this amount, \$4,290 is required in the Personal Services line category and \$4,400 in the All Other line category. If the Legislative Council approves additional meetings, the estimated cost for the per diem and expenses of legislative members for each additional meeting is \$1,365.

The additional costs associated with providing staffing assistance to the committee during the interim between legislative sessions can be absorbed by the Legislature utilizing existing budgeted resources. If an extension of the reporting deadline is granted and the committee requires staffing assistance during the legislative session, additional costs would be incurred to contract for staff services.

The Department of Professional and Financial Regulation, the Department of Human Services, the State Employee Health Commission and the University of Maine System will incur some minor additional costs to provide expertise to the committee. These costs can be absorbed within the existing budgeted resources of the affected agencies.

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND

—  
S.P. 681 - L.D. 1931

An Act to Amend the Franchise Law

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 10 MRSA §1174, sub-§3, ¶F-1 is enacted to read:

F-1. To vary or change the cost or the markup in any fashion or through any device whatsoever to any dealer for any motor vehicle of that line make based on:

(1) The purchase by any dealer of furniture or other fixtures from any particular source; or

(2) The purchase by any dealer of computers or other technology from any particular source;

Sec. 2. 10 MRSA §1174, sub-§3, ¶I, as amended by PL 1997, c. 521, §12, is further amended to read:

I. To prevent or attempt to prevent by contract or otherwise a motor vehicle dealer or an officer, partner or stockholder of a motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person or persons or party or parties, except that a dealer, officer, partner or stockholder does not have the right to sell, transfer or assign the franchise or power of management or control under that franchise without the consent of the manufacturer, distributor or wholesaler, which may not be unreasonably withheld.

A franchisor may not exercise a right of first refusal or

other right to acquire a motor vehicle franchise from a franchisee as a means to influence the consideration or other terms offered by a person in connection with the acquisition of the franchise or to influence a person to refrain from entering into, or to withdraw from, negotiations for the acquisition of the franchise.

A franchisor may exercise a right of first refusal or other right to acquire a franchise from a franchisee if all of the following requirements are met:

(1) At the election of the franchisee, the franchisor assumes the lease for or acquires the real property on which the franchise is conducted on the same terms as those on which the real property or lease was to be sold or transferred to the acquiring transferee in connection with the sale of the franchise, unless otherwise agreed to by the franchisee and the franchisor;

(2) The franchisor assumes all of the obligations of the underlying agreement or proposal that entitles the franchisor to exercise the right of first refusal; and

(3) The franchisor reimburses the acquiring transferee of the motor vehicle franchise for the reasonable expenses paid or incurred by the transferee in evaluating and investigating the franchise and negotiating and pursuing the acquisition of the franchise prior to the franchisor's exercise of the right of first refusal or other right to acquire the franchise. For purposes of this subsection, expenses to evaluate and investigate the franchise include, in addition to any other expenses associated with the evaluation and investigation of the franchise, legal and accounting expenses and expenses associated with the evaluation and investigation of any real property on which the franchise is conducted, including, but not limited to, expenses associated with title examinations, environmental assessments and other expenses directly related to the acquisition or lease of the real property by the acquiring transferee. Upon reimbursement, any title reports or other reports or studies received by the acquiring transferee as a result of the evaluation or investigation of the franchise or the real property on which the franchise is conducted must be provided to the franchisor. The acquiring transferee shall submit an itemized list of the expenses to be reimbursed along with supporting documents, if any, to the franchisor no later than 30

days after receipt of a written request for an itemized list of the expenses from the franchisor. The franchisor shall make payment within 30 days after the exercise of the right of first refusal.

~~For purposes of this paragraph, "acquiring transferee" means the person who made the offer that entitles the franchisor to exercise a right of first refusal.~~

For purposes of this paragraph, "acquiring transferee" means the person who made the offer that entitles the franchisor to exercise a right of first refusal.

The right of first refusal does not apply in any right of succession established in section 1174-C unless the franchisor and either the franchisee, if the franchisee is not deceased or incapacitated, or, if the franchisee is deceased or incapacitated, the designated family member or other person authorized to succeed the franchisee pursuant to section 1174-C, subsection 1, paragraphs A to C agree to the exercise of a right of first refusal;

Sec. 3. 10 MRSA §1181, as enacted by PL 1975, c. 573, is amended to read:

#### **§1181. Discounts and other inducements**

In connection with a sale of a motor vehicle or vehicles to the State or to any political subdivision thereof of the State, ~~no~~ a manufacturer, distributor or, wholesaler shall or corporate affiliate may not offer any discounts, refunds or any other similar type of inducement to any dealer without making the same offer or offers to all other of its dealers within the relevant market area, and if such inducements are made, the manufacturer, distributor or wholesaler shall give simultaneous notice ~~thereof~~ of the inducements to all of its dealers within the relevant market area.

**Sec. 4. Study commission established.** The Commission to Study the Most Effective Method of Providing Retail Rate Reimbursement for Parts and Labor, referred to in this section as the "commission," is established to study the most effective method of providing retail rate reimbursement under the Maine Revised Statutes, Title 10, section 1176 while protecting the interests of warranty and nonwarranty repair customers, the ability of franchisees to effectively receive reimbursement at retail rates and the interests of franchisors in relation to making such retail parts and labor reimbursement.

**1. Membership.** The commission consists of 5 members appointed as follows:

A. One member of the Senate, appointed by the President of the Senate;

B. One member of the House of Representatives, appointed by the Speaker of the House;

C. One motor vehicle dealer franchisee who is a member of the Maine Auto Dealers Association and is from a dealership within 50 miles of the border of New Hampshire, appointed by the Speaker of the House;

D. One motor vehicle dealer franchisee who is a member of the Maine Auto Dealers Association appointed by the President of the Senate; and

E. One franchisor who is a member of the Alliance of Automobile Manufacturers, appointed by the Governor.

**2. Appointments; chairs; convening.** The appointments of members of the commission must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The Senate member is the Senate chair and the House member is the House chair. Within 15 days after appointment of all members, the chairs of the commission shall call and convene the first meeting of the commission.

**3. Duties.** The commission shall study the Maine Revised Statutes, Title 10, section 1176 to determine the best manner in which to implement the retail reimbursement provisions for parts and labor for warranty work while protecting the interests of warranty and nonwarranty repair consumers, the interests of franchisees in receiving retail rate reimbursements and the question of cost recovery by franchisors.

**4. Report.** The commission shall submit a report of its findings and recommendations and accompanying legislation to the joint standing committee of the Legislature having jurisdiction over business and economic development matters no later than December 15, 2000. The joint standing committee of the Legislature having jurisdiction over business and economic development matters may report out a bill based upon the report. If the commission requires a limited extension of time to make its report it may apply to the Legislative Council which may grant the extension.

**5. Staff assistance.** The commission may request staffing assistance from the Legislative Council.

6. **Compensation.** The legislative members are entitled to receive the legislative per diem and reimbursement for necessary expenses for their attendance at authorized meetings of the commission.

7. **Commission budget.** The chairs of the commission, with assistance from the commission staff, shall administer the commission budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council or the executive director's designee shall provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.

**Sec. 5. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

**LEGISLATURE**

**Commission to Study the Most Effective  
Method of Providing Retail Rate  
Reimbursement for Parts and Labor**

Personal Services	\$440
All Other	900

Provides funds for the per diem and expenses of legislative members of the Commission to Study the Most Effective Method of Providing Retail Rate Reimbursement for Parts and Labor and to print the required report.

**LEGISLATURE  
TOTAL**

\$1,340

LD 2535



**STATE OF MAINE**

---

**IN THE YEAR OF OUR LORD  
TWO THOUSAND**

---

**H.P. 1809 - L.D. 2535**

**Resolve, to Establish the Commission to Study Ownership  
Patterns in Maine**

**Sec. 1. Commission established. Resolved:** That the Commission to Study Ownership Patterns in Maine, referred to in this resolve as the "commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of the following 13 members, all of whom must have a knowledge of and experience with Maine business and labor issues and the structure of the Maine economy:

1. The Chief Executive Officer of the Finance Authority of Maine or the chief executive officer's designee;

2. The Commissioner of Labor or the commissioner's designee;

3. The Commissioner of Economic and Community Development or the commissioner's designee;

4. Five members appointed by the President of the Senate as follows:

A. Two Senators, not from the same political party;

B. One representative from a large business in Maine or a statewide organization representing businesses in Maine;

C. One representative from organized labor; and

D. One representative from a bank in Maine; and

5. Five members appointed by the Speaker of the House of Representatives as follows:

A. Two members of the House of Representatives, not from the same political party;

B. One representative from a community development organization;

C. One representative from a Maine economic policy organization; and

D. One representative from a small business in Maine or a statewide organization representing businesses in Maine; and be it further

**Sec. 3. Appointments; chairs; meeting. 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 made. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair. The first meeting must be called by the chairs no later than 14 days after all the appointments have been made; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall investigate the current patterns of in-state, out-of-state and international ownership of Maine businesses. In conducting its study, the commission shall specifically:

1. Review the characteristics of businesses owned by in-state, out-of-state and international concerns, including the number and quality of jobs provided and the annual sales figures;

2. Study the impacts of changes of ownership on the state and local economies and on civic and environmental accountability;

3. Analyze the patterns of small Maine-owned growth companies and their need for large infusions of capital as they grow, and assess how many of those companies are bought out and whether they continue to operate in the State;

4. Examine options for broadening ownership through employee, consumer and community forms of ownership in firms operating in the State;

5. Study the feasibility of establishing an employee ownership feasibility program and fund to provide grants to employees of businesses in the State to be used for purposes of analyzing the potential for employee ownership;

6. Make recommendations on the eligibility criteria for an employee ownership feasibility program; and

7. Study and make recommendations for an education and outreach program for Maine businesses on employee ownership options; and be it further

**Sec. 5. Staff assistance. Resolved:** That the State Planning Office in the Executive Department shall provide necessary staffing services to the commission; and be it further

**Sec. 6. Compensation. Resolved:** That the members of the commission who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the commission; and be it further

**Sec. 7. Report. Resolved:** That the commission shall submit a final report along with any recommended legislation to the First Regular Session of the 120th Legislature. The final report must be submitted no later than November 15, 2000. If the commission requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 8. Commission budget. Resolved:** That the chairs of the commission, with assistance from the commission staff, shall administer the commission budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council or the executive director's designee shall provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds; and be it further

**Sec. 9. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

2000-01

**LEGISLATURE**

**Commission to Study Ownership  
Patterns in Maine**

Personal Services	\$880
All Other	2,500

Provides funds for the per diem and expenses of legislative members and expenses of other eligible members of the Commission to Study Ownership Patterns in Maine and to print the required report.

**LEGISLATURE  
TOTAL**

---

\$3,380

LD 2557

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND

S.P. 995 - L.D. 2557

An Act to Implement the Recommendations of the Blue Ribbon  
Commission to Establish a Comprehensive Internet Policy

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §1509-A, as amended by PL 1999, c. 401, Pt. E, §1, is further amended to read:

**§1509-A. Payment by credit card**

State departments and agencies ~~may~~ shall implement, with the approval of the State Controller and the State Treasurer, procedures for accepting payment for goods, services, fines, forfeitures or any other fees by major credit cards or other electronic means. Unless otherwise provided for in law as of the effective date of this section, any administrative expenses or credit card fees incurred in connection with this method of receiving funds must be absorbed within the existing budget of the department or agency as authorized by the Legislature.

Sec. 2. 10 MRSA Pt. 13 is enacted to read:

PART 13

ELECTRONIC COMMERCE

CHAPTER 1051

UNIFORM ELECTRONIC TRANSACTIONS ACT

§9401. Short title

This chapter may be known and cited as the "Uniform Electronic Transactions Act."

## **§9402. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Agreement. "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

2. Automated transaction. "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course of forming a contract, performing under an existing contract or fulfilling an obligation required by the transaction.

3. Computer program. "Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

4. Contract. "Contract" means the total legal obligation resulting from the parties' agreement as affected by this chapter and other applicable law.

5. Electronic. "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

6. Electronic agent. "Electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances, in whole or in part, without review or action by an individual.

7. Electronic record. "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means.

8. Electronic signature. "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

9. Governmental agency. "Governmental agency" means an executive, legislative or judicial agency, department, board,

commission, authority, institution or instrumentality of the Federal Government or of a state or of a county, municipality or other political subdivision of a state.

10. Information. "Information" means data, text, images, sounds, codes, computer programs, software, databases or the like.

11. Information processing system. "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying or processing information.

12. Person. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation or any other legal or commercial entity.

13. Record. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

14. Security procedure. "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. "Security procedure" includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption or callback or other acknowledgment procedures.

15. State. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. "State" includes an Indian tribe or band or Alaskan native village that is recognized by federal law or formally acknowledged by a state.

16. Transaction. "Transaction" means an action or set of actions occurring between 2 or more persons relating to the conduct of business, commercial or governmental affairs.

#### §9403. Scope

1. General rule. Except as otherwise provided in subsection 2, this chapter applies to electronic records and electronic signatures relating to a transaction.

2. Exceptions. This chapter does not apply to a transaction to the extent it is governed by:

A. A law governing the creation and execution of wills, codicils or testamentary trusts; and



B. The Uniform Commercial Code other than Title 11, sections 1-107 and 1-206 and Articles 2 and 2A.

3. Limitation of exception. This chapter applies to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection 2 to the extent it is governed by a law other than those specified in subsection 2.

4. Other law. A transaction subject to this chapter is also subject to other applicable substantive law.

#### §9404. Prospective application

This chapter applies to any electronic record or electronic signature created, generated, sent, communicated, received or stored on or after the effective date of this chapter.

#### §9405. Use of electronic records and electronic signatures: variation by agreement

1. Electronic means or form not required. This chapter does not require a record or signature to be created, generated, sent, communicated, received, stored or otherwise processed or used by electronic means or in electronic form.

2. Consent. This chapter applies only to transactions between parties, each of which has agreed to conduct transactions by electronic means. Whether the parties agree to conduct a transaction by electronic means is determined from the context and surrounding circumstances, including the parties' conduct.

3. Other transactions. A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. The right granted by this subsection may not be waived by agreement.

4. Variance by agreement. Except as otherwise provided in this chapter, the effect of any of the provisions of this chapter may be varied by agreement. The presence in certain provisions of this chapter of the words "unless otherwise agreed," or words of similar import, does not imply that the effect of other provisions may not be varied by agreement.

5. Conclusions of law. Whether an electronic record or electronic signature has legal consequences is determined by this chapter and other applicable law.

#### §9406. Construction and application

This chapter must be construed and applied:

1. Facilitation. To facilitate electronic transactions consistent with other applicable law;

2. Reasonable practices. To be consistent with reasonable practices concerning electronic transactions and with the continued expansion of those practices; and

3. General purpose. To effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

**§9407. Legal recognition of electronic records, electronic signatures and electronic contracts**

1. Form. An electronic record or electronic signature may not be denied legal effect or enforceability solely because it is in electronic form.

2. Formation. A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

3. Writing. If a law requires a record to be in writing, an electronic record satisfies the law.

4. Signature. If a law requires a signature, an electronic signature satisfies the law.

**§9408. Provision of information in writing; presentation of records**

1. Writing. If parties have agreed to conduct a transaction by electronic means and a law requires a person to provide, send or deliver information in writing to another person, the requirement is satisfied if the information is provided, sent or delivered, as the case may be, in an electronic record capable of retention by the recipient at the time of receipt. An electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to print or store the electronic record.

2. Records. If a law other than this chapter requires a record to be posted or displayed in a certain manner; to be sent, communicated or transmitted by a specified method; or to contain information that is formatted in a certain manner, the following rules apply:

A. The record must be posted or displayed in the manner specified in the other law;

B. Except as otherwise provided in subsection 4, paragraph B, the record must be sent, communicated or transmitted by the method specified in the other law; and

C. The record must contain the information formatted in the manner specified in the other law.

3. Unenforceable. If a sender inhibits the ability of a recipient to store or print an electronic record, the electronic record is not enforceable against the recipient.

4. Variance by agreement. The requirements of this section may not be varied by agreement, but:

A. To the extent a law other than this chapter requires information to be provided, sent or delivered in writing but permits that requirement to be varied by agreement, the requirement under subsection 1 that the information be in the form of an electronic record capable of retention may also be varied by agreement; and

B. A requirement under a law other than this chapter to send, communicate or transmit a record by certified mail, return receipt requested; first-class mail, postage prepaid; or regular United States mail may be varied by agreement to the extent permitted by the other law.

#### §9409. Attribution and effect of electronic record and electronic signature

1. Attributable to person. An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

2. Effect of attribution to person. The effect of an electronic record or electronic signature attributed to a person under subsection 1 is determined from the context and surrounding circumstances at the time of its creation, execution or adoption, including the parties' agreement, if any, and otherwise as provided by law.

#### §9410. Effect of change or error

If a change or error in an electronic record occurs in a transmission between parties to a transaction, the following rules apply.

1. Security procedure used. If the parties have agreed to use a security procedure to detect changes or errors and one

party has conformed to the procedure but the other party has not and the nonconforming party would have detected the change or error had that party also conformed, the conforming party may avoid the effect of the changed or erroneous electronic record.

2. Electronic agent. In an automated transaction involving an individual, the individual may avoid the effect of an electronic record that resulted from an error made by the individual in dealing with the electronic agent of a person if the electronic agent did not provide an opportunity for the prevention or correction of the error and, at the time the individual learns of the error, the individual:

A. Promptly notifies the other person of the error and that the individual did not intend to be bound by the electronic record received by the other person;

B. Takes reasonable steps, including steps that conform to the other person's reasonable instructions, to return to the other person or, if instructed by the other person, to destroy the consideration received, if any, as a result of the erroneous electronic record; and

C. Has not used or received any benefit or value from the consideration, if any, received from the other person.

3. Other law. If neither subsection 1 nor subsection 2 is applicable, the change or error has the effect provided by other law, including the law governing mistake, and the parties' contract, if any.

4. Variance by agreement. Subsections 2 and 3 may not be varied by agreement.

#### §9411. Notarization and acknowledgment

If a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

#### §9412. Retention of electronic records; originals

1. Requirement. If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record that:

A. Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and

B. Remains accessible for later reference.

2. Transmission information. A requirement to retain a record in accordance with subsection 1 does not apply to any information whose sole purpose is to enable the record to be sent, communicated or received.

3. Agents. A person may satisfy subsection 1 by using the services of another person if the requirements of that subsection are satisfied.

4. Originals. If a law requires a record to be presented or retained in its original form or provides consequences if the record is not presented or retained in its original form, that law is satisfied by an electronic record retained in accordance with subsection 1.

5. Checks. If a law requires retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with subsection 1.

6. Evidence; audits. A record retained as an electronic record in accordance with subsection 1 satisfies a law requiring a person to retain a record for evidentiary, audit or like purposes, unless a law enacted after the effective date of this chapter specifically prohibits the use of an electronic record for the specified purpose.

7. Governmental agencies. This section does not preclude a governmental agency of the State from specifying additional requirements for the retention of a record subject to the agency's jurisdiction.

#### §9413. Admissibility in evidence

In a proceeding, evidence of a record or signature may not be excluded solely because it is in electronic form.

#### §9414. Automated transaction

In an automated transaction, the following rules apply.

1. Interaction of electronic agents. A contract may be formed by the interaction of electronic agents of the parties, even if no individual was aware of or reviewed the electronic agents' actions or the resulting terms and agreements.

2. Interaction of electronic agent and individual. A contract may be formed by the interaction of an electronic agent and an individual, acting on the individual's own behalf or for

another person, including an interaction in which the individual performs actions that the individual is free to refuse to perform and that the individual knows or has reason to know will cause the electronic agent to complete the transaction or performance.

3. Substantive law. The terms of a contract are determined by the substantive law applicable to it.

**§9415. Time and place of sending and receipt**

1. Sending. Unless otherwise agreed between the sender and the recipient, an electronic record is sent when it:

A. Is addressed properly or otherwise directed properly to an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record;

B. Is in a form capable of being processed by that information processing system; and

C. Enters an information processing system outside the control of the sender or of a person that sent the electronic record on behalf of the sender or enters a region of the information processing system designated or used by the recipient that is under the control of the recipient.

2. Receipt. Unless otherwise agreed between a sender and the recipient, an electronic record is received when it:

A. Enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record; and

B. Is in a form capable of being processed by that information processing system.

3. Physical location. Subsection 2 applies even if the place the information processing system is located is different from the place the electronic record is deemed to be received under subsection 4.

4. Place of business. Unless otherwise expressly provided in the electronic record or agreed between the sender and the recipient, an electronic record is deemed to be sent from the sender's place of business and to be received at the recipient's place of business. For purposes of this subsection, the following rules apply.

A. If the sender or recipient has more than one place of business, the place of business of that person is the place having the closest relationship to the underlying transaction.

B. If the sender or the recipient does not have a place of business, the place of business is the sender's or recipient's residence, as the case may be.

5. Actual receipt. An electronic record is received under subsection 2 even if no individual is aware of its receipt.

6. Contents. Receipt of an electronic acknowledgment from an information processing system described in subsection 2 establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received.

7. Legal effect. If a person is aware that an electronic record purportedly sent under subsection 1, or purportedly received under subsection 2, was not actually sent or received, the legal effect of the sending or receipt is determined by other applicable law. Except to the extent permitted by the other law, the requirements of this subsection may not be varied by agreement.

#### §9416. Transferable records

1. Definition. In this section, "transferable record" means an electronic record that:

A. Would be a note under Title 11, Article 3-A or a document under Title 11, Article 7 if the electronic record were in writing; and

B. The issuer of the electronic record expressly has agreed is a transferable record.

2. Control. A person has control of a transferable record if an information processing system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

3. Compliance. An information processing system satisfies subsection 2, and a person is deemed to have control of a transferable record, if the transferable record is created, stored and assigned in such a manner that:

A. A single authoritative copy of the transferable record exists that is unique, identifiable and, except as otherwise provided in paragraphs D, E and F, unalterable;

B. The authoritative copy identifies the person asserting control as:

(1) The person to which the transferable record was issued; or

(2) If the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred;

C. The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

D. Copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

E. Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

F. Any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

4. Holders. Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in Title 11, section 1-201, subsection (20), of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under the Uniform Commercial Code, including, if the applicable statutory requirements under Title 11, section 3-1302, subsection (1); Title 11, section 7-501; or Title 11, section 9-308 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated or a purchaser, respectively. Delivery, possession and indorsement are not required to obtain or exercise any of the rights under this subsection.

5. Obligors. Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under the Uniform Commercial Code.

6. Proof. If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person seeking to enforce the transferable record is in control of the transferable record. Proof includes access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the



transferable record and to establish the identity of the person having control of the transferable record.

**§9417. Creation and retention of electronic records and conversion of written records by governmental agencies**

Each governmental agency of the State shall determine whether, and the extent to which, it will create and retain electronic records and convert written records to electronic records.

**§9418. Acceptance and distribution of electronic records by governmental agencies**

1. Option. Except as otherwise provided in section 9412, subsection 6, each governmental agency of the State shall determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures.

2. Specifics. To the extent that a governmental agency uses electronic records and electronic signatures under subsection 1, the governmental agency, giving due consideration to security, may specify:

A. The manner and format in which the electronic records must be created, generated, sent, communicated, received and stored and the systems established for those purposes;

B. If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record and the identity of, or criteria that must be met by, any 3rd party used by a person filing a document to facilitate the process;

C. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality and ability to be audited of electronic records; and

D. Any other required attributes for electronic records that are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

3. Not mandatory. Except as otherwise provided in section 9412, subsection 6, this chapter does not require a governmental agency of the State to use or permit the use of electronic records or electronic signatures.

## §9419. Interoperability

A governmental agency of the State that adopts standards pursuant to section 9418 may encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this State and other states and the Federal Government and nongovernmental persons interacting with governmental agencies of the State. If appropriate, those standards may specify differing levels of standards from which governmental agencies of the State may choose in implementing the most appropriate standard for a particular application.

## CHAPTER 1053

### MAINE DIGITAL SIGNATURE ACT

#### §9501. Short title

This chapter may be known and cited as the "Maine Digital Signature Act."

#### §9502. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Digital signature. "Digital signature" means a computer-created electronic signature that:

A. Is intended by the person using it to have the same force and effect as the use of a manual signature;

B. Is unique to the person using it;

C. Is capable of verification;

D. Is under the sole control of the person using it; and

E. Is linked to data in such a manner that it is invalidated if the data are changed.

2. Electronic signature. "Electronic signature" has the same meaning as used in chapter 1051.

3. State agency. "State agency" means a state department, agency, office, board, commission, quasi-independent agency, authority or institution.

#### §9503. Rules adopted by Secretary of State

When a digital signature is used in a transaction involving a state agency, it must conform to rules adopted by the Secretary of State. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**§9504. Effect of use of digital signature**

A digital signature may be accepted as a substitute for, and, if accepted, has the same force and effect as the use of, a manual signature.

**§9505. Effect of electronic filing with digital signature**

A state agency may allow the electronic filing of information required by that agency. Information filed electronically with a state agency utilizing a digital signature has the same force and effect as if filed as a paper document with a manual signature.

**§9506. Use of digital signature**

The use or acceptance of a digital signature is at the option of the parties. Nothing in this chapter requires a state agency to use or permit the use of a digital signature.

**§9507. Construction**

Except as otherwise specifically provided, nothing in this chapter may be construed to preempt, replace or otherwise negate the requirements of chapter 1051.

**Sec. 3. Resolve 1999, c. 89, §7 is amended to read:**

**Sec. 7. Report. Resolved:** That no later than December 1, 1999, the commission shall submit its initial report, together with any necessary implementing legislation, to the Joint Standing Committee on Business and Economic Development of the 119th Legislature and the Executive Director of the Legislative Council. The Joint Standing Committee on Business and Economic Development is authorized to report out a bill during the Second Regular Session of the 119th Legislature concerning the findings and recommendations of the commission.

The commission is authorized to meet following the conclusion of the Second Regular Session of the 119th Legislature to continue its work. The commission shall end its work by November 15, 2000. The commission shall submit its 2nd report, together with any necessary implementing legislation, to the First Regular Session of the 120th Legislature.

If the commission requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 4. Report on use of credit cards.** The Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Professional and Financial Regulation shall each submit a report detailing the impact of the acceptance of payments by credit cards on each agency's budget. Each report must include the total number of agency transactions that included the use of credit cards, the dollar amount attributable to credit card transactions and the cost savings or loss to the agency. The report must be submitted to the joint standing committee of the Legislature having jurisdiction over business and economic development matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 20, 2001.

**Sec. 5. Effective date.** Section 1 of this Act takes effect on July 1, 2001.

**Sec. 6. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

## LEGISLATURE

### Blue Ribbon Commission to Establish a Comprehensive Internet Policy

Personal Services	\$1,375
All Other	1,750
<b>TOTAL</b>	<hr/> \$3,125

Provides funds for the per diem and expenses of legislative members of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy and to print the required report.

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND

—  
S.P. 775 - L.D. 2174

**An Act to Protect the Citizens of Maine from the Dangers of  
Counterfeit Consumer Goods**

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

**Whereas,** law enforcement agencies and retail merchants in this State have seen increasing evidence that counterfeit goods are being brought into this State to be sold to unsuspecting consumers; and

**Whereas,** the sale of these counterfeit goods reduces the opportunity of legitimate merchants to compete in the marketplace; and

**Whereas,** the sale of these counterfeit goods is often undertaken by unlicensed individuals and results in revenue lost to the State; and

**Whereas,** the use of counterfeit Universal Price Code, "UPC," labels is also increasing in this State and results in revenue lost to the State and to its merchants; and

**Whereas,** the public health and well-being of the citizens of this State may be threatened by the unauthorized sale of certain consumer goods, such as infant formulas, cosmetics, personal care products, nonprescription drugs and medical devices, at unused property sales or flea markets; and

Whereas, no formal study has been done to evaluate the extent of these practices that threaten the public health and safety and the need for governmental response or oversight; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 17-A MRSA §901, sub-§3, ¶B, as enacted by PL 1975, c. 499, §1, is amended to read:**

B. "Mislabeled" means having a label or trademark varying from the standard of truth and disclosure in labeling prescribed by statute or lawfully promulgated administrative regulation, or if none, as set by established commercial usage. "Mislabeled" includes but is not limited to counterfeiting or the unauthorized reproducing of a trademark.

