

# MAINE STATE LEGISLATURE

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**121st Legislative Council  
First Regular Session  
Proposed Legislative  
Studies**

# **Legislative Studies: Drafting Guidelines**

**Adopted by the 121<sup>st</sup> Legislative Council  
Pursuant to Joint Rule 353**

**January 28, 2003**

**Prepared by the Office of Policy and Legal Analysis  
Maine Legislature**

**LEGISLATIVE STUDIES****DRAFTING GUIDELINES****Element of Study Order or Legislation****Sample Language****Comments****I. Selection of Legislative Vehicle**

- Five types of documents may be used:

**A. Joint Study Order**

(This is the principal method of legislative study and is adaptable for most legislative studies.)

Particularly appropriate for a limited term study of a specific issue by a committee consisting wholly or mostly of legislators that reports back to the Legislature within the legislative biennium. A joint order study may include a minority of non-legislators as members who participate at the request of the Legislature.)

"Ordered, the (Senate or House) hereafter, that the Joint Select Committee on Substance Abuse is established as follows:"

or "...that the Joint Standing Committee on Fisheries and Wildlife (or a subcommittee) is directed to study the issue of the reauthorization of the state hunting and fishing laws as follows:"

or "...that the Legislative Study Committee on the Integration of Social Security and Maine State Retirement System Benefits is established as follows:"

- Must pass in each chamber only once (unless amended on the floor).
- Governor's approval not needed.
- Effective immediately, unless otherwise specified.
- Appropriation/fiscal note not needed at time of passage.
- Chair and all or most members are legislators.
- Public and agency members may be invited but not compelled to serve.
- Orders are printed in the Calendar and ordinarily are referred to committee.
- Introduction of legislation into another biennium requires legislative sponsor.
- May authorize introduction of legislation directly by study group or by legislative committee without legislative sponsor; however, legislation is either "presented" or "reported" by a legislator.
- Cannot authorize a committee in the next biennium to report out legislation.
- Authority terminates with the end of the biennium; Legislative Council cannot extend beyond the end of the biennium.

## Element of Study Order or Legislation

## Sample Language

## Comments

### B. Resolve

(Appropriate for limited-term studies for which the participation of a large proportion of non-legislators is necessary, when outside members may need to be compelled to participate or when the issue to be studied demands the creation of a task force or blue ribbon commission of high profile members. Also appropriate for non-legislative studies to be conducted by agencies with a report back to the Legislature.)

"Resolve, to Establish the Commission to Study Rate Setting and the Financing of Long-term Care Facilities"

NOTE: Unless otherwise noted in these guidelines, the term "study group" means, study committee, study commission, task force, work group, blue ribbon commission or study group.

- Governor's approval or veto override needed
- Unless passed as an emergency, takes effect 90 days after adjournment
- May compel participation, assistance or other action by non-legislators
- May authorize introduction of legislation directly by study group or by legislative committee without legislative sponsor; however, legislation is either "presented" or "reported" by a legislator
- Appropriation/ Fiscal Note required

### C. Public Law

(Appropriate for ongoing, periodic studies established in statute [e.g., judicial compensation], for studies that are an integral part of a bill creating a new program [e.g., learning results, electric utility deregulation] and when the issue to be studied demands the creation of a task force or blue ribbon commission of high profile members [e.g., workers' comp reform].)

"An Act to Establish the State Compensation Commission"

- Governor's approval or veto override needed
- Unless passed as an emergency, takes effect 90 days after adjournment
- May compel participation, assistance or other action by non-legislators
- May authorize introduction of legislation directly by study group or by legislative committee without legislative sponsor; however, legislation is either "presented" or "reported" by a legislator
- Appropriation/ Fiscal Note required

### D. Letter request to Legislative Council

(Appropriate for use by joint standing committees or their subcommittees only. Use for limited duration studies.)

See Appendix I for the procedure to request approval from the Legislative Council for study



## Element of Study Order or Legislation

## Sample Language

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<p><u>E. Special Committees</u> established pursuant to the presiding officer(s) order</p> <p>(Appropriate for use by the presiding officers to establish special committees to meet the study needs of the House and Senate, individually or jointly. Neither the Presiding Officers nor Legislative Council may establish Joint Select or Joint Standing Committees. That authority is reserved to the full Legislature.)</p>	See sample order.	Note: Joint standing committees may also study an issue during interim committee authorized by Joint Rule 315.
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### **2. Establishment of Study Group**

#### A. Order or Resolve

"The (study group), referred to in this (order/resolve) as the (committee/commission/ task force/blue ribbon commission/etc.) is established."

Not necessary when the study is to be assigned to an existing joint standing committee or a sub-committee of a joint standing committee. (See Appendix I)

#### B. Public Law

"The (study group) established in Title 5, section \_\_\_, subsection \_\_\_, (boards and commission law) and referred to in this section as the "(committee/commission/ task force/blue ribbon commission/etc.)", consists of (#) members appointed as follows:..."

<b>3. Appointment of Study Group Members</b>		
<ul style="list-style-type: none"><li>Specify total number of members, usually ranging from 3-13 members</li><li>Describe the method of appointment or selection of members</li></ul>	<p>"The (study group) consists of (#) members appointed as follows:"</p>	Ordinarily study membership must consist of all legislators or a majority of legislators. See Joint Rule 353 (2).
<p><u>A. Joint study order</u></p>	"The President of the Senate shall appoint (#) members and the Speaker of the House of Representatives shall appoint (#) members to the (study group)."	Unless specific circumstances warrant, the Presiding Officers must be the appointing authority for all members, but must not make appointments jointly.
<p><u>B. Resolve or bill</u></p>	"The (President of the Senate and Speaker of the	

## Element of Study Order or Legislation

## Sample Language

## Comments

	House of Representatives, the Governor or other appointing authority) shall appoint (#) members to the (study group)."	
◆ Specify qualifications or affiliations of members	(Describe broad qualifications or other eligibility criteria, if any, e.g. membership on a joint standing committee, professional affiliation, or residency.)	Avoid appointment procedures that include narrow restriction to very specific membership slots or appointment by outside organizations
◆ Establish deadline for appointments	"All appointments must be made no later than 30 days following the (effective date of this resolve or Act/passage of this order)."	
◆ Establish terms and provide for filling vacancies	"All members must be appointed for (# of years or to coincide with the legislative biennium). A vacancy must be filled (specify manner)."	Ordinarily applies only to on-going study group established in statute
◆ Specify notification of appointments to administering authority	"The (appointing authorities) shall notify the (Executive Director of the Legislative Council or other administering authority) upon making their appointments."	

### 4. Selection of Chair

- ◆ Designate the selection process or appointing authority

"The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair."

#### (Alternatives to preferred approach:)

"The (Governor, the President of the Senate, Speaker of the House of Representatives or other authority) shall appoint the chair of the (study group)."

Unless there is some compelling reason to do otherwise, appointment of study chair or co-chairs is by the presiding officers and is made at the same time the member appointments are made. If the study group consists of 5 or fewer members, one chair should be appointed by the presiding officer of the body in which the study order or legislation originates; otherwise the Senate President should appoint the Senate Chair and the Speaker the House Chair. See Joint Rule 353 (3). Avoid joint appointment of a chair.

or

"At its first meeting, the (study group) shall

Use this method of chair appointment only for blue ribbon commissions or similar groups where

## Element of Study Order or Legislation

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## Comments

select a chair from among its members. Notice of selection of the chair must be given to the Executive Director of the Legislative Council.”

there is a compelling reason for the group members to select the chair.

### 5. Convening of Study Group

#### ◆ Specify who is to call first meeting

“When appointment of all members of the (study group) is completed, the chair of the study group or chair of the Legislative Council shall call and convene the (study group) for the first meeting.”

Ordinarily, the chair will do this. However, if the chair is to be selected by the members of the study group, the chair of the Legislative Council shall call and preside at the first meeting.

#### ◆ Establish deadline for first meeting

“(which must be no later than (date))”

All study groups should ordinarily be convened by August 1 in the first session and by June 1 in the second session. However, studies should not be convened prior to legislative adjournment in order to avoid scheduling conflicts for legislators and staff.

### 6. Study Subject & Tasks

#### ◆ State subject of study

“The (study group) shall study (subject of study)”

Unlike other legislation, study orders, resolves and legislation should include greater narrative description as to the purpose and scope of the matter to be studied. The purposes and charge of the study group should be specific enough for members to readily understand the nature and scope of the study and expected work products.

#### ◆ Specify issues to be studied

“The (study group) shall examine the following issues: (list issues)”

Listing specific issues to be studied provides a clear legislative charge to the study group. It also will facilitate planning and preparation by the chairs and staff before the first meeting.

#### ◆ Specify tasks to be performed when studying the issue

“In examining these issues, the (study group) may:

- Hold (#) public hearings in (places);
- Hold informational sessions for discussions with (list of experts by generic identification); or representatives of programs undertaken in (list

Listing specific tasks to be performed will facilitate planning and preparation by the chairs and staff before the first meeting. Only those tasks that are essential to the charge of the study group should be mentioned.



Element of Study Order or Legislation

Sample Language

Comments

states or other jurisdictions) on (topics); etc.”  
- Conduct, a (telephone survey or other interview) of (people or groups) on (information sought);  
- Identify and summarize the legislative actions or governmental programs undertaken in (list states or other jurisdictions) on (topics); etc.”

“The (study group) shall (invite the participation of or offer the opportunity for) (entity) to submit comments on proposed recommendations of the study group.”

Use with study orders when outside participation is necessary to direct the study group to invite the participation of entities that may assist the study group in its work.

**7. Staffing**

- ◆ Utilize non-partisan staff for legislative studies; (for non-legislative studies, executive agency or other personnel should be directed to staff the study group)

“Upon approval of the Legislative Council the (non-partisan office or offices) shall provide necessary staffing services to the (study group).”

Ordinarily, non-partisan staff will be assigned as primary staff to a study group only if the study is a legislative study.

or

- ◆ Direct another state agency to provide primary staff  
  
specify who is to provide assistance in drafting study legislation

“The (state agency) shall provide staff assistance to the (study group).”

“The (state agency) shall prepare any legislation recommended by the (study group).”

Non-partisan staff resources ordinarily should not be committed to non-legislative studies. If it is necessary, they should be committed only during times when the Legislature is not in session.

## Element of Study Order or Legislation

## Sample Language

## Comments

	or (For non-legislative studies)	
	"If the (study group) requires assistance with the preparation of any recommended legislation, it may request, and upon approval from the Legislative Council, receive such assistance from (non-partisan staff office or offices) staff."	
Specify who is to provide clerical assistance	"The (non-partisan staff office) or (state agency) shall provide clerical support to the (study group)."	
◆ Permit the employment of consultants or other staff assistance	"The (study group), with the approval of the Legislative Council, may contract with a (consultant or expert) to provide staffing or other professional services."	Ordinarily, staffing will not be contracted, but will be provided by nonpartisan legislative staff for study activities. (designate as primary staff or cross reference the pertinent study issues, tasks and products).

### 8. Compensation of Members

- ◆ Specify which members are eligible to receive per diem

"Legislative members are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the study group. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of (a study committee)."

This is consistent with Joint Rule 353 (5).