**Sec. 2. 17-A MRSA §901, sub-§3-A is enacted to read:**

3-A. A commodity or item bearing marks in violation of this section or personal property, including, but not limited to, tools, machines, equipment, instrumentalities or vehicles of any kind, employed or used in connection with the violation is contraband and may be seized by a law enforcement officer. A person convicted of a violation of this section forfeits to the State all rights, privileges, interests and claims to property seized under this subsection.

**Sec. 3. Commission established.** The Commission to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels, referred to in this section as the "commission," is established.

**1. Commission membership.** The commission consists of 9 members as follows:

A. Two Senators, one of whom is a member of the minority party, appointed by the President of the Senate;

B. Two members of the House of Representatives, one of whom is a member of the minority party, appointed by the Speaker of the House;

- C. One member representing a labor organization, appointed by the President of the Senate;
- D. One member representing state law enforcement, appointed by the President of the Senate;
- E. One member representing the district attorneys of the State, appointed by the Speaker of the House;
- F. One member representing municipal law enforcement, appointed by the Speaker of the House; and
- G. One member representing retail merchants, appointed by the Speaker of the House.

2. **Chairs.** The first Senate member named is the Senate chair and the first House member named is the House chair.

3. **Appointments.** Appointments to the commission must be made within 30 days of the effective date of this Act. Appointing authorities shall notify the Executive Director of the Legislative Council once the selections have been made. The chairs of the commission shall call and convene the first meeting of the commission no later than July 1, 2000.

4. **Duties.** The commission shall invite the participation of experts and interested parties, gather information and request necessary data from public and private entities in order to:

A. Examine the effect of counterfeit goods in the State, including the effect of counterfeit Universal Price Code labels on state revenue, losses to merchants and manufacturers of legitimate goods and the impact on consumers;

B. Examine the sale of consumer products at unused property sales and flea markets, including whether these sales are authorized and the potentially harmful consequences of the sale of these products; and

C. Examine whether current state law acts as an appropriate deterrent or imposes sufficient sanctions for such conduct.

5. **Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission.

6. **Expenses.** The legislative members of the commission are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at the authorized

meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the commission.

**7. Report.** The commission shall submit a report with any implementing legislation to the First Regular Session of the 120th Legislature by December 1, 2000. If the commission requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension.

**8. Budget.** The chairs of the commission, with assistance from commission staff, shall administer the commission budget. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall provide the commission chairs and staff with a status report of the commission budget, expenditures incurred and paid and available funds.

**Sec. 4. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

## LEGISLATURE

### Commission to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels

Personal Services	\$1,100
All Other	2,500
TOTAL	<hr/> \$3,600

Provides funds for the per diem and expenses of legislative members and expenses for other eligible members of the Commission to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels and to print the required report.



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

LD 2651

**STATE OF MAINE**

**IN THE YEAR OF OUR LORD  
TWO THOUSAND**

**H.P. 1906 - L.D. 2651**

**Resolve, to Establish the Commission to Study Domestic  
Violence**

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

**Whereas,** domestic violence is a pervasive and atrocious problem in Maine and nationwide; and

**Whereas,** for the health and well-being of the people of Maine, it is imperative that reasonable and sound measures be taken to alleviate the problem of domestic violence; and

**Whereas,** in order to adequately address the problem of domestic violence, it needs to be determined what the issues and problems are and what reasonable and sound measures need to be taken; and

**Whereas,** this determination needs to be undertaken as soon as possible so that the problem of domestic violence may be alleviated quickly; 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. Commission established. Resolved:** That the Commission to Study Domestic Violence, referred to in this resolve as the "commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of the following members:

1. Two members of the Senate, one who sits on the Joint Standing Committee on Criminal Justice and one who sits on the Joint Standing Committee on Judiciary, appointed by the President of the Senate;

2. Three members of the House of Representatives, 2 who sit on the Joint Standing Committee on Criminal Justice and one who sits on the Joint Standing Committee on Judiciary, appointed by the Speaker of the House;

3. One member of the Maine Association of Clerks of Courts who works in the District Court, selected by that association;

4. One member of the Maine Sheriffs Association, selected by that association;

5. One member of the Maine Chiefs of Police Association, selected by that association;

6. The President of the Maine Association of Criminal Defense Lawyers, or the president's designee;

7. The President of the Maine Prosecutors Association, or the president's designee;

8. The Director of the Maine Coalition to End Domestic Violence, or the director's designee;

9. A survivor of domestic violence, appointed by the President of the Senate;

10. The Chair of the Maine Commission on Domestic Abuse, or the chair's designee;

11. The Victims Service Coordinator for the Department of Corrections;

12. The chair of the Maine Association of Batterers Intervention Programs or the chair's designee;

13. One member of the Department of Corrections, Division of Probation and Parole, appointed by the Commissioner of Corrections;

14. The Chief of the State Police or the chief's designee; and

15. The Attorney General or the Attorney General's designee.

The commission shall ask the Chief Justice of the Supreme Judicial Court to designate a judge or retired judge from the District Court to serve on the commission as a voting member. Members who are Legislators may serve only while Legislators. If necessary, the President of the Senate and Speaker of the House shall appoint new legislative members; and be it further

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

**Sec. 4. Appointments; meetings. 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 upon making their appointments. When the appointment of all members is complete, the chairs of the commission shall call and convene the first meeting of the commission no later than 30 days after all appointments have been made. The commission may hold up to 8 meetings; and be it further

**Sec. 5. Duties. Resolved:** That the commission shall invite the participation of experts and interested parties, gather information and request necessary data from public and private entities in order to study the problem of domestic violence and determine methods of alleviating this problem, including, but not limited to:

1. Strengthening protection from abuse orders, including improving communication between the courts, law enforcement and other appropriate government agencies regarding notice and verification of protection from abuse orders;

2. Increasing enforcement of probation and bail conditions; and

3. Examining the handling of all aspects of domestic violence cases from investigation to prosecution to movement through the court system; and be it further

**Sec. 6. Staff assistance. Resolved:** That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission. If requested by the commission, the Department of Public Safety, the Department of Corrections and the Office of

the Attorney General also shall provide assistance; and be it further

**Sec. 7. Compensation. Resolved:** That the members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings; and be it further

**Sec. 8. Report. Resolved:** That the commission shall submit its report, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice matters no later than December 5, 2001. The joint standing committee of the Legislature having jurisdiction over criminal justice matters may introduce a bill during the Second Regular Session of the 120th Legislature. If the commission requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 9. Budget. Resolved:** That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for approval. The commission may not incur expenses that would result in the commission exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds; and be it further

**Sec. 10. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

2000-01

## LEGISLATURE

### Commission to Study Domestic Violence

Personal Services	\$1,100
All Other	2,800

Provides funds for the per diem and expenses of legislative members and expenses of other eligible members of the Commission to Study Domestic Violence.

**LEGISLATURE**

**TOTAL**

\$3,900

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

LD 2685



STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND

H.P. 1940 - L.D. 2685

An Act to Implement the Recommendations of the Commission to  
Consider the Enhancement of Fire Protection Services  
Throughout the State

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA c. 319 is enacted to read:

CHAPTER 319

MAINE FIRE PROTECTION SERVICES COMMISSION

§3371. Maine Fire Protection Services Commission

1. Commission established. The Maine Fire Protection Services Commission, referred to in this chapter as the "commission," is established to monitor and evaluate the State's fire protection services system on a continuing basis and to provide recommendations to the appropriate state agencies and to the Legislature regarding necessary changes in the fire protection services system. The commission is established pursuant to section 12004-J, subsection 12.

2. Membership. The commission consists of 21 members appointed as follows:

A. Two members of the Senate who sit on the joint standing committee of the Legislature having jurisdiction over fire protection matters, appointed by the President of the Senate;

B. Three members of the House of Representatives who sit on the joint standing committee of the Legislature having jurisdiction over fire protection matters, appointed by the Speaker of the House of Representatives;

C. The State Fire Marshal or the fire marshal's designee;

D. The Supervisor of the Forest Fire Control Division of the Maine Forest Service or the supervisor's designee;

E. The Director of the Bureau of Labor Standards or the director's designee;

F. One municipal fire chief who is a full-time fire chief and a member of the Maine Fire Chiefs Association, appointed by the Governor;

G. One municipal fire chief who is a volunteer fire chief and a member of the Maine Fire Chiefs Association, appointed by the Governor;

H. One municipal fire chief who is paid on call and a member of the Maine Fire Chiefs Association, appointed by the Governor;

I. Six firefighters appointed as follows:

(1) Two career firefighters who are members of the Professional Fire Fighters of Maine, appointed by the Governor;

(2) Two call firefighters who are members of the Maine State Federation of Fire Fighters, appointed by the Governor; and

(3) Two volunteer firefighters who are members of the Maine State Federation of Fire Fighters, appointed by the Governor;

J. The administrator of the Maine Fire Training and Education Program within the Maine Technical College System, or the administrator's designee; and

K. Three persons appointed by the Governor, including:

(1) One member representing the Governor's office;

(2) One public member; and

(3) One member representing the insurance industry.

The Governor shall request a list of names from the organizations covered under paragraphs F to I from which to make appointments.

3. Chair. The Governor shall designate the first chair from among the appointees. The first chair shall call the first meeting of the commission as soon as funding permits. At the first meeting, the commission shall select a chair, a vice-chair, a secretary and a treasurer from among its members. The commission may select new officers annually.

4. Terms of appointment. The terms of appointment are as follows.

A. Of the initial gubernatorial appointments, 4 must be for terms of 3 years, 4 must be for terms of 2 years and 4 must be for terms of one year.

B. Subsequent gubernatorial appointments are for terms of 3 years. Members may serve beyond their designated terms until their successors are appointed.

C. Terms of appointment for Legislators coincide with their respective legislative terms of office.

D. Other appointed members who are neither Legislators nor gubernatorial appointees serve for terms of 3 years.

5. Meetings. The commission may meet as often as necessary but must meet at least quarterly. A meeting may be called by the chair or by any 4 members. The commission shall take and maintain minutes of all meetings.

6. Staffing. If funding permits, the commission may employ staff as needed. The staffs of the members represented on the commission may assist the commission in carrying out its functions and duties within their existing resources. The commission may contract for administrative, professional and clerical services if funding permits.

7. Funding. The commission may seek, accept and expend outside funding to carry out its duties.

8. Duties. The commission shall:

A. Regularly advise the Governor and executive officers, the Legislature, the Maine Forest Service, municipal fire departments and any other parties affected by its recommendations regarding fire protection services;

B. Submit a report containing the results of its studies, findings and recommendations to the Governor and to the joint standing committee of the Legislature having jurisdiction over fire protection services matters by December 31st of each year. As resources permit, the report must include:

(1) A detailed assessment of existing and needed resources within the State's fire protection services system, including capital needs for training facilities;

(2) A detailed assessment of expected resource needs in the State's fire protection services system and recommendations for funding those needs, including an evaluation of the appropriate level for the fire premium tax and bond initiative proposals;

(3) An evaluation of existing fire prevention, fire suppression, fire safety and fire training strategies and programs, including recommendations for improvements or new programs or strategies;

(4) Recommendations for effective management of resources within the State's fire protection services system;

(5) Recommendations for enhancing the collection and distribution of fire data, particularly as these data relate to increasing the fire protection services' capacity to fight fires and to save lives;

(6) Recommendations regarding evaluation methodology for the State's fire protection services system;

(7) Recommendations for recruitment and retention of volunteers, including a length-of-service incentive program for volunteer firefighters;

(8) Recommendations for creating a health insurance bridge for retired career firefighters;

(9) Recommendations regarding fire investigation and inspection service needs of the Department of Public Safety, Office of the State Fire Marshal; and

(10) Recommendations regarding grants available for fire training and fire protection needs;

C. Develop rules of procedure necessary to carry out its duties. Rules adopted pursuant to this paragraph are

routine technical rules as defined in Title 5, chapter 375, subchapter II-A;

D. Adopt rules to carry out the purposes of Title 30-A, chapter 154, Maine Firefighter Training Fund. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A;

E. Conduct public hearings, conferences, workshops and other meetings to obtain information about and discuss and publicize the needs of and solutions to problems concerning the State's fire protection services;

F. Assist all governmental agencies with firefighter training and education responsibilities to enhance their delivery of services to fire prevention, protection and life safety professionals, including paid, call and volunteer fire service members; and

G. Submit proposed legislation to the Legislature to implement any recommendations of the commission.

Sec. 2. 5 MRSA §12004-J, sub-§12 is enacted to read:

<u>12.</u>	<u>Maine Fire</u>	<u>Legislative</u>	<u>5 MRSA</u>
<u>Fire</u>	<u>Services</u>	<u>Per Diem</u>	<u>§3371</u>
<u>Protection</u>	<u>Commission</u>	<u>and</u>	
<u>Services</u>		<u>Expenses</u>	

Sec. 3. 5 MRSA §18005, sub-§2, as amended by PL 1991, c. 885, Pt. E, §12 and affected by §47, is further amended to read:

2. Workers' compensation or similar law. The amount payable under this article must be reduced by any amount received by the surviving spouse and dependent child or dependent children under former Title 39, the Workers' Compensation Act or Title 39-A, Part 1, the Maine Workers' Compensation Act of 1992, or a similar law. For purposes of this article, a death benefit paid to a firefighter or emergency medical services person under Title 25, chapter 195-B is not considered a benefit paid under a "similar law" and may not be used to reduce the amount payable under this article.

A. Lump-sum settlements of benefits that would reduce the accidental death benefits under this subsection must be prorated on a monthly basis in an equitable manner prescribed by the board.

B. The prorated lump-sum settlement amounts must reduce the accidental death benefits payable monthly under this article.

Sec. 4. 5 MRSA §18605, sub-§2, as amended by PL 1991, c. 885, Pt. E, §16 and affected by §47, is further amended to read:

2. **Workers' compensation or similar law.** The amount payable under this article must be reduced by any amount received by the surviving spouse and dependent child or dependent children under former Title 39, the Workers' Compensation Act or Title 39-A, Part 1, the Maine Workers' Compensation Act of 1992, or a similar law. For purposes of this article, a death benefit paid to a firefighter or emergency medical services person under Title 25, chapter 195-B is not considered a benefit paid under a "similar law" and may not be used to reduce the amount payable under this article.

A. Lump-sum settlements of benefits that would reduce the accidental death benefits under this subsection must be prorated on a monthly basis in an equitable manner prescribed by the board.

B. The prorated lump-sum settlement amounts must reduce the accidental death benefits payable monthly under this article.

Sec. 5. 25 MRSA c. 195-B is enacted to read:

#### CHAPTER 195-B

#### DEATH BENEFITS FOR FIREFIGHTERS AND EMERGENCY MEDICAL SERVICES PERSONS WHO DIE WHILE IN THE LINE OF DUTY

#### §1621. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings:

1. **Emergency medical services person.** "Emergency medical services person" means a person who is licensed to provide emergency medical treatment under Title 32, chapter 2-B and is actively serving a public agency in an official capacity as an officially recognized or designated employee or member of a rescue squad or ambulance crew, with or without compensation, or who is an employee of an emergency medical service as defined in subsection 2.

2. **Emergency medical service.** "Emergency medical service" means a nonprofit, incorporated ambulance service or nontransporting emergency medical service licensed under Title 32, chapter 2-B receiving full or partial financial support from

or officially recognized by the State, a municipality or county or an entity created under Title 30-A, chapter 115 or 119 except when the emergency medical service is acting outside the scope of activities expressly authorized by the State, a municipality or county or entity created under Title 30-A, chapter 115 or 119.

3. Firefighter. "Firefighter" means an active municipal firefighter or an active volunteer firefighter, as defined in Title 30-A, section 3151.

#### §1622. Death benefit

1. Amount; recipients. In a case in which the State Fire Marshal determines under rules adopted pursuant to this section that a firefighter or emergency medical services person has died while in the line of duty, the State shall pay a benefit of \$50,000 as follows:

A. If there is no surviving child of the firefighter or emergency medical services person, to the surviving spouse of the firefighter or emergency medical services person;

B. If there is a surviving child or children and a surviving spouse, 1/2 to the surviving child or children of the firefighter or emergency medical services person in equal shares and 1/2 to the surviving spouse;

C. If there is no surviving spouse, to the child or children of the firefighter or emergency medical services person in equal shares; or

D. If there is no surviving child or spouse of the firefighter or emergency medical services person, to the parent or parents of the firefighter or emergency medical services person in equal shares.

2. Interim benefit payment. When the State Fire Marshal determines upon showing of need and prior to final action that the death of a firefighter or emergency medical services person is one with respect to which a benefit will probably be paid, the State Fire Marshal may make an interim benefit payment not exceeding \$3,000 to the individual or individuals entitled to receive a benefit under subsection 1 in the manner set out in subsection 1.

3. Deduction of interim payment. The State Fire Marshal shall deduct the amount of an interim payment made pursuant to subsection 2 from the amount of any final benefit paid to the individual or individuals entitled to receive a benefit under subsection 1.

4. Repayment of interim payment; waiver. If a final benefit is not paid, the recipient or recipients of any interim payment under subsection 2 are liable for repayment of the amount received. The State Fire Marshal may waive all or part of the repayment if the State Fire Marshall determines that undue hardship would result from that repayment.

5. Execution or attachment prohibited. A benefit paid under this section is not subject to execution or attachment.

6. Other benefits. The \$50,000 benefit payable under this section may not be considered a benefit paid under "similar law" for purposes of Title 5, sections 18005 and 18605 and may not be used to reduce any accidental death benefit amount payable under those provisions or under any other provision of law.

7. Rulemaking. The State Fire Marshal shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 6. 30-A MRSA c.154 is enacted to read:

#### CHAPTER 154

#### MAINE FIREFIGHTER TRAINING FUND

##### §3161. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Municipal fire department. "Municipal fire department" has the same meaning as in section 3151.

2. Qualified firefighter. "Qualified firefighter" means an active municipal firefighter or an active volunteer firefighter, as defined in section 3151.

3. Volunteer fire association. "Volunteer fire association" has the same meaning as in section 3151.

##### §3162. The Maine Firefighter Training Fund

1. Fund established. The Maine Firefighter Training Fund, referred to in this section as the "fund," is established to provide training funds annually to all qualified firefighters in the State.



2. Purpose. The purpose of the fund is to provide \$100 annually for each qualified firefighter statewide toward the cost of providing a minimum of 24 hours of training annually.

3. Administration. The Maine Fire Training and Education Program within the Maine Technical College System administers the fund. Within 30 days of the close of each calendar year, the chief of each municipal fire department and each volunteer fire association shall submit a roster of the names of all qualified firefighters to the Maine Fire Training and Education Program. Based upon the roster numbers, the Maine Fire Training and Education Program shall directly disburse funds for each qualified firefighter to each municipal fire department and each volunteer fire association. Funds received under this chapter must be expended only for training or training materials.

4. Authorization. In administering this fund, the Maine Fire Training and Education Program may accept public and private funds to support the fund.

5. Fund information. The Maine Fire Training and Education Program shall provide fund information to volunteer fire associations and municipal fire departments on a regular basis.

6. Report. The chief of each volunteer fire association and municipal fire department that receives training funds under this chapter shall report to the Maine Fire Protection Services Commission by March 1st of each year regarding the use of training funds received the previous year.

7. Rules. The Maine Fire Protection Services Commission, in consultation with the Maine Fire Training and Education Program, shall adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**Sec. 7. Implementation of firefighter training component of strategic plan of the Maine Fire Training and Education Program, Maine Technical College System.** The Legislature shall appropriate funds to continue the implementation of the firefighter training component of the strategic plan of the Maine Fire Training and Education Program within the Maine Technical College System, which includes the following:

1. Increasing from 125 to 250 free firefighter training courses taught in communities statewide;

2. Providing firefighters with the opportunity to participate in fire science and leadership education; and

3. Providing current training and education materials for volunteer fire associations, municipal fire departments and citizens.

**Sec. 8. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

**2000-01**

**LEGISLATURE**

**Legislature**

Personal Services	\$1,100
All Other	1,000

Provides funds for the per diem and expenses of legislative members of the Maine Fire Protection Services Commission.

**LEGISLATURE**

**TOTAL**

\$2,100

**MAINE FIRE PROTECTION SERVICES  
COMMISSION**

**Maine Fire Protection Services  
Commission**

Personal Services	\$2,640
All Other	17,360

<b>TOTAL</b>	<u>\$20,000</u>
--------------	-----------------

Provides initial operating funds for the Maine Fire Protection Services Commission.

**Maine Fire Protection Services  
Commission**

All Other	\$30,000
-----------	----------

Provides one-time funds to contract for actuarial and other planning services to create plans for a health insurance bridge for retired career firefighters and for a length-of-service incentive program for volunteer firefighters.

**MAINE FIRE PROTECTION SERVICES  
COMMISSION  
TOTAL**

\$50,000

**MAINE TECHNICAL COLLEGE SYSTEM -  
BOARD OF TRUSTEES OF THE**

**Maine Technical College System -  
Board of Trustees**

All Other

\$1,200,000

Appropriates initial funding for the Maine Firefighter Training Fund. Any balance remaining at the end of each fiscal year may not lapse but must be carried forward to be used for the same purpose.

**Maine Technical College System -  
Board of Trustees**

All Other

\$96,850

Appropriates additional funds for one Grant Fund Manager position and a Clerk Typist position to be established by the Maine Fire Training and Education Program to administer the Maine Firefighter Training Fund.

**Maine Technical College System -  
Board of Trustees**

All Other

\$324,402

Appropriates additional funds for 3 full-time and 32 part-time positions to be established by the Maine Fire Training and Education Program to develop and deliver standardized firefighter training in local communities throughout the State.

**MAINE TECHNICAL COLLEGE SYSTEM -  
BOARD OF TRUSTEES OF THE  
TOTAL**

\$1,621,252

**PUBLIC SAFETY, DEPARTMENT OF  
Office of Fire Marshal**

Positions - Legislative Count	(3.500)
Personal Services	\$131,968
All Other	34,500
<b>TOTAL</b>	<u>\$166,468</u>

Appropriates funds for 3 additional Fire Inspector positions and a half-time Clerk Typist II position for the purpose of conducting mandatory inspections of facilities.

**State Death Benefits - Firefighters and  
Emergency Medical Services Persons**

All Other	\$150,000
-----------	-----------

Appropriates initial funding to be used to provide a death benefit for firefighters and emergency services persons who die in the line of duty. Any balance remaining at the end of each fiscal year may not lapse but must be carried forward to be used for the same purpose.

**DEPARTMENT OF PUBLIC SAFETY  
TOTAL**

\$316,468

**TOTAL APPROPRIATIONS**

\$1,989,820

**STATE OF MAINE**

---

In House \_\_\_\_\_

**ORDERED,** the Senate concurring, that the Joint Study Committee to Study Bomb Threats in Maine Schools is established as follows.

**1. Committee established.** The Joint Study Committee to Study Bomb Threats in Maine Schools, referred to in this order as the "committee," is established.

**2. Membership.** The committee consists of the following members:

A. Two members of the Senate, appointed by the President of the Senate; and

B. Four members of the House of Representatives, appointed by the Speaker of the House, one of whom is a member of the Joint Standing Committee on Judiciary, one of whom is a member of the Joint Standing Committee on Criminal Justice, one of whom is a member of the Joint Standing Committee on Education and Cultural Affairs and one of whom is a member of the Joint Standing Committee on State and Local Government.

**3. Chairs.** The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair.

**4. Appointments; convening committee.** All appointments must be made within 30 days following the passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The chairs of the committee shall call and convene the first meeting of the committee no later than June 1, 2000.

**5. Duties.** The committee shall study the problem of bomb threats in schools in the State and possible methods of deterring bomb threats in schools, including withholding privileges, such as driver's licenses and other licenses, from a student convicted

of or participating in making a bomb threat until the student is 20 years of age.

**6. Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

**7. Compensation.** Members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

**8. Report.** The committee shall report on the issues studied with any recommended legislation for the First Regular Session of the 120th Legislature no later than November 1, 2000. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

**9. Committee budget.** The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

SPONSORED BY: \_\_\_\_\_  
(Representative McDONOUGH)

TOWN: Portland

H.P. 1938

Joint Study Committee to Study Bomb Threats in Maine Schools

	<u>FY 1999-00</u>	<u>FY 2000-01</u>
General Fund Appropriations:	\$630	\$3,650

Comments:

The Legislature will incur additional costs estimated to be \$630 in fiscal year 1999-00 and \$3,650 in fiscal year 2000-01 for the per diem and expenses of legislative members for 6 meetings of the Joint Study Committee to Study Bomb Threats in Maine Schools and to print the required report. Of this amount, \$1,980 is required in the Personal Services line category and \$2,300 in the All Other line category. If the Legislative Council approves additional meetings, the estimated cost for the per diem and expenses of legislative members for each additional meeting is \$630.

The additional costs associated with providing staffing assistance to the committee during the interim between legislative sessions can be absorbed by the Legislature utilizing existing budgeted resources. If an extension of the reporting deadline is granted and the committee requires staffing assistance during the legislative session, additional costs would be incurred to contract for staff services.

LD 2608



STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND

H.P. 1872 - L.D. 2608

An Act to Improve Educational Programming at Juvenile  
Correctional Facilities

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §4502, sub-§1, as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is amended to read:

1. **General requirements.** Elementary and secondary schools and school administrative units, including an educational program or school located in or operated by a juvenile correctional facility, shall meet all requirements of this Title and other statutory requirements applicable to the public schools and basic school approval standards.

Sec. 2. 20-A MRSA §4502, sub-§7 is enacted to read:

7. **Juvenile corrections facilities.** An educational program or school for juveniles located in or operated by a correctional facility must be reviewed for approval by the department on an annual basis, with special attention paid to alternative educational programming. The department shall report to the joint standing committees of the Legislature having jurisdiction over appropriations, criminal justice and education matters on the results of the review by January 15th of each year.

Sec. 3. 34-A MRSA §3002-A, first ¶, as enacted by PL 1997, c. 752, §34, is amended to read:

The commissioner and the Commissioner of Education shall appoint a ~~7-member~~ 9-member policy review council, referred to in this section as the "council," as authorized by Title 5, chapter 379.

Sec. 4. 34-A MRSA §3002-A, sub-§§1 and 2, as enacted by PL 1997, c. 752, §34, are amended to read:

1. Term. Legislative members serve as voting, ex officio members. The term of office for nonlegislative members is 3 years. The initial appointments are as follows:

- A. Three members for 3 years;
- B. Two members for 2 years; and
- C. Two members for one year.

Replacements for council members who do not complete their terms of office are for the remainder of the unexpired terms.

2. Council members. The cochaairs of the joint standing committee of the Legislature having jurisdiction over education matters or their designees are members. The other council members must be representative of a broad range of professionals, parents and citizens interested in the education of students confined in the department's juvenile facilities and include the parents of a current or former student. In addition, council members may include:

- A. Professionals not employed by the department who serve or have served students in a corrections setting;
- B. Representatives of advocacy groups for children with special needs;
- C. School administrative unit administrators or special education directors; and
- D. Interested citizens.

~~A-Legislator-may-not-serve-on-the-council.~~

Sec. 5. 34-A MRSA §3002-A, sub-§5 is enacted to read:

5. Meetings; report. The council shall meet at least 4 times a year and keep minutes and records of the meetings. The council shall submit a report each year to the joint standing committee of the Legislature having jurisdiction over education matters.

**Sec. 6. Establish task force on educational programming at juvenile correctional facilities.**

**1. Task force on educational programming at juvenile correctional facilities established.** The task force on educational programming at juvenile correctional facilities, referred to in this section as the "task force," is established.

**2. Membership.** The task force consists of 13 members as follows:

A. Two members from the Senate, with one member from each major political party; a representative from the field of special education; and a parent of a student at the Southern Maine Juvenile Facility, all of which to be appointed by the President of the Senate;

B. Two members from the House of Representatives, with one member from each major political party; a representative from the field of alternative education; and a representative from the field of correctional education, all of which to be appointed by the Speaker of the House; and

C. A representative from the Department of Education; a representative from the Department of Corrections; a representative from the Department of Mental Health, Mental Retardation and Substance Abuse Services; a representative from the Policy Review Council; and a teacher from the Southern Maine Juvenile Facility, all of which to be appointed by the Governor.

**3. Appointments; chairs; convening of task force; meetings.** All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The first named Senate member is the Senate chair and the first named House member is the House chair. The first meeting must be called by the chairs no later than 30 days after all appointments have been made. The task force shall meet at least once with students of the Southern Maine Juvenile Facility and hold at least one public hearing.

**4. Duties.** The task force shall:

A. Determine the best methods of delivery of educational services for students at educational programs and facilities located in or operated by juvenile correctional facilities,

with an emphasis on special education and alternative education;

B. Study how to integrate mental health and substance abuse services into an educational setting;

C. Determine the general type of student who will be served by juvenile correctional educational programming;

D. Develop an appropriate set of outcomes for the juvenile correctional educational program;

E. Determine whether juvenile correctional educational programs should seek educational or correctional accreditation; and

F. Determine the necessary qualifications for faculty, administration, recruitment and retention.

**5. Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

**6. Compensation.** The members of the task force who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the task force. Other members of the task force who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

**7. Report.** The task force shall submit its report, along with any legislation necessary to implement its recommendations, to the 120th Legislature by November 1, 2000. If the task force requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

**8. Budget.** The chairs of the task force, with the assistance of the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force chairs and staff with a status report on the task force's budget, expenditures incurred and paid and available funds.

**Sec. 7. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

**LEGISLATURE**

**Legislature**

Personal Services	\$440
All Other	400
TOTAL	<hr/> \$840

Provides funds for the per diem and expenses of legislative members of the Policy Review Council.

**Task Force on Educational Programming  
at Juvenile Correctional Facilities**

Personal Services	\$880
All Other	3,000
TOTAL	<hr/> \$3,880

Provides funds for the per diem and expenses of legislative members and expenses for other eligible members of the task force on educational programming at juvenile correctional facilities and to print the required report.

**LEGISLATURE  
TOTAL**

---

\$4,720

HP 1864

STATE OF MAINE

In House \_\_\_\_\_

**ORDERED,** the Senate concurring, that the Joint Select Committee on School-based Health Care Services is established as follows.

**1. Committee established.** The Joint Select Committee on School-based Health Care Services, referred to in this order as the "committee," is established.

**2. Membership.** The committee consists of 5 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate; and

B. Three members of the House of Representatives appointed by the Speaker of the House.

**3. Chairs.** The first Senate member named is the Senate chair and the first House member named is the House chair.

**4. Appointments; convening of committee.** All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee no later than May 15, 2000.

**5. Duties.** The committee shall:

A. Review the current funding sources for school-based health care services in the State, including the ability of school-based health centers to receive reimbursement for their services from 3rd-party payors;

B. Examine the social and financial impact and the medical efficacy of mandating insurance coverage for school-based health care services with the technical assistance of the Department of Professional and Financial Regulation, Bureau of Insurance;

C. Examine the administrative costs and burdens to school-based health centers regarding billing of public payors and 3rd-party payors for their services;

D. Review the credentialing and other requirements imposed on health care providers and practitioners that relate to the ability of school-based health centers and practitioners in school-based health centers to bill 3rd-party payors or public payors for their services;

E. Recommend strategies for funding school-based health care services, including methods for public funding and 3rd-party reimbursement for school-based health care services; and

F. Invite the participation of experts and interested parties, including the Department of Professional and Financial Regulation, Bureau of Insurance; the Department of Education; and the Department of Human Services, Bureau of Health.

**6. Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

**7. Compensation.** Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

**8. Meetings.** The committee shall hold 5 meetings, but, if the committee requires additional meetings, it may apply to the Legislative Council, which may approve additional meetings.

**9. Report.** The committee shall submit a report along with any recommended legislation to the Legislature by December 1, 2000. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

**10. Committee budget.** The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chairs and staff with a



status report on the committee budget, expenditures incurred and paid and available funds.

SPONSORED BY: \_\_\_\_\_  
(Representative FULLER)

TOWN: Manchester

H.P. 1864

Joint Select Committee on School-based Health Care Services

	<u>FY 1999-00</u>	<u>FY 2000-01</u>
General Fund Appropriations:	\$525	\$2,600

Comments:

The Legislature will incur additional costs estimated to be \$525 in fiscal year 1999-00 and \$2,600 in fiscal year 2000-01 for the per diem and expenses of legislative members for 5 meetings of the Joint Select Committee on School-based Health Care Services and to print the required report. Of this amount, \$1,375 is required in the Personal Services line category and \$1,750 in the All Other line category. If the Legislative Council approves additional meetings, the estimated cost for the per diem and expenses of legislative members for each additional meeting is \$525.

The additional costs associated with providing staffing assistance to the committee during the interim between legislative sessions can be absorbed by the Legislature utilizing existing budgeted resources. If an extension of the reporting deadline is granted and the committee requires staffing assistance during the legislative session, additional costs would be incurred to contract for staff services.

The Department of Professional and Financial Regulation, the Department of Human Services and the Department of Education will incur some minor additional costs to provide expertise to the committee. These costs can be absorbed within the existing budgeted resources of the affected agencies.

LD 2327

**STATE OF MAINE**

**IN THE YEAR OF OUR LORD  
TWO THOUSAND**

**H.P. 1658 - L.D. 2327**

**Resolve, to Establish a Commission to Study  
Kindergarten-to-grade-12 Educator Recruitment and  
Retention**

**Sec. 1. Commission established. Resolved:** That the Commission to Study Kindergarten-to-grade-12 Educator Recruitment and Retention, referred to in this resolve as the "commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of the following 14 members:

1. The Commissioner of Education or the commissioner's designee;

2. The Commissioner of Labor or the commissioner's designee from the Division of Labor Market Information Services;

3. Three members representing teachers who are public school teachers in the State, appointed by the Maine Education Association;

4. One member representing superintendents in the State, appointed by the Maine School Superintendents Association;

5. One member representing school principals in the State, appointed by the Maine Principals Association;

6. One member representing school boards in the State, appointed by the Maine School Boards Association;

7. One member representing the National Commission on Teaching and America's Future or the Maine Leadership Consortium

Steering Committee on the National Commission on Teaching and America's Future, appointed by the chair of the Maine Leadership Consortium's National Commission on Teaching and America's Future Steering Committee;

8. One member representing postsecondary education institutions in the State involved in teacher preparation and professional development programs, appointed by the Chancellor of the University of Maine System;

9. One member representing the State Board of Education, appointed by the State Board of Education;

10. One member representing businesses in the State, appointed by Maine State Chamber of Commerce;

11. One member representing the Maine Municipal Association, appointed by Maine Municipal Association; and

12. One member representing parents of public school students in the State, appointed by the Maine Parent Teachers Association; and be it further

**Sec. 3. Chair. Resolved:** That the commission shall elect a chair from among its members at the first commission meeting; and be it further

**Sec. 4. Appointments; meetings. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities once the selections have been made. When the appointment of all members has been completed, the Chair of the Legislative Council shall call and convene the first meeting of the commission no later than 15 days after the final member is appointed; and be it further

**Sec. 5. Duties. Resolved:** That the commission shall study teacher supply and its alignment with hiring needs, hiring practices, teacher salaries and benefits and comparability with competing careers, assignments of new teachers, supervisory and support systems provided new teachers and attractiveness of the profession. The commission shall also study the causes of administrator shortages in the State.

The commission shall also study and report to the Legislature its findings on:

1. The causes of teacher shortages in the State;
2. The persistence of new teachers in positions for which they are hired and the reasons for any attrition;
3. The types and numbers of new teachers Maine schools will need to hire during the next decade;
4. The specific reasons why experienced teachers are leaving the profession or retiring early;
5. The types of financial incentives, including loan forgiveness, that may lead to the recruitment and retention of teachers;
6. The conditions and practices that lead to the recruitment and retention of an adequate supply of highly qualified teachers at the kindergarten-to-grade-12 level;
7. Recommendations of both local-level and state-level actions to achieve those conditions and practices; and
8. The causes of administrator shortages in the State, the types and numbers of new administrators that Maine schools will need to hire during the next decade and recommendations of both local-level and state-level actions to recruit and retain these new administrators; and be it further

**Sec. 6. Staff assistance; research assistance. Resolved:** That, upon approval of the Legislative Council, the commission shall contract with a consultant to provide the staffing assistance and research services necessary to assist the commission in accomplishing its duties; and be it further

**Sec. 7. Reimbursement. Resolved:** That the members of the commission are entitled to reimbursement for travel and other necessary expenses, upon application to the Legislative Council; and be it further

**Sec. 8. Report. Resolved:** That the commission shall submit its report, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs during the First Regular Session of the 120th Legislature no later than January 15, 2001. If the commission requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 9. Appropriation. Resolved:** That the following funds

are appropriated from the General Fund to carry out the purposes of this resolve.

2000-01

## LEGISLATURE

### **Commission to Study Kindergarten- to-Grade-12 Educator Recruitment and Retention**

All Other

\$38,200

Provides funds for the expenses of eligible members of the Commission to Study Kindergarten-to-Grade-12 Educator Recruitment and Retention, to contract for staffing assistance and research services and to print the required report.

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
TWO THOUSAND

---

H.P. 1534 - L.D. 2187

**Resolve, to Study Youth Homelessness**

**Sec. 1. Study of youth homelessness. Resolved:** That the study of youth homelessness and the relationship of the general assistance program and homelessness is established. The study must examine, for runaway and homeless youth, community-based options, low-barrier access, assessment, treatment, family mediation and outreach services that are consistent statewide to determine what minimal level of service is required to ensure the safety and well-being of unaccompanied homeless youths. The study must also examine the relationship of the general assistance program and homelessness, including review of the decrease in general assistance program funding in the past 8 years and the effect of that decrease on homelessness.

1. The study must be conducted by a 10-member task force appointed as follows:

- A. One Senator, appointed by the President of the Senate;
- B. Two members of the House of Representatives, appointed by the Speaker of the House;
- C. One member of the Interagency Task Force on Homelessness and Housing Opportunities, appointed by the Governor;
- D. One member of the public who has an interest in issues involving homeless youth, appointed by the Governor;



E. The Commissioner of Corrections or the commissioner's designee;

F. The Commissioner of Education or the commissioner's designee;

G. The Commissioner of Human Services or the commissioner's designee;

H. The Commissioner of Mental Health, Mental Retardation and Substance Abuse Services or the commissioner's designee; and

I. The Executive Director of the Maine State Housing Authority or the executive director's designee.

All appointments must be made no later than 30 days following the effective date of this resolve. The first-named Senator is the Senate chair and the first-named member of the House of Representatives is the House chair of the task force. When appointment of all members of the task force is complete the cochairs shall call and convene the first meeting, which must be no later than September 10, 2000.

Legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement of necessary expenses for their attendance at authorized meetings of the task force. Public members of the task force who are not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings.

2. The study must include the following:

A. A detailed description of unaccompanied youths by age, the services the youths need and the barriers the youths face;

B. A review of all statutes and rules regarding unaccompanied homeless youths, including all license requirements and associated service descriptions;

C. A review of current funding programs for homeless youths through the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Human Services and the relative success of these programs in serving homeless youths;

D. The creation of standards for programs for providers of services to ensure that these services reach the targeted population and that those services are effective;

E. Identification of potential funding sources that can be pooled to provide flexibility in serving unaccompanied youths;

F. Identification of the agency responsible for implementing a runaway youth act;

G. An examination of legislative proposals for children in need of services laws that allow a court to mandate treatment for youths who desperately need help;

H. An examination of the general assistance program, focusing on the decreased funding provided to the program in the past 8 years and program effectiveness, administrative practices at the local and state level, the cost of delivering general assistance, client benefits and the effect of the program on homelessness; and

I. Consideration of the work of the Youth in Need of Services Oversight Committee.

3. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

4. The task force, with the approval of the Legislative Council, may contract with a consultant to provide professional services regarding homelessness, use of shelters and other homeless services for youths and options for funding of homeless programs and services.

5. The cochairs of the task force, with assistance from the task force staff, shall administer the task force budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for approval. The task force may not incur expenses that would result in the task force exceeding its approved budget.

6. By December 1, 2000, the task force shall submit a report of its findings to the Legislature and is authorized to submit implementing legislation. If the task force requires an extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension. Upon submission of its required report, the task force terminates; and be it further

**Sec. 2. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

**2000-01**

**LEGISLATURE**

**Task Force to Study Youth Homelessness  
and the Relationship of the General  
Assistance Program and Homelessness**

Personal Services	\$1,100
All Other	1,000

Provides funds for the per diem and expenses of legislative members and other eligible members of the task force to study youth homelessness and the relationship of the general assistance program and homelessness.

**LEGISLATURE  
TOTAL**

\$2,100

**MAINE STATE HOUSING AUTHORITY**

**Study of Youth Homelessness**

All Other	\$20,000
-----------	----------

Provides for the appropriation of funds to study youth homelessness and the relationship of the general assistance program and homelessness.

**MAINE STATE HOUSING AUTHORITY  
TOTAL**

\$20,000

**TOTAL APPROPRIATIONS**

\$22,100

LD 1623

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND

—  
H.P. 1138 - L.D. 1623

An Act to Provide Services for Children in Need of  
Supervision

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §152, sub-§4, as amended by PL 1989, c. 415, §1, is further amended to read:

4. **Exclusive jurisdiction.** Original jurisdiction, not concurrent with that of the Superior Court, of mental health commitment hearings under Title 34, chapter 229, mental retardation certification hearings under Title 34, chapter 229, habitual truancy actions under Title 20-A, chapters 119 and 211 under which equitable relief may be granted, youth in need of services actions under Title 22, chapter 1071, subchapter XIV and small claims actions under Title 14, chapter 738; and

Sec. 2. 22 MRSA c. 1071, sub-c. XIV is enacted to read:

SUBCHAPTER XIV

YOUTH IN NEED OF SERVICES PROGRAM

§4095. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Case manager. "Case manager" means an agent of the department authorized by this subchapter to perform all case management functions for a youth alleged or found to be in need of services. "Case manager" may include community-based agencies contracted by the department and persons employed by those agencies to provide case management services.

2. Court. "Court" means the District Court.

3. Services. "Services" means housing, education, food, medical care, mental health or substance abuse services or treatment, supervision by a parent or legal guardian and support services, including mediation services, that may assist a youth in need of services or the youth's family or legal guardian.

4. Youth in need of services. "Youth in need of services" means a child under 16 years of age who:

A. Is without proper care or subsistence, education, a home or medical or other care necessary for the child's well-being;

B. Is without or beyond the control of the child's parent or legal guardian; or

C. Is in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense.

#### **§4096. Youth in Need of Services Program**

1. Youth in Need of Services Program established. The Youth in Need of Services Program, referred to in this subchapter as the "program," is established within the department to provide preliminary assessments, safety plans and other services as specified in this subchapter to youth and their families and legal guardians.

#### **§4097. Preliminary assessment; safety plan; other services**

1. Preliminary assessment. When a case manager is informed that a youth may be in need of services, the case manager shall make a preliminary assessment within 48 hours, including weekends and holidays, to determine whether the youth is in need of services as defined in this subchapter and whether further action should be taken under subsection 2 or 3.

2. Safety plan. When a case manager determines that a youth is in need of services, the case manager shall immediately

develop a safety plan and arrange services for the youth and, if appropriate, for the youth's family or legal guardian.

3. Imminent danger. If a youth is determined by a case manager to be in need of services and is in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense, the case manager shall attempt to contact the family or legal guardian to begin services to the youth and family or legal guardian, if appropriate, and shall promptly file a petition to commence court proceedings.

A. If the court finds that a youth is in need of services and is in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense, the court shall order that a service provider offer appropriate services to the youth and the youth's family or legal guardian if appropriate.

B. In a proceeding brought under this subsection, if the court orders a service provider to offer appropriate services to a youth or the youth's family or legal guardian, the court may not order secure residential placement or inpatient treatment or order a youth to participate in services or enter an order of enforcement or contempt, except that such an order may be entered by a court once a court-ordered service system is in operation pursuant to subsection 6.

4. Treatment by spiritual means. A youth may not be considered to be in need of services under this subchapter solely because treatment is provided by spiritual means by an accredited practitioner of a recognized religious organization. When medical treatment is authorized under this subchapter, treatment by spiritual means by an accredited practitioner of a recognized religious organization may also be considered if requested by a youth or the youth's parent or legal guardian.

5. Reporting. The department shall report annually by January 15th to the Youth in Need of Services Oversight Committee, established in section 4098, and the joint standing committee of the Legislature having jurisdiction over health and human services matters on the number and nature of preliminary assessments, safety plans and court proceedings under this section. The report must include safety plans and court proceedings under this section. The report must include recommendations for policy initiatives, rulemaking and legislative action for youth in need of services.

6. Court-ordered service system. By July 1, 2001, the department shall establish a court-ordered service system for

youth in need of services, which must be in operation statewide by November 1, 2001. The department, the Department of Education, the Department of Corrections, the Department of Public Safety and the Department of Mental Health, Mental Retardation and Substance Abuse Services shall jointly develop rules for a court-ordered service system. By November 1, 2001, rules must be adopted by each department named in this subsection to enable the Department of Human Services to operate a statewide court-ordered service system. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

7. Rulemaking. The department shall adopt rules to implement this subchapter. Except as provided in subsection 6, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

#### **§4098. Youth in Need of Services Oversight Committee**

The Youth in Need of Services Oversight Committee, referred to in this section as the "committee," is established to provide oversight of services provided to or offered for youth in need of services and their families by the State, except that the Children's Mental Health Oversight Committee established pursuant to Title 34-B, section 15004 has responsibility for oversight of youths' mental health.

1. Membership. The committee consists of the following 25 members. The appointing authorities must make the initial appointments by August 1, 2000. Except as provided in this subsection, all members serve 3-year terms. When a vacancy occurs the appointing authority shall promptly appoint a person to fill the vacancy. The membership consists of the following:

A. Three members of the joint standing committee of the Legislature having jurisdiction over health and human services matters who serve on that legislative committee at the time of their appointments and who may continue to serve while they are Legislators until they are replaced by a new appointment. One member is appointed by the President of the Senate. Two members are appointed by the Speaker of the House, representing each major political party;

B. One member of the joint standing committee of the Legislature having jurisdiction over criminal justice matters, who serve on that legislative committee at the time of their appointments and who may continue to serve while they are Legislators until they are replaced by a new appointment appointed by the Speaker of the House;



C. One member of the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, who serve on that legislative committee at the time of their appointments and who may continue to serve while they are Legislators until they are replaced by a new appointment appointed by the President of the Senate;

D. One member of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, who serve on that legislative committee at the time of their appointments and who may continue to serve while they are Legislators until they are replaced by a new appointment appointed by the Speaker of the House;

E. The commissioner, the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Public Safety and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, or the commissioners' designees, who have authority to participate in full and to make decisions as required of committee members;

F. Three representatives of families whose children receive services from a state agency or reimbursed through a state agency or from an entity under contract with a state agency, 2 of whom are appointed by the President of the Senate and one of whom is appointed by the Speaker of the House. One of the appointments of the President of the Senate to the initial committee must be for 2 years;

G. Three representatives of providers of youth services provided by an entity under contract with a state agency or reimbursed through a state agency, one of whom is appointed by the President of the Senate and 2 of whom are appointed by the Speaker of the House. One of the appointments of the Speaker of the House to the initial committee must be for 2 years;

H. One representative of a statewide organization that advocates for youth, appointed by the President of the Senate;

I. Two representatives of statewide or regional organizations that provide funding and support for services for youth and families, one of whom is appointed by the Speaker of the House and one of whom, representing the Juvenile Justice Advisory Group, established in Title 34-A, section 1209, is appointed by the President of the Senate;

J. One representative of the Maine State Housing Authority designated by the director of the Maine State Housing

Authority and one representative of the court designated by the Chief Judge of the court; and

K. Three youths, one appointed by the President of the Senate and 2 appointed by the Speaker of the House, one from each of the 3 regions of the State designated by the department.

2. Duties. The committee shall undertake the following responsibilities with regard to youth in need of services who are receiving or are eligible to receive services from the State or services funded by the State:

A. Oversight, monitoring and review, including:

(1) Receiving reports and advising the Governor and the Executive Department regarding youth health and youth services, including, but not limited to, services for youth in need of services, the Medicaid and Cub Care programs, child welfare services and adoption, foster care and juvenile justice services;

(2) Reviewing and commenting on rules proposed by state agencies that pertain to youth;

(3) Receiving reports from the departments named in this section on the program, including its strengths and weaknesses and its administration, and reports on other initiatives with regard to youth in need of services;

(4) Receiving reports on demonstration programs and pilot projects regarding youth and families and youth health; and

(5) Gathering facts regarding the needs of youth, youth services that are being provided in the State, unmet needs and services needed but not provided, preliminary assessments, safety plans and court action provided under this subchapter and developing and reporting any recommendations to improve the delivery of services to youth and families to the Legislature by October 1st of each year beginning in 2001 and as frequently as the committee determines to be appropriate;

B. Meeting every 2 months or more often, as the committee determines to be necessary. The committee shall elect a secretary from among its members who shall work with staff to keep and to distribute minutes to members and to the

joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, the joint standing committee of the Legislature having jurisdiction over education matters, the joint standing committee of the Legislature having jurisdiction over criminal justice matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters; and

C. Reporting to the Legislature at least twice annually on the number of youth in need of services and the status of programs and services for youth and families, service needs and the capacity of state departments, state agencies and community and nonprofit organizations to meet those service needs.

3. Cochairs; meetings. The first-named Senator shall serve as Senate chair and the first-named Representative shall serve as House chair. The cochairs shall call and convene the first meeting of the committee by September 15, 2000.

4. Confidentiality. Notwithstanding any other provision of state law or rule, committee members and staff to the committee may review in executive session information that is confidential under state law or rule. Information reviewed under this subsection retains its confidentiality and is not public information.

5. Reimbursement. Legislative members are entitled to receive the legislative per diem as defined in Title 3, section 2 and reimbursement of necessary expenses for their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of the committee.

6. Staff; resources. The department shall provide staffing assistance to the committee and resources necessary to the effective operation of the committee.

7. Public meetings and information. With the exception of information designated as confidential by state or federal law, rule or regulation, the committee is subject to the freedom of access laws under Title 1, chapter 13, subchapter I.

**Sec. 3. Homeless Youth Demonstration Project.** The Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services shall provide financial and staffing support to extend the operation of the

Homeless Youth Demonstration Project, created in Resolve 1999, chapter 55, to the Department of Human Services Region II and to operate the stakeholders' groups in conjunction with and on the same timetable as the stakeholders' groups operating in Regions I and III. Demonstration projects in Region II must include a rural component. The stakeholders' groups must consider and make recommendations regarding preliminary assessments, safety plans, determinations of imminent danger and court-ordered services for youths and their families and legal guardians. The demonstration projects shall work closely with the Youth in Need of Services Oversight Committee, providing information, considering recommendations, reporting on their experiences and working toward coordination of services for youths and their families and legal guardians. By February 1, 2001, the departments named in this section shall report on their evaluation of the demonstration projects and the recommendations of the projects to the Youth in Need of Services Oversight Committee established in the Maine Revised Statutes, Title 22, section 4098.

**Sec. 4. Report on court-ordered services for youth in need of services.** By January 15, 2001, the Youth in Need of Services Oversight Committee, established in the Maine Revised Statutes, Title 22, section 4098 and referred to in this section as the "committee," shall report to the Legislature its recommendations regarding court-ordered services for youth in need of services. The report must include in one category youth under 16 years of age and in another category youth 16 years of age and older.

In preparing its report, the committee must hold public hearings in the southern, central and northern regions of the State to learn the opinions of youth, families, providers of services and other interested persons in both urban and rural areas.

The committee must address the following issues in its report:

1. Constitutional and civil rights, due process and protection of rights;

2. The relationship of a court-ordered services system to other laws regarding court-ordered commitment, child abuse protection and the criminal justice system; the standard for court-ordered service eligibility and termination of eligibility; and enforcement mechanisms;

3. The use of court-ordered commitment as a means of behavior control;

4. The need for facilities and organizations to provide court-ordered services;

5. The administrative and judicial requirements for a court-ordered service system, including costs;

6. The cost of prevention services and voluntary services;

7. Equitable distribution of services to meet the needs of youth, statewide; and

8. Strategies for improving access to services and options in rural areas.

The committee must consider in its deliberations the following: the reports of the Homeless Youth Demonstration Project; the recommendations of the Interagency Task Force on Homelessness and Housing Opportunities; any recommendations provided by the Department of Corrections, the Department of Education, the Department of Public Safety, the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Judicial Department; and any information provided by youth and interested parties to the committee.

**Sec. 5. Cooperative effort.** The Department of Corrections, the Department of Education, the Department of Human Services, the Department of Public Safety and the Department of Mental Health, Mental Retardation and Substance Abuse Services shall work together on the needs of youth in need of services with the intent of signing memoranda of understanding to provide necessary services to youth 12 to 20 years of age. By March 1, 2001, the departments named in this section shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and to the Youth in Need of Services Oversight Committee on their progress in meeting the needs of youth in need of services and in signing memoranda of understanding.

**Sec. 6. Court-ordered service system for youth in need of services.** By July 1, 2001, the Department of Human Services shall establish a court-ordered service system for youth in need of services, with statewide operation by November 1, 2001. The system must include inpatient, outpatient, residential and nonresidential service options. The system must meet the needs of youth and families and provide services identified in the report and recommendations of the Homeless Youth Demonstration Project and the report on court-ordered services for youth in need of services in section 4. The Department of Education, the Department of Corrections, the Department of Public Safety and

the Department of Mental Health, Mental Retardation and Substance Abuse Services shall work with the Department of Human Services to ensure that the court-ordered service system provides the services that youth and their families and legal guardians need and to ensure coordination of programs and funding.

**Sec. 7. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

**2000-01**

**HUMAN SERVICES, DEPARTMENT OF**

**Purchased Social Services**

All Other	\$853,150
-----------	-----------

Provides for the appropriation of funds to contract with nonprofit agencies for case management and other services associated with the Youth in Need of Services Program.

**DEPARTMENT OF HUMAN SERVICES  
TOTAL**

---

\$853,150

**LEGISLATURE**

**Legislature**

Personal Services	\$660
All Other	600

Provides funds for the per diem and expenses of legislative members of the Youth in Need Oversight Committee.

**LEGISLATURE  
TOTAL**

---

\$1,260

**TOTAL APPROPRIATIONS**

---

\$854,410

LD 2580

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND

—  
S.P. 1012 - L.D. 2580

**Resolve, Regarding Access to Marijuana for Medical Use**

**Sec. 1. Task force. Resolved:** That the Attorney General shall convene a task force to study implementation of the marijuana for medical purposes law and to recommend steps to implement the law and provide access to marijuana for medical purposes. The task force shall study the marijuana for medical purposes law enacted by the voters in November 1999, methods of providing access to marijuana for medical purposes and other implementation and enforcement issues.

The task force must be broadly representative and must include representatives of the following groups and interests: health care professionals, Legislators, law enforcement, public policy specialists, advocates for the medical use of marijuana and interested members of the public. Legislative members must be appointed as follows:

1. After consultation with the Attorney General, the President of the Senate shall appoint 2 Senators; and

2. After consultation with the Attorney General, the Speaker of the House shall appoint 5 Representatives, one member of the Joint Standing Committee on Criminal Justice, one member of the Joint Standing Committee on Judiciary and 3 members of the Joint Standing Committee on Health and Human Services.

Task force meetings must be public meetings. By October 1, 2000, the task force shall report its recommendations and any suggested legislation to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice; and be it further



**Sec. 2. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

**2000-01**

**LEGISLATURE**

**Task Force to Study Implementation  
of the Marijuana for Medical Purposes  
Law**

Personal Services	\$1,540
All Other	1,400

Provides funds for the per diem and expenses of legislative members of the task force to study implementation of the marijuana for medical purposes law.

**LEGISLATURE  
TOTAL**

---

**\$2,940**

LD 2679

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND

S.P. 1076 - L.D. 2679

An Act to Establish the Council on Children and Families and  
to Ensure the Continuation of the Governor's Children's  
Cabinet

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-I, sub-§65, as amended by PL 1993, c. 738, Pt. B, §1 and affected by §9, is repealed.

Sec. 2. 5 MRSA §12004-L, sub-§7, as amended by PL 1993, c. 738, Pt. B, §2 and affected by §9, is repealed.

Sec. 3. 5 MRSA §12004-L, sub-§9, as amended by PL 1993, c. 738, Pt. B, §2 and affected by §9, is repealed.