**9. Report & Study Group Termination**

- Specify work products to be prepared by the study group

"No later than (date), the (study group) shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the (specify which) Session of the (specify which) Legislature. The (study group) is authorized to submit legislation related to its report for introduction to the (specify session) Session of the (specify legislature) Legislature at the time of submission of its report." Alternative: "The (study group) is not authorized to introduce legislation."

or

"No later than (date), the (study group) shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on (joint standing committee) and the Legislative Council. The (study group) is not authorized to introduce legislation." "Following receipt and review of the report, the (joint standing committee) may report out a bill to the (specify which) Session of the (specify which) Legislature."

or

"No later than (date), the (study group) shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on (joint standing committee) and the Legislative Council. The (study group) is authorized to submit legislation related to its report for introduction to the (session) Session of

Reports and legislation are to be submitted by the first Wednesday in November preceding a 1st Regular Session or the first Wednesday in December preceding a 2nd Regular Session. These dates are to assure that the report will be prepared and submitted for review by Legislators before the start of the legislative session and to allow for timely preparation of any accompanying legislation. Due to their committee responsibilities, legislative analysts do not ordinarily staff study commissions during legislative sessions. See Joint Rule 353 (6) and (7).

Ordinarily, the reports should be submitted to the "Legislature." The language should be specific as to whether the study group has authority to introduce legislation or whether it is prohibited from doing so. The deadline for submission of legislation should be concurrent with submission of the study report.

If, however, the scope of the study is so narrow as to affect only a joint standing committee, then the report may be submitted to the joint standing committee having jurisdiction over the relevant policy area. The language should be specific as to whether the study group has authority to introduce legislation or whether it is prohibited from doing so. Furthermore, the language should be specific as to whether the joint standing committee has authority to report out a bill.

Authority to introduce legislation should not be

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
<ul style="list-style-type: none"> <li>Specify date for submission of work products to the Legislature and to whom the report or other work product is to be submitted</li> </ul>	(specify) Legislature at the time of submission of its report"	granted to both the study group and the joint standing committee. In addition, it should not be granted to joint standing committees jointly.
<ul style="list-style-type: none"> <li>Study Group Termination</li> </ul>	(If the work product is not a report). "The (study group) shall submit (a questionnaire or survey summary, an informational booklet, legislation only, etc.) no later than (date))."	
<ul style="list-style-type: none"> <li>Extension of reporting deadline</li> </ul>	"Upon submission of its required report(s), the study group terminates."	A report date should not be extended into a legislative session. A study group created by a joint study order cannot extend beyond the biennium because the authority granted by the Legislature for the joint study order lapses with the convening of the new legislature.



<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
<b>10. Funding &amp; Management of Study Expenses</b>		
♦ Seek appropriation language and figures from OFPR		This is included only if a study is not by joint study order.
♦ Specify the authority to administer the study group budget	<p>“The chair(s) of the (study group), with assistance from the (study group) staff shall administer the study budget. Within 10 days after its first meeting the (study group) shall present a work plan and proposed budget to the Legislative Council for approval. The (study group) may not incur expenses that would result in the study group exceeding its approved budget.”</p> <p>“Upon request from the (study group), the Executive Director of the Legislative Council or the Executive Director’s designee shall promptly provide the (study group) chair and staff with a status report on the study budget, expenditures incurred and paid and available funds.”</p>	Although the projected number of meetings will be a factor in determining the study budget, avoid specifying in the study instrument the specific number of meetings authorized. Allow the study group flexibility to operate within its budget.
♦ Indicate alternative ways the study group may be funded and whether it is precluded from using General Fund dollars	<p>“The chair(s) of the study group may seek and accept outside 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 along with an accounting that includes amount, date received, from whom, purpose and limitation on use of the funds. The (Executive Director of the Legislative Council or other administering authority) administers any funds received. Expenses that have an effect on the General Fund may not be incurred by the (study group).”</p>	The general policy is to not allow solicitation or use of funds other than those appropriated or allocated by the Legislature. However, in the event that use of outside funding is appropriate and necessary, this language should be used.

**121<sup>ST</sup> LEGISLATURE**  
**FIRST REGULAR SESSION**  
**Proposed Studies by Committee of Jurisdiction**

ACF—2  
AFA—1  
BRED—2  
CRJ—2  
EDU—2  
HHS—5  
IFS—2  
IFW—1  
JUD—1  
LAB—2  
LVA—1  
MAR—0  
NAT—1  
SLG—2  
TAX—3  
TRA—0  
UTE—2

**TOTAL—29**

**121st Legislature  
First Regular Session  
Potential Studies  
Requiring Council Action**

**REVISED**

LD #	Paper #	Emergency or Non-Emergency?	Bill/Study Title	Study Type	Policy Area	Purpose	Size of Study Group	# Legislators	Start Date	Report Date	Compensation	Fiscal Costs	Staffing	Notes
1 JO, House Paper 0724 (pg. 1)	HP 724	Non-Emerg.	Joint Study Order Directing the Joint Standing Committee on Agriculture, Conservation and Forestry to Study New Payment Models for the Logging Industry	Legislative	ACF	Examine new payment models for the logging industry	13	13	Conduct the study during authorized interim committee meetings	12/31/03	Legislative Per Diem and Expenses	FY 04=\$1,365 (for 1 additional committee meeting)	OPLA	Engrossed in House; Senate Study Table
2 LD 1219 (pg. 2)	HP 893	Non-Emerg.	Resolve, to Study the Current and Future Benefits of Agricultural Biotechnology	Departmental	ACF	Working group to evaluate the advantages and disadvantages and make recommendations regarding current and future benefits of agricultural biotechnology to Maine's farmers and citizens	Not specified	5	Not specified	12/15/03 to ACF Committee	Legislative Per Diem and Expenses	FY04=\$2,100	Department of Agriculture, Food and Rural Resources	In Conference Committee
3 JO, House Paper 0772 (pg. 9)	HP 772	Non-Emerg.	Joint Order Directing the Joint Standing Committee on Appropriations and Financial Affairs to Study the Fiscal Note Process	Legislative	AFA	Study the fiscal note process, especially the process by which a department provides information about the cost of a bill before the Legislature and the potential adverse effect on a department of providing that information	13	13	Not specified	12/1/03	Legislative Per Diem and Expenses	FY04=\$7,575	Office of Fiscal and Program Review	In Rules Committee
4 LD 0472 (pg. 11)	HP 364	Emergency	Resolve, Directing the Community Preservation Advisory Committee to Study Issues Pertaining to Barriers to Affordable Housing in the State	Departmental	BEC	Develop recommendations to reduce regulatory barriers to and provide incentives for the creation and availability affordable housing	Community Preservation Advisory Committee	6	When appointment of all members has been completed	12/10/2003 to BEC Committee	Not applicable	Fy04=\$750 (cost of additional report)	State Planning Office; OPLA to assist with drafting	Emergency Passage Failed in House; Senate Study Table
5 LD 969 (pg. 15)	SP 310	Non-Emerg.	An Act to Ensure Equity in Mortgage Volume Fees	Legislative	BEC	Study the revenue sources of the Office of Consumer Credit Regulation	14	4	Within 15 days following completion of appointments of members	12/10/03	Legislative Per Diem and expenses; public members not otherwise compensated may receive expenses and legislative per diem	FY04=OSR \$3,210	OPLA	House Study Table; Senate Engrossed with Committee A

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6 LD 0372 (pg. 19)	HP 292	Emergency	Resolve, to Improve Community Safety and Sex Offender Accountability	Legislative	CRJ	Examine and recommend any changes to current laws governing the sentencing, registration, release and placement of sex offenders	18	3	Within 15 days following completion of appointments of members	12/1/03	Legislative Per Diem and expenses; public members not otherwise compensated may receive expenses	FY04=\$5,790	OPLA	House Emergency Enacted; Senate Study Table
7 LD 1614, section K-2 of Part 2 Budget (pg. 24)	HP 1190	Emergency	Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners	Departmental	CRJ	Study ways to reduce the prison population; control the overall costs of the correction system; and reduce recidivism and the transition of prisoners back to the community, including the impact of offenders on communities	16	4	Within 15 days following completion of appointments of members	1/2/04	Legislative Per Diem and expenses; public members not otherwise compensated may receive expenses	FY04=\$2520	State Planning Office	In AFA Committee
8 LD 0425 (pg. 28)	HP 333	Emergency	Resolve, To Prepare Maine's Students for Active Citizenship	Legislative	EDU	Examine issues surrounding citizenship education and preparing Maine's citizens to be active in the governance of institutions	15	4	Within 15 days following the appointment of all members	12/3/03	Legislative Per Diem and expenses; public members not otherwise compensated may receive expenses	FY04=OSR \$6,320; if no OSR is received, then GF costs=\$3,320	OPLA	House Emergency Finally Passed; Senate Study Table
9 LD 751 (pg. 33)	HP 557	Emergency	An Act to Implement the Recommendations of the Legislative Youth Advisory Council	Legislative	EDU	Recommends adding one Senator to the Youth Advisory Council	22	4	Continuation	2/4/03	Legislative Per Diem and Expenses	FY04=\$630 FY05=\$630 and on-going costs for each fiscal year	Muskie School of Public Policy	House Emergency Enacted with Committee A; Senate Appropriations Table
10 LD 0057 (pg. 38)	HP 65	Emergency	An Act to Establish the Long-term Care Oversight Committee	Legislative	HHS	Review the adoption and amendment of rules and monitor the implementation of initiatives in long-term care	17	3	Not specified	Annually by 1/15	Members serve without compensation	FY04=\$2,520 FY05=\$2,190 (additional FY06 and FY07 costs)	Department of Human Services	House Emergency Enacted; Senate Study Table
11 LD 0471 (pg. 42)	HP 363	Non-Emerg.	Resolve, To Study Obesity and Methods to Decrease the Cost of Health Care and Increase the Public Health	Legislative	HHS	Study obesity in the State and methods to decrease the cost of health care and improve the public health	31	4	Within 15 days following the appointment of all members	12/1/03	Legislative Per Diem and expenses; public members not otherwise compensated may receive expenses and legislative per diem	FY04=\$7,280 (must use outside funds; if sufficient funds are not received by 9/15/03, no meetings can be held)	Legislative Council	House Finally Passed; Senate Study Table



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12 LD 0553 (pg. 52)	SP 193	Emergency	Resolve, To Study the Needs of Deaf and Hard-of hearing Children and Adolescents	Legislative	HHS	Examine the behavioral, developmental, social, emotional and educational needs of deaf and hard-of-hearing children and adolescents who are not receiving adequate services because of the lack of appropriate resources in the State	18	4	Within 15 days following the appointment of all members	12/10/03	Legislative Per Diem and expenses; public members not otherwise compensated may receive expenses	FY04=\$11,060	OPLA	House Study Table; Senate Engrossed with Committee "A"
13 LD 0732 (pg. 56)	HP 538	Non-Emerg.	Resolve, Directing the Department of Human Services to Establish an Advisory Task Force to Examine Staff-child Ratios and Maximum Group Size in Child Care Facilities	Departmental	HHS	Advisory task force established to examine and make recommendations regarding staff-child ratios and maximum group size in child care facilities	Not specified	Legislators are invited to participate in the advisory task force	Not applicable	2/1/04 to HHS Committee	Not applicable	FY04=\$1,575 (based on 3 legislative members attending five meetings)	Department of Human Services	House - Finally Passed with Committee "A"; Senate Study Table
14 LD 1614, sec. P 9 of change package to Part 2 Budget (pg. 58)	HP 1190	Emergency	Youth in Need of Services Oversight Committee	Legislative	HHS	Provide oversight of services provided to or offered by the State for youth in need of services and their families	24	5	Continuation	Already appointed	Legislative Per Diem and expenses; public members not otherwise compensated may receive expenses	FY 04=\$2,800 FY05=\$2,625 and on-going costs for each fiscal year	Department of Human Services	In AFA Committee
15 LD 20 (pg. 62)	HP 27	Non-Emerg.	An Act to Extend the Authority of the Health Care System and Health Security Board	Legislative	IFS	Develop recommendations to provide health care coverage to all citizens of Maine	20	4	Continuation	Final report by 11/1/04	Legislative Per Diem and Expenses, subject to availability of funds; public members may receive per diem and expenses if not otherwise compensated and funds are available	FY04=OSR \$9,625 FY05=OSR \$7,375; If no OSR is received, then GF costs in FY 04=\$4,690 and FY 05=\$3,850	OPLA	House Enacted with Committee A and House A; Senate Study Table
16 LD 1413 (pg. 70)	HP 1035	Non-Emerg.	An Act to Clarify Maine Law Relating to Viatical Settlements	Departmental	IFS	Working group to develop recommended legislation relating to life settlement contracts	Not specified	None	Not specified	1/1/04	Not applicable	Staff resources required	Bureau of Insurance; OPLA to participate in the working group	Public Law 320