Sec. 4. 5 MRSA §12004-L, sub-§12 is enacted to read:

<u>12. Council on</u>	<u>Legislative</u>	<u>5 MRSA</u>
<u>Children and Families</u>	<u>Per Diem</u>	<u>19121</u>
	<u>and Expenses</u>	

Sec. 5. 5 MRSA c. 437, as amended, is repealed.

Sec. 6. 5 MRSA cc. 438 and 439 are enacted to read:

CHAPTER 438

COUNCIL ON CHILDREN AND FAMILIES

§19121. Council on Children and Families

1. Establishment. The Council on Children and Families, as established by section 12004-L, subsection 12, is referred to in

this chapter as the "council."

2. Membership. The council is composed of the following members: the Commissioner of Corrections; the Commissioner of Education; the Commissioner of Human Services; the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of Public Safety; and 7 Legislators, who are each appointed for a 2-year term as follows:

A. The President of the Senate shall appoint one member from each of the following committees: the joint standing committee of the Legislature having jurisdiction over criminal justice matters; the joint standing committee of the Legislature having jurisdiction over education and cultural affairs; and the joint standing committee of the Legislature having jurisdiction over health and human services matters; and

B. The Speaker of the House shall appoint one member from each of the following committees: the joint standing committee of the Legislature having jurisdiction over criminal justice matters; the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs; the joint standing committee of the Legislature having jurisdiction over education and cultural affairs; and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

The council shall ask the Chief Justice of the Supreme Judicial Court to serve as a member of the council.

3. Chair. At the first meeting each year, the members shall elect a person from among the membership to serve as chair for a term of one year. The chair may not serve more than 2 terms consecutively.

#### §19122. Purposes of the council; goals

The purposes of the council are to receive reports from and advise and make policy recommendations to the Governor, the Children's Cabinet, the Legislature and the judiciary regarding the following goals:

1. Encourage coordinated system. To encourage a statewide system of coordinated education and social services, including health, mental health, juvenile justice and public safety services, that is responsive to the current needs of children and families and that is delivered by a partnership of schools and public and private agencies; and to promote access to these services, including coordination of these services among

departments and provider agencies, for all children and their families who are in need of these services;

2. Promote coordinated budgets and policy. To promote a comprehensive and coordinated approach to departmental budgets and policy affecting education and social services, including health, mental health, juvenile justice and public safety services, to children and their families;

3. Evaluate allocation of resources. To evaluate on a continuing basis the allocation of resources to ensure the availability of quality education and social services, including health, mental health, juvenile justice and public safety services, delivered in a coordinated and efficient manner that is consistent with the needs of children and their families;

4. Evaluate program effectiveness. To evaluate on a continuing basis the effectiveness of programs to ensure that resources are used in accordance with subsections 1 to 3 and to promote the well-being of children and their families in the State; and

5. Promote plan for information exchange. To promote a plan for the informal exchange of information among schools, service providers and local criminal justice agencies concerning children receiving education and social services, including health, mental health, juvenile justice and public safety services, provided that such a plan respects the confidentiality of information and the privacy interests of children and their families.

#### **§19123. Duties**

The council shall meet at least 3 times a year and shall report each year to the Governor, the Children's Cabinet established in chapter 439, the Legislature and the judiciary on its review of the progress made in meeting the goals cited in section 19122 and its policy recommendations and other proposals for meeting those goals in the forthcoming year. A copy of the report must be submitted to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, the joint standing committee of the Legislature having jurisdiction over criminal justice matters, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters. A copy of the report must be made available to the public.

#### **§19124. Staffing; administration**

Staffing assistance for the council must be coordinated by the Office of the Governor. The council may request additional staffing assistance from the Legislative Council. Staffing assistance provided by the Legislative Council must be secondary to the staffing coordinated by the Office of the Governor. All funds received by and appropriated for the council must be coordinated by the Office of the Governor.

#### CHAPTER 439

#### CHILDREN'S CABINET

#### §19131. Children's Cabinet

1. Establishment. The Children's Cabinet, referred to in this chapter as the "cabinet," is established to promote interdepartmental collaboration on children's policy development and program implementation and to support the provision of services for Maine families and children that are planned, managed and delivered in a holistic and integrated manner to improve their self-sufficiency, safety, economic stability, health and quality of life.

2. Membership. The cabinet consists of the following members:

A. The Commissioner of Corrections;

B. The Commissioner of Education;

C. The Commissioner of Human Services;

D. The Commissioner of Mental Health, Mental Retardation and Substance Abuse Services; and

E. The Commissioner of Public Safety.

3. Chair. The Governor shall appoint one of the members to serve as chair of the cabinet. The term of the chair is 2 years.

#### §19132. Duties of the cabinet

The cabinet shall collaborate to create, manage and promote coordinated policies, programs and service delivery systems that support children, families and communities consistent with the purposes of this chapter. To accomplish these purposes, the cabinet shall carry out the following duties:

1. Regional children's cabinets. Appoint regional children's cabinets to ensure that the purposes of this chapter are implemented at the regional and local levels;

2. Subcommittees. Appoint subcommittees, which may include members from any public or private agency, advisory committee or any citizen, who has appropriate interest and expertise, as may be necessary to carry out the work of the cabinet;

3. Coordinate funding; collaboration. Coordinate funding and budgets among the departments of the cabinet related to child and family services in order to carry out the purpose of this chapter, collaborate to share resources, remove barriers and support initiatives that prevent health and behavioral problems in children;

4. Planning and policy development. Conduct long-range planning and policy development leading to a more effective public and private service delivery system;

5. Coordinated service delivery. Coordinate the delivery of residential and community-based children's services among the departments;

6. Assessment. Assess resource capacity and allocations;

7. Policy and program review. Improve policies and programs through the review of specific case examples; and

8. Communication. Broadly communicate the work of the cabinet.

#### §19133. Program implementation and oversight

The cabinet shall initiate, implement and oversee programs, policies and services consistent with the purposes of this chapter, which may include but are not limited to:

1. Communities for Children. Supporting a collaborative effort between communities and State Government, known as Communities for Children, to effectively address problems facing the State's children and families by mobilizing the resources of State Government with resources and leadership at the community level;

2. Effectiveness indicators. Identifying indicators to measure child well-being to be used by Maine policy makers;

3. Safe homes. Working to ensure that all children have a safe and permanent home;

4. Civil and caring school environments. Providing civil and caring school environments in which violence is eliminated and the health needs of students are provided for;

5. Supportive communities. Focusing community members and resources to support goal-setting, counseling and mentoring for every child;

6. Reducing suicide. Reducing the incidence of suicide among Maine youth and improving access to appropriate prevention and intervention services;

7. Access to information and referral. Ensuring easy access to information and referral services regarding child and family services;

8. Service coordination. Coordinating social services to children and their families as an integrated whole and facilitating access to all services needed by family members;

9. Ensuring services. Ensuring coordination of services to parents of children birth to 5 years of age; and

10. Local case review and resolution; pooled funds. Providing services to children with multiple needs within the child's community by supporting case review and resolution at the local level using appropriate funds pooled from each department of the cabinet.

#### §19134. Funds

The cabinet is authorized to solicit, receive and pool funds from the Federal Government, any political subdivision of the State or any individual, foundation or corporation and may expend those funds for purposes that are consistent with this chapter.

#### §19135. Annual report

The cabinet shall provide an annual report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, the joint standing committee of the Legislature having jurisdiction over criminal justice matters, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters, the Chief Justice of the Supreme Court and the Council on Children and Families. A copy of the report must be made available to the public.



**Sec. 7. Guiding principles.** Consistent with the purposes of the Children's Cabinet established under this Act and recognizing that children's needs are best met within the context of relationships within the child's family and community, the child and family serving system must ensure that:

A. Every child has the opportunity to be a child and has access to the education, resources and support to become a healthy and productive adult;

B. Every family recognizes the responsibilities and rewards of raising children and is provided the support necessary to fulfill the family role;

C. Supporting children to reach their full potential is a shared community responsibility that includes establishing and modeling clear standards of behavior; and

D. State agencies collaboratively support families and communities, keeping family and children at the center of all decisions.

**Sec. 8. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

## LEGISLATURE

### Legislature

Personal Services	\$1,155
All Other	1,050

Provides funds for the per diem and expenses of legislative members of the Council on Children and Families.

## LEGISLATURE

### TOTAL

---

\$2,205

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
TWO THOUSAND

---

H.P. 1901 - L.D. 2645

**Resolve, to Create the Commission to Study Equity in the  
Distribution of Gas Tax Revenues Attributable to  
Snowmobiles, All-terrain Vehicles and Watercraft**

**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 percent of gasoline taxes collected in the State that is paid on gasoline consumed by snowmobiles, all-terrain vehicles and motorboats represents a share of gas tax revenues that should be allocated equitably for programs supporting the enforcement and enhancement of snowmobile, all-terrain vehicle and watercraft use in the State; and

Whereas, the percent for each of those user groups is not presently known; and

Whereas, the overall resource needs to enforce current snowmobile, all-terrain vehicle and watercraft laws and to effectively plan for and provide the services required by current law are not presently known; and

Whereas, collecting and analyzing the information needed to determine the equitable distribution of gas tax revenues generated by snowmobiles, all-terrain vehicles and motorboats and to determine the overall resource needs to enforce and provide services required by law requires that this study begin as soon as possible after adjournment; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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. Commission established. Resolved:** That the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft, referred to in this resolve as the "commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of the following 15 members:

1. Five members of the Senate appointed by the President of the Senate: one member who serves on the Joint Standing Committee on Inland Fisheries and Wildlife; one member who serves on the Joint Standing Committee on Marine Resources; one member who serves on the Joint Standing Committee on Agriculture, Conservation and Forestry; one member who serves on the Joint Standing Committee on Transportation; and one member who serves on the Joint Standing Committee on Taxation;

2. Five members of the House of Representatives appointed by the Speaker of the House: one member who serves on the Joint Standing Committee on Inland Fisheries and Wildlife; one member who serves on the Joint Standing Committee on Marine Resources; one member who serves on the Joint Standing Committee on Agriculture, Conservation and Forestry; one member who serves on the Joint Standing Committee on Transportation; and one member who serves on the Joint Standing Committee on Taxation; and

3. The following ex officio voting members:

A. The Commissioner of Conservation or the commissioner's designee;

B. The Commissioner of Marine Resources or the commissioner's designee;

C. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;

D. The Commissioner of Transportation or the commissioner's designee; and

E. The Director of the Bureau of Revenue Services within the Department of Administrative and Financial Services or the director's designee; and be it further

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

**Sec. 4. Appointments; meetings. Resolved:** That all appointments must be made no later than 30 days after adjournment of the Second Regular Session of the 119th Legislature. The appointing authorities shall notify the Executive Director of the Legislative Council once the appointments have been made. The Executive Director of the Legislative Council shall notify the chairs when all appointments have been made. The chairs of the commission shall call and convene the first meeting of the commission within 30 days of being notified that all appointments have been made; and be it further

**Sec. 5. Duties. Resolved:** That the commission shall:

1. Undertake a comprehensive effort to collect and analyze all existing data regarding the amount and type of fuel purchased for and consumed within this State by snowmobiles, all-terrain vehicles and motorboats and of fuel purchased in this State for those vehicles and consumed outside the jurisdiction of this State. The commission shall identify areas where such information is either incomplete or out of date or has not yet been collected and shall undertake such research as is necessary and within its resources to collect and update that information;

2. Based upon an analysis of the data collected under subsection 1, determine the percentage of gasoline taxes collected under the Maine Revised Statutes, Title 36, section 2903 that is paid on gasoline consumed by snowmobiles, all-terrain vehicles and motorboats;

3. Assess the needs within the Department of Inland Fisheries and Wildlife, the Department of Conservation and the Department of Marine Resources for enforcement of existing snowmobile, all-terrain vehicle and watercraft laws; assess the capital needs for equipment or facilities for maintenance of trails or access to land or water; and determine how existing revenue allocated for snowmobile, all-terrain vehicle and watercraft programs is being used by those departments;

4. Seek input from the public; from organizations representing snowmobile, all-terrain vehicle and watercraft users, including the Maine Snowmobile Association, groups representing all-terrain vehicle users, the University of Maine Agricultural Research Station and the Maine Marine Trade Association; and from any other interested individuals or

organizations. In seeking that input, the commission shall, within its budgeted resources, hold its meetings in geographically diverse locations throughout the State;

5. Review a strategic boating plan developed by the Department of Inland Fisheries and Wildlife, the Department of Conservation and the Department of Marine Resources. Those departments jointly shall prepare and submit to the commission a strategic boating plan that includes a plan for meeting the future freshwater and saltwater access and enforcement needs of the State. Development of that strategic boating plan must include a review of the existing distribution of and limits on funds allocated under the Maine Revised Statutes, Title 36, section 2903-A, a budget detailing the costs to each department to meet the goals of the plan and recommendations for changes to the law that are needed to implement the plan. The commission shall review the strategic boating plan and those recommendations and may include in its report any legislation it considers necessary to implement the plan; and

6. Collect other data and make other recommendations the commission considers appropriate on the issue of off-road fuel consumption; and be it further

**Sec. 6. Report. Resolved:** That the commission shall submit its report, together with any recommended implementing legislation, to the First Regular Session of the 120th Legislature no later than December 6, 2000. If the commission requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 7. Staff assistance. Resolved:** That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide staffing assistance to the commission. The Office of Fiscal and Program Review and the Department of Transportation, the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the Department of Conservation and the Department of Administrative and Financial Services, Bureau of Revenue Services shall also provide assistance as requested by the commission; and be it further

**Sec. 8. Compensation. Resolved:** That the members of the commission who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Other members of the commission who are not compensated by their employers or other entities that they represent are entitled to receive reimbursement for travel

and other necessary expenses related to their attendance at authorized meetings; and be it further

**Sec. 9. Budget. Resolved:** That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. The commission may not incur expenses exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission and its staff with a status report on the commission's budget, expenditures incurred and remaining available funds; and be it further

**Sec. 10. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

2000-01

## LEGISLATURE

### Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft

Personal Services	\$4,400
All Other	5,700

Provides funds for the per diem and expenses of legislative members of the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft, for meeting notices and to print the required report.

## LEGISLATURE

### TOTAL

---

\$10,100

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

**STATE OF MAINE**

---

In House \_\_\_\_\_

**ORDERED**, the Senate concurring, that the Committee to Study the Further Decriminalization of the Criminal Laws of Maine is established as follows.

**1. Committee established.** The Committee to Study Further Decriminalization of the Criminal Laws of Maine, referred to in this order as the "committee," is established.

**2. Membership.** The committee consists of 5 members appointed as follows:

A. Two members of the Senate, appointed by the President of the Senate; and

B. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives.

**3. Appointments; chairs; convening of committee.** All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The first-named Senate member is the Senate chair and the first-named House member is the House chair. When the appointment of all members is complete, the committee chairs shall call and convene the first meeting of the committee no later than May 1, 2000.

**4. Duties.** The committee shall study further decriminalization of the criminal laws of Maine. In determining whether to decriminalize criminal laws, the committee shall consider:

A. Whether it is appropriate to classify the specific prohibited conduct as criminal, especially as compared to other prohibited conduct;

B. Whether the penalties and punishments are proportioned to the offense as required under the Constitution of Maine; and

C. The consequences of decriminalizing specific crimes.

**5. Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

**6. Reimbursement.** The committee members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the committee.

**7. Report.** The committee shall submit its report with any accompanying legislation to the First Regular Session of the 120th Legislature by November 1, 2000. If the committee requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension.

**8. Committee budget.** The committee chairs, with assistance from the committee staff, shall administer the committee budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

SPONSORED BY: \_\_\_\_\_  
(Representative THOMPSON)

TOWN: Naples



H.P. 1914

Committee to Study Further Decriminalization of the Criminal Laws of Maine

	<u>FY 1999-00</u>	<u>FY 2000-01</u>
General Fund Appropriations:	\$1,050	\$3,125

Comments:

The Legislature will incur additional costs estimated to be \$1,050 in fiscal year 1999-00 and \$3,125 in fiscal year 2000-01 for the per diem and expenses of legislative members for 7 meetings of the Committee to Study the Further Decriminalization of the Criminal Laws of Maine and to print the required report. Of this amount, \$1,925 is required in the Personal Services line category and \$2,250 in the All Other line category. If the Legislative Council approves additional meetings, the estimated cost for the per diem and expenses of legislative members for each additional meeting is \$525.

The additional costs associated with providing staffing assistance to the committee during the interim between legislative sessions can be absorbed by the Legislature utilizing existing budgeted resources. If an extension of the reporting deadline is granted and the committee requires staffing assistance during the legislative session, additional costs would be incurred to contract for staff services.

HP 1930

(Subject to adoption)

L.D.

DATE: 4-14-00

(Filing No. H-1135)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1930, "Joint Order Establishing the Commission to Study Child Abuse"

Amend the order by striking out everything from the first indented paragraph to the end and inserting in its place the following:

'ORDERED, the Senate concurring, that the Commission on Child Abuse is established as follows.

1. **Commission established.** The Commission on Child Abuse, referred to in this order as the "commission," is established to study the prevention of and responses to child abuse.

2. **Membership.** The commission consists of the following 5 members, each of whom must possess a strong interest or expertise in the problem of child abuse:

A. Two members of the Senate, appointed by the President of the Senate; and

B. Three members of the House of Representatives, appointed by the Speaker of the House.

Appointments must include at least one member from each of the following: the Joint Standing Committee on Judiciary; the Joint Standing Committee on Criminal Justice; and the Joint Standing Committee on Health and Human Services.

COMMITTEE AMENDMENT

2           **3. Appointments; chairs; convening of commission.** All  
3 appointments must be made no later than 30 days following passage  
4 of this order. The appointing authorities shall notify the  
5 Executive Director of the Legislative Council once all  
6 appointments have been made. The first named Senate member is  
7 the Senate chair and the first named House of Representatives  
8 member is the House chair. The first meeting must be called by  
9 the chairs no later than June 1, 2000.

10           **4. Duties.** The commission shall examine the current  
11 policies and public and private programs and resources related to  
12 physical and sexual abuse of children.

13           To this end, the commission may:

14           A. Hold public hearings to collect information from  
15 individuals and organizations to:

- 16           1. Define the scope and nature of the problem of child  
17 abuse;
- 18           2. Consider abuse of children who are now adults, with  
19 special emphasis on persons who, as children, were in  
20 the care or custody of the State;
- 21           3. Identify public and private programs addressing  
22 child abuse and child abuse prevention;
- 23           4. Identify public and private resources and potential  
24 resources to prevent and respond to child abuse;
- 25           5. Identify public and private resources for support  
26 and treatment of victims of child abuse; and
- 27           6. Identify means to coordinate the available programs  
28 and resources to prevent and respond to child abuse;

29           B. Consult with the following:

- 30           1. Child abuse clinical experts;
- 31           2. Medical care providers;
- 32           3. Child abuse prevention specialists;
- 33           4. Counselors and therapists with experience in  
34 treating child abuse;
- 35           5. Teachers and guidance counselors;

6. District attorneys;

7. Legal experts in child abuse prevention and proceedings;

8. The Commissioner of Human Services;

9. The Attorney General; and

10. Any other person that the commission determines would be helpful to the commission's study; and

C. Examine any other issues to further the purposes of the study.

**5. Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission.

**6. Compensation.** Members of the commission are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the commission.

**7. Report.** The commission shall submit a report along with any recommended legislation to the 120th Legislature no later than November 1, 2000. If the commission requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

**8. Commission budget.** The chairs of the commission, with assistance from the commission staff, shall administer the commission budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the

COMMITTEE AMENDMENT "A" to H.P. 1930

Executive Director of the Legislative Council or the executive director's designee shall provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.'

**SUMMARY**

This amendment replaces the joint order. It creates the Commission on Child Abuse, consisting of 5 Legislators.

The commission's charge is narrower than proposed in the original joint order. The commission shall examine the current policies and public and private programs and resources related to physical and sexual abuse of children. The commission may accept public testimony. The commission may identify means to coordinate the available programs and resources to prevent and respond to child abuse. The commission's report is due November 1, 2000.

**STATE OF MAINE**

---

In House \_\_\_\_\_

**ORDERED,** the Senate concurring, that the Commission on the Study and Prevention of Child Abuse is established as follows.

**1. Commission established.** The Commission on the Study and Prevention of Child Abuse, referred to in this order as the "commission," is established to investigate the mistreatment of children in its various manifestations, focusing on, but not limited to, sexual abuse and to report on the occurrence and causes of this mistreatment and recommend feasible measures by which the State may substantially intervene to the benefit of the children with whose welfare and development it is charged.

**2. Membership.** The commission consists of the following 15 members, each of whom must possess a strong interest or expertise in the problem of child abuse:

A. Four members of the Senate, appointed by the President of the Senate, one of whom serves on the Joint Standing Committee on Criminal Justice and one of whom serves on the Joint Standing Committee on Judiciary;

B. Four members of the House of Representatives, appointed by the Speaker of the House, one of whom serves on the Joint Standing Committee on Education and Cultural Affairs and one of whom serves on the Joint Standing Committee on Health and Human Services;

C. A child abuse clinical expert, appointed by the Executive Director of the Maine Medical Association;

D. A child abuse prevention specialist, appointed by the Commissioner of Human Services;

E. A teacher, appointed by the Executive Director of the Maine Education Association;

F. A guidance counselor, appointed by the Executive Director of the Maine Education Association;

G. A legal expert in child abuse prevention and proceedings, appointed by the Attorney General; and

H. Two members at large, appointed by the Speaker of the House after seeking advice from both within and outside of government.

**3. Appointments; chairs; convening of commission.** All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair. The first meeting must be called by the chairs no later than June 1, 2000.

**4. Duties.** The commission shall investigate the mistreatment of children in its various manifestations, focusing on, but not limited to, sexual abuse and shall report on the occurrence and causes of this mistreatment and recommend feasible measures by which the State may substantially intervene to the benefit of the children with whose welfare and development it is charged.

To this end, the commission shall:

A. Define the scope and nature of the problem of child abuse, emphasizing but not necessarily limiting its study to sexual abuse of children;

B. Investigate and recommend solutions and appropriate, effective levels of support for such solutions in the following areas:

1. Procedures for providing training in recognizing signs of child abuse to school personnel, clergy, law enforcement, health workers and other professionals;

2. Procedures for providing training to children in recognizing potential abusive situations and individuals and in obtaining immediate assistance and protection;

3. The current state of the Department of Human Services' resources for child abuse intervention, including recommendations for appropriate and effective levels of support;

4. Networking among concerned public and private agencies, groups and individuals;

5. Hiring practices for those who work with children,



wherever appropriate, with an emphasis on determining and providing training in best practices;

6. The judicial system's response to the problem of child abuse, including an examination of plea bargaining with and sentencing and rehabilitation of convicted child abusers, as well as the appropriate exchange of official information about such convicted abusers; and

7. Any other areas determined by the commission's investigation to play a critical role in the solution of the problem.

5. **Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission.

6. **Compensation.** Members of the commission who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the commission.

7. **Report.** The commission shall submit a report along with any recommended legislation for the 120th Legislature no later than November 1, 2000. If the commission requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

8. **Commission budget.** The chairs of the commission, with assistance from the commission staff, shall administer the commission budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council or the executive director's designee shall provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.

SPONSORED BY: \_\_\_\_\_  
(Representative TRAHAN)

TOWN: Waldoboro

LD 1620

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND

—  
H.P. 1135 - L.D. 1620

**Resolve, to Establish the Committee to Develop a  
Compensation Program for Victims of Abuse at the Governor  
Baxter School for the Deaf and to Continue Oversight of  
Multiagency Cooperation**

**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 Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf needs to begin working before July; and

Whereas, there continues to be a need for oversight of the ongoing multiagency efforts of the Department of Education, the Department of Labor, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services; 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

**PART A**

**Sec. A-1. Reports. Resolved:** That the Department of Education, the Department of Labor, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services shall continue their multiagency efforts begun in 1999 to address the response to abuse of students at the Governor Baxter School for the Deaf and the

provision of services to the deaf community. The departments shall jointly report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by August 1, 2000 and January 31, 2001. The reports must include:

1. The number of allegations of abuse at the Governor Baxter School for the Deaf, the number of abuse investigations undertaken and the action taken in each instance;

2. Progress reports on the actions taken in furtherance of the goals identified in the matrix presented to the Joint Standing Committee on Judiciary in January 2000; and

3. An update of the matrix to show the progress.

## **PART B**

**Sec. B-1. Committee established. Resolved:** That the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf, referred to in this Part as the "committee," is established; and be it further

**Sec. B-2. Members; chair. Resolved:** That the committee consists of 5 members appointed as follows:

1. Two members of the Senate, appointed by the President of the Senate; and

2. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives. The first named House member is the committee chair; and be it further

**Sec. B-3. Appointments. 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 upon making their appointments. When the appointment of all members is complete, the committee chair shall call and convene the first meeting of the committee no later than May 15, 2000; and be it further

**Sec. B-4. Duties. Resolved:** That the committee shall develop a compensation program for victims of abuse at the Governor Baxter School for the Deaf.

1. In developing the program, the committee shall:

- A. Review existing compensation programs in other states and countries;

- B. Review federal compensation programs;
  - C. Consult with recognized experts and participants in other compensation programs;
  - D. Consult with the deaf community, including former students and staff at the Governor Baxter School for the Deaf; and
  - E. Consider the need to use confidential records in the compensation program.
- 2. The committee may hold one or more public hearings.
  - 3. The program must include at least the following elements:
    - A. The best method of determining compensation, which may be a hearing officer, panel or other method;
    - B. A recommendation on how the person or persons making the compensation determinations are selected or appointed;
    - C. The process to be used to determine individual compensation awards;
    - D. Provisions for staff to help complainants develop their claims for presentation for consideration;
    - E. Provisions for counselors and other support services to assist complainants;
    - F. A timeframe for the establishment of the compensation program and the decision-making process and for the consideration of claims and issuance of final payments;
    - G. A process for making recommendations for changes in the process to the Legislature;
    - H. Rules or guidelines to ensure that deaf and hard-of-hearing persons can fully communicate and participate in the process; and
    - I. Any other elements the committee determines to be appropriate; and be it further

**Sec. B-5. Staff assistance. Resolved:** That upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee; and be it further

**Sec. B-6. Reimbursement. Resolved:** That the committee members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the committee; and be it further

**Sec. B-7. Report; extension. Resolved:** That the committee shall submit its report with any accompanying legislation to the First Regular Session of the 120th Legislature by November 1, 2000. If the committee requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. B-8. Termination. Resolved:** That upon submission of its report, the committee terminates; and be it further

**Sec. B-9. Budget. Resolved:** That the committee chair with assistance from the committee staff shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan to the Legislative Council for approval. The committee may not incur expenses that would result in the committee exceeding its approved budget; and be it further

**Sec. B-10. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this Part.

2000-01

## LEGISLATURE

### Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf

Personal Services	\$2,200
All Other	29,500

Provides funds for the per diem and expenses of legislative members of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf, for costs related to consulting with compensation program experts, for public hearing costs and to print the required report.

LEGISLATURE  
TOTAL

\$31,700

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

LD 2334



COMMITTEE AMENDMENT "A" to H.P. 1665, L.D. 2334

(i) If discharged, received an honorable discharge or a general discharge under honorable conditions, provided that the discharge was not upgraded through a program of general amnesty; and

(ii) Was a resident of the State at the time of entering military service, death or the death of an eligible dependent;

(b) Served in the Maine National Guard and died as a result of injury, disease or illness sustained while serving on active state service as provided in chapter 3, subchapter III; or

(d) Served in the Reserve Components of the United States Armed Forces and was entitled to retired pay under 10 United States Code, chapter 1223 or would have been entitled to retired pay under chapter 1223 except that the person was under 60 years of age.

**Sec. D-12. Resolve 1997, c. 105, §4,** as amended by PL 1999, c. 451, §5 and affected by §6, is further amended to read:

**Sec. 4. Reports. Resolved:** That the MCJUSTIS Board shall submit an interim report ~~reports~~ and proposed legislation to the joint standing ~~committee~~ committees of the Legislature having jurisdiction over criminal justice matters, ~~with regard to issues pertaining to the Maine Criminal Code, and to the joint standing committee of the Legislature having jurisdiction over~~ and judiciary matters ~~regarding all other issues~~ by January 1, 1999 and January 1, 2000. The MCJUSTIS Board shall submit a final report and proposed legislation to the Legislature and the joint standing ~~committee~~ committees of the Legislature having jurisdiction over criminal justice matters, ~~with regard to issues pertaining to the Maine Criminal Code, and to the joint standing committee of the Legislature having jurisdiction over~~ and judiciary matters ~~regarding all other issues~~ by ~~December 15, 1999~~ January 31, 2001. The proposed legislation must accomplish the purpose of this resolve without making additional substantive changes to the Maine Revised Statutes. The MCJUSTIS Board may recommend additional legislation. Each committee may report out additional legislation related to the report.