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17 LD 1358 (pg. 72)	SP 446	Emergency	Resolve, to Reestablish the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine	Legislative	IFW	Provide oversight and policy guidance to the Department of IFW concerning funds appropriated for engineering design of Embden Hatchery; complete all duties prescribed of the previous study commission and work with department on other issues related to fish hatcheries	18	7	No later than August 15, 2003	Interim report by 12/1/03; Final Report by 10/31/04	Legislative Per Diem and Expenses; public members not otherwise compensated may receive expenses and legislative per diem	FY04= OSR \$1,750	OPLA	House Emergency Finally Passed with Committee A; Senate Study Table
18 LD 1079 (pg. 76)	HP 797	Emergency	Resolve, To Establish the Committee to Study Compliance with Maine's Freedom of Access Laws	Legislative	JUD	Study state and local governmental compliance with Maine's freedom of access laws and other issues relating to citizens' access to public records and public proceedings, including whether and to what extent the Freedom of Access Laws may be used as a harassment tool against local government entities	16	2	Within 15 days following the appointment of all members	12/1/03	Legislative Per Diem and Expenses; public members may receive per diem and expenses if not otherwise compensated	FY04=\$4,480 OSR=\$500	OPLA	House Emergency Finally Passed with Committee A; Senate Study Table
19 LD 0035 (pg. 81)	SP 21	Non-Emerg.	An Act to Increase the Assessment of Workers' Compensation Insurance to Fund the Workers' Compensation Board Administrative Fund (proposed in minority report, Committee Amendment "B")	Legislative	LAB	Review the process used by the Workers' Compensation Board to establish, approve and monitor its budget and determine whether improvements are needed.	4	2	30 days following effective date of the Act	12/3/03 to the Labor Committee	Legislative Per Diem and Expenses for Legislators and Board members	FY04=OSR \$855 (Board to reimburse legislature for per diem and expenses)	Workers' Compensation Board, OPLA and OFPR	House no action taken; Senate unfinished business
20 LD 1343 (pg. 86)	HP 989	Emergency	Resolve, To Create the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal Law Enforcement Officers and Firefighters	Legislative	LAB	Examine issues related to the issues concerning retirement and health insurance benefits for state and municipal law enforcement officers and firefighters	11	7	Within 15 days following the appointment of all members	12/3/03	Legislative Per Diem and expenses; public members not otherwise compensated may receive expenses	FY04=\$6,110	OPLA	House Finally Passed with Committee A; Senate Study Table

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Requiring Council Action**

LD #	Paper #	Emergency or Non-Emergency?	Bill/Study Title	Study Type	Policy Area	Purpose	Size of Study Group	# Legislators	Start Date	Report Date	Compensation	Fiscal Costs	Staffing	Notes
21 JO, Senate Paper 0552 (pg. 90)	SP 552	Non-Emerg.	Joint Order Establishing the Committee to Study the Implementation of the Privatization of the State's Wholesale Liquor Business	Legislative	LVA	Gather information and data from public and private entities in order to review the progress of the implementation of the privatization of the State's wholesale liquor business	9	9	No later than August 15, 2003	12/3/03	Legislative Per Diem and Expenses	FY04=\$8,625	OPLA	Senate Study Table
22 LD 1271 (pg. 93)	HP 943	Emergency	Resolve, To Study the Implementation of a Plan to Prohibit the Discharge of Certain Wastewater into Coastal Waters	Departmental	NAT	Develop a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State	Stakeholder group established by Department of Environmental Protection	Not specified; Department may invite participation of NAT Committee	Within 30 days of the effective date of the Resolve	11/1/03 to NAT Committee	Legislative Per Diem and Expenses	FY04=\$1,575 (based on 3 NAT members attending 5 meetings)	Department of Environmental Protection	House Finally Passed with Committee A; Senate Study Table
23 JO, House Paper 0726 (pg. 96)	HP 726	Non-Emerg.	Joint Study Order to Establish the Task Force to Study the Functional Efficiencies in the Legislative Process	Legislative	SLG	Assess and identify inefficiencies and redundancies in the legislative process and determine solutions to correct inefficiencies in the legislative process	10	10	No later than 60 days following passage of the Joint Order	11/6/03	Legislative Per Diem and Expenses	FY04=\$8,100	OPLA	In Rules Committee
24 LD 0040 (pg. 99)	SP 26	Emergency	Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War on the State House Hall of Flags	Legislative	SLG	To arrange for a plaque or plaques and a flag(s) to be displayed in the eh Hall of Flags in the State House in honor of the Maine Veterans of World War II and the Korean War	5	2	Continuation	11/1/03	Legislative Per Diem and expenses; public members not otherwise compensated may receive expenses	FY04=\$1,840	OPLA	House Emergency Finally Passed with Committee "A"; Senate Study Table
25 LD 0467 (pg. 109)	HP 359	Non-Emerg.	Resolve, To Study the Policies of the Department of Administrative and Financial Services, Bureau of Revenue Services Regarding Tax Collection Practices	Legislative	TAX	Study the policies and approaches of the Department of Administrative and Financial Services regarding tax collection practices; review and evaluate the responsibilities of the taxpayer advocate; and assess the need for a tax ombudsman	12	6	Within 15 days following the appointment of all members	1/2/04	Legislative Per Diem and expenses; public members not otherwise compensated may receive expenses	FY04=\$4,520	OFPR	House Finally Passed with Committee A; Senate Study Table

**121st Legislature  
First Regular Session  
Potential Studies  
Requiring Council Action**

LD #	Paper #	Emergency or Non-Emergency?	Bill/Study Title	Study Type	Policy Area	Purpose	Size of Study Group	# Legislators	Start Date	Report Date	Compensation	Fiscal Costs	Staffing	Notes
26 LD 0599 (pg. 112)	SP 208	Non-Emerg.	An Act to Implement Recommendations of the Task Force on Rail Transportation and Correct an Inconsistency	Legislative	TAX	Review and make recommendations for statutory revisions to Maine tax laws affecting railroads operating in Maine	Not specified; Chairs of Taxation Committee shall appoint a subcommittee	Sub-committee of the Taxation Committee	Not specified	Report out legislation to the 121st Legislature	Legislative Per Diem and Expenses	Interim committee meetings to be used to conduct the study	Office of Fiscal and Program Review	House Enacted; Senate Appropriations Table
27 LD 1394 (pg. 116)	HP 1020	Non-Emerg.	An Act to Modernize the State's Tax System	Legislative	TAX	Annually monitor all additional sales tax revenues collected, as well as the total costs of reimbursing the municipalities	13	13	Not specified	1/1/2005 and annually thereafter	Legislative Per Diem and Expenses	FY05=\$6,500	OFPR	In TAX Committee
28 LD 0397 (pg. 118)	SP 134	Emergency	Resolve, to Create the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals	Departmental	UTE	Study the development of emergency alert systems for deaf and hard-of-hearing individuals for all types of emergencies, including weather-related emergencies	17	Department may invite members of the Utilities Committee to participate	Within 15 days following the appointment of all members	11/21/03	Members are not entitled to Per Diem and Expenses	FY04=\$1,575 (based on 3 legislative members attending 5 meetings)	Maine Emergency Management Agency; OPLA may assist with drafting	House Study Table; Senate Engrossed with Committee A
29 LD 0669 (pg. 122)	SP 233	Emergency	An Act to Strengthen the Energy Resources Council	Departmental	UTE	Review the state energy-related policy and its implementation	Not specified	4	Not specified	1/31/04	Legislative Per Diem and Expenses	FY 04 = OSR \$2,920	Energy Resources Council; OPLA drafting assistance	House Study Table; Senate Engrossed with Committee A

	GENERAL FUND		OTHER SPECIAL REVENUE	
	FY 04	FY 05	FY 04	FY 05
Estimated Cost of Proposed Studies	\$83,520	\$15,795	\$31,960	\$7,375
General Fund - Studies Budget	<u>30,000</u>	<u>20,000</u>		
GF Amount Over/Under	(\$53,520)	\$4,205		



**121st Legislature  
First Regular Session  
Other Potential Studies**

LD #	Paper #	Emergency or Non-Emergency?	Bill/Study Title	Study Type	Policy Area	Purpose	Size of Study Group	# Legislators	Start Date	Report Date	Compensation	Fiscal Costs	Staffing	Notes
1 LD 0989 (pg. 127)	SP 338	Emergency	Resolve, To Establish a Task Force Concerning Speech-language Pathologists	Legislative	EDU	Study methods to increase the number of speech-language pathologists available to provide services in schools to Maine children	13	None	Within 15 days following the appointment of all members	1/15/04	Public members not otherwise compensated may receive per diem and expenses	No legislative costs	Department of Education	House Study Table; Senate Engrossed with Committee A
2 LD 1293 (pg. 131)	SP 424	Non-Emerg.	An Act to Improve the Fairness of the Health Care Provider Tax and To Ensure Fair implementation of Health Care Reimbursement Reforms	Legislative	HHS	Joint Standing Committee on Health and Human Services to consider the issue of long-term care financing during the 2nd Regular Session of the 121st Legislature and report out a bill			Not applicable	Report out bill to the Second Regular Session of the 121st Legislature	No additional legislative compensation	No additional legislative costs or staff resources		House Study Table; Senate Engrossed with Committee A

(4-1) On motion of Representative JACKSON of Fort Kent, the following Joint Order: (H.P. 724) (Cosponsored by Senator MARTIN of Aroostook and Representatives: CARR of Lincoln, FLETCHER of Winslow, GAGNE-FRIEL of Buckfield, McKEE of Wayne, PINEAU of Jay, SMITH of Van Buren, TRAHAN of Waldoboro, Senator: BRYANT of Oxford)

ORDERED, the Senate concurring, that:

1. The Joint Standing Committee on Agriculture, Conservation and Forestry shall conduct a study of new payment models for the logging industry. The committee shall conduct the study during authorized interim committee meetings, except that the committee may hold one additional meeting to conclude its work.

2. The committee shall:

A. Examine how logging contractors and their employees are paid;

B. Explore new models of payment;

C. Examine public policies for forests that promote better forestry practices or protect wildlife habitat and how the policies affect landowners;

D. Examine whether there are forest policies that give incentives for mismanagement or disincentives for improved management;

E. Examine state labor and educational policies that govern the creation of apprenticeship programs;

F. Identify the opportunities for and barriers to creating logger apprenticeship programs; and

G. Consult with interested parties affected by the forest industry.

3. The committee members are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses for attendance at the additional meeting to conclude its work.

4. The committee shall submit a report, together with any necessary implementing legislation, to the Legislature no later than December 31, 2003. The Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to introduce a bill related to the report to the Second Regular Session of the 121st Legislature.

0000001

L.D. 1219

DATE: 5-14-03

(Filing No. H-376)

AGRICULTURE, CONSERVATION AND FORESTRY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 893, L.D. 1219, Bill, "An Act To Establish a Moratorium on Genetically Engineered Plants"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Ensure the Integrity and Enhance the Marketing of Maine Agricultural Crops'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Sec. 1. Working group on potential for marketing Maine agricultural products as "genetically engineered free." Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall convene a working group to develop an approach, discuss advantages and disadvantages and make recommendations regarding a marketing initiative to promote Maine agricultural products that are free of genetically engineered materials. The Director of Marketing and Production Development within the Department of Agriculture, Food and Rural Resources shall participate in the working group. The commissioner shall serve as chair or may appoint the Director of Marketing and Production Development to serve as chair. The commissioner shall select a vice-chair from among the members of the working group. The commissioner shall invite the following to participate as members of the working group:

1. A researcher from the Maine Agricultural Center at the University of Maine with expertise in consumer economics and

0000002

**COMMITTEE AMENDMENT**

experience in designing a labeling policy for genetically modified food;

2. A person with experience in retail food sales;

3. Members of the Joint Standing Committee on Agriculture, Conservation and Forestry;

4. A representative from each of the following entities, as may be appointed by the respective executive body or executive director of each:

A. A consumer food cooperative;

B. The Maine Farm Bureau; and

C. The Maine Organic Farmers and Gardeners Association.

All participants in the working group serve without compensation. No later than January 15, 2004, the commissioner shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry with a summary of the working group's discussion and recommendations; and be it further

**Sec. 2. Authority to report out legislation. Resolved:** That the Joint Standing Committee on Agriculture, Conservation and Forestry may report out legislation to the Second Regular Session of the 121st Legislature regarding measures to ensure the integrity of genetically engineered and nongenetically engineered crops.'

## SUMMARY

This amendment replaces the bill. It directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to develop an approach for and discuss the potential of a marketing initiative to promote Maine agricultural crops as free of genetically engineered materials. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation to the Second Regular Session of the 121st Legislature regarding measures to protect the integrity of genetically engineered and nongenetically engineered crops.

**FISCAL NOTE REQUIRED**  
(See attached)

0000003



**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 1219**

**An Act To Ensure the Integrity and Enhance the Marketing of Maine  
Agricultural Crops**

**LR 0544(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Agriculture, Conservation and Forestry**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - General Fund

0000004

L.D. 1219

DATE: 5-22-03

(Filing No. S-229)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 893, L.D. 1219, Bill, "An Act To Establish a Moratorium on Genetically Engineered Plants"

Amend the amendment by striking out the substitute title and replacing it with the following:

**'Resolve, To Study the Current and Future Benefits of Agricultural Biotechnology'**

Further amend the amendment by striking out all of sections 1 and 2 and inserting in their place the following:

**'Sec. 1. Study of potential benefits to Maine's agriculture and forestry industries through use of currently available and future agricultural biotechnology products and practices and its relationship to organic marketing. Resolved:** That the Commissioner of Agriculture, Food and Rural Resources shall convene a working group to evaluate the advantages and disadvantages and make recommendations regarding current and future benefits of agricultural biotechnology to the majority of Maine's farmers and citizens. The working group shall examine the growing organic market sector in the State and examine the issue of cross-pollination of organic crops with biotech and nonorganic crops and potential loss of market premium. To further study how the organic industry can be promoted and protected, the working group shall review the National Organic Program of the United States Department of Agriculture's Agricultural Marketing Service. In addition, using available data from Maine's organic farming industry, the working group shall examine sales, farm locations, total acreage and type and maturation of crops planted in order to ascertain the likelihood, if any, of loss of market premium due to cross-pollination with biotech-derived crops. The commissioner or the commissioner's designee shall serve as chair and invite the following to participate as members of the working group:

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**SENATE AMENDMENT**

1. Two members of the Senate who serve on the Joint Standing Committee on Agriculture, Conservation and Forestry, selected by the President of the Senate;

2. Three members of the House of Representative who serve on the Joint Standing Committee on Agriculture, Conservation and Forestry, selected by the Speaker of the House;

3. A scientist from the Maine Agricultural Center at the University of Maine;

4. A representative from the Grocery Manufacturers of America or National Food Processors Association; and

5. A representative from each of the following entities, selected by the respective body or executive director of each:

A. The Maine Farm Bureau;

B. The Maine Organic Farmers and Gardeners Association; and

C. CropLife America, a trade association representing biotech companies.

The participants in the working group serve without compensation, except that the legislative members of the working group are entitled to 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 working group. The Department of Agriculture, Food and Rural Resources shall provide staff for the working group using existing department resources. The commissioner shall report the results of the study to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 15, 2003; and be it further

**Sec. 2. Authority to report out legislation. Resolved:** That the Joint Standing Committee on Agriculture, Conservation and Forestry may report out legislation to the Second Regular Session of the 121st Legislature pursuant to the recommendations of the commissioners' study report.'

#### SUMMARY

This amendment directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to study the

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 893,  
L.D. 1219

potential benefits of agricultural biotechnology. It authorizes  
the Joint Standing Committee on Agriculture, Conservation and  
Forestry to report out legislation to the Second Regular Session  
of the 121st Legislature regarding its findings.

**FISCAL NOTE REQUIRED**  
(See attached)

SPONSORED BY:

(Senator KNEELAND)

COUNTY: Aroostook

0000007

**SENATE AMENDMENT**



**121st Maine Legislature**  
**Office of Fiscal and Program Review**

**LD 1219**

**Resolve, To Study the Current and Future Benefits of Agricultural  
Biotechnology**

**LR 0544(04)**

**Fiscal Note for Senate Amendment "A" to Committee Amendment "A"**

**Sen. Kneeland**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Current Costs - Legislative Study

**Legislative Study**

This amendment allows Legislators on the working group to be compensated. The projected costs to fund per diem and expenses for the legislators of the working group are \$2,100 in fiscal year 2003-04. The Legislature has budgeted \$30,000 in fiscal year 2003-04 for legislative studies. Whether the amount is sufficient to fund all studies in fiscal year 2003-04 will depend on the number of studies authorized by the Legislative Council and the Legislature.

0000008



HP0772

## STATE OF MAINE

In House March 4, 2003

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs shall undertake a study of the fiscal note process, especially the process by which a department provides information about the cost of a bill before the Legislature and the potential adverse effect on that department. The committee shall issue a report to the Legislature that details the method by which fiscal notes are determined. The committee also shall determine a method to avoid this potential conflict of interest. The committee shall submit its report and any necessary changes to the Maine Revised Statutes or Joint Rules to the Second Regular Session of the 121st Legislature no later than December 1, 2003.

SPONSORED BY: *Mane*  
(Representative LAVERRIERE-BOUCHER)

TOWN: Biddeford

0000009

Page 1-LR0738(1)

HP0772

HP 772

HP 772

**HOUSE OF REPRESENTATIVES**

March 4, 2003

READ.

ON MOTION OF REPRESENTATIVE LAVERRIERE-BOUCHER OF  
BIDDEFORD  
JOINT ORDER

REFERRED TO THE JOINT SELECT COMMITTEE ON JOINT  
RULES. SENT FOR CONCURRENCE. ORDERED SENT  
FORTHWITH.

*Mellicent M. MacFarland*  
CLERK

**IN THE SENATE CHAMBER**

March 5, 2003

READ AND REFERRED TO THE JOINT SELECT COMMITTEE ON  
JOINT RULES IN CONCURRENCE

*Jay J. O'Brien*

SECRETARY OF THE SENATE

0000010

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THREE  
—

H.P. 364 - L.D. 472

**Resolve, Directing the Community Preservation Advisory  
Committee To Study Issues Pertaining to Barriers to  
Affordable Housing in the State**

**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 directs the Community Preservation Advisory Committee to study a number of issues pertaining to affordable housing; and

**Whereas,** it is necessary that this resolve be enacted as an emergency measure to afford adequate time for the issues to be appropriately addressed by the Community Preservation Advisory Committee; 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. Community Preservation Advisory Committee to study issues pertaining to affordable housing. Resolved:** That the Community Preservation Advisory Committee, as established in the Maine Revised Statutes, Title 30-A, section 4350, referred to in this resolve as "the committee," shall undertake a comprehensive study to identify regulatory or other barriers to the creation of affordable housing in the State. For each barrier identified, the committee shall make recommendations on ways to reduce that

barrier and to provide incentives for the creation of affordable housing. The committee's study must include, but is not limited to, a review of and recommendations on methods to remove or reduce barriers to the creation or availability of affordable housing created by:

1. State rules or local regulations that inhibit the construction of new affordable housing units or the renovation of existing buildings for the purpose of creating affordable housing units. The committee's recommendations in this area must be consistent with the legitimate concerns of the State and the local communities for healthy neighborhoods, sound environmental practices, sustainable affordability and inclusive communities;

2. Zoning or zoning practices that create barriers to affordable housing;

3. Laws pertaining to municipal impact fees, as allowed under Title 30-A, section 4354, to the extent those laws create barriers to the creation of affordable housing. In reviewing this issue, the committee shall consider and make recommendations on exempting affordable housing units from such impact fees and applying that exemption only to affordable housing located within a locally designated growth area identified in the municipality's comprehensive land use plan. If the committee recommends such an exemption, its recommendations must include specific recommendations on how an exemption would be calculated and applied and what impact that exemption would have on the ability of a municipality to adequately fund infrastructure improvements necessitated by the construction of those units;

4. Laws pertaining to municipal moratoria on development permits, as allowed under Title 30-A, section 4356, to the extent those laws create barriers to the creation of affordable housing. In reviewing this issue, the committee shall consider and make recommendations on exempting affordable housing units from such moratoria and applying that exemption only to affordable housing located within a locally designated growth area identified in the municipality's comprehensive land use plan;

5. Laws pertaining to municipal rate of growth ordinances, as allowed under Title 30-A, section 4314, to the extent those laws create barriers to the creation of affordable housing units. In reviewing this issue, the committee shall consider and make recommendations on exempting affordable housing units from such laws pertaining to municipal rate of growth ordinances;

6. Barriers to the creation of affordable rental housing, including the unavailability of deposit assistance, in areas of the State where rental housing is unaffordable;

7. Barriers to the construction or availability of affordable housing for veterans, seniors, retirees, persons with disabilities and homeless persons; and

8. Other barriers to the construction or availability of affordable housing identified by the committee or by stakeholders; and be it further

**Sec. 2. Consultation with stakeholders. Resolved:** That the committee shall consult with stakeholders during this study and in the development of its recommendations. Those stakeholders include, but are not limited to, the following:

1. The Commissioner of Economic and Community Development;
2. The Director of the Maine State Housing Authority;
3. The Executive Director of the State Planning Office within the Executive Department;
4. The President of the Maine State Chamber of Commerce;
5. The Executive Director of the Maine Municipal Association;
6. The President of the Maine Association of Planners;
7. A representative from a neighborhood association;
8. A representative from a city council;
9. A municipal officer;
10. A representative from a town planning board;
11. A representative from a nonprofit housing developer;
12. A representative from a for-profit housing developer;
13. A representative from a land trust;
14. A representative from a manufactured housing manufacturer;
15. A representative from a financial institution;
16. A representative from the business community;



17. A representative of the York County Initiative to End Homelessness;

18. A representative of the Genesis Community Loan Fund;

19. A representative from an organization in the Lewiston-Auburn area that is active in matters pertaining to affordable housing;

20. A representative of the Maine Affordable Housing Network; and

21. A person representing the AFL-CIO; and be it further

**Sec. 3. Staff assistance. Resolved:** That the Executive Department, State Planning Office shall, within its existing budgeted resources, provide staffing assistance to the committee in conducting this study; and be it further

**Sec. 4. Drafting assistance. Resolved:** That the Office of Policy and Legal Analysis shall draft any legislation recommended by the committee to implement its recommendations; and be it further

**Sec. 5. Report. Resolved:** That the committee shall submit its report to the Joint Standing Committee on Business, Research and Economic Development no later than December 10, 2003. The committee shall submit legislation to implement its recommendations to the Legislature not later than January 1, 2004; and be it further

**Sec. 6. Legislation. Resolved:** That the Joint Standing Committee on Business, Research and Economic Development may report out a bill during the Second Regular Session of the 121st Legislature on issues pertaining to barriers to affordable housing.