**Sec. D-13. Retroactivity.** That section of this Part that amends Resolve 1997, chapter 105, section 4 applies retroactively to December 15, 1999.

LD 835

**STATE OF MAINE**

---

**IN THE YEAR OF OUR LORD  
TWO THOUSAND**

---

**H.P. 595 - L.D. 835**

**Resolve, to Study Pension Plan Design and Benefits under the  
Maine State Retirement System**

**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 important to present and future retirees that they have the most effective retirement options legally and reasonably available; and

Whereas, it is important that State Government gather and analyze information about retirement options; and

Whereas, the task of studying retirement options information and interrelationships is complex requiring commencement 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. Committee study. Resolved:** That the Joint Standing Committee on Labor, referred to in this resolve as the "committee," shall study the design of pension plans for state employees and teachers and the level and equity of the benefits available under those plans. The entire committee shall conduct the study but may form subcommittees as necessary. The committee may meet up to 5 times to complete its work. The Senate and House chairs shall serve as cochairs of the study; and be it further

**Sec. 2. Duties. Resolved:** That the committee shall examine and report on:

1. The design of the basic defined benefit retirement plan for state employees and teachers, including comparison to possible alternatives such as defined contribution plans or integration of state retirement plans with social security coverage;

2. The type and level of benefits available to state employees and teachers, including the equity of benefits across the total work force;

3. Whether the current provisions for special retirement plans and early retirement options for certain categories of employees are adequate, whether to establish standardized criteria for coverage under the plans and whether to use an impartial process to develop recommendations as to what categories of employees should be covered;

4. The impact and proper role of retirement benefits in the recruitment and retention of state employees and teachers;

5. The projected costs or savings of any recommended changes; and

6. Other pertinent issues identified by the committee.

In conducting its study, the committee shall review relevant laws and policies in other states comparable to Maine and may hold public meetings or hearings to receive public comments; and be it further

**Sec. 3. Staff assistance. Resolved:** That the committee shall request staffing and clerical assistance from the Legislative Council. The Maine State Retirement System shall provide technical assistance, advice and reasonable actuarial services to the committee. Within the resources available, the committee may hire a pension consultant or engage other professional services; and be it further

**Sec. 4. Reimbursement. Resolved:** That committee members are entitled to receive the legislative per diem and reimbursement for necessary expenses for their attendance at authorized meetings of the committee upon application to the Legislative Council; and be it further

**Sec. 5. Report. Resolved:** That the committee shall submit its report with any accompanying legislation for consideration by the First Regular Session of the 120th Legislature by November 1, 2000. If the committee requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 6. Committee budget. Resolved:** That the committee chairs, with assistance from the committee staff, shall administer the committee budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget; and be it further

**Sec. 7. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

2000-01

## LEGISLATURE

### Legislature

Personal Services	\$3,575
All Other	15,750

Provides funds for the per diem and expenses of members of the Joint Standing Committee on Labor to study the design of pension plans for state employees and teachers and the level and equity of the benefits available under those plans, for public hearings and consultant services and to print the required report.

## LEGISLATURE

### TOTAL

\$19,325

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

501

**STATE OF MAINE**

---

**IN THE YEAR OF OUR LORD  
TWO THOUSAND**

---

**S.P. 529 - L.D. 1562**

**Resolve, to Create the Commission to Study the  
Establishment of an Environmental Leadership Program**

**Sec. 1. Commission established. Resolved:** That the Commission to Study the Establishment of an Environmental Leadership Program, referred to in this resolve as the "commission," is established; and be it further

**Sec. 2. Membership. Resolved:** That the commission consists of 8 members appointed as follows:

1. Three members from the Senate, appointed by the President of the Senate, including one each from the Joint Standing Committee on Natural Resources, the Joint Standing Committee on Business and Economic Development and the Joint Standing Committee on Taxation; and

2. Five members from the House of Representatives, appointed by the Speaker of the House of Representatives, including 3 from the Joint Standing Committee on Natural Resources and one each from the Joint Standing Committee on Business and Economic Development and the Joint Standing Committee on Taxation; and be it further

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

**Sec. 4. Appointments; meetings. Resolved:** That all initial 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 upon

making their appointments. The chairs of the commission shall call and convene the first meeting of the commission no later than 45 days following the effective date of this resolve. The President of the Senate and the Speaker of the House of Representatives shall reappoint members or appoint new members from the 120th Legislature to serve on the commission by February 15, 2001. The commission may hold up to 8 meetings; and be it further

**Sec. 5. Responsibilities. Resolved:** That the responsibilities of the commission include the following:

1. To develop criteria for defining a company or business as an environmental leader;

2. To develop incentives to encourage companies and businesses to become environmental leaders and to attract environmental leaders to the State; and

3. To identify opportunities for and obstacles to creating an environmental leadership program; and be it further

**Sec. 6. Working groups. Resolved:** That the commission shall form advisory working groups from among affected agencies, representatives of the business community, representatives of environmental groups, organizations devoted to economic growth and the public to help carry out its responsibilities; and be it further

**Sec. 7. Compensation. Resolved:** That members of the commission are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the commission. Participants in the advisory working groups serve without compensation; and be it further

**Sec. 8. Staff assistance. Resolved:** That upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

**Sec. 9. Report. Resolved:** That the commission shall submit a report and any implementing legislation by January 15, 2002 to the joint standing committees of the Legislature represented on the commission. If the commission requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out a bill regarding an

environmental leadership program to the Second Regular Session of the 120th Legislature; and be it further

**Sec. 10. Commission budget. Resolved:** That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for approval. The commission may not incur expenses that would result in the commission exceeding its approved budget; and be it further

**Sec. 11. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

2000-01

## LEGISLATURE

### Commission to Study the Establishment of an Environmental Leadership Program

Personal Services	\$3,520
All Other	3,700

Provides funds for the per diem and expenses of legislative members of the Commission to Study the Establishment of an Environmental Leadership Program and to print the required report.

LEGISLATURE  
TOTAL

---

\$7,220



LD 2442

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND

H.P. 1736 - L.D. 2442

An Act Regarding the Solid Waste Hauling and Disposal  
Industry

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §2111 is enacted to read:

§2111. Acquisition of solid waste and residue hauling assets

1. Prohibition. A person may not acquire, directly or indirectly, controlling stock or substantial assets that include those used in solid waste or residue hauling from a business engaged in and of which more than 1/2 of the revenue is derived from solid waste or residue hauling in the State without prior notice as required under subsection 2.

For the purposes of this subsection, "solid waste or residue hauling" means the collection, transportation or delivery of solid waste or residue to a transfer facility or station, incinerator or disposal site from residential or commercial generators and customers and includes hand pickup, containerized pickup and roll-off services.

2. Notice. The person acquiring controlling stock or substantial assets under subsection 1 shall provide notice of this acquisition to the Department of the Attorney General at least 30 days prior to the date of acquisition. That period may be shortened with the consent of the Attorney General.

3. Exception. Notwithstanding subsection 1, this section does not apply if the business from which controlling stock or substantial assets are being acquired employs 5 or fewer individuals.

4. Confidentiality. Information received by the Department of the Attorney General as a result of the notice requirement under subsection 2 is confidential.

5. Penalty. A person that violates this section is subject to a civil penalty not to exceed \$10,000, payable to the State. The penalty is recoverable in a civil action. The violation constitutes a prima facie violation of Title 5, section 207.

6. Repeal. This section is repealed 90 days after adjournment of the First Regular Session of the 120th Legislature.

**Sec. 2. Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry established.** The Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry, referred to in this section as the "task force," is established.

1. The task force consists of 5 members of the Joint Standing Committee on Natural Resources, appointed as follows:

A. Two members from the Senate, appointed by the President of the Senate; and

B. Three members from the House of Representatives, appointed by the Speaker of the House of Representatives.

The first Senate member named is the Senate chair and the first House member named is the House chair.

2. All appointments must be made no later than 15 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The chairs of the task force shall call and convene the first meeting of the task force within 30 days of the date the last member is appointed.

3. The task force shall conduct a study of market power issues in all aspects of the public and private solid waste hauling and disposal industry. The task force may examine any issue that the task force determines to be relevant to assessing market power issues. The task force shall examine at a minimum:

A. Issues of market concentration or horizontal market power;

B. Issues of vertical market power arising from integrated ownership or control of solid waste hauling, disposal and other related assets;

C. The existence of barriers to entry into the solid waste hauling industry, including required capitalization;

D. The reasonable geographic areas and markets in which market power could be exercised;

E. The extent to which imbalances of supply and demand create opportunities for the unreasonable exercise of market power;

F. Issues of solid waste hauling and disposal pricing, including debt service of public facilities and its relationship to tipping fees;

G. The advantages and disadvantages of altering the current market system in the solid waste hauling and disposal industry; and

H. The approaches taken in other states to address market power issues.

4. The task force shall consult with the following interested parties in conducting the study: the Department of the Attorney General; the Executive Department, State Planning Office; the Public Utilities Commission; the Department of Environmental Protection; municipal representatives; industry representatives; and other parties as determined appropriate by the task force.

5. The task force may retain experts or other consultants as determined necessary in order to conduct the study.

6. Members of the task force are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the task force.

7. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

8. The task force shall submit an interim report of its findings and recommendations no later than December 6, 2000 and a final report of its findings and recommendations no later than December 5, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The interim and final reports must include any legislation

necessary to implement the recommendations of the task force. If the task force requires an extension of time to make its reports, it may apply to the Legislative Council, which may grant the extension.

9. The chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for approval. The task force may not incur expenses that would result in the task force exceeding its approved budget.

**Sec. 3. Legislation.** The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out a bill related to the solid waste industry to the First Regular Session of the 120th Legislature.

**Sec. 4. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

#### LEGISLATURE

##### Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry

Personal Services	\$1,100
All Other	6,500

Provides funds for the per diem and expenses of legislative members of the Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry, for costs to retain experts or consultants and to print the interim report.

LEGISLATURE  
TOTAL

---

\$7,600

LD 2600

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND

—  
S.P. 1027 - L.D. 2600

**An Act to Implement the Land Use Recommendations of the  
Task Force on State Office Building Location, Other State  
Growth-related Capital Investments and Patterns of  
Development**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §1742-D, sub-§2, as amended by PL 1991, c. 780, Pt. Y, §59, is further amended to read:**

**2. Establish standards; waiver.** The Bureau of General Services shall establish the following:

A. Standards for occupant safety and comfort in leased space ~~must--be~~ that are consistent with law and all applicable building, fire, handicapped accessibility and environmental codes; and

B. By July 1, 1991, standards for space use for all state facilities that ensure the equitable and efficient distribution of available floor space, including common areas, consistent with cost, program and functional objectives.

The Director of the Bureau of General Services may provide a waiver of the standards and criteria established under this section if the director concludes that the unique conditions of location, program or employee function require such a waiver or in order to meet the purpose of Title 30-A, section 4349-A, subsection 2, relating to priority locations for state office buildings, courts and other state civic buildings.

Sec. 2. 5 MRSA §1742-D, sub-§10 is enacted to read:

10. Downtown Leasehold Improvement Fund. The Downtown Leasehold Improvement Fund, referred to in this subsection as the "fund," is established within the Bureau of General Services to assist state agencies in securing suitable space in downtowns whenever possible by providing for capital improvements to real property leased by the State in downtowns necessary to meet public health, safety and accessibility requirements of federal, state and local statutes and codes.

The fund is a nonlapsing fund consisting of sums that are appropriated by the Legislature or transferred to the fund from time to time by the Treasurer of State, the proceeds of notes or bonds issued by the State for the purpose of deposit in the fund, grants and awards made to the State or an instrumentality of the State by the Federal Government for the purpose for which the fund has been established and other funds from any public or private source received for use for the purpose for which the fund has been established.

The bureau shall invest in leasehold improvements from this fund only when it determines that the length and other terms of the lease will provide for reasonable use of and return on the investments for the State.

The bureau may establish accounts and subaccounts as it determines desirable to effectuate the purpose of the fund.

Sec. 3. 5 MRSA §13058, sub-§5, ¶¶H and I, as repealed and replaced by PL 1993, c. 349, §14, are amended to read:

H. Within available resources, the extent of business growth and change, including business expansions, new businesses and business closings; and

I. Within available resources, the status of investments in business in the State; and

Sec. 4. 5 MRSA §13058, sub-§5, ¶J is enacted to read:

J. The extent to which the purposes of the Maine Downtown Center are being met.

Sec. 5. 5 MRSA §13058, sub-§10-A is enacted to read:

10-A. Maine Downtown Center. The commissioner shall establish the Maine Downtown Center, referred to in this



subsection as the "center," within the department to encourage downtown revitalization in the State.

A. The center serves the following functions:

(1) To advocate for downtown revitalization;

(2) To promote awareness about the importance of vital downtowns;

(3) To serve as a clearinghouse for information relating to downtown development; and

(4) To provide training and technical assistance to communities that demonstrate a willingness and ability to revitalize their downtowns.

B. The commissioner shall appoint a director of the center who shall administer the center in accordance with the policies of the commissioner and the provisions of this subsection.

C. The commissioner shall collaborate with the Director of the State Planning Office within the Executive Department to coordinate the programs of the center.

D. The commissioner may seek and accept funds from any source to support the center's purpose. The commissioner shall collaborate with state and private entities, including nonprofit organizations, to make maximum use of resources.

E. For the purposes of this subsection, "downtown" means:

(1) The central business district of a community that serves as the center for socioeconomic interaction in the community and is characterized by a cohesive core of commercial and mixed-use buildings, often interspersed with civic, religious and residential buildings and public spaces, typically arranged along a main street and intersecting side streets, walkable and served by public infrastructure; or

(2) An area identified as a downtown in a comprehensive plan adopted pursuant to chapter 187, subchapter II.

**Sec. 6. 30-A MRSA §4301, sub-§§5-A and 5-B are enacted to read:**

**5-A. Downtown. "Downtown" means:**

A. The central business district of a community that serves as the center for socioeconomic interaction in the community and is characterized by a cohesive core of commercial and mixed-use buildings, often interspersed with civic, religious and residential buildings and public spaces, typically arranged along a main street and intersecting side streets, walkable and served by public infrastructure; or

B. An area identified as a downtown in a comprehensive plan adopted pursuant to chapter 187, subchapter II.

5-B. Growth-related capital investment. "Growth-related capital investment" means investment by the State in only the following projects, whether using state, federal or other public funds and whether in the form of a purchase, lease, grant, loan, loan guarantee, credit, tax credit or other financial assistance:

A. Construction or acquisition of newly constructed multifamily rental housing;

B. Development of industrial or business parks;

C. Construction or extension of sewer, water and other utility lines;

D. Grants and loans for public service infrastructure, public facilities and community buildings; and

E. Construction or expansion of state office buildings, state courts and other state civic buildings that serve public clients and customers.

"Growth-related capital investment" does not include investment in the following: the operation or maintenance of a governmental or quasi-governmental facility or program; the renovation of a governmental facility that does not significantly expand the facility's capacity; general purpose aid for education; school construction or renovation projects; highway or bridge projects; programs that provide direct financial assistance to individual businesses; community revenue sharing; or public health programs.

Sec. 7. 30-A MRSA §4326, sub-§3, ¶A, as amended by PL 1993, c. 721, Pt. A, §3 and affected by Pt. H, §1, is further amended to read:

A. Identify and designate at least 2 basic types of geographic areas:

(1) Growth areas, which are those areas suitable for orderly residential, commercial and industrial

development or any combination of those types of development, forecast over the next 10 years. Each municipality shall:

- (a) Establish standards for these developments;
- (b) Establish timely permitting procedures;
- (c) Ensure that needed public services are available within the growth area; and
- (d) Prevent inappropriate development in natural hazard areas, including flood plains and areas of high erosion; and

(2) Rural areas, which are those areas where protection should be provided for agricultural, forest, open space and scenic lands within the municipality. Each municipality shall adopt land use policies and ordinances to discourage incompatible development.

These policies and ordinances may include, without limitation: density limits; cluster or special zoning; acquisition of land or development rights; or performance standards.

A municipality is not required to identify growth areas for residential growth if it demonstrates that it is not possible to accommodate future residential growth in these areas because of severe physical limitations, including, without limitation, the lack of adequate water supply and sewage disposal services, very shallow soils or limitations imposed by protected natural resources; or it demonstrates that the municipality has experienced minimal or no residential development over the past decade and this condition is expected to continue over the 10-year planning period. A municipality exercising the discretion afforded by this paragraph shall review the basis for its demonstration during the periodic revisions undertaken pursuant to section 4327;

Sec. 8. 30-A MRSA §4349, as amended by PL 1993, c. 721, Pt. B, §2 and affected by Pt. H, §1, is repealed.

Sec. 9. 30-A MRSA §4349-A is enacted to read:

**§4349-A. State capital investments**

**1. Growth-related capital investments.** The State may make growth-related capital investments only in:

A. A locally designated growth area, as identified in a comprehensive plan adopted pursuant to and consistent with the goals and guidelines of this subchapter;

B. In the absence of a consistent comprehensive plan, an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by Title 23, section 754; or

C. Areas other than those described in paragraph A or B for the following projects:

(1) A project certified to the Land and Water Resources Council established in Title 5, section 3331 by the head of the agency funding the project as necessary to remedy a threat to public health or safety or to comply with environmental cleanup laws;

(2) A project related to a commercial or industrial activity that, due to its operational or physical characteristics, typically is located away from other development, such as an activity that relies on a particular natural resource for its operation;

(3) An airport, port or railroad or industry that must be proximate to an airport, a port or a railroad line or terminal;

(4) A pollution control facility;

(5) A project that maintains, expands or promotes a tourist or cultural facility that is required to be proximate to a specific historic, natural or cultural resource or a building or improvement that is related to and required to be proximate to land acquired for a park, conservation, open space or public access or to an agricultural, conservation or historic easement;

(6) A project located in a municipality that has none of the geographic areas described in paragraph A or B and that prior to January 1, 2000 formally requested but had not received from the office funds to assist with the preparation of a comprehensive plan or that received funds to assist with the preparation of a comprehensive plan within the previous 2 years. This exception expires for a municipality 2 years after such funds are received;

(7) A housing project serving the following: individuals with mental illness, mental retardation, developmental disabilities, physical disabilities, brain injuries, substance abuse problems or a human immunodeficiency virus; homeless individuals; victims of domestic violence; foster children; or children or adults in the custody of the State; or

(8) A project certified to the Land and Water Resources Council established in Title 5, section 3331 by the head of the agency funding the project as having no feasible location within an area described in paragraph A or B if, by majority vote of all members, the Land and Water Resources Council finds that extraordinary circumstances or the unique needs of the agency require state funds for the project. The members of the Land and Water Resources Council may not delegate their authority under this subparagraph to the staffs of their member agencies.

2. State facilities. The Department of Administrative and Financial Services, Bureau of General Services shall develop site selection criteria for state office buildings, state courts and other state civic buildings that serve public clients and customers, whether owned or leased by the State, that give preference to the priority locations identified in this subsection while ensuring safe, healthy, appropriate work space for employees and clients and accounting for agency requirements. Preference must be given to priority locations in the following order: service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities. If no suitable priority location exists or if the priority location would impose an undue financial hardship on the occupant or is not within a reasonable distance of the clients and customers served, the facility must be located in accordance with subsection 1. The following state facilities are exempt from this subsection: a state liquor store; a lease of less than 500 square feet; and a lease with a tenure of less than one year, including renewals.

For the purposes of this subsection, "service center" means a community that serves the surrounding region, drawing workers, shoppers and others into the community for jobs and services.

3. Preference for other capital investments. When awarding grants or assistance for capital investments or undertaking its own capital investment programs other than for projects identified in section 4301, subsection 5-B, a state agency shall give preference to a municipality that receives a

certificate of consistency under section 4348 or that has adopted a comprehensive plan and implementation strategies consistent with the goals and guidelines of this subchapter over a municipality that does not obtain the certificate or finding of consistency within 4 years after receipt of the first installment of a financial assistance grant or rejection of an offer of financial assistance.

4. Application. Subsections 1 and 2 apply to a state capital investment for which an application is accepted as complete by the state agency funding the project after January 1, 2001 or which is initiated with the Department of Administrative and Financial Services, Bureau of General Services by a state agency after January 1, 2001.

Sec. 10. 30-A MRSA §4354, sub-§1, ¶A, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

A. For the purposes of this subsection, infrastructure facilities include, but are not limited to:

- (1) Waste water collection and treatment facilities;
- (2) Municipal water facilities;
- (3) Solid waste facilities;
- (4) ~~Fire--protection~~ Public safety equipment and facilities;
- (5) Roads and traffic control devices; and
- (6) Parks and other open space or recreational areas; ~~and~~
- (7) School facilities.

Sec. 11. 30-A MRSA §5903, sub-§§3-B and 3-C are enacted to read:

3-B. Downtown. "Downtown" means:

A. The central business district of a community that serves as the center for socioeconomic interaction in the community and is characterized by a cohesive core of commercial and mixed-use buildings, often interspersed with civic, religious and residential buildings and public spaces, typically arranged along a main street and intersecting side streets, walkable and served by public infrastructure; or

B. An area identified as a downtown in a comprehensive plan adopted pursuant to chapter 187, subchapter II.

3-C. Downtown improvement. "Downtown improvement" includes facade, utility relocation or extension, historic preservation and parking and road improvement; elevator, sprinkler system and traffic control devices installation; purchase of development rights for a park or open space and construction of park and open space amenities; and public toilet, streetscape, sidewalk and curb installation or upgrade.

Sec. 12. 30-A MRSA §5953-D, as renumbered by RR 1993, c. 2, §27, is amended to read:

**§5953-D. Assistance from Municipal Investment Trust Fund**

1. **Application for public service infrastructure grants and loans.** In addition to the other forms of financial assistance available under section 6006-D, an eligible municipality or group of municipalities may apply for a public service infrastructure grant or loan from the Municipal Infrastructure Investment Trust Fund, in this section called the "fund," the proceeds of which must be used to acquire, design, plan, construct, enlarge, repair, protect or improve public service infrastructure owned by the applicant.

The bank, in conjunction with the Department of Economic and Community Development, may prescribe an application form or procedure for an eligible municipality or group of municipalities to apply for a grant or loan under this section. The application must include all information necessary for the purpose of implementing this section and section 6006-D.

1-A. Application for downtown improvement loan. In addition to the other forms of financial assistance available under section 6006-D, an eligible municipality or group of municipalities may apply for a downtown improvement loan from the fund, the proceeds of which must be used to acquire, design, plan, construct, enlarge, repair or protect downtown improvements.

The bank, in conjunction with the Department of Economic and Community Development, may prescribe an application form or procedure for an eligible municipality or group of municipalities to apply for a loan under this subsection. The application must include all information necessary for the purpose of implementing this section and section 6006-D.

2. **Loan; loan agreements.** Loans from the fund are subject to this subsection.

A. The bank may make loans from the fund to an eligible municipality or group of municipalities for one or more of the purposes set forth in subsection 1 and subsection 1-A. Each of the loans is subject to the following conditions.

(1) The total amount of loans outstanding at any one time from the fund may not exceed the balance of the fund; the proceeds of bonds or notes of the bank deposited in the fund, revenues from other sources deposited in the fund and binding financial commitments of the United States to deposit money in the fund must be included in determining the fund balance.

(2) The loan must be evidenced by a municipal bond or other debt instrument, payable by the municipality over a term not to exceed 40 years with annual principal or interest payments commencing not later than one year after the project being financed is completed.

(3) The rate of interest charged for the loans must be at or below market interest rates.

(4) Subject to the limitations of subparagraph (3), the rate of interest charged for the loans made to municipalities under this section or the manner of determining the rate of interest must be established from time to time by direction of the bank, taking into consideration the current average rate on outstanding marketable obligations.

B. Loans made to a municipality by the bank under this section must be evidenced by and made in accordance with the terms and conditions specified in a loan agreement to be executed by the bank and the municipality. The loan agreement must specify the terms and conditions of disbursement of loan proceeds. The loan agreement must state the term and interest rate of the loan, the scheduling of loan repayments and any other terms and conditions determined necessary or desirable by the bank.

**3. Eligibility certification.** The bank may not make a grant or loan to a municipality or group of municipalities under this section until:

A. The applicant certifies to the bank that it has secured all permits, licenses and approvals necessary to construct the improvements to be financed by the grant or loan;

B. In the case of a loan, the applicant demonstrates to the bank that it has established a rate, charge or assessment



schedule that generates annually sufficient revenue to pay, or has otherwise provided sufficient assurances that it pays, the principal of and interest on the municipal bond or other debt instrument that evidences the loan made by the bank to the municipality pursuant to the loan agreement under this section and to pay reasonably anticipated costs of operating and maintaining the financed project and the system of which it is a part;

C. In the case of a loan, the applicant certifies to the bank that it has created a dedicated source of revenue that may constitute general revenues of the applicant through a general obligation pledge of the applicant for repayment of the loan; and

D. ~~The~~ In the case of a public service infrastructure grant or loan, the Department of Economic and Community Development affirms that the applicant has met the conditions of this paragraph.

(1) A municipality is eligible to receive a grant or a loan, or a combination of both, if that municipality has adopted a local growth management program certified under section 4348 that includes a capital improvement program ~~comprised~~ composed of the following elements:

(a) An assessment of all public facilities and services, such as, but not limited to, roads and other transportation facilities, sewers, schools, parks and open space, fire and police;

(b) An annually reviewed 5-year plan for the replacement and expansion of existing public facilities or the construction of such new facilities as are required to meet expected growth and economic development. The plan must include projections of when and where those facilities will be required; and

(c) An assessment of the anticipated costs for replacement, expansion or construction of public facilities, an identification of revenue sources available to meet these costs and recommendations for meeting costs required to implement the plan.

(2) A municipality is eligible to receive a loan if that municipality:

(a) Has adopted a comprehensive plan that is determined by the Department--of--Economic--and

Community-Development Executive Department, State Planning Office to be consistent with section 4326, subsections 1 to 4--and,

(b)--The request for a loan is part of a complete application for financial assistance that is filed on or before December 31, 1998.

Subject to the limitations of this subsection, 2 or more municipalities that each meet the requirements of subparagraphs (1) or (2) may jointly apply for assistance under this section; and

E. In the case of a downtown improvement loan, the Department of Economic and Community Development affirms that the applicant has met the conditions of this paragraph. A municipality is eligible to receive a downtown improvement loan if that municipality has:

(1) Shown broad-based support for downtown revitalization;

(2) Established a comprehensive downtown revitalization work plan, including a definition and a map of the affected area;

(3) Developed measurable goals and objectives;

(4) Demonstrated an historic preservation ethic;

(5) Established an ongoing board of directors, with associated committees;

(6) Provided an adequate operating budget;

(7) Hired a professional downtown manager;

(8) Established an ongoing training program for staff and volunteers;

(9) Developed the capacity to report on the progress of the downtown program; and

(10) Established the ability and willingness to support integrated marketing efforts for retailers, services, activities and events.

**4. Criteria; conditions for public service infrastructure grants and loans.** The Department of Economic and Community Development, in conjunction with the bank, shall develop criteria

and conditions for the award of public service infrastructure loans and grants to eligible municipalities after consultation with the Municipal Capital Investment Advisory Commission and subject to the requirements of this section. The department shall:

A. Give priority to those municipalities that are experiencing rapid growth and possess a public service infrastructure inadequate to accommodate that growth;

B. Establish a preference for those municipalities eligible under subsection 3, paragraph D, subparagraph (1) over those municipalities eligible under subsection 3, paragraph D, subparagraph (2);

C. Establish a preference for those municipalities with higher local property tax burdens. The comparative local property tax burden must be determined under section 5681;

D. Establish a preference for capital investment projects undertaken jointly by 2 or more municipalities or that provide substantial regional benefits;

E. Adopt other criteria as it determines necessary to ensure that loans and grants made under this section maximize the ability of municipalities to accommodate planned growth and economic development; and

F. Condition any loans and grants under this section on consistency with the municipality's comprehensive plan or local growth management program.

4-A. Criteria; conditions for downtown improvement loans. The Department of Economic and Community Development, in conjunction with the bank, shall develop criteria and conditions for the award of downtown improvement loans to eligible municipalities after consultation with the state agencies listed in subsection 5 and subject to the requirements of this section. The department shall establish a preference for municipalities that are regional service centers or urban compact municipalities or have adopted a comprehensive plan consistent with section 4326.

5. Coordination. The bank shall coordinate the loans and grants made under this section with all other community assistance loans and grants administered by the Department of Economic and Community Development and with other state assistance programs designed to accomplish similar objectives, including those administered by the Department of Education, the Department of Transportation, the State Planning Office within the Executive Department, the Finance Authority of Maine, the

Maine State Housing Authority, the Maine Historic Preservation Commission, the Department of Administrative and Financial Services, the Department of Conservation and the Department of Environmental Protection.

6. **Municipal Capital Investment Advisory Commission.** The Municipal Capital Investment Advisory Commission is established to provide expert assistance and input to the Department of Economic and Community Development on the development of loans and grants criteria under this section. The commission is composed of 5 members who shall serve staggered 4-year terms except that the terms of the initial members are as follows: one member serves for 2 years; 2 members serve for 3 years; and 2 members serve for 4 years. The Governor shall appoint the members who must each have expertise and experience in municipal government or locally supported regional associations. The commission shall meet at least twice annually and shall review the loans and grants criteria annually.

7. **Report to the Legislature.** The bank shall report to the joint standing committee of the Legislature having jurisdiction over natural resource matters no later than January 17, 1995, and ~~biennially thereafter~~ 1st of each odd-numbered year on the loans and grants program. The bank may make any recommendations it finds necessary to more effectively achieve the purposes of this section, including the appropriation of any necessary additional funds.

Sec. 13. 30-A MRSA §6006-D, as corrected by RR 1993, c. 2, §§30 and 31, is amended to read:

**§6006-D. Municipal Investment Trust Fund**

1. **Establishment; administration.** The Municipal ~~Infrastructure~~ Investment Trust Fund, referred to in this section as the "fund," is established in the custody of the bank as a special fund as provided in this section.

A. The purpose of the fund is to provide financial assistance under subsection 2 for the acquisition, design, planning, construction, enlargement, repair, protection or improvement of public service infrastructure and downtown improvements.

B. The bank shall administer the fund. The fund must be invested in the same manner as permitted for investment of funds belonging to the State or held in the State Treasury. The fund must be established and held separate from any other funds or money of the State or the bank and used and

administered exclusively for the purpose of this section and section 5953-D. The fund consists of the following:

- (1) Sums that are appropriated by the Legislature or transferred to the fund from time-to-time by the Treasurer of State;
- (2) Principal and interest received from the repayment of loans made from the fund;
- (3) Capitalization grants and awards made to the State or an instrumentality of the State by the Federal Government for any of the purposes for which the fund has been established. These amounts must be paid directly into the fund without need for appropriation by the State;
- (4) Interest earned from the investment of fund balances;
- (5) Private gifts, bequests and donations made to the State for any of the purposes for which the fund has been established;
- (6) The proceeds of notes or bonds issued by the State for the purpose of deposit in the fund;
- (7) The proceeds of notes or bonds issued by the bank for the purpose of deposit in the fund; and
- (8) Other funds from any public or private source received for use for any of the purposes for which the fund has been established.

2. **Uses.** The fund may be used for one or more of the following purposes:

- A. To make grants and loans to municipalities under this section and section 5953-D;
- B. To guarantee or insure, directly or indirectly, the payment of notes or bonds issued or to be issued by a municipality for the purpose of financing the construction of any capital improvement described in section 5953-D, subsection 1;
- C. To guarantee or insure, directly or indirectly, funds established by municipalities for the purpose of financing construction of any capital improvement described in section 5953-D, subsection 1;

D. To invest available fund balances and to credit the net interest income on those balances to the fund;

E. To invest as a source of revenue or security for the payment of principal and interest on general or special obligations of the bank if the proceeds of the sale of the obligations have been deposited in the fund or loaned to eligible participants in the programs financed with the fund, or as a source of revenue to subsidize municipal loan payment obligations; and

F. To pay the costs of the bank associated with the administration of the fund and projects financed by it as long as no more than 2% of the aggregate of the highest fund balance in any fiscal year is used for these purposes.

**3. Establishment of accounts.** The bank may establish accounts and subaccounts within the fund as it determines desirable to effectuate the purposes of this section, including, but not limited to, accounts to segregate a portion of the fund for grants and as security for bonds issued by the bank for deposit in the fund and to be invested for the benefit of specified projects receiving financial assistance from the fund.

**Sec. 14. 38 MRSA §488, sub-§19,** as amended by PL 1997, c. 603, §4, is further amended by amending the first paragraph to read:

**19. Municipal capacity.** A structure, as defined in section 482, subsection 6, that is from 3 acres up to and including 7 acres or a subdivision, as defined in section 482, subsection 5, that is made up of 15 or more lots for single-family, detached, residential housing, common areas or open space with an aggregate area of from 30 acres up to and including 100 acres is exempt from review under this article if it is located wholly within a municipality or municipalities meeting the criteria in paragraphs A to D as determined by the department and it is located wholly within a designated growth area as identified in a comprehensive plan adopted pursuant to Title 30-A, chapter 187, subchapter II. The planning board of the municipality in which the development is located or an adjacent municipality may petition the commissioner to review such a structure or subdivision if it has regional environmental impacts. This petition must be filed within 20 days of the receipt of the application by the municipality. State jurisdiction must be exerted, if at all, within 30 days of receipt of the completed project application by the commissioner from the municipality or within 30 days of receipt of any modification to that application from the municipality. Review by the department is limited to the

identified regional environmental impacts. The criteria are as follows:

**Sec. 15. Department of Economic and Community Development to develop investment policy to assist municipalities and private property owners in the redevelopment of downtowns.** The Department of Economic and Community Development shall develop an investment policy that will provide further means to improve the condition of downtown properties and infrastructure to meet the multiple-use needs of downtowns. The policy must be based upon a proactive strategy that promotes investment in downtowns by:

1. Targeting transportation, economic and business development funds to assist in renovations to meet the contemporary needs of retail and office businesses and to provide appropriate access to and circulation within downtowns;

2. Encouraging the development and redevelopment of mixed-use spaces, including residential units, in downtowns;

3. Providing outreach and active technical assistance to communities that have state offices or facilities that serve clients to attract state facility development and other downtown business opportunities; and

4. Reviewing and, as appropriate, making recommendations for changes to codes, policies, rules and regulations that restrict the reuse of existing structures to encourage renovation of existing downtown buildings for productive and economical use while continuing to promote the purposes of these codes and regulations. The review must include a review of New Jersey's rehabilitation subcode for existing buildings undergoing renovations and its applicability to Maine.

The Department of Economic and Community Development shall work with the Bureau of General Services within the Department of Administrative and Financial Services, the Department of Transportation, the Maine State Housing Authority, the Finance Authority of Maine, the State Fire Marshal, the State Planning Office within the Executive Department, the Historic Preservation Commission, the Maine Human Rights Commission and other state agencies in developing this state policy. The department shall also consult, as appropriate, with local code enforcement officers, developers, realtors, builders, architects, disability rights advocates and other interested parties. The department shall submit a report, including its proposed policy and any implementing legislation, to the joint standing committee of the Legislature having jurisdiction over business and economic development matters by January 15, 2001. The joint standing committee of the Legislature having jurisdiction over business

and economic development matters may report out a bill to the First Regular Session of the 120th Legislature concerning the proposed policies.

**Sec. 16. Task Force to Study Growth Management.** The Task Force to Study Growth Management, referred to in this section as the "task force," is established.

1. The task force consists of 14 members appointed as follows:

A. One member from the Senate who serves on the Joint Standing Committee on Natural Resources, appointed by the President of the Senate;

B. Two members from the House of Representatives, at least one of whom serves on the Joint Standing Committee on Natural Resources and at least one of whom is a member of the minority party, appointed by the Speaker of the House;

C. Two members representing environmental interests, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;

D. Three members representing municipal interests, 2 of whom are appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;

E. Two members representing regional councils, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;

F. One member representing a statewide planning association, appointed by the Speaker of the House;

G. One member representing real estate or development interests, appointed by the President of the Senate;

H. One member representing business interests, appointed by the Speaker of the House; and

I. One member representing farming, fishing and forestry industries, appointed by the Speaker of the House.

The Director of the State Planning Office or the director's designee, the Commissioner of Environmental Protection or the commissioner's designee, the Commissioner of Economic and Community Development or the commissioner's designee and the Commissioner of Conservation or the commissioner's designee serve as nonvoting members.



The Senate member is the Senate chair and the first House member named is the House chair. All appointments must be made no later than 15 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The chairs of the task force shall call and convene the first meeting of the task force within 30 days of the date the last member is appointed. The task force may hold up to 6 meetings.

2. The duties of the task force are as follows.

A. The task force shall conduct a targeted review of the growth management laws with the goal of improving the laws to make them more responsive to the issues of sprawl. In its review, the task force shall evaluate whether the growth management program works well in very small municipalities and in municipalities experiencing greater or less growth. The task force shall also consider ways to clarify and improve the State's enabling legislation for impact fees in order to make impact fees useful as a tool to manage growth. The task force shall consider differentiated levels of impact fees based on the costs of infrastructure improvements in different areas and designed to provide an incentive for growth to occur within locally designated growth areas, the effect of impact fees on the affordability of homes, the effect of impact fees on land and real estate values and impact fees related to regional impacts of development such as the cost of regional school facilities. The task force shall develop recommendations to make the growth management laws more effective in controlling sprawl, including recommendations on funding, staffing and statutory changes. In developing its recommendations, the task force shall consider appropriate regional models for growth management.

B. The task force shall establish an advisory working group, including people outside of the task force, to review municipal subdivision law and its impact on local planning and growth management and to consider recommendations to streamline the local review process and to make the law a more effective tool in the planning process. The task force may establish additional advisory working groups as it considers appropriate.

3. The task force shall complete its work by November 1, 2000 and submit its report to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The task force may submit a bill implementing its recommendations for consideration by the First Regular Session of the 120th

Legislature. If the task force requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

4. Members of the task force who are Legislators are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force.

5. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

6. The cochairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for approval. The task force may not incur expenses that would result in the task force exceeding its approved budget.

**Sec. 17. Report on productive farming, fishing and forestry.** The Land and Water Resources Council shall submit a report to the joint standing committees of the Legislature having jurisdiction over natural resources matters, agriculture, conservation and forestry matters and taxation matters by January 15, 2001 with an evaluation of and recommendations on the use of incentives to keep land in productive farming, fishing and forestry use.

**Sec. 18. Brownfields initiative; report.** The Executive Department, State Planning Office and the Department of Environmental Protection shall undertake an initiative to promote available assessment, clean-up and redevelopment grant programs and the voluntary response action program administered by the Department of Environmental Protection and shall submit a joint report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters with an evaluation of the initiative and recommendations for expanding the redevelopment in the State of abandoned, idled or under-used industrial or commercial property where expansion or redevelopment is complicated by real or perceived environmental contamination, also know as "brownfields."

**Sec. 19. Report from Maine State Housing Authority.** The Maine State Housing Authority shall submit a report to the joint standing committees of the Legislature having jurisdiction over

natural resources matters and business and economic development matters by February 15, 2001. The report must include a status report on the authority's efforts to design and implement a home ownership program for service center downtowns that is modeled after the authority's "New Neighbors" program and that is designed to encourage owner-occupied 3-to-4-unit buildings in low-income areas. The report must include an assessment of the adequacy of resources available for the program.

The report must also include recommendations for making the authority's programs for newly constructed single-family homes consistent with the purposes of the Maine Revised Statutes, Title 30-A, section 4349-A. The authority shall consult with the Executive Department, State Planning Office and other interested parties to develop these recommendations.

**Sec. 20. Model ordinances.** The Executive Department, State Planning Office shall work with municipalities and regional planning commissions to develop model land use ordinances that accommodate so-called "smart growth" design standards and provide for flexibility in zoning regulations to allow for traditional, compact development in designated growth areas and to preserve and revitalize existing neighborhoods, while maintaining local control over growth management decisions. The State Planning Office shall work with the State Board of Education to develop model land use ordinances relating to new school construction outside of locally designated growth areas.

**Sec. 21. Rulemaking; school siting.** The State Board of Education shall adopt rules relating to siting of new school construction projects, not including additions to existing schools, that receive state funding. In developing the rules, the state board shall consider a preference for a new school to be sited in a locally designated growth area identified in a municipality's comprehensive plan adopted pursuant to the Maine Revised Statutes, Title 30-A, chapter 187, subchapter II or, in the absence of a comprehensive plan, in an area served by a public sewer system that has the capacity for the school construction project, an area identified by the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality. The state board shall also consider requiring a school administrative unit that does not select a school building site in a preferred area to provide a written explanation to the state board and authorizing the use of state funds for such a project only if the state board finds that a practical alternative building site within a preferred area does not exist. The state board shall consider criteria that define practical building sites.

Rules adopted pursuant to this section are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A and must be provisionally adopted and submitted to the Legislature for review no later than February 1, 2001. Notwithstanding Title 5, section 8072, subsection 3, those rules must be reviewed under Title 5, section 8072, subsections 4 and 5 by the joint standing committees of the Legislature having jurisdiction over natural resources matters and education matters.

**Sec. 22. Report; school siting.** The Executive Department, State Planning Office and the State Board of Education shall submit a joint report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by February 1, 2001 with recommendations regarding land use ordinances and zoning ordinances near newly constructed schools. The report must consider differences between schools.

**Sec. 23. Transition; site location of development laws.** A development that was exempt from review under the site location of development laws pursuant to the Maine Revised Statutes, Title 38, section 488, subsection 19 and reviewed by the municipality in which it is located prior to the effective date of this Act is considered to be located wholly within a designated growth area as identified in a comprehensive plan adopted pursuant to Title 30-A, chapter 187, subchapter II for the purposes of Title 38, section 488, subsection 19 as long as the municipality continues to meet the criteria in that subsection.

**Sec. 24. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

**ADMINISTRATIVE AND FINANCIAL  
SERVICES, DEPARTMENT OF**

**Information Services**

Positions - Legislative Count	(1.000)
Personal Services	\$50,000
All Other	25,000
Capital Expenditures	10,000

Provides for the appropriation of funds to establish a Statewide Geographic Information System Coordinator position.

**DEPARTMENT OF ADMINISTRATIVE AND  
FINANCIAL SERVICES**

**TOTAL** \$85,000

**EXECUTIVE DEPARTMENT**

**State Planning Office**

All Other \$2,050,000

Provides funds for planning grants to municipalities.

**State Planning Office**

All Other \$1,000,000

Provides funds for grants to regional councils to provide technical assistance to municipalities.

**State Planning Office**

All Other \$700,000

Provides funds for grants to municipalities for plan implementation and plan updates and for alternative growth management initiatives and pilot projects, including regional projects.

**EXECUTIVE DEPARTMENT**

**TOTAL** \$3,750,000

**TOTAL APPROPRIATIONS** \$3,835,000

**Sec. 25. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

**2000-01**

**LEGISLATURE**

**Task Force to Study Growth Management**

Personal Services \$4,620

All Other 4,700

Provides funds for the per diem and expenses of legislative and public members of the

Task Force to Study Growth Management and to  
print the required report.

**LEGISLATURE**  
**TOTAL**

\$9,320

**Sec. 26. Appropriation.** The following funds are appropriated  
from the General Fund to carry out the purposes of this Act.

**2000-01**

**ADMINISTRATIVE AND FINANCIAL**  
**SERVICES, DEPARTMENT OF**

**Downtown Leasehold Improvement**  
**Fund**

All Other

\$800,000

Provides for the appropriation of funds to  
capitalize the Downtown Leasehold  
Improvement Fund for capital improvements to  
leased space. At the end of each fiscal  
year any unexpended balance may not lapse  
but must be carried forward to be used for  
the same purpose.

**Sec. 27. Appropriation.** The following funds are appropriated  
from the General Fund to carry out the purposes of this Act.

**2000-01**

**MAINE MUNICIPAL BOND BANK**

**Municipal Investment Trust**  
**Fund**

All Other

\$5,000,000

Provides for the appropriation of funds to  
capitalize the Municipal Investment Trust  
Fund for downtown improvement loans to  
municipalities.

**Sec. 28. Appropriation.** The following funds are appropriated  
from the General Fund to carry out the purposes of this Act.

2000-01

**ECONOMIC AND COMMUNITY  
DEVELOPMENT, DEPARTMENT OF**

**Administration - Economic and  
Community Development**

Positions - Legislative Count	(1.000)
Personal Services	\$60,000
All Other	190,000

Provides for the appropriation of funds to establish a Director, Maine Downtown Center position and to encourage downtown revitalization in Maine communities.

**DEPARTMENT OF ECONOMIC AND  
COMMUNITY DEVELOPMENT  
TOTAL**

\$250,000

Sec. 29. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

**ECONOMIC AND COMMUNITY DEVELOPMENT,  
DEPARTMENT OF**

**Administration - Economic and Community  
Development**

All Other	\$500
-----------	-------

Allocates funds to authorize expenditures to support the Maine Downtown Center.

LD 2084



STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND

S.P. 734 - L.D. 2084

An Act to Reduce the Release of Mercury into the  
Environment from Consumer Products

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-I, sub-§24-A is enacted to read:

<u>24-A.</u>	<u>Mercury</u>	<u>Legislative</u>	<u>38 MRSA</u>
<u>Environment:</u>	<u>Products</u>	<u>Per Diem</u>	<u>§1670</u>
<u>Natural</u>	<u>Advisory</u>	<u>and Expenses</u>	
<u>Resources</u>	<u>Committee</u>	<u>for</u>	
		<u>Legislators</u>	
		<u>and Expenses</u>	
		<u>Only for</u>	
		<u>Certain Members</u>	

Sec. 2. 38 MRSA c. 16-B is enacted to read:

CHAPTER 16-B

MERCURY-ADDED PRODUCTS AND SERVICES

§1661. Definitions

1. Mercury-added product. For the purposes of this chapter, unless the context otherwise indicates, "mercury-added product" means any of the following items if it contains mercury added during manufacture:

A. A thermostat or thermometer;

B. An electrical switch, individually or as part of another product;

C. A medical or scientific instrument;

D. An electric relay or other electrical device, excluding an electrical device that is in a mercury-added lamp; and

E. A lamp.

**§1662. Labeling and consumer information**

1. Labeling required for certain products. Effective January 1, 2002, a manufacturer may not sell at retail in this State or to a retailer in this State, and a retailer may not knowingly sell, a mercury-added product unless the item is labeled pursuant to this subsection. The label must clearly inform the purchaser or consumer that mercury is present in the item and that the item may not be disposed of or placed in a waste stream destined for disposal until the mercury is removed and reused, recycled or otherwise managed to ensure that it does not become part of solid waste or wastewater. Manufacturers shall affix to mercury-added products labels that conform to the requirements of this subsection.

The board shall adopt rules to establish standards for affixing labels to the product and product package. The rules must strive for consistency with labeling programs in other states and provide for approval of alternative compliance plans by the department. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

This subsection does not apply to mercury-added lamps.

2. Mercury-added lamps; large use applications. A person who sells mercury-added lamps to the owner or manager of an industrial, commercial or office building or to any person who replaces or removes from service outdoor lamps that contain mercury shall clearly inform the purchaser in writing on the invoice for the lamps or in a separate document that the lamps contain mercury, a hazardous substance that is regulated by federal and state law, and that they may not be placed in solid waste destined for disposal. Retail establishments that incidentally sell mercury-added lamps to the specified purchasers are exempt from the requirements of this subsection.

A person who contracts with the owner or manager of an industrial, commercial or office building or with a person responsible for outdoor lighting to remove from service

mercury-added lamps shall clearly inform in writing the person for whom the work is being done that the lamps being removed from service contain mercury and what the contractor's arrangements are for the management of the mercury in the removed lamps.

#### **§1663. Disposal ban**

After July 15, 2002, a person may not knowingly place a mercury-added product in solid waste for disposal in a solid waste disposal facility. This section may not be construed to affect existing laws, rules or regulations governing disposal of mercury-added products prior to July 15, 2002.

#### **§1664. Source separation**

1. Removal from service; products containing mercury. When a mercury-added product is removed from service, the mercury in the item must be reused, recycled or otherwise managed to ensure compliance with section 1663.

A person who is in the business of replacing or repairing a mercury-added product in households shall ensure, or deliver the item to a facility that will ensure, that the mercury contained in an item that is replaced or repaired is reused, recycled or otherwise managed in compliance with section 1663.

2. Thermostats. A manufacturer of thermostats that contain mercury or a manufacturer of thermostats that may replace thermostats that contain mercury shall, in addition to the requirements of section 1662, provide incentives for and sufficient information to purchasers and consumers of the thermostats for the purchasers or consumers to ensure that mercury in thermostats being removed from service is reused, recycled or otherwise managed in compliance with section 1663. A manufacturer that has complied with this subsection is not liable for improper disposal by purchasers or consumers of thermostats. Manufacturer collection programs conducted in accordance with universal waste rules adopted by the department meet the requirements of this subsection.

#### **§1665. Automobile component parts**

Notwithstanding sections 1662 and 1664, these sections do not apply to mercury-added products, including mercury-added lamps, that are components in automobiles until July 15, 2002. A plan for compliance with these sections as they relate to automobile components must be developed pursuant to this section.

By January 1, 2001, automobile manufacturers that sell automobiles at retail in this State or to a retailer in this

State shall submit proposed alternative compliance plans to the department. By January 1, 2002, the department shall submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a plan for the labeling and source separation of automobile component parts to meet the requirements in sections 1662 and 1664. The department shall develop the plan in consultation with automobile manufacturers, automobile dismantlers, automobile recyclers and other interested parties. The plan may provide for alternative compliance plans for labeling and must provide for the safe removal and management of mercury-added parts prior to the shredding of vehicles. The department shall also develop, in consultation with the interested parties, an assessment of whether and how mercury switches or other electrical devices in automobile components should be added to the universal waste rules adopted by the board and submit the assessment with the plan.

In deciding whether to approve an alternative compliance plan for labeling of automobile components, the department may consider the extent to which the plan provides for identification of mercury-added components in vehicles assembled before July 15, 2002.

#### **§1666. Household hazardous waste exemption**

A person who uses mercury-added products in that person's home is not subject to the provisions of section 1663 or 1664 until January 1, 2005 with respect to those products the person uses in that person's home and is not subject to fines or penalties for noncompliance with the provisions of section 1663 or 1664 with respect to those products the person uses in that person's home.

#### **§1667. Dental procedures**

By July 15, 2002, the department shall work with dentists and other interested parties to develop a pollution prevention plan for mercury from dental procedures that provides for reasonable measures to reduce mercury pollution from dental procedures and related sources. The plan must include options and strategies for implementing source reduction.

#### **§1668. Education program**

The department and the Executive Department, State Planning Office shall implement an education program relating to mercury-added products no later than January 1, 2001. The program must provide information to the public about labeled mercury-added products, the requirements of the law regarding the

source separation of waste mercury-added products and collection programs that are available to the public.

**§1669. Technical assistance to municipalities**

The department shall coordinate with the Executive Department, State Planning Office to assist interested municipalities and regional associations in developing collection programs for mercury-added products.

**§1670. Mercury Products Advisory Committee**

The Mercury Products Advisory Committee, established by Title 5, section 12004-I, subsection 24-A and referred to in this section as the "committee," shall advise the department, the Executive Department, State Planning Office and the Legislature on further actions needed to prevent and reduce environmental releases of mercury from consumer products.

1. Appointment; composition. The committee consists of the following 13 members:

A. Two members from the Senate who are members of the joint standing committee of the Legislature having jurisdiction over natural resources matters, one appointed by the President of the Senate and one appointed by the Senate Minority Leader;

B. Two members from the House of Representatives who are members of the joint standing committee of the Legislature having jurisdiction over natural resources matters, one appointed by the Speaker of the House of Representatives and one appointed by the House Minority Leader;

C. Four members representing the business community, at least one of whom is an owner or represents an owner of a small business, appointed by the Governor;

D. Two members representing environmental organizations, appointed by the Governor;

E. Two members representing municipalities, appointed by the Governor; and

F. One member representing the general public, appointed by the Governor.

2. Terms. Except for the Legislators, who serve terms coincident with their legislative terms, all members are appointed for 3-year terms. A vacancy must be filled by the same

appointing authority that made the original appointment. Appointed members may not serve more than 2, 3-year terms.

3. Compensation. Legislative members are entitled to receive the legislative per diem, as defined in Title 3, section 2, and all members are entitled to reimbursement for expenses according to Title 5, section 12004-I, subsection 24-A.

4. Quorum; actions. A quorum is a majority of the members of the committee. An affirmative vote of the majority of the members present at a meeting is required for any action. Action may not be considered unless a quorum is present.

5. Chairs. The first-appointed Senate member is the Senate chair of the committee and the first-appointed House of Representatives member is the House chair of the committee.

6. Meetings. The committee shall meet at least 4 times per year and at any time at the call of the chairs or upon written request to the chairs by 4 of the voting members.

7. Staff support. The commissioner shall provide the committee with staff support.

8. Duties; powers. The committee shall:

A. Provide assessment, advice and recommendations on emerging policy concerns or on adjustments to existing programs related to mercury-added products;

B. Assess the feasibility of establishing, and foster establishment if possible, of consumer education and collection programs for mercury-added products that would achieve, but not be limited to, the following:

(1) Contracts by waste management firms that would provide comprehensive collection, transportation, storage, record keeping and recycling of mercury-added products used by industrial, commercial, office and other large users;

(2) Recovery and recycling of at least 70% of the mercury-added lamps in the State;

(3) Education and outreach programs to promote the use of energy-saving fluorescent lighting, the availability of waste management service contracts for recycling of mercury-added lamps and other mercury-added products and the environmental importance and market availability of low-mercury models of fluorescent lamps; and

(4) Conversion of at least 70% of the mercury-added lamps in the State to low-mercury models;

C. Report annually beginning January 15, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the effectiveness and extent of established programs for the collection, transportation and recycling of mercury-added products and on the performance of such systems in achieving the goals identified in paragraph B;

D. Include in its 2002 annual report an assessment of whether and how mercury switches or other electrical devices, other than those in automobile components, should be added to the universal waste rules adopted by the board; and

E. Include in its 2004 annual report an assessment and recommendations relating to collection and recycling programs for mercury-added products, including the following:

(1) An assessment of how well collection and recycling programs in the State are performing in comparison to programs established in other states with recommendations for improvements;

(2) An assessment of existing programs and infrastructure, and the costs and feasibility of expanded programs and infrastructure, for the collection and recycling of mercury-added products used by municipalities and households, with recommendations on whether additional municipal and regional solid waste collection facilities should be established to facilitate residential and municipal recycling of mercury-added products; and

(3) Recommendations on whether manufacturers of mercury-added products should be required to establish programs for collection from users. Any such recommendation should be based on an assessment of the effectiveness of fee-for-service private-sector programs that may have been established for the collection, transportation and recycling of mercury-added products.

9. Repeal date. This section is repealed August 1, 2006.

**Sec. 3. 38 MRSA §2133, sub-§2-B,** as enacted by PL 1995, c. 465, Pt. A, §46 and affected by Pt. C, §2, is amended to read:

**2-B. Household hazardous waste collection.** The office may, within available resources, award grants to eligible municipalities, regional associations, sanitary districts and sewer districts for household hazardous waste collection and disposal programs. In implementing this program, the office shall attempt to:

A. Coordinate the household hazardous waste collection programs with overall recycling and waste management;

B. Encourage regional economies of scale;

C. Coordinate programs between private and public institutions; and

D. Maximize opportunities for federal grants and pilot programs; and

E. By January 1, 2002 and as necessary thereafter, fund capital improvements and operating expenses to facilitate the development of collection programs throughout the State for hazardous waste that is universal waste, as identified in board rules, generated by households, small-quantity generators, public schools and municipalities.

At a minimum, the office shall award grants to public schools and municipalities for reasonable costs incurred as a result of managing waste mercury-added products generated by those public schools and municipalities, in compliance with the requirements in sections 1663 and 1664, that would not otherwise be incurred by complying with existing laws, rules or regulations as of July 15, 2002.