**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 AND THREE

S.P. 310 - L.D. 969

An Act To Ensure Equity in Mortgage Volume Fees

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

Sec. 1. 9-A MRSA §6-203, sub-§2, as amended by PL 1993, c. 268, §1, is further amended to read:

2. Persons required to file notification who are sellers, lessors or lenders shall pay an additional fee, at the time and in the manner stated in subsection 1, of \$25 for each \$100,000, or part thereof, of the original unpaid balances arising from consumer credit transactions entered into in this State within the preceding calendar year and held either by the seller, lessor or lender for more than 30 days after the inception of the sale, lease or loan giving rise to the obligations, or by an assignee who has not filed notification. ~~A refinancing of a sale, lease or loan resulting in an increase in the amount of an obligation is considered a new sale, lease or loan to the extent of the amount of the increase.~~

Sec. 2. 9-A MRSA §6-203, sub-§2-A is enacted to read:

2-A. For purposes of assessing fees under this section, a refinancing of a sale, lease or loan made by the original creditor of the obligation that results in an increase in the amount of an obligation over the unpaid principal balance of the prior sale, lease or loan is considered a new sale, lease or loan to the extent of the amount of the increase, and volume fees must be paid on the amount of the increase. Volume fees must be paid on the full amount of a refinancing of a sale, lease or loan made by a creditor other than the original creditor.

**Sec. 3. Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation.** The Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation, referred to in this section as "the committee," is established.

**1. Membership.** The committee consists of 14 members, as follows:

A. Two members of the Joint Standing Committee on Business, Research and Economic Development, one who is a member of the Senate appointed by the President of the Senate and one who is a member of the House of Representatives appointed by the Speaker of the House of Representatives;

B. Two members of the Joint Standing Committee on Insurance and Financial Services, one who is a member of the Senate appointed by the President of the Senate and one who is a member of the House of Representatives appointed by the Speaker of the House of Representatives;

C. The Commissioner of Professional and Financial Regulation or the commissioner's designee;

D. The director of the office;

E. Four persons appointed by the Speaker of the House of Representatives as follows: one person who represents the nonbank mortgage lending industry, one person who represents automobile dealers or automobile sales finance companies, one person who represents debt collectors and one person who represents credit reporting agencies; and

F. Four persons appointed by the President of the Senate as follows: one person who represents mortgage loan servicers, one person who represents credit services organizations or loan brokers and 2 members of the general public who have utilized the services of the office.

All appointments required by this subsection 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 completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the committee.

**2. Chairs.** The first-named Senator is the Senate chair of the committee and the first-named member of the House is the House chair of the committee.

**3. Duties.** The committee shall study the following issues:

A. The duties associated with regulating the various types of businesses and individuals whose activities come within the jurisdiction of the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation, referred to in this section as "the office";

B. The resources of time and expenditures required to perform those duties under paragraph A, including a review of the costs of administering laws and regulations applicable to licensed and registered companies and the costs of regulating unlicensed or unregistered companies; the costs of receiving, analyzing and resolving consumer complaints and conducting compliance examinations; responding to requests from regulated parties for information, interpretations and rulings; participating in the legislative process; responding to legislative initiatives; and conducting consumer education and outreach activities. The analysis of consumer complaints must include an evaluation of the number and sources of complaints filed with the office over the most recent 5-year period, the time taken to resolve those complaints and the outcome of the complaints;

C. The sources and amounts of revenue collected by the office, including a review of the current creditor and nonbank lender volume fee structure, as well as the various license and registration fees, compliance examination reimbursement assessments, investigatory cost reimbursement assessments and all other sources of revenue; and

D. The relationship over the most recent 10-year period between the actual costs of administering the office and the amount of revenue collected by the office. That analysis must include a review of the unexpended balances carried forward by the office in each fiscal year and the amount and purposes of any transfers from the office's budget to other state agencies for overhead or other administrative purposes.

The committee may make recommendations in its report on any issue in this subsection, including recommendations on amending the existing creditor and nonbank lender volume fee structure.

**4. Staffing and meetings.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide staffing services to the committee. The committee is authorized to meet 3 times to conduct the duties set forth in subsection 1 and to prepare the report referenced in subsection 6.

5. **Compensation.** Members of the committee 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 committee. Other members of the committee who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the committee.

6. **Report.** The committee shall submit a report to the Joint Standing Committee on Business, Research and Economic Development and to the Joint Standing Committee on Insurance and Financial Services no later than December 10, 2003. The committee may submit legislation to the Legislature to implement its recommendations not later than January 5, 2004. If the committee requires a limited extension of time to complete its report, it may apply to the Legislative Council, which may grant the extension.

7. **Funding.** All costs of the committee are funded using unobligated Other Special Revenue funds within the office.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

#### **LEGISLATURE**

##### **Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation**

Initiative: Provides for the allocation of funds to authorize operating expenditures to support the costs of the committee. These funds are derived from unobligated dedicated funds that will be transferred from the Office of Consumer Credit Regulation in the Department of Professional and Financial Regulation to the Legislature at the beginning of the fiscal year.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	\$660	\$0
All Other	2,550	0
<b>Other Special Revenue Funds Total</b>	<b>\$3,210</b>	<b>\$0</b>



STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THREE  
—

H.P. 292 - L.D. 372

**Resolve, to Improve Community Safety and Sex Offender  
Accountability**

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

**Whereas,** completion of the study established in this resolve to review policies affecting sentencing, registration, release and placement of sex offenders is of vital interest to the citizens of this State and must be completed as soon as possible; and

**Whereas,** immediate passage of this resolve is necessary to provide for full consideration of these important issues, timely completion of the study and submission of recommendations for consideration by the Second Regular Session of the 121st Legislature; 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 Improve Community Safety and Sex Offender Accountability, 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 18 members:

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

2. Two members of the House of Representatives, appointed by the Speaker of the House;

3. One representative of the Department of Corrections, appointed by the Commissioner of Corrections;

4. One representative of the Department of Public Safety's Sex Offender Registry Office, appointed by the Commissioner of Public Safety;

5. One representative of the Office of the Attorney General, appointed by the Attorney General;

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

A. One representative of a statewide coalition advocating for victims of sexual assault;

B. One representative of people who provide direct support services to victims of sexual assault;

C. One representative of people who provide direct services for sex offenders;

D. One representative of the Maine Civil Liberties Union; and

E. One representative of the Maine Chiefs of Police Association; and

7. Six members appointed by the Speaker of the House of Representatives as follows:

A. One representative of the Maine Association of Criminal Defense Lawyers;

B. One representative of the Maine Prosecutors Association;

C. One representative of victims of sexual assault;

D. One representative of psychologists or psychiatrists who treat sex offenders;

E. One representative of the Maine Council of Churches; and

F. One representative of the Maine Sheriffs' Association.

The commission shall ask the Chief Justice of the Supreme Judicial Court to designate a judge or a justice to serve on the commission as a voting member; and be it further

**Sec. 3. Appointments; chairs; 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. The Senate member is the Senate chair and the first-named House of Representatives member is the House chair. The Executive Director of the Legislative Council shall call and convene the first meeting of the commission no later than 15 days after appointments of all members. The commission may hold a total of 6 meetings, one of which may be a public hearing; and be it further

**Sec. 4. 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 to examine and recommend any changes to current laws governing the sentencing, registration, release and placement of sex offenders.

In conducting its study, the commission shall:

1. Define and establish minimum standards for notification and guidelines concerning notification of sex offenders to the public;

2. Examine matters concerning the management of offenders, including the risk assessment that is currently used to assess offenders upon release, the necessity of prerelease discharge plans and the benefits of treatment while in corrections facilities; and

3. Examine issues regarding registration, including the current time period allowed offenders before they must register with local law enforcement agencies.

The commission's study may include any other issues the commission determines appropriate; and be it further

**Sec. 5. Staff assistance. Resolved:** That upon approval of the Legislative Council, the Office of Policy and Legal Analysis

**Sec. 10. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LEGISLATURE**

**Commission to Improve Community Safety  
and Sex Offender Accountability**

Initiative: Provides a base allocation to authorize expenditures from the anticipation of collecting outside funds.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$500	\$0
Other Special Revenue Funds Total	<u>\$500</u>	<u>\$0</u>

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

2 **Sec. J-3. Department of Behavioral and Developmental Services;**  
**appropriation and position transfer.** Notwithstanding any other  
 6 provision of law, if the Department of Behavioral and  
 8 Developmental Services, Mental Retardation Services - Community  
 10 program is unable to contract for mental retardation services  
 12 required by the Community Consent Decree, Consumer Advisory Board  
v. Robert W. Glover et al, USDC Civil No. 91-321-P-C, then the  
 department is authorized by financial order to transfer up to 8  
 vacant positions and existing funding from General Fund  
 appropriations to establish 8 mental health and mental  
 retardation caseworker positions.

## 14 PART K

16 **Sec. K-1. 34-A MRSA §1215**, as reallocated by RR 2001, c. 1,  
 18 §43, is amended to read:

### 20 §1215. Accreditation

22 ~~All adult correctional facilities and juvenile facilities~~  
~~operated by the department must be accredited~~ The department  
 24 shall seek accreditation of its correctional and detention  
~~facilities~~ by a nationally recognized correctional accrediting  
 26 ~~body by January 1, 2005 and must shall maintain any accreditation~~  
~~thereafter obtained.~~ The department shall report to the joint  
standing committee of the Legislature having jurisdiction over  
criminal justice matters regarding its progress towards  
accreditation by January 1, 2005.

32 **Sec. K-2. Commission established.** That the Commission to  
 34 Improve the Sentencing, Supervision, Management and Incarceration  
 of Prisoners, referred to in this section as "the commission," is  
 established.