**Sec. 4. 38 MRSA §2304-A, sub-§2, ¶¶L and M, as enacted by PL 1999, c. 348, §7, are amended to read:**

L. Zinc emissions from tire burning; and

M. Sulfuric acid emissions from burning fuel that is approved by the department; and

**Sec. 5. 38 MRSA §2304-A, sub-§2, ¶N is enacted to read:**

N. Lamps, mercury-containing thermostats, polychlorinated biphenyl ballast and batteries defined as universal waste in 40 Code of Federal Regulations, Section 273.2.

**Sec. 6. Report on mercury releases into environment and mercury collection programs;                      legislation.                      The                      Department                      of**



Environmental Protection shall submit a report by January 15, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status of mercury releases into the environment. The report must include the following: an inventory of mercury releases into the air, water and land; the sources of mercury released into the environment, including natural sources; a summary of regional efforts to reduce releases of mercury into the environment; an assessment of the feasibility of reducing mercury pollution from crematoriums; and an estimate of the economic impact of the ban on disposal of low-mercury lamps, including the economic impact related to infrastructure, training and education.

The department shall also include in its report an assessment of the extent to which the infrastructure has been developed to enable collection and recycling of mercury-added lamps.

The joint standing committee of the Legislature having jurisdiction over natural resources matters has authority to report out a bill to the Second Regular Session of the 120th Legislature relating to mercury releases and programs for the collection, transportation, recycling and disposal of mercury-added products.

**Sec. 7. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

## LEGISLATURE

### Legislature

Personal Services	\$880
All Other	2,600

Provides funds for the per diem and expenses of legislative members and the expenses of other eligible members of the Mercury Products Advisory Committee.

### LEGISLATURE TOTAL

---

\$3,480

**Sec. 8. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF**

**Solid Waste Management**

Positions - Legislative Count	(2.000)
Personal Services	\$95,838
All Other	20,000

Allocates funds for 2 additional Environmental Specialist III positions and operating costs necessary to administer a mercury labeling program and other mercury-related requirements and to provide staffing assistance to the Mercury Products Advisory Committee.

**DEPARTMENT OF ENVIRONMENTAL  
PROTECTION  
TOTAL**

\$115,838

**STATE OF MAINE**

**IN THE YEAR OF OUR LORD  
TWO THOUSAND**

**H.P. 1755 - L.D. 2461**

**Resolve, to Create a Commission to Study and Establish  
Moral Policies Regarding Foreign Investments and Foreign  
Purchasing by the State**

**Preamble.** Whereas, Maine is a state that upholds the dignity of every human being, promotes basic human rights and supports social and economic justice; and

**Whereas,** Maine is a state that believes employers should fairly compensate hard work, that the health and safety of working people should be protected and that all forms of unlawful discrimination and abuse should not be tolerated; and

**Whereas,** there are manufacturers in foreign countries that do not share Maine's support of human rights and justice and those manufacturers' employment practices are characterized by poverty wages, forced overtime, child labor, unsafe and unhealthy workplace conditions and often abusive working conditions; and

**Whereas,** established international standards for ethical manufacturing are routinely violated; and

**Whereas,** sweatshops have been and continue to be a direct cause of job loss and depressed wages for citizens of Maine, whose employers relocate for cheap labor or threaten plant closings to force lower wages and contract concessions; and

**Whereas,** Maine can make a significant contribution to the campaigns against sweatshop manufacturing by supporting the enforcement of established ethical codes of corporate conduct; and

**Whereas,** there exists widespread popular support in Maine for the principle that purchases and investments by the State

ought to be made under ethical conditions of production; now, therefore, be it

**Sec. 1. Commission to Study Economically and Socially Just Policies on Investments and Purchasing by the State established. Resolved:** That the Commission to Study Economically and Socially Just Policies on Investments and Purchasing by the State, referred to in this resolve as the "commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 12 members as follows:

1. Two members from the Senate appointed by the President Of the Senate, one from each major political party;

2. Two members from the House of Representatives appointed by the Speaker of the House of Representatives, one from each major political party;

3. Two members from groups involved in social investments or human rights issues, one appointed by the President and one appointed by the Speaker;

4. Two representatives of retail business, one appointed by the President and one appointed by the Speaker;

5. One representative of the Department of Administrative and Financial Services, Bureau of General Services, Division of Purchases appointed by the Governor;

6. One member of the public appointed by the Governor;

7. One representative of labor unions appointed by the Governor; and

8. One representative of manufacturing and industry appointed by the Governor; and be it further

**Sec. 3. First meeting; chair. Resolved:** That when the appointment of all members of the commission is completed, the Executive Director of the Legislative Council shall call and convene the first meeting of the commission. The commission shall select a chair from among its members at its first meeting; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall study the subject of economically and socially just policies for foreign investment and foreign purchasing by the State. In examining the issue of economically and socially just policies

for foreign investments and foreign purchasing, the commission shall evaluate the policies of other states. In its report, the commission shall propose standards concerning foreign companies that do business with the State and foreign companies invested in by the State. The commission shall consider such factors as child labor and exploitation of workers under unhealthy conditions. The commission shall make recommendations with regard to whether the State should do business with and invest in foreign companies that oppress or mistreat their workers. The commission shall identify the possible positive and negative impact of proposed policies on Maine workers, Maine small businesses and Maine taxpayers; and be it further

**Sec. 5. Staff assistance. Resolved:** That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

**Sec. 6. Compensation. Resolved:** That the members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings; and be it further

**Sec. 7. Report. Resolved:** That the commission shall submit its report, together with any necessary implementing legislation, to the First Regular Session of the 120th Legislature no later than November 1, 2000. If the commission requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 8. Budget. Resolved:** That the chair of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for approval. The commission may not incur expenses that would result in the commission exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chair and staff with a status report on the commission's budget, expenditures incurred and paid and available funds; and be it further

Sec. 9. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

2000-01

**LEGISLATURE**

**Commission to Study Economically and  
Socially Just Policies on Investments  
and Purchasing by the State**

Personal Services	\$1,320
All Other	3,500

Provides funds for the per diem and expenses of legislative members and expenses for other eligible members of the Commission to Study Economically and Socially Just Policies on Investments and Purchasing by the State and to print the required report.

**LEGISLATURE  
TOTAL**

---

\$4,820

LD 253

**STATE OF MAINE**

**IN THE YEAR OF OUR LORD  
TWO THOUSAND**

**H.P. 175 - L.D. 253**

**Resolve, to Create the Commission to Study the Feasibility  
of Televising Senate and House Sessions**

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

**Whereas,** public awareness and knowledge of the Legislature and its proceedings are critical to maintaining an informed citizenry; and

**Whereas,** live and taped broadcasts could provide nearly every citizen of the State access to legislative proceedings; and

**Whereas,** cable, commercial and public broadcasters in the State have expressed an interest in televising legislative proceedings; and

**Whereas,** the televising of legislative proceedings has significant implications for the future conduct of business in the Senate and the House; 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. Commission established. Resolved:** That the Commission to Study the Feasibility of Televising Senate and House Sessions, referred to in this resolve as the "commission," is established; and be it further



**Sec. 2. Membership. Resolved:** That the commission consists of 15 members appointed as follows:

1. Four members of the Senate, appointed by the President of the Senate;

2. Five members of the House of Representatives, appointed by the Speaker of the House;

3. The Secretary of the Senate or the secretary's designee;

4. The Clerk of the House or the clerk's designee;

5. One member of the television industry who represents public broadcasting, appointed by the President of the Senate;

6. One member who represents the cable broadcasting industry, appointed by the Speaker of the House;

7. One member who represents a statewide organization of television and radio broadcasters, appointed by the President of the Senate; and

8. One member who represents the Maine Historic Preservation Commission and who has expertise in the history of the State House and its legislative chambers, appointed by the Governor; and be it further

**Sec. 3. Appointments. 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 upon making their appointments; and be it further

**Sec. 4. Chairs. Resolved:** That the first named Senate member is the Senate chair and the first named House member is the House chair; and be it further

**Sec. 5. Meetings. Resolved:** That the cochairs of the commission shall call and convene the first meeting of the commission within 30 days of the date that the last member is appointed; and be it further

**Sec. 6. Staff assistance. Resolved:** That upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

**Sec. 7. Compensation. Resolved:** That the commission members who are Legislators are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the commission. All members of the commission are entitled to reimbursement of necessary expenses to attend authorized meetings of the commission; and be it further

**Sec. 8. Duties. Resolved:** That the commission shall study the feasibility of televising Senate and House sessions. In examining these issues, the commission shall review:

1. The experience of other states that have broadcast their state legislative proceedings;

2. Ways to accomplish the televising of Senate and House proceedings without diminishing the aesthetics and historical value of the chambers and the State House. The Maine Historic Preservation Commission shall assist the commission in this effort; and

3. The proposed costs associated with implementing and maintaining a system to televise Senate and House proceedings and the potential sources of funding to cover those costs; and be it further

**Sec. 9. Report. Resolved:** That the commission shall submit a report with any accompanying legislation to the First Regular Session of the 120th Legislature by December 15, 2000. If the commission requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 10. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

2000-01

## LEGISLATURE

### Commission to Study the Feasibility of Televising Senate and House Sessions

Personal Services	\$3,465
All Other	5,400

Provides funds for the per diem and expenses  
of legislative members and expenses for

other eligible members of the Commission to Study the Feasibility of Televising Senate and House Sessions and to print the required report.

**LEGISLATURE**  
**TOTAL**

\$8,865

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

LD 299

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND  
—

H.P. 221 - L.D. 299

Resolve, to Create the Committee to Study the Governance of  
the Unorganized Territories of Maine

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

Whereas, several residents of the unorganized territories of Maine have expressed their desire for greater self-governance; and

Whereas, the current system of providing services to the inhabitants of the unorganized territories has a significant financial impact on both the State and the inhabitants of the unorganized territories; and

Whereas, the methods and means of permitting greater self-governance by inhabitants of the unorganized territories should now be investigated; 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. Committee established. Resolved:** That the Committee to Study the Governance of the Unorganized Territories of Maine, referred to in this resolve as the "committee," is established; and be it further

**Sec. 2. Membership. Resolved:** That the committee consists of the following members.

1. Seventeen members are appointed as follows:

A. Two members of the Senate, at least one of whom serves on the Joint Standing Committee on State and Local Government, appointed by the President of the Senate;

B. Three members of the House of Representatives, 2 of whom serve on the Joint Standing Committee on State and Local Government, appointed by the Speaker of the House;

C. Four residents of the unorganized territories, at least 3 of whom represent the 3 major regions of the State, north, central and south, appointed by the Governor;

D. One member who is an active member of a board of county commissioners, appointed by the Governor;

E. One representative of the Maine County Commissioners Association, appointed by the Governor;

F. Two representatives of the public who do not reside in unorganized territories, appointed by the Governor; and

G. Four landowners representing corporate, family and individual land ownerships, appointed by the Governor.

2. The following 3 persons participate as nonvoting ex officio members:

A. The Director of the State Planning Office or the director's designee;

B. The Commissioner of Conservation or the commissioner's designee; and

C. The State Tax Assessor or the State Tax Assessor's designee; and be it further

**Sec. 3. Chairs. Resolved:** That the first named Senate member serves as the Senate chair and the first named House member serves as the House chair; and be it further

**Sec. 4. Appointments. 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 upon making their appointments. When the appointment of all members is complete,

the cochairs shall call and convene the first meeting of the committee no later than 15 days after the final member is appointed; and be it further

**Sec. 5. Duties. Resolved:** That the committee shall study and make recommendations concerning the following:

1. The effectiveness of the current governance structure and associated problems, including barriers to citizen participation;

2. The need for and feasibility of establishing mechanisms within the context of the current system designed to promote greater citizen participation in the governance of the unorganized territories;

3. Any proposals for improving the current governance by allowing greater citizen participation on matters of real estate taxation, education and other typical local governance issues; and

4. The extent to which changes in the governance structure of the unorganized territories may financially affect residents and property owners of the unorganized territories and the State.

In carrying out its duties, the committee may seek the expertise of the Department of Education, the Department of Audit, the Secretary of State and the Maine County Commissioners Association; and be it further

**Sec. 6. Staff assistance. Resolved:** That upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee; and be it further

**Sec. 7. Compensation. Resolved:** That legislative members are entitled to receive legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the committee. Public members, not otherwise compensated by their employers or other entities who they represent, are entitled to receive reimbursement for necessary expenses for their attendance at authorized meetings of the committee; and be it further

**Sec. 8. Reporting date established. Resolved:** That the committee shall submit a report with recommendations and any accompanying legislation to the joint standing committee of the Legislature having jurisdiction over state and local government matters during the First Regular Session of the 120th Legislature by November 1, 2000. Following the receipt of the report, the joint standing committee of the Legislature having jurisdiction over state and local government matters may report out a bill to

the First Regular Session of the 120th Legislature. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, who may grant the extension; and be it further

**Sec. 9. Budget. Resolved:** That the cochairs of the committee, with assistance from the committee staff, shall administer the committee budget. Within 10 days after its first meeting, the committee shall present its work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee exceeding its approved budget. Upon request of the committee, the Executive Director of the Legislative Council shall promptly provide the committee cochairs and staff with a status report on the committee budget, expenditures incurred and paid and available funds; and be it further

**Sec. 10. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

2000-01

## LEGISLATURE

### Committee to Study the Governance of the Unorganized Territories of Maine

Personal Services	\$1,650
All Other	5,600

Provides funds for the per diem and expenses of legislative members and expenses for other eligible members of the Committee to Study the Governance of the Unorganized Territories of Maine and to print the required report.

## LEGISLATURE

### TOTAL

\$7,250

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



LD 2087

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND

—  
S.P. 737 - L.D. 2087

**An Act to Establish the Public Resources  
and Information for Maine Foundation**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 3 MRSA §959, sub-§1, ¶M,** as amended by PL 1999, c. 415, §1, is further amended to read:

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

- (1) Capitol Planning Commission in 1997;
- (2) State Civil Service Appeals Board in 1999;
- (3) State Claims Commission in 1999;
- (4) Maine Municipal Bond Bank in 2001;
- (5) Office of Treasurer of State in 2001;
- (6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services in 2003;
- (7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2003; and

(9) State Planning Office in 2001; and

(10) Public Resources and Information for Maine Foundation in 2004.

Sec. 2. 5 MRSA c. 14-B is enacted to read:

CHAPTER 14-B

PUBLIC RESOURCES AND INFORMATION  
FOR MAINE FOUNDATION

§312. Public Resources and Information for Maine Foundation  
established

The Public Resources and Information for Maine Foundation is established to provide the State's citizens with increased access to unbiased information about state government procedures, deliberations and public policy events to promote civic education, to stimulate the public dialogue and to provide the resources for fostering greater citizen participation in State Government.

The foundation is a nonprofit corporation with a public purpose and the foundation's exercise of the powers that this chapter confers is deemed an essential governmental function.

The Public Resources and Information for Maine Foundation shall foster, assist and participate in efforts to achieve its mission, including, but not limited to, the following efforts.

1. Establishing public and private partnerships. The Public Resources and Information for Maine Foundation, referred to in this chapter as the "foundation," shall endeavor to:

A. Establish public and private partnerships that will provide resources for fostering greater citizen involvement in State Government;

B. Increase citizen knowledge and understanding of State Government, including its processes, deliberations, procedures and responsibilities; and

C. Promote civic education and engender public dialogue on issues important to the citizens of the State.

2. Citizen access and public outreach opportunities. The foundation may:

A. Develop and propose new public information strategies for State Government in an effort to enhance citizen awareness and involvement in State Government;

B. Develop and propose new entities and services for enhancing citizen access to State Government. These entities and services may include, but are not limited to:

(1) Establishment of a speakers' bureau;

(2) Development and distribution of educational videos; and

(3) Creation of a public information bureau; and

C. Promote public understanding of State Government's processes, procedures, deliberations and responsibilities by means of a variety of public and private media, as well as by means of any existing state public information resource.

### **§313. Board of directors**

1. Membership. The Board of Directors of the Public Resources and Information for Maine Foundation consists of 15 voting members as follows:

A. Five members appointed by the Governor from among the commissioners and directors of all of the executive departments and agencies of State Government, including the Finance Authority of Maine, the Maine State Housing Authority, the University of Maine System and the Maine Technical College System. Each of these members may appoint a designee;

B. One member of the Senate, appointed by the President of the Senate;

C. One member of the House of Representatives, appointed by the Speaker of the House;

D. Four members of the public representing for-profit businesses operating in the State, appointed by the Governor; and

E. Four members of the public representing nonprofit entities operating in the State, appointed by the Governor.

The Director of the Margaret Chase Smith Center for Public Policy, or the director's designee, and the Dean of the Edmund S. Muskie School of Public Service, or the dean's designee, serve as

nonvoting, ex-officio members of the board of directors of the foundation.

2. Terms. Except for legislative members, each member serves a term of 3 years and may be reappointed to additional terms. In the organizational year, however, of those members appointed, 2 of the State Government appointees serve terms of 3 years, one serves a term of 2 years and 2 serve terms of one year; of the members representing for-profit businesses, 2 serve terms of 3 years, one serves a term of 2 years and one serves a term of one year; and of the members representing nonprofit entities, 2 serve terms of 3 years, one serves a term of 2 years, and one serves a term of one year. Including the organizational year, legislative members serve terms of 2 years and may be reappointed to additional terms of 2 years.

Except for legislative members, the Governor shall appoint a successor to fill a vacancy for an unexpired term from the same group represented by the predecessor member. The President of the Senate shall appoint a successor for an unexpired Senate term and the Speaker of the House shall appoint a successor for an unexpired House term.

The members shall elect a chair, vice-chair and treasurer at the first meeting of every fiscal year. A quorum consists of 8 members. The members serve without compensation, but are entitled to reimbursement for expenses incurred in the performance of their duties. State employees serving as members, however, may not be compensated by the foundation for these expenses. The board shall meet at least 4 times per year.

#### §314. General powers

The foundation may:

1. Bylaws. Adopt bylaws for the governance of its affairs, have the general powers accorded corporations under Title 13-B, section 202 and do all other things necessary or convenient to carry out the purposes of the foundation, including establishing foundation membership and membership criteria;

2. Suit. Sue or be sued in its own name;

3. Application for receipt of funds. Apply for and receive funds from any private source or governmental entity, whether by grant, donation or loan or by any other manner;

4. Real and personal property. Purchase, receive, hold, lease or acquire by foreclosure, operate, manage, license and sell, convey, transfer, grant or lease real or personal property,

together with such rights and privileges as may be incident and appurtenant to the real or personal property and the use of the real or personal property, including, but not limited to, any real or personal property acquired by the foundation from time to time in the satisfaction of debts or enforcement of obligations;

5. Expenditures and obligations regarding real or personal property. Make all expenditures and incur any obligations reasonably required in the exercise of sound business principles to secure possession of, preserve, maintain, insure or improve real or personal property or interests in real or personal property acquired by the foundation;

6. Securities. Acquire, subscribe for, own, hold, sell, assign, transfer, mortgage or pledge the stock, shares, bonds, debentures, notes or other securities or evidences of interest in or indebtedness of any person, firm, corporation, joint stock company, partnership, association or trust and, while the owner or holder thereof, exercise all the rights, powers and privileges of ownership, including the right to vote thereon;

7. Encumbrance on property. Mortgage, pledge or otherwise encumber any property right or thing of value acquired pursuant to the powers contained in subsection 4, 5 or 6 as security for the payment of any part of the purchase price of the property right or thing of value;

8. Contracts and liabilities. Make contracts, including contracts for services, and incur liabilities for any of the purposes authorized in this chapter;

9. Debt. Borrow money for any of the purposes authorized in this chapter; incur debt, including the power to issue for that debt its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured; and secure the debt by mortgage, pledge, deed or trust or other lien on its property, rights or privileges of every kind and nature, or any part of its property, rights or privileges or interest in its property, rights or privileges; and

10. Cooperation with agencies and organizations. Cooperate with and avail itself of the services of governmental agencies and the University of Maine System and cooperate with, assist and otherwise encourage organizations, local or regional, private or public, in the various communities of the State in the promotion and development of and assistance with civic education, public knowledge and awareness of State Government and citizen access to public information.

§315. Limitation of powers

The foundation, notwithstanding the provisions of section 314, does not have the power or authority to enter into contracts, obligations or commitments of any kind on behalf of the State or any of its agencies, nor does it have the power of eminent domain or any other power not provided to nonprofit corporations generally. Bonds, notes and other evidences of indebtedness of the foundation may not, in any way, be a debt or liability of the State or constitute a pledge of the faith and credit of the State.

**§316. Prohibited interests of officers, directors and employees**

Officers, directors and employees of the foundation and their spouses or dependent children may not receive any direct personal benefit from the activities of the foundation in assisting any private entity. This section does not prohibit corporations or other entities with which an officer or director is associated by reason of ownership or employment from participating in public information and access activities with the foundation, as long as this ownership or employment is made known to the board of directors and the officer or director abstains from voting on matters relating to the officer's or director's participation.

**§317. Annual report; audit**

The foundation shall provide an annual report and an independent audit of its activities to the Governor, the joint standing committee of the Legislature having jurisdiction over state and local government matters and its members. The foundation is subject to such further audit and review as required under the State Government Evaluation Act.

**§318. General conditions; dissolution**

The foundation shall operate as a nonprofit organization consistent with its composition and broad public purposes. The following conditions apply to the operation of the foundation.

1. Net earnings of foundation. Net earnings of the foundation may not be expended for the benefit of any officer, director or employee except that the foundation may pay reasonable compensation for services rendered and otherwise hold, manage and dispose of property in furtherance of the purposes of the foundation.

2. Dissolution of foundation. Upon dissolution of the foundation, the directors shall, after paying or making provision for the payment of all liabilities of the foundation, cause all

of the remaining assets of the foundation to be transferred to the State.

**§319. Donations; funding**

1. Donations. The State, through the Governor, may accept donations, bequests, devises, grants or other interests of any nature on behalf of the foundation and transfer funds, property or other interests to the foundation.

2. Funds not to lapse. Any appropriated state funds continue from year to year and do not lapse. Funds must be expended for the purposes defined in this chapter.

3. Independent funding. Beginning January 1, 2002, 100% of the foundation's annual budget must be derived from sources other than direct appropriations from the State. Permissible sources of such revenue may include public, private, federal and local sources and may include revenue from state agencies for projects undertaken by the foundation on behalf of those agencies.

4. Certification; annual report. The foundation shall include in its annual report certification that the requirements of this section have been met.

**§320. Liability**

The foundation is a governmental entity for the purposes of Title 14, chapter 741.

**Sec. 3. First meeting.** The Governor shall call the first meeting of the Board of Directors of the Public Resources and Information for Maine Foundation and appoint an acting chair who shall serve as chair until the board elects its officers. The first meeting of the board must be held within 60 days of the effective date of this Act.

**Sec. 4. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

**PUBLIC RESOURCES AND INFORMATION  
FOR MAINE FOUNDATION**

**Public Resources and Information  
for Maine Foundation**

All Other

\$100,000



Provides initial start-up funds for the  
Public Resources and Information for Maine  
Foundation.

**Sec. 5. Appropriation.** The following funds are appropriated from  
the General Fund to carry out the purposes of this Act.

**2000-01**

**LEGISLATURE**

**Legislature**

Personal Services	\$440
All Other	400

Provides funds for the per diem and expenses  
of legislative members of the Board of  
Directors of the Public Resources and  
Information for Maine Foundation.

**LEGISLATURE**

**TOTAL**

\$840

LD 2471

APPROVED

APR 13 '00

BY GOVERNOR

CHAPTER

113

RESOLVES

**STATE OF MAINE**

**IN THE YEAR OF OUR LORD  
TWO THOUSAND**

**H.P. 1765 - L.D. 2471**

**Resolve, to Recognize Veterans of the Vietnam War in the  
State House Hall of Flags**

**Sec. 1. Commission established. Resolved:** That a commission is established to arrange for a plaque and a flag or flags, to be displayed in the Hall of Flags in the State House, to honor the veterans of the Vietnam War from Maine; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 5 nonlegislative members: 3 members appointed by the Governor, one member appointed by the President of the Senate and one member appointed by the Speaker of the House of Representatives. All members must be appointed no later than 30 days following the effective date of this resolve. The member appointed by the President of the Senate and the member appointed by the Speaker of the House of Representatives serve as cochair. When appointment of all members is completed, the chairs shall so notify the Executive Director of the Legislative Council and shall call and convene the first meeting of the commission no later than August 18, 2000. The members of the commission serve without compensation or expenses; and be it further

**Sec. 3. Duties. Resolved:** That the commission shall develop a design, choose a site, accept donations and make arrangements for the plaque and a flag or flags to be displayed in the State House Hall of Flags; and be it further

**Sec. 4. Staffing. Resolved:** That, upon approval from the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

**Sec. 5. Funding. Resolved:** That the chairs of the commission may seek and accept outside sources of funding. Prompt notice of solicitation and acceptance of funds must be sent to the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council and an accounting that includes amount, date received, from whom received, purpose and limitation on use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further

**Sec. 6. Consultation; reports. Resolved:** That the commission shall consult with the State House and Capitol Park Commission to ensure the appropriateness of the design and location of the new plaque and the selection and placement of the new flag or flags within the State House Hall of Flags. When the commission has agreed upon an appropriate location and design, but not later than October 4, 2000, the commission shall submit its initial report to the Executive Director of the Legislative Council. A final report must be submitted to the Executive Director of the Legislative Council by November 1, 2000. Upon submission of its required reports, the commission terminates; and be it further

**Sec. 7. Future process; recommendations; authorization to report out legislation. Resolved:** That the Maine Historic Preservation Commission shall develop and recommend a more formal and permanent process through which future requests for adding new plaques, flags or other commemorative items to the State House Hall of Flags will be considered. If ultimately adopted by the Legislature, this process would replace the current process of creating a special commission to develop the design and location for each new plaque, flag or other commemorative item to be placed within the State House Hall of Flags. The Maine Historic Preservation Commission shall make its recommendations in writing by November 15, 2000 to the Executive Director of the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over state and local government matters. After receipt of the report, the committee may report out legislation, based on the commission's recommendations, to the First Regular Session of the 120th Legislature; and be it further

**Sec. 8. Allocation. Resolved:** That the following funds are allocated from Other Special Revenue funds to carry out the purposes of this resolve.

**LEGISLATURE**

**Commission to Arrange for a  
Plaque and a Flag or Flags  
to be Displayed in the Hall of  
Flags in the State House**

All Other

\$500

Provides for the allocation of funds for costs associated with a plaque and a flag or flags honoring veterans of the Vietnam War from Maine in the Hall of Flags in the State House.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND

H.P. 1754 - L.D. 2460

An Act to Establish Criteria for Tax Incentive Programs

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §13070-J, sub-§1, ¶E is enacted to read:

E. "Economic development proposal" means proposed legislation that establishes a new program or that expands an existing program that:

(1) Is intended to encourage significant business expansion or retention in the State; and

(2) Contains a tax expenditure, as defined in section 1664, or a budget expenditure with a cost that is estimated to exceed \$100,000 per year.

Sec. 2. 5 MRSA §13070-J, sub-§§3 and 4, as enacted by PL 1997, c. 761, §2, are amended to read:

3. **Report.** Annually, an employer receiving an economic development incentive, the value of which exceeds \$10,000 in one year, shall submit a written report to the commissioner no later than August 1st of the following year containing but not limited to the following information:

A. The amount of assistance received by the employer in the preceding year from each economic development incentive and the uses to which that assistance has been put;

B. The total amount of assistance received from all economic assistance programs;

C. The number, type and wage level of jobs created or retained as a result of an economic development incentive;

D. Current employment levels for the employer for all operations within the State, the number of employees in each job classification and the average wages and benefits for each classification;

E. Any changes in employment levels that have occurred over the preceding year; and

F. An assessment of how the employer has performed with respect to the public purpose identified in subsection 2, paragraph A, if applicable.

The department shall mail report forms by May 15th of each year to every employer required to file a report under this subsection. Reports filed under this subsection are public records for purposes of Title 1, chapter 13.