36 **1. Commission membership.** The commission consists of 16  
 38 members appointed as follows:

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

42 B. Two members of the House of Representatives appointed by  
 44 the Speaker of the House;

46 C. The Attorney General or a designee;

48 D. The Commissioner of the Department of Corrections or a  
 designee;



2	E. The Commissioner of Behavioral and Developmental Services or a designee;	2
4	F. A representative of Adult Community Corrections appointed by the Commissioner of Corrections;	4
6		6
8	G. A representative of a statewide association of prosecutors nominated by the association and appointed by the Governor;	8
10		10
12	H. A representative of a statewide association of county commissioners nominated by the association and appointed by the Governor;	12
14		14
16	I. A representative of a statewide association of county sheriffs nominated by the association and appointed by the Governor;	16
18		18
20	J. A representative of a statewide association of trial lawyers nominated by the association and appointed by the Governor; and	20
22		22
24	K. A member of the public appointed by the Governor.	24
26	The commission shall ask the Chief Justice of the Supreme Judicial Court to serve or name a designee to serve as a voting member of the commission and to appoint 2 justices or their designees to serve as voting members of the commission.	26
28		28
30	<b>2. Appointments; chairs; meetings.</b> All appointments must be made no later than 30 days following the effective date of this Act. The Governor shall appoint a chair from among the membership of the commission, who shall call and convene the first meeting of the commission no later than 15 days after appointments of all members. The commission may hold a total of 6 meetings, one of which may be a public hearing.	30
32		32
34		34
36		36
38	<b>3. Duties.</b> Duties of the commission are as follows.	38
40	A. The commission shall conduct its research and prepare its recommendations with the express purpose of:	40
42		42
44	(1) Reducing the overall prison population, with a focus on lowering the population of nonviolent offenders;	44
46		46
48	(2) Controlling the overall cost of the corrections system;	48
		50

2 (3) Accomplishing policy, program and structural  
improvements that reduce recidivism and improve the  
transition of prisoners back into the community;

6 (4) Reducing risk to community safety; and

8 (5) Respecting the needs of victims and communities in  
the process of holding offenders accountable for their  
actions.

10 B. To accomplish its purpose, the commission shall examine  
12 multiple strategies for addressing issues related to the  
continually and rapidly increasing prison populations at  
14 both the county jail and state prison levels, including  
diversion from jail or prison, programming to improve  
16 reentry from jail or prison back to the community, community  
alternatives to incarceration, the need for more  
18 correctional bed space and changes in sentencing laws,  
policies and practices. In conducting its examination, the  
20 commission shall:

22 (1) Study factors leading to overcrowding in state and  
county correctional facilities; examine and analyze the  
24 prison population and projected growth at both the  
state and county level to include offenses, length of  
26 sentence and other issues such as mental illness and  
substance abuse, which lead to incarceration or  
reincarceration; and identify trends in the offender  
population and determine what impact these changes will  
30 have on future growth;

32 (2) Examine intervention options for managing the  
offender population based on risk management, risk  
34 reduction and proven practice;

36 (3) Review existing program and treatment levels for  
the incarcerated offender population and recommend  
38 improvements based on projected need and effective  
programs supported by research;

40 (4) Review state sentencing laws and how these laws  
42 have contributed to the increase in the offender  
population;

44 (5) Determine the future need for correctional  
46 facilities;

48 (6) Determine the benefits that may result from  
technology, including automated information systems,  
50 and the need for added investment;

2 (7) Engage stakeholders, including law enforcement  
3 officers; prosecutors; defense attorneys; members of  
4 the judiciary; state and county corrections officials;  
5 victims and victims' advocates; corrections employee  
6 unions; and other interested or affected parties; and

8 (8) Recommend short-term and long-term strategies,  
9 including financing and restructuring alternatives, for  
10 mitigating the growth in the offender population and  
11 achieving efficiencies in the state and county  
12 correctional systems.

14 4. **Staff assistance.** The State Planning Office shall  
15 provide staffing assistance.

16 5. **Compensation.** The members of the commission who are  
17 Legislators are entitled to the legislative per diem, as defined  
18 in the Maine Revised Statutes, Title 3, section 2, and  
19 reimbursement for necessary expenses incurred for their  
20 attendance at authorized meetings of the commission. Members of  
21 the commission who are not otherwise compensated by their  
22 employers or other entities that they represent are entitled to  
23 receive reimbursement of necessary expenses incurred for their  
24 attendance at authorized meetings.

26 6. **Report.** The commission shall submit a report that  
27 includes its findings and recommendations, including legislation,  
28 to the joint standing committee of the Legislature having  
29 jurisdiction over sentencing policies during the Second Regular  
30 Session of the 121st Legislature no later than January 2, 2004.  
31 The commission is authorized to introduce legislation related to  
32 its report to the Second Regular Session of the 121st Legislature  
33 at the time of submission of its report.

36

38

## PART L

40 Sec. L-1. 5 MRSA §13054, sub-§§1 and 2, as amended by PL 2003,  
41 c. 20, Pt. Q, §1, are further amended to read:

42

43 1. **Commissioner.** "Commissioner" means the Commissioner of  
44 Tourism, Economic and Community Development.

45 2. **Department.** "Department" means the Department of  
46 Tourism, Economic and Community Development.

48

49 Sec. L-2. PL 2003, c. 20, Pt. Q, §2 is repealed.

50

**STATE OF MAINE**

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

**H.P. 333 - L.D. 425**

**Resolve, To Prepare Maine's Students for Active Citizenship**

**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 people of the State of Maine have affirmed the importance of sustaining democracy through the enactment of the system of learning results, which explicitly requires that students recognize the power of personal participation skills to affect community; and

**Whereas,** this resolve establishes the Commission to Study the Scope and Quality of Citizenship Education; and

**Whereas,** this resolve is necessary as an emergency measure to afford adequate time for the issues to be appropriately addressed by the commission; 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 Scope and Quality of Citizenship

Education, referred to in this resolve as "the commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 15 members appointed as follows:

1. Two members of the Senate, one belonging to the political party holding the largest number of seats in the Senate and one belonging to the political party holding the 2nd largest number of seats in the Senate, appointed by the President of the Senate;

2. Two members of the House of Representatives, one belonging to the political party holding the largest number of seats in the Senate and one belonging to the political party holding the 2nd largest number of seats in the Senate, appointed by the Speaker of the House;

3. Eleven members appointed by the Governor as follows:

A. One member who serves as a school administrative district superintendent;

B. One member who serves as the principal of a public school;

C. One member of a school board;

D. One representative of the Department of Education;

E. One representative of the Maine Chamber of Commerce;

F. One educator with experience in civic education service learning and related areas;

G. One dean of students from a college or university;

H. One student enrolled in and attending high school;

I. One student enrolled in and attending college; and

J. Two representatives of the nonprofit education sector in the State, one of whom represents kindergarten to grade 12 education and one of whom represents higher education.

At least one legislative appointee must have experience in the education field; 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; convening of commission. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission; and be it further

**Sec. 5. Duties. Resolved:** That the commission shall examine the following:

1. The extent to which citizenship education, including service learning, is currently included in the visions, missions, values and practices of Maine school administrative districts and institutions of higher education;

2. The extent to which existing preservice and in-service professional development programs for educators address citizenship education;

3. National models for educational continua that cover preschool through college with the potential for preparing Maine students to be active and engaged citizens; and

4. Models for involving students and giving them a voice in the governance of our institutions and providing opportunities for student engagement and leadership; 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 legislative 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 related to their 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. 8. Report. Resolved:** That the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of

the 121st Legislature no later than December 3, 2003. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 121st Legislature; and be it further

**Sec. 9. Extension. Resolved:** That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; 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 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 promptly provide the commission chairs and staff with a status report on the study budget, expenditures incurred and paid and available funds; and be it further

**Sec. 11. Funding. Resolved:** That the commission shall seek outside sources of funding to fund all costs of the commission. 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 along with an accounting record that includes the amount of funds, date the funds were received, from whom the funds were received and the purpose and any limitation on the use of those funds. The Executive Director of the Legislative Council administers any funds received by the commission. If outside sources of funding are not received by the report date in section 8 of this Act, the commission is dissolved; and be it further

**Sec. 12. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

#### **LEGISLATURE**

#### **Commission to Study the Scope and Quality of Citizenship Education**

Initiative: Allocated funds for the postage, printing, legislative per diem and other expenses of the commission.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	\$1,320	\$0
All Other	5,000	0

Other Special Revenue Funds Total	\$6,320	\$0
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**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

5-1231(3)

0000032



**STATE OF MAINE**

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

**H.P. 557 - L.D. 751**

**An Act To Implement the Recommendations of the Legislative  
Youth Advisory Council**

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

Whereas, the changes in legislative representation on the Legislative Youth Advisory Council must be made at the earliest opportunity; and

Whereas, the realignment and coordination of the terms of the youth members of the Legislative Youth Advisory Council must happen immediately; and

Whereas, the tasks assigned to agencies of state government in this Act must begin immediately in order to allow those tasks to be completed this year; 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. 3 MRSA §168-A, sub-§3,** as enacted by PL 2001, c. 439, Pt. PPPP, §1 and affected by §4, is amended to read:

3. **Membership.** The council consists of ~~21~~ 22 voting members and 5 nonvoting members who are Maine residents in accordance with this subsection. In appointing members, the appointing authorities shall consider geographic distribution and shall appoint at least one member from each of the 3 service regions of the Department of Human Services. Members shall serve for terms of 2 years and, if eligible, may be reappointed for subsequent 2-year terms, except that the appointing authorities shall appoint 1/2 of the members first appointed to the council to terms of one year.

A. The President of the Senate shall appoint ~~10~~ 11 members as follows:

(1) Six youths who are students in secondary schools or who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma;

(2) One youth who is enrolled in an equivalent instruction program under Title 20-A, chapter 211, subchapter ~~I-A~~ 1-A;

(3) Two students at postsecondary educational institutions located in the State; and

(4) ~~One member~~ Two members of the Senate whose ~~term~~ terms coincide with the term of office in the Senate.

B. The Speaker of the House shall appoint 11 members as follows:

(1) Six youths who are students in secondary schools or who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma;

(2) One youth who is enrolled in an equivalent instruction program under Title 20-A, chapter 211, subchapter ~~I-A~~ 1-A;

(3) Two students at postsecondary educational institutions located within the State; and

(4) Two members of the House of Representatives whose terms coincide with their terms of office in the House of Representatives.

C. The members of the Children's Cabinet, established pursuant to Title 5, section 19131, serve ex officio and may not vote.

**Sec. 2. 3 MRSA §168-A, sub-§4**, as enacted by PL 2001, c. 439, Pt. PPPP, §1 and affected by §4, is repealed and the following enacted in its place:

**4. Chairs.** There is a legislative chair and a youth chair of the council. The legislative chair alternates every 2 years between the first-appointed member of the House of Representatives and the first-appointed member of the Senate, beginning in 2003 with the first-appointed member of the House of Representatives serving as the legislative chair for the 121st Legislature. The members shall elect one of their youth members to serve as the youth chair for a term of one year.

**Sec. 3. Coordinating terms of current youth members of Legislative Youth Advisory Council.** Notwithstanding the provisions of the Maine Revised Statutes, Title 3, section 168-A, the terms of the appointed youth members of the Legislative Youth Advisory Council expire on the following dates:

1. Members whose terms expire on August 30, 2003 are Trevor Bragdon, Paul Brunetti, Elizabeth Comeau, David Heidrich, Barrett Littlefield, Melissa Simones and Alicia Stokes; and

2. Members whose terms expire on August 30, 2004 are Molly Feeney, Keith Rollings, Megan Bernard, Britney Dupee, William Lane, Hannah Pennington, Brenwin Soucie, Nathanael Yellis, Patricia Takacs and Jennifer Thompson.

The term of the person appointed to replace the vacant position previously held by William Barker expires on August 30, 2004.

**Sec. 4. Executive Branch youth advisory committee.** The Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services shall develop recommendations for the establishment of a youth advisory committee within the Executive Branch to serve as a resource for any state agency charged with developing, implementing or enforcing programs, policies or laws that apply specifically to youth. The Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse shall report those recommendations to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003.

**Sec. 5. Office of Substance Abuse.** The Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services shall:

1. Review the procedures used by the Office of Substance Abuse for collecting information on drug and alcohol use among youth, including a review of Washington State's "Healthy Youth Survey," and report back to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003 with recommendations on the following issues:

A. Options to the existing Maine Youth Drug and Alcohol Use Survey tool that include a more appropriate survey tool and a methodology based on random sampling that provides statistically valid data at the state level and within participating local school districts; and

B. Expanding the target population of the survey to include not only students who attend school but also home-schooled students and youth who attend school infrequently or have dropped out of school; and

2. Review procedures used by the Office of Substance Abuse for awarding grants for youth-related drug and alcohol abuse prevention programs and services to ensure that those grants are being awarded to programs with the highest demonstrated level of effectiveness and in those areas of the State having the highest demonstrated need. The director shall report the findings of that review to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003.

**Sec. 6. Office of Substance Abuse and Department of Education; review of survey support.** The Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services shall review the office's procedures for preparing and training teachers and others who administer the Maine Youth Drug and Alcohol Use Survey in the schools to ensure that all persons administering the survey are adequately prepared to perform that task. The Director of the Office of Substance Abuse and the Commissioner of Education shall, in coordination with appropriate representatives of local school districts, develop a plan for training and coordinating the administration of the 2004 Maine Youth Drug and Alcohol Use Survey, or any successor survey, and present that plan to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003.

**Sec. 7. Department of Education.** The Commissioner of Education shall review the Project ALERT program and other similar prevention programs and prepare recommendations on the viability of those programs as options to the Drug Abuse Resistance Education, DARE, program in Maine schools. The commissioner shall include a teacher training program as part of any recommended option considered by the department. Options recommended by the commissioner must be available statewide and available through the system of learning results as an alternative to the DARE program. The commissioner shall present those recommendations to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003.

**Sec. 8. Review of alcohol and drug use policies for student athletes.** The Commissioner of Education shall review the principles and goals of the alcohol and drug use policies for student athletes proposed in the 2002 report by the Youth Policy and Empowerment Project and discuss that report with the Legislative Youth Advisory Council established in the Maine Revised Statutes, Title 3, section 168-A during the fall of 2003. If the commissioner determines that the principles and goals in that report are appropriate for the State and are not adequately incorporated into the school curriculum, either through the system of learning results established in Title 20-A, section 6209 or through some other mechanism, the commissioner may make recommendations to the Legislative Youth Advisory Council on the appropriate mechanism for incorporating those principles and goals into the school curriculum.

**Sec. 9. Appropriations and allocations.** The following appropriations and allocations are made.

#### **LEGISLATURE**

##### **Legislature**

Initiative: Provides funds for the costs associated with increasing the membership of the Legislative Youth Advisory Council by one member of the Senate.

<b>General Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	\$330	\$330
All Other	300	300
<b>General Fund Total</b>	<b>\$630</b>	<b>\$630</b>

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

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THREE  
—

H.P. 65 - L.D. 57

**An Act To Establish the Long-term Care Oversight Committee**

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

Whereas, the law authorizing the Long-term Care Implementation Committee, Public Law 1999, chapter 731, Part BBBB, section 15 was repealed on January 1, 2003; and

Whereas, the establishment of a new committee to oversee long-term care is required on a timely basis to continue the work of the Long-term Care Implementation Committee; 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.** 5 MRSA §12004-I, sub-§47-D, as enacted by PL 1997, c. 665, §1, is repealed.

**Sec. 2.** 5 MRSA §12004-I, sub-§47-F is enacted to read:

<u>47-F.</u>	<u>Long-term</u>	<u>Not</u>	<u>22 MRSA</u>
<u>Human Services</u>	<u>Care Over-</u>	<u>Authorized</u>	<u>§5107-J</u>
	<u>sight Com-</u>		
	<u>mittee</u>		

Sec. 3. 22 MRSA §5107-B, as amended by PL 1997, c. 665, §2 and c. 734, §1, is repealed.

Sec. 4. 22 MRSA §5107-J is enacted to read:

**§5107-J. Long-term Care Oversight Committee**

The Long-term Care Oversight Committee, as established in Title 5, section 12004-I, subsection 47-F and referred to in this section as "the committee," shall oversee the policies and programs of the department with regard to long-term care for adults with disabilities and the elderly, referred to in this section as "consumers."

1. Duties. The committee shall review the adoption and amendment of rules by the department and monitor the implementation of initiatives in long-term care, striving to meet the needs of consumers of long-term care services.

2. Membership. The committee consists of 17 members.

A. The President of the Senate shall appoint 7 members as follows:

(1) One Senator, who is a member of the joint standing committee of the Legislature having jurisdiction over health and human services matters and who shall serve as Senate chair;

(2) Two providers of services to consumers, one of whom represents providers of home health services;

(3) Three consumers, one of whom is a consumer of consumer-directed home-based care services; and

(4) One person who has a family member who is a consumer.

B. The Speaker of the House shall appoint 7 members as follows:

(1) Two members of the House of Representatives, one of whom is a member of the joint standing committee of the Legislature having jurisdiction over health and

human services matters. The first-named House member shall serve as House chair;

(2) Two providers of services to consumers, one of whom represents providers of home health services;

(3) Two consumers, one of whom is a consumer of consumer-directed home-based care services; and

(4) One person who represents the long-term care ombudsman program established pursuant to section 5106, subsection 11-C.

C. The Governor shall appoint 3 members as follows:

(1) One person who represents the area agencies on aging;

(2) One person who represents persons and families afflicted with Alzheimer's disease or dementia; and

(3) One person who represents a statewide organization representing persons with disabilities.

3. Terms. The terms of appointment are for 4 years, except that 1/2 of the first-appointed members shall serve for 2 years. Members may serve 2 terms and may continue to serve at the expiration of a term until their successors are appointed.

4. Meetings; staffing. The committee shall meet at least 8 times per year and may meet as often as necessary for the performance of its duties. The department shall provide staffing services as determined by the committee to be necessary.

5. Voluntary service. Committee members serve on a voluntary basis and are not entitled to reimbursement for expenses or for performance of their duties.

6. Report. The committee shall report each year by January 15th to the joint standing committee of the Legislature having jurisdiction over health and human services matters and may submit legislation to the Legislature at this time. The report must include recommendations of the committee, including legislation, and an evaluation of the status of the long-term care system in the State.

Sec. 5. 26 MRSA §1412-G, sub-§5, ¶A, as enacted by PL 2001, c. 559, Pt. BB, §4, is amended to read:

A. The commissioner shall:



(1) Ensure the input of consumers of those services. The commissioner may seek input through one or more public hearings or by other means determined reasonable by the commissioner; and

(2) Seek advice and input from the Long-term Care ~~Steering~~ Oversight Committee established in Title 22, section ~~5107-B~~ 5107-J to determine whether the rates of reimbursement are sufficient for consumers to recruit, hire and retain personal care assistants.

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

**STATE OF MAINE**

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

**H.P. 363 - L.D. 471**

**Resolve, To Study Obesity and Methods To Decrease the  
Cost of Health Care and Increase the Public Health**

**Sec. 1. Commission established. Resolved:** That the Commission to Study Public Health, referred to in this resolve as "the commission," is established to study the causes of obesity and methods to decrease the cost of health care and increase the public health; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 31 members appointed as follows:

1. Fourteen members appointed by the President of the Senate as follows:

A. Two Senators, at least one of whom serves on the Joint Standing Committee on Health and Human Services;

B. Two representatives of nutrition or health advocacy organizations; and

C. One representative from each of the following organizations or professions:

- (1) Secondary school administrators;
- (2) A cancer society;
- (3) A heart association;
- (4) A diabetes association;

- (5) An advocacy group for affordable health care;
- (6) School health professionals;
- (7) Physical education educators;
- (8) The food industry;
- (9) The Maine dairy industry; and
- (10) A physical activity organization;

2. Fourteen members appointed by the Speaker of the House as follows:

A. Two members of the House of Representatives, at least one of whom serves on the Joint Standing Committee on Health and Human Services; and

B. One representative from each of the following organizations or professions:

- (1) An organization of school principals;
- (2) An organization of allopathic physicians;
- (3) A public health advocacy organization;
- (4) Providers of oral health care;
- (5) An organization of osteopathic doctors;
- (6) Food service workers;
- (7) Nurses;
- (8) Health insurers;
- (9) Dietitians;
- (10) A parent-teacher organization;
- (11) Maine bottlers and distributors of beverages; and
- (12) A doctoral-level nutritionist;

3. The Attorney General or a designee;

4. The Commissioner of Education or a designee; and

5. The Commissioner of Human Services or a designee.

The Commissioner of Education and the Commissioner of Human Services or their designees serve as nonvoting members; and be it further

**Sec. 3. Appointments; chairs; convening of commission. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The first-named Senate member and the first-named House of Representatives member shall serve as cochairs of the commission. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. The cochairs shall convene the first meeting of the commission no later than 15 days after appointment of all members; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall study obesity in the State and methods to decrease the cost of health care and improve the public health. The commission shall specifically include in its study:

1. An analysis of whether schools are meeting modern nutrition standards for school meals and food and drink offered on school property and, if not, an analysis of what strategies are available to encourage more nutritious offerings;

2. Options for the adoption of a nutrition pyramid, with emphasis on increased consumption of vegetables, whole grains, milk, beans, soy products and nuts;

3. An analysis of physical education standards in Maine schools from 1970 to the present, including a review of the Maine system of learning results and standards in other states. A review of general trends in Maine toward a less active and more sedentary lifestyle, including the contribution of these trends to the rising rates of obesity in the State and the nation and strategies for addressing physical activity issues, must be included in the analysis;

4. An analysis of whether advertising targeted at children is contributing to the rising rates of obesity in Maine and the nation and, if so, an analysis of possible strategies to address this issue;

5. Methods of encouraging healthy food purchasing by families using public benefit programs, including the possibility of requiring purchases of some healthy foods in public benefit programs;

6. An analysis of discrimination based on personal size, using the Michigan human rights law as an example and consulting with the Attorney General regarding legal issues;

7. An analysis of the potential savings in health care costs and decreases in lost work time from the creation of fitness centers in major centers of state employment and the savings over time from the fitness centers;

8. An analysis of whether food offered for sale in places of state employment contributes to the rising rate of obesity in Maine and whether food and drinks offered for sale in state institutions and buildings present a variety of healthy options, including 100% juices, nonfat milk, fruits, vegetables and healthy snacks. Possible strategies to address these issues must accompany the analysis; and

9. An analysis of the costs, benefits and potential savings of providing insurance or health coverage for obesity prevention and nutrition counseling for state employees, retirees and MaineCare enrollees and of providing health coverage by carriers licensed under the Maine Revised Statutes, Title 24 or Title 24-A; and be it further

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

**Sec. 6. Compensation. Resolved:** That the legislative 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 related to their 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 and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission; and be it further

**Sec. 7. Report. Resolved:** That the commission shall submit its report with any accompanying legislation to the Second Regular Session of the 121st Legislature by December 1, 2003. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 121st Legislature. The report and legislation must have as goals improving public health, including cardiovascular health, decreasing rates of obesity, decreasing the cost of health care, increasing the physical activity of youth and increasing awareness of healthy eating choices; and be it further

**Sec. 8. Extension. Resolved:** That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 9. Funding. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 3, section 2 or any other provision of law, if sufficient outside funding has not been received by August 15, 2003 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. All funds received must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council administers any funds received by the commission. Any meetings that occur when the executive director has not received full funding are not meetings of the commission and no reimbursement for per diem, mileage or any other expenses is allowed. The executive director shall notify the chairs of the commission when sufficient funding has been received; and be it further

**Sec. 10. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

#### **LEGISLATURE**

##### **Commission to Study Public Health**

Initiative: Allocates funds for the postage, printing, legislative per diem and other expenses of the commission.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	\$880	\$0
All Other	6,400.	0
Other Special Revenue Funds Total	<u>\$7,280</u>	<u>\$0</u>

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In House of Representatives, ..... 2003

Read and passed finally.