**4. Agency reports.** The following agencies shall submit the following reports.

A. The State Tax Assessor shall submit a report by ~~May 1st of 1999 and each odd-numbered year thereafter~~ October 1st annually to the Legislature and the commission identifying the amount of public funds spent and the amount of revenues foregone as the result of economic development incentives. The report must identify the amount of the economic development incentives under the jurisdiction of the Bureau of Revenue Services received by each employer to the extent permitted under Title 36, section 191 and other provisions of law concerning the confidentiality of information.

B. The Commissioner of Labor shall report by ~~May~~ October 1st annually to the Legislature and the commission on the amount of public funds spent on workforce development and training programs directly benefiting businesses in the State. The report must identify the amount of economic development incentives under the jurisdiction of the Department of Labor received by each employer and the public benefit resulting from those economic development incentives.

C. The Maine Technical College System shall report by ~~May~~ October 1st annually to the Legislature and the commission on the amount of public funds spent on job training programs

directly benefiting businesses in the State. The report must identify the amount of economic development incentives under the jurisdiction of the system received by each employer and the public benefit resulting from those economic development incentives.

D. The department shall report by May October 1st annually to the Legislature and the commission on the amount of public funds spent for the direct benefit of businesses in the State under municipal tax increment financing, employment tax increment financing and the Governor's training initiative. The report must identify the amount of economic development incentives under the jurisdiction of the department received by each employer and the public benefit resulting from those economic development incentives.

E. The department shall report by October 1st annually to the State Tax Assessor a listing of employers that have failed to submit reports required under subsection 3. The report must document that each employer included in the report was provided with reasonable official notification of its noncompliance and that its failure to submit the required report within 30 days would result in the withholding and potential forfeiture of reimbursements for which the employer may be eligible under Title 36, chapter 915. The notification must be in the form of a letter posted by certified mail before August 15th of the reporting year. If the department subsequently receives a report from the employer, the department shall so notify the State Tax Assessor.

F. Prior to any forfeiture of benefits under Title 36, section 6652, subsection 3, the department shall make a written determination that the report required by subsection 3 either has not been received or is not in an acceptable form. A copy of that written determination, including the reasons for the determination, must be mailed to the claimant by certified mail. The determination made by the department constitutes final agency action that is subject to review by the Superior Court in accordance with the Maine Administrative Procedure Act, except that sections 11006 and 11007 do not apply. The Superior Court shall conduct a de novo hearing and make a de novo determination as to whether the claimant has filed a report in substantial compliance with this section. The Superior Court shall make its own determination as to all questions of fact and law. The Superior Court shall enter such orders and decrees as the case may require. In the event that the department's determination is appealed to Superior Court pursuant to this paragraph, forfeiture of the claimant's right to receive



reimbursement of taxes under Title 36, chapter 915 may not occur unless the Superior Court, subject to any appeal to the Law Court, finds that the claimant had not substantially complied with the reporting requirements of this section.

Sec. 3. 5 MRSA §13070-L, sub-§5, as enacted by PL 1997, c. 761, §2, is amended to read:

5. Staffing. ~~The Bureau--of--Revenue--Services~~ Office of Fiscal and Program Review shall provide staff assistance to the commission.

Sec. 4. 5 MRSA §13070-M, as enacted by PL 1997, c. 761, §2, is amended to read:

**§13070-M. Repeal**

This article is repealed ~~October-17-2001~~ August 1, 2002.

Sec. 5. 5 MRSA §13070-O is enacted to read:

**§13070-O. Evaluation of economic development proposals**

1. Criteria. An economic development proposal must:

A. Have a program name that accurately describes the nature of the program;

B. Have specific stated objectives, such as the number of jobs to be created or retained, the wage levels and benefits associated with those jobs or a project with significant value to the State or a community within the State;

C. Specify a method to measure whether the objectives of the program have been met;

D. Require that a business that receives benefits under the program report on the use of the benefits received;

E. Require that the appropriate joint standing committee of the Legislature review the program at specific and regular intervals;

F. Provide incentives for a business to meet objectives of the program and, when incentives are provided in anticipation of contractual performance, penalties for a business that does not meet the objectives of the program; and

G. Provide a cost analysis of the program based on at least a 10-year period.

2. Review of criteria. The department shall review each economic development proposal and any information relevant to the proposal and shall report to the joint standing committee of the Legislature having jurisdiction over the proposal on the extent to which the proposal meets the criteria specified in subsection 1.

Sec. 6. 36 MRSA §6652, sub-§3 is enacted to read:

3. Withholding for failure to report. Provided that the Department of Economic and Community Development has complied with the notice requirements of Title 5, section 13070-J, subsection 4, paragraph E and the notice required by that provision has been received by the claimant, the State Tax Assessor shall withhold reimbursement under this chapter for a claimant listed by the department pursuant to Title 5, section 13070-J, subsection 4, paragraph E as failing to submit the reports required by Title 5, section 13070-J, subsection 3 and who, as of the date of the claim for which payment is being withheld, has failed to submit a report that has become due. Upon notification by the department of its receipt of the required report in an acceptable form, the State Tax Assessor shall make the payment that was withheld. The right to receive payment is forfeited if the overdue report is not received in an acceptable form by the department within 180 days following the date the claim for reimbursement was filed, except that a forfeiture may not occur unless and until the following requirements have been satisfied:

A. The assessor has notified the Department of Economic and Community Development, at least 60 days prior to the expiration of the 180 day period, of the date on which that 180 day period will expire;

B. The Department of Economic and Community Development has notified the claimant in writing by certified mail within 15 days of receiving the assessor's notice that the department has made a determination under Title 5, section 13070-J, subsection 4, paragraph F that the report filed by the claimant has not been received or is in unacceptable form and that the right to reimbursement is subject to forfeiture if a report in acceptable form is not filed within 180 days following the date the claim for reimbursement was filed; and

C. The claimant has either not appealed the determination of the Department of Economic and Community Development to Superior Court within 30 days of receipt by the claimant of

the written determination in accordance with Title 5, section 13070-J, subsection 4, paragraph F or the claimant has appealed and the department's determination has been upheld on appeal.

Sec. 7. 36 MRSA §6656, as enacted by PL 1995, c. 368, Pt. FFF, §2, is amended to read:

**§6656. Payment of claims**

Upon Except as provided in section 6652, subsection 3, upon receipt of a timely and properly completed claim for reimbursement, the State Tax Assessor shall certify that the claimant is eligible for reimbursement and shall pay the amount claimed from the General Fund within 180 days after the claim is filed. For those claims for which payments are withheld pursuant to section 6652, subsection 3, reimbursement must be paid within 180 days after the assessor receives notification under that subsection that the report has been received.

Sec. 8. Review of economic development incentives. The Department of Economic and Community Development, in consultation with the Economic Development Incentive Commission established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 6-A, shall review economic development incentives as defined in Title 5, section 13070-J using the criteria specified in Title 5, section 13070-O. The department shall review and report on the economic development incentives in Title 5, section 13070-J, subsection 1, paragraph D, subparagraphs (1) to (3) by November 1, 2000. The department shall review and report on the economic development incentives in Title 5, section 13070-J, subsection 1, paragraph D, subparagraphs (4) to (7) by November 1, 2001. The department's reports must be submitted to the joint standing committee of the Legislature having jurisdiction over taxation matters.

Sec. 9. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

**LEGISLATURE**

**Economic Development  
Incentive Commission**

All Other \$20,000

Provides a continuing annual appropriation

for studies, research and operating expenses  
for the commission to carry out its  
statutory duties.



# 119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

## Joint Study Order

House Paper No. 1774

---

House of Representatives, January 12, 2000

---

**Joint Study Order to Establish a Committee on Gasoline and Fuel Prices.**

---

Reference to the Committee on Transportation suggested.

A handwritten signature in cursive script, reading 'Joseph W. Mayo'.

JOSEPH W. MAYO, Clerk

Presented by Representative GOODWIN of Pembroke.  
Cosponsored by Senator KONTOS of Cumberland and  
Representatives: CLARK of Millinocket, COLWELL of Gardiner, LaVERDIERE of Wilton,  
O'NEAL of Limestone, TUTTLE of Sanford, USHER of Westbrook, WHEELER of Eliot,  
Senator: CAREY of Kennebec.

## STATE OF MAINE

In House \_\_\_\_\_

ORDERED, the Senate concurring, that the Committee on Gasoline and Fuel Prices is established as follows.

1. **Committee on Gasoline and Fuel Prices established.** The Committee on Gasoline and Fuel Prices, referred to in this order as the "committee," is established.

2. **Committee membership.** The committee consists of 13 members appointed jointly by the President of the Senate and the Speaker of the House of Representatives as follows:

A. Three members from the Joint Standing Committee on Transportation;

B. Two members from the Joint Standing Committee on Utilities and Energy;

C. Two members from the Joint Standing Committee on Appropriations and Financial Affairs;

D. Two members from the Joint Standing Committee on State and Local Government;

E. Two members from the Joint Standing Committee on Legal and Veterans Affairs; and

F. Two members for the Joint Standing Committee on Natural Resources.

3. **Chairs.** The first Senate member named is the Senate chair and the first House of Representatives member named is the House chair.

4. **Appointments; convening.** All appointments must be made no later than 10 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the study commission shall call and convene the first meeting of the study commission no later than February 1, 2000.

5. **Duties.** The committee shall:

- A. Gather information on the increase of fuel oil prices;
- B. Gather information on the increase of gasoline prices;  
and
- C. Study and gauge the effect and impact of these price increases on the people of the State;

6. **Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. **Compensation.** Members of the committee who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

8. **Report.** The committee shall submit a report along with any recommended legislation to the Joint Standing Committee on Transportation no later than the first week in April 2000. The Joint Standing Committee on Transportation may introduce legislation during the Second Regular Session of the 119th Legislature. If the committee requires a limited extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

9. **Committee budget.** The chairs of the committee, with assistance from the committee staff, shall administer the committee budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chairs and staff with a status report on the committee budget, expenditures incurred and paid and available funds.

SPONSORED BY:   
(Representative GOODWIN)

TOWN: Pembroke

L.D.

DATE:

(Filing No. S- )

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
SECOND REGULAR SESSION**

SENATE AMENDMENT " " to H.P. 1774, "Joint Study Order to Establish a Committee on Gasoline and Fuel Prices"

Amend the order in subsection 5 in paragraph A in the first line by striking out the following: "increase" and inserting in its place the following: 'change'

Further amend the order in subsection 5 in paragraph B in the first line by striking out the following: "increase" and inserting in its place the following: 'change'

Further amend the order in subsection 5 in paragraph C in the 2nd line by striking out the following: "increases" and inserting in its place the following: 'changes'

**SUMMARY**

This amendment amends the joint order to require the Committee on Gasoline and Fuel Prices to gather information and study the effects of changes in fuel oil and gasoline prices, instead of just increases.

SPONSORED BY: \_\_\_\_\_  
(Senator BENNETT)

COUNTY: Oxford



H.P. 1774

Committee on Gasoline and Fuel Prices

	<u>FY 1999-00</u>	<u>FY 2000-01</u>
General Fund Appropriations:	\$2,730	\$7,325

Comments:

The Legislature will incur additional costs estimated to be \$2,730 in fiscal year 1999-00 and \$7,325 in fiscal year 2000-01 for the per diem and expenses of legislative members for 7 meetings of the Committee on Gasoline and Fuel Prices and to print the required report. Of this amount, \$5,005 is required in the Personal Services line category and \$5,050 in the All Other line category. If the Legislative Council approves additional meetings, the estimated cost for the per diem and expenses of legislative members for each additional meeting is \$1,365.

The additional costs associated with providing staffing assistance to the committee during the interim between legislative sessions can be absorbed by the Legislature utilizing existing budgeted resources. If an extension of the reporting deadline is granted and the committee requires staffing assistance during the legislative session, additional costs would be incurred to contract for staff services.

**STATE OF MAINE**

---

**IN THE YEAR OF OUR LORD  
TWO THOUSAND**

---

**H.P. 33 - L.D. 42**

**Resolve, to Improve the Quality of Long-term Care 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 quality of care for residents in nursing facilities is threatened by high staff turnover, the burdens of excessive paperwork and the current rates and methods of reimbursement used in the Medicare and Medicaid programs; 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. Service and residential option development. Resolved:** That the Department of Human Services shall work with the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Maine State Housing Authority, the Department of Public Safety and providers and potential providers of services and residential options to develop new long-term care services and residential options. The first focus must be on underserved areas of the State and services and options in short supply, including, but not limited to, small residential facilities, adult family care homes, adult day services, assisted living for elders with lower income, specialized dementia care facilities and services for persons living in senior housing sites. The Department of Human Services shall report to the joint standing committee of the Legislature having jurisdiction

over health and human services matters by January 1, 2001, on the development of new and expanded services and residential options. The joint standing committee of the Legislature having jurisdiction over health and human services matters has authority to report out legislation regarding long-term care services and residential options; and be it further

**Sec. 2. Rule amendment regarding Medicaid long-term care policy and the home care program. Resolved:** That the Department of Human Services shall review and amend its rules regarding Medicaid long-term care policy in order to enhance the flexibility of Medicaid benefits to the extent possible under federal law. The department shall consider the report of the Joint Advisory Committee on Select Services for Older Persons dated January 2000. The review must include but is not limited to the feasibility of amending Medicaid rules to ensure that consumers do not lose critical benefits when they make a transition from the state-funded home care program to the Medicaid program. If the Medicaid program does not offer sufficient flexibility to provide a consumer who receives services under the home care program and who then becomes eligible for Medicaid continued access to a critical service, such as an emergency response system or homemaker service, the department shall amend its rules for the home care program to provide for continuing eligibility for the critical service. Rules adopted pursuant to this section take effect January 1, 2001. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 3. Rule amendment regarding consumers of long-term care services who have chronic conditions that change. Resolved:** That the Department of Human Services shall amend its rules regarding eligibility for nursing facility services to allow for continuing eligibility for consumers of long-term care services who have chronic conditions that change enough to qualify and disqualify them for services on a cyclical basis. Rules adopted pursuant to this section take effect October 1, 2000. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 4. Labor force initiatives. Resolved:** That the Department of Human Services and the State Board of Nursing, in consultation with consumers, providers and other interested parties, shall adopt or amend rules and propose such legislation to the Legislature as may be required to create career ladders and address labor shortage issues. By August 1, 2000, the Department of Human Services and the State Board of Nursing shall amend their rules to provide for continuing certification on the

Maine Registry of Certified Nursing Assistants of a certified nursing assistant who, over a 24-month period, performs for 8 hours nursing or nursing-related services that are supervised by a registered nurse or who participates in continuing education for 8 hours. The rules may not require that nursing or nursing-related services be performed in a nursing facility or hospital. The rules must be retroactive for 2 years. Rules adopted pursuant to this provision are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 5. Rule amendment regarding appeal rights. Resolved:** That the Department of Human Services shall amend its rules regarding the appeal rights of consumers in the department's home care programs to provide for the same appeal rights as in the Medicaid program and the right to appeal the provisions of an initial care plan. Rules adopted pursuant to this section take effect October 1, 2000. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 6. Provision of best practices forums. Resolved:** That the Department of Human Services shall participate in a series of best practices forums to provide educational workshops and opportunities to providers of long-term care services. Workshops and forums may be cosponsored by entities other than the department; and be it further

**Sec. 7. Development of standardized contracts and rule adoption. Resolved:** That the Department of Human Services shall develop and adopt rules to require the use of standardized contracts to be used for long-term care services between the service provider and the consumer when appropriate to the service and setting. Rules adopted pursuant to this section take effect January 1, 2001. Rules adopted or amended pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 8. Rule amendment regarding default licensing. Resolved:** That the Department of Human Services and the Department of Public Safety shall amend their rules regarding licensing for long-term care facilities and services to provide for default licensing for new applicants. The rules must provide that default licensing takes effect when a new applicant has filed a completed application, has not been provided the necessary notifications, inspections or services from state agencies and a period of more than 90 days has elapsed since notification that the application is complete.

The Department of Human Services and the Department of Public Safety and persons or entities performing functions for those departments shall notify a new applicant within 2 weeks of filing by the applicant on whether the application is complete. The Department of Human Services and the Department of Public Safety shall provide necessary services and inspections within 90 days of the filing of the completed application. Rules adopted pursuant to this section take effect January 1, 2001. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 9. Expansion of the National Fire Protection Association Life Safety Code inspection capacity. Resolved:** That the Department of Human Services, the Department of Public Safety and municipal fire officials shall work together to devise ways to expand the delegation of the National Fire Protection Association Life Safety Code inspections. The Department of Human Services and the Department of Public Safety shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2001 on their progress under this section. The joint standing committee of the Legislature having jurisdiction over health and human services matters has authority to report out legislation on life safety code inspections; and be it further

**Sec. 10. Rule amendment regarding the principles of reimbursement for nursing facilities. Resolved:** That the Department of Human Services shall amend the principles of reimbursement for nursing facilities to ensure that reimbursement reflects the current cost of providing services in an efficient manner. The department shall reconsider the provision that allows retention of 25% of cost savings in the direct cost component. The revised principles of reimbursement must merge routine and indirect cost components into a single routine cost component category; must include medical supplies as a direct cost component; must incorporate the most recent time-study information; must rebase to the most recent audited year; must contain an annual inflation adjustment appropriate to the industry; must include performance standards, measurable outcomes, and satisfaction surveys of consumers and family members; must utilize cost caps, including, but not limited to, cost caps for facilities based on size; and must recognize regional variations in labor costs. Rules amended pursuant to this section take effect September 1, 2000. Rules amended pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 11. Report on long-term care insurance. Resolved:** That the Department of Human Services, the Maine State Retirement

System and the State Employee Health Insurance Program shall work together to study the provision of group long-term care insurance to employees of the State and other public sector employees and retirees and to their family members and to the citizens of the State. The study must consider the CalPERS system operating in California, other models used in other states and the feasibility of regional cooperation among states. The State Employee Health Insurance Program is the lead agency in the study and shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by April 1, 2001 regarding the study and any recommendations; and be it further

**Sec. 12. Development of a public awareness campaign. Resolved:** That the Department of Human Services, Bureau of Elder and Adult Services shall coordinate with the Bureau of Health a public awareness campaign that focuses on the benefits of a healthy lifestyle and the need to plan for long-term care. The department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2001 on its progress on the campaign; and be it further

**Sec. 13. Staffing ratios. Resolved:** That, by October 1, 2000, the Department of Human Services shall amend the rules on minimum staffing ratios in long-term care facilities to provide for ratios in accordance with this provision.

1. The minimum staffing ratios may not be less than the following:

A. On the day shift, one direct-care provider for every 5 residents;

B. On the evening shift, one direct-care provider for every 10 residents; and

C. On the night shift, one direct-care provider for every 15 residents.

2. The minimum staffing ratio rule must provide definitions for "direct-care providers" and "direct care" as follows:

A. "Direct-care providers" means registered nurses, licensed practical nurses and certified nursing assistants who provide direct care to nursing facility residents; and

B. "Direct care" means hands-on care provided to residents, including, but not limited to, feeding, bathing, toileting, dressing, lifting and moving residents. "Direct care" does

not include food preparation, housekeeping or laundry services except in circumstances when such services are required to meet the needs of an individual resident on a given occasion.

The Department of Human Services shall undertake pilot projects to determine appropriate staffing ratios for mealtimes and shall report on progress on the pilot projects to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2001.

The Department of Human Services shall begin work to develop staffing ratios based on resident acuity level. In developing the new staffing ratios, the department shall contract with one or more experts in nurse staffing research and long-term care who shall recommend a methodology for determining appropriate ratios. By May 1, 2001, the Commissioner of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the progress of the department in developing acuity-based staffing ratios, a proposal for adopting acuity-based staffing ratios and any required legislation; and be it further

**Sec. 14. Rule amendment regarding licensing and surveys of providers of long-term care services. Resolved:** That, consistent with the requirements of the federal Medicaid and Medicare programs, the Department of Human Services shall amend its rules regarding the duration of licenses for providers of long-term care services and the surveys required of those providers. In preparing the amendments, the department shall consider performance standards, recognized standards of best practice, desired and measurable outcomes and satisfaction surveys of consumers and their families. To the extent not in conflict with the requirements of applicable federal programs, the rules must provide for the reasonable lengthening of license periods and some relaxation of survey requirements for providers of services with a documented track record of consistently high-quality service delivery as measured by performance standards and other appropriate criteria. Rules adopted pursuant to this section take effect July 1, 2001. Rules adopted or amended pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, Chapter 375, subchapter II-A; and be it further

**Sec. 15. Rule amendment regarding assessment for eligibility for reimbursement under the Medicaid program for long-term care services. Resolved:** That the Department of Human Services shall review its rules for determining eligibility for reimbursement under the Medicaid program for long-term care. The review process must include

consumers, providers and other interested persons. It must identify ways to make the process of assessment of medical condition and cognitive function more flexible without undermining its objectivity. The review must include, but is not limited to, providing the nurse assessor authority to utilize professional skills and to consider input from the consumer's family and physician. The review should include the establishment of guidelines to provide to the nurse assessor standards with regard to consumer need and care plan development. The rules must eliminate the requirement of automatic annual assessments of the medical condition of consumers whose medical conditions are unlikely to improve sufficiently to cause a change in their eligibility for services. The review process must also include verification of financial information in the process of determining financial eligibility and cost-sharing for state-funded services. Rules adopted pursuant to this section take effect October 1, 2000. Rules adopted or amended pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 16. Development of aging in place pilot projects. Resolved:** That the Department of Human Services shall undertake aging in place pilot projects that allow consumers to receive increasing levels of services as their needs for care increase over time without their having to change residential settings. The projects must provide for increased reimbursement for services as the need for those services increases. In developing the projects, the department shall consider input from the Department of Mental Health, Mental Retardation and Substance Abuse Services and its providers. Rules adopted pursuant to this section take effect July 1, 2001. Rules adopted or amended pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further

**Sec. 17. Development of voucher or flexible funding pilot projects in long-term care. Resolved:** That the Department of Human Services shall undertake pilot projects that provide vouchers or flexible funding in which consumers qualify for long-term care services and may choose the manner in which they are delivered and the service provider. The pilot projects may be provided under the Medicaid program or under state-funded long-term care programs. In developing the projects, the department shall consider input from the Department of Mental Health, Mental Retardation and Substance Abuse Services and its providers. Rules adopted pursuant to this section take effect January 1, 2001. Rules adopted or amended pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A; and be it further



**Sec. 18. Review of reimbursement under the Medicaid program. Resolved:** That the Department of Human Services shall review its rules on reimbursement for assisted living and home care services and shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2001 its recommendations for including in the reimbursement formulas for those services, factors for acuity of consumer condition, level of need for services, performance standards and consumer satisfaction surveys; and be it further

**Sec. 19. Establishment of the Long-term Care Implementation Committee. Resolved:** That there is established the Long-term Care Implementation Committee, referred to in this section as the "committee," to monitor the progress of state departments and offices in implementing the provisions of this resolve. The committee shall review the adoption and amendment of rules performed in response to this resolve and may make recommendations to the Department of Human Services and to the joint standing committee of the Legislature having jurisdiction over health and human services matters for amendments to those rules. The committee shall review the quality of care in the long-term care system.

**1. Membership.** The committee consists of 13 members. The President of the Senate shall appoint 5 members as follows: one member representing providers; one member representing the Long-term Care Steering Committee; one member representing consumers of long-term care services; and 2 Legislators, one representing the joint standing committee of the Legislature having jurisdiction over health and human services matters and one representing the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. One Legislator must represent the majority party and one Legislator must represent the minority party. The Speaker of the House of Representatives shall appoint 5 members as follows: one person representing providers; one member representing the long-term care ombudsman program; one member representing consumers of long-term care services; and 2 Legislators, one representing the joint standing committee of the Legislature having jurisdiction over health and human services matters and one representing the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. One Legislator must represent the majority party and one Legislator must represent the minority party. The Commissioner of Human Services or the commissioner's designee and 2 other persons representing the Department of Human Services, appointed by the commissioner, are ex officio members of the committee. All appointments must be complete by January 1, 2001.

2. **Meetings.** The committee may meet up to 9 times per year. The committee members shall select 2 persons from among the members to serve as cochaIRS. Persons serving as cochaIRS may serve in that capacity for a maximum of 12 months. The Department of Human Services shall provide staff and support services. Committee members not otherwise reimbursed for expenses of attending meetings are entitled to reimbursement.

3. **Duties.** The committee shall report by February 1, 2001; February 1, 2002; and December 31, 2002 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The report must include activities of the committee in the prior year, the opinion of the committee on the progress being made to implement this resolve and any recommendations for action, including recommending necessary legislation to the Legislature. This section is repealed January 1, 2003; and be it further

**Sec. 20. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

2000-01

#### **HUMAN SERVICES, DEPARTMENT OF**

##### **Medical Care - Payments to Providers**

All Other \$500,000

Provides for the appropriation of funds to increase wages for home-care workers by \$1 per hour.

##### **Medical Care - Payments to Providers**

All Other \$3,691,943

Provides for the appropriation of funds to develop new long-term care services and options. Funds appropriated for this purpose may not be used for any other purpose.

##### **Nursing Facilities**

All Other \$731,000

Provides for the appropriation of funds to

provide continuing eligibility for consumers of long-term care services who have chronic conditions that change.

**Nursing Facilities**

All Other \$2,500,000

Provides for the appropriation of funds to ensure that the principles of reimbursement for nursing facilities reflect the current cost of providing services in an efficient manner.

**Nursing Facilities**

All Other \$1,875,000

Provides for the appropriation of funds to increase the minimum staffing ratios in long-term care facilities.

**Nursing Facilities**

All Other \$600,000

Provides for the appropriation of funds for the costs associated with reassessment of eligibility for reimbursement under the Medicaid program for long-term care services.

**Long-term Care - Human Services**

All Other \$1,210,000

Provides for the appropriation of funds to provide services to persons on waiting lists for home-based care.

**Long-term Care - Human Services**

033 All Other \$600,000

Provides for the appropriation of funds to increase wages for home-care workers by \$1 per hour.

**Long-term Care - Human Services**

All Other \$90,000

Provides for the appropriation of funds for increased costs of home-care programs due to changes in the cost-sharing formula.

**Long-term Care - Human Services**

All Other \$173,000

Provides for the appropriation of funds to ensure flexibility and continuity of care for Medicaid and home-care programs. This appropriation may be used for personal emergency response systems only.

**Long-term Care - Human Services**

All Other \$45,000

Provides for the appropriation of funds for the costs associated with appeal rights in the home-care programs.

**Long-term Care - Human Services**

All Other \$50,000

Provides for the appropriation of funds to develop aging in place pilot projects in long-term care.

**Long-term Care - Human Services**

All Other \$25,000

Provides for the appropriation of funds to establish the Long-term Care Implementation Committee.

**Bureau of Elderly and Adult Services**

All Other \$324,520

Provides for the appropriation of funds to develop new long-term care services and options. Funds appropriated for this purpose may not be used for any other purpose.

**Congregate Housing**

All Other

\$630,000

Provides for the appropriation of funds to develop new long-term care services and options. Funds appropriated for this purpose may not be used for any other purpose.

**DEPARTMENT OF HUMAN SERVICES  
TOTAL**

\$13,045,463

; and be it further

**Sec. 21. Allocation. Resolved:** That the following funds are allocated from the Federal Expenditures Fund to carry out the purposes of this resolve.

2000-01

**HUMAN SERVICES, DEPARTMENT OF**

**Medical Care - Payments to Providers**

All Other

\$976,887

Provides for the allocation of funds for the federal match to increase wages for home-care workers by \$1 per hour.

**Medical Care - Payments to Providers**

All Other

\$3,426,026

Provides for the allocation of funds for the federal match to develop new long-term care services and options. Funds allocated for this purpose may not be used for any other purpose.

**Nursing Facilities**

All Other

\$1,428,208

Provides for the allocation of funds for the federal match to provide continuing eligibility for consumers of long-term care services who have chronic conditions that change.

### **Nursing Facilities**

All Other

\$4,884,434

Provides for the allocation of funds for the federal match to ensure that the principles of reimbursement for nursing facilities reflect the current cost of providing services in an efficient manner.

### **Nursing Facilities**

All Other

\$3,663,325

Provides for the allocation of funds for the federal match to increase the minimum staffing ratios at long-term care facilities.

### **Nursing Facilities**

All Other

\$1,172,264

Provides for the allocation of funds for the federal match for the costs associated with reassessment of eligibility for reimbursement under the Medicaid program for long-term care services.

### **DEPARTMENT OF HUMAN SERVICES TOTAL**

\$15,551,144

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