..... Speaker

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In Senate, ..... 2003

Read and passed finally.

..... President

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Approved ..... 2003

..... Governor

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THREE

S.P. 193 - L.D. 553

**Resolve, To Study the Needs of Deaf and Hard-of-hearing  
Children and Adolescents**

**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 Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents; 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. Task force established. Resolved:** That the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of 18 members appointed as follows:

1. Two members of the Senate, appointed by the President of the Senate;



2. Two members of the House of Representatives, appointed by the Speaker of the House;

3. Eleven members appointed by the Governor as follows:

A. A behavioral health service provider providing specialized services for deaf or hard-of-hearing youths;

B. A behavioral health service provider not serving deaf or hard-of-hearing youths;

C. A parent of a deaf or hard-of-hearing youth;

D. A representative of a hospital with an inpatient psychiatric unit;

E. A representative of a public school district;

F. A representative from the Governor Baxter School for the Deaf;

G. A representative of educators of deaf students;

H. A representative of the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness;

I. A representative of providers of behavioral health services;

J. A representative of persons who advocate for deaf students in special education proceedings; and

K. A representative of a nationally accredited, statewide provider of behavioral health services providing specialized mental health services for deaf or hard-of-hearing youths in a day treatment model;

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

5. The Commissioner of Education, or the commissioner's designee; and

6. The Commissioner of Behavioral and Developmental Services, or the commissioner's designee; and be it further

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

**Sec. 4. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force; and be it further

**Sec. 5. Duties. Resolved:** That the task force shall examine the behavioral, developmental, social, emotional and educational needs of deaf and hard-of-hearing children and adolescents who are not receiving adequate services because of a lack of appropriate resources in the State. In examining these issues, the task force shall specifically examine:

1. Services that are currently available to serve the needs of deaf and hard-of-hearing children and adolescents and the ability of the providers of those services to provide culturally competent, linguistically accessible services. The task force shall review educational services within the context of the behavioral and mental health needs of the children and adolescents;

2. Demographic data of the numbers of deaf and hard-of-hearing children and adolescents in need of such specialized services and projections regarding the number of deaf and hard-of-hearing younger children who may require such services in the future; and

3. Proposals designed to improve the delivery of services to meet the needs of deaf and hard-of-hearing children and adolescents, including, but not limited to, the development of in-state specialty services, collaborative agreements with bordering states and states with specialized facilities and training initiatives; 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 task force; and be it further

**Sec. 7. Compensation. Resolved:** That the legislative members of the task force 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 task force. 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 task force; and be it further

**Sec. 8. Report. Resolved:** That the task force shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 121st Legislature no later than December 10, 2003. The task force is not authorized to introduce legislation; and be it further

**Sec. 9. Extension. Resolved:** That, if the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 10. Task force budget. Resolved:** That 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 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 or the executive director's designee 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.

**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 AND THREE**

**H.P. 538 - L.D. 732**

**Resolve, Directing the Department of Human Services To  
Establish an Advisory Task Force to Examine Staff-child  
Ratios and Maximum Group Size in Child Care Facilities**

**Sec. 1. Advisory task force established. Resolved:** That the Department of Human Services shall establish an advisory task force to examine and make recommendations to the department regarding staff-child ratios and maximum group size in child care facilities; and be it further

**Sec. 2. Advisory task force membership. Resolved:** That the membership of the advisory task force must include, but is not limited to, stakeholders representing the following constituencies: parents of children in child care facilities; nonprofit child care centers; proprietary child care centers; child care centers serving school-age children; child care centers serving 50 or more children; child care centers serving fewer than 50 children; infant and toddler programs; Head Start programs; the Department of Human Services, Office of Child Care and Head Start; the Department of Human Services, Child Care Licensing Unit; higher education and training programs for child care providers; children with special needs; the Child Care Advisory Council; and Legislators. The Department of Human Services shall recruit task force members statewide. The task force shall make a substantial effort to solicit and consider input from any and all stakeholders; and be it further

**Sec. 3. Recommendations and report. Resolved:** That the advisory task force shall make recommendations to the Department of Human Services by December 1, 2003 regarding staff-child

ratios and maximum group size in child care facilities. The department shall review the recommendations of the task force and report the results to the Joint Standing Committee on Health and Human Services by February 1, 2004; and be it further

**Sec. 4. Rules. Resolved:** That the Department of Human Services shall retain in effect current rules for child care facilities regarding staff-child ratios and maximum group size until June 15, 2004. The department shall adopt rules on staff-child ratios and maximum group size effective June 15, 2004 after consideration of the recommendations of the advisory task force created in this resolve. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

treatment or order a youth to participate in services or enter an order of enforcement or contempt.

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 to 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.

#### Youth in Need of Services Oversight Committee

The Youth in Need of Services Oversight Committee, referred to in this section as the "committee," was 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 24 members. The appointment authorities made the initial appointments by June 30, 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. Two members of the Senate, appointed by the President of the Senate, who may continue to serve while they are Legislators until they are replaced by new appointments. When making the appointments, the President of the Senate shall give preference to Senators who are members of the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs;
- B. Three members of the House of Representatives, appointed by the Speaker of the House, who may continue to serve while they are legislators until they are replaced by new appointments. When making the appointments, the Speaker of the House shall give preference to House of Representatives members who are members of the joint standing committee of the Legislature having jurisdiction over health and human services 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 appropriations and financial affairs;

- C. The commissioner, the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Public Safety and the Commissioner of Behavioral and Developmental Services, or the commissioners' designees, who have authority to participate in full and to make decisions as required of committee members.
- D. Three representatives of families who 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;
- E. 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;
- F. One representative of a statewide organization that advocates for youth, appointed by the President of the Senate;
- G. 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;
- H. 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
- I. 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;

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- (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 projects regarding youth and families and youth health; and
  - (5) Gathering facts regarding the needs of 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 service as House chair. The cochairs called and convened the first meeting of the committee by June 30, 2000.

**4. Confidentiality.** Notwithstanding any other provision of state law or rules, 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 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. P-10. Rename Youth in Need of Services Pilot.** Notwithstanding any other provision of law, the following program name is renamed as follows: "Youth in Need of Services Pilot" is renamed "Youth in Need of Services Program".

**Sec. P-11. Department of Human Services; revenue.** Notwithstanding any other provision of law, \$1,134,035 of Medicaid Title XIX reimbursements will be deposited as General Fund undedicated revenue in fiscal year 2002-03.

**Sec. P-12. DHS MaineCare rules.** The Department of Human Services is required to enact MaineCare emergency rules, effective July 1, 2003, for the purpose of changing its methods and standards for setting MaineCare payment rates for hospital services in order to achieve the deallocations in the Part I and Part II budgets and as deemed necessary by the Department to ensure the efficient operation of the MaineCare program.

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STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THREE  
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H.P. 27 - L.D. 20

**An Act to Extend the Authority of the Health Care  
System and Health Security Board**

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

**Sec. 1. PL 2001, c. 439, Pt. ZZZ, §1, sub-§1, first ¶ is amended to read:**

**1. Board established.** The Health Care System and Health Security Board, referred to in this section as the "board," consists of ~~19~~ 20 members as follows:

**Sec. 2. PL 2001, c. 439, Pt. ZZZ, §1, sub-§1, ¶¶D and E are amended to read:**

**D.** Two members ~~of the House of Representatives~~ appointed by the Speaker of the House of Representatives who are serving in the House of Representatives at the time of their appointment with preference to members of the joint standing committee of the Legislature having jurisdiction over health and human services matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over banking and insurance matters;

**E.** Two members ~~of the Senate~~ appointed by the President of the Senate who are serving in the Senate at the time of their appointment with preference to members of the joint

standing committee of the Legislature having jurisdiction over health and human services matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over banking and insurance matters;

**Sec. 3. PL 2001, c. 439, Part ZZZ, §1, sub-§1, ¶G is amended to read:**

G. A representative of each of the following, appointed by the Speaker of the House:

- (1) A statewide organization that represents Maine senior citizens;
- (2) A statewide labor organization;
- (3) A statewide organization of nurses;
- (4) Large hospitals in the State;
- (5) The business community; and
- (6) An organization representing the self-employed; and
- (7) The public.

**Sec. 4. PL 2001, c. 439, Pt. ZZZ, §1, sub-§§2 and 3 are amended to read:**

**2. Chairs.** The first-named Senate member is the Senate chair and the first-named House member is the House chair of the board. The Senate and House chairs may continue to serve until successors are appointed.

**3. Appointments; convening board.** All appointments must be made no later than 30 days following the effective date of this Part. Appointed members may continue to serve until their successors are appointed. The chairs shall call and convene the first meeting of the board within 30 days of completion of all appointments.

**Sec. 5. PL 2001, c. 439, Pt. ZZZ, §1, sub-§§6 to 9 are amended to read:**

**6. Staff assistance.** The board may contract with and retain staffing and technical assistance from a health policy organization. Upon approval of the Legislative Council, the

Office of Policy and Legal Analysis may provide necessary staffing services to the board.

7. Funding. The board may seek and accept outside funding through the public or private sector to advance its work and support its activities, including, but not limited to, legislative per diem and reimbursement of members for travel and other necessary expenses, costs associated with public hearings, printing expenses and postage. Funds may not be appropriated from the General Fund to support any activity of the board.

8. Compensation. These Subject to the availability of funds, those members of the board 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 meetings of the board. Subject to the availability of funds, public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and, upon demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at meetings of the board.

9. Report. Based on its review, the board shall develop recommendations regarding the implementation of a single-payor plan to provide health care coverage to all citizens of this State and shall submit its final report, together with any necessary implementing legislation, to the Second Regular Session of the 120th Legislature by March 1, 2002 for presentation to the First Regular Session of the 122nd Legislature by November 1, 2004. If the board requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension. The board shall submit an interim report, together with any implementing legislation, to the First Regular Session of the 121st Legislature by January 15, 2003. Upon submission of the final report, the board may not take further action unless further action is authorized by law.

**Sec. 6. Appropriations and Allocations.** The following appropriations and allocations are made.

## **LEGISLATURE**

### **Health Care System and Health Security Board**

Initiative: Provides an allocation of Other Special Revenue funds for expenses of the board if outside sources of funding are received for this purpose.

**Other Special Revenue Funds**

**2003-04**

**2004-05**

Personal Services	\$1,925	\$1,375
All Other	\$7,700	\$6,000
Other Special Revenue Funds Total	<u>\$9,625</u>	<u>\$7,375</u>

**Sec. 7. Retroactivity.** This Act is retroactive to September 21, 2001.

MAY 27 '03

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BY GOVERNOR

PUBLIC LAW

## STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THREE

H.P. 1035 - L.D. 1413

An Act To Clarify Maine Law Relating to Viatical  
Settlements

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

Sec. 1. 24-A MRSA §6809, sub-§4, as enacted by PL 1997, c. 430, §1 and affected by §2, is amended to read:

4. **Transfer of insurance policy.** Immediately upon receipt from the viator of documents to effect the transfer of the insurance policy, the viatical settlement provider shall pay the proceeds of the settlement to an escrow or trust account managed by an independent trustee or escrow agent in a state-chartered or federally chartered financial institution ~~that is a member of the federal reserve system,~~ whose deposits are insured by the Federal Deposit Insurance Corporation or its successor, pending acknowledgment of the transfer by the issuer of the policy. The trustee or escrow agent shall transfer the proceeds due to the viator or otherwise according to the viator's written instructions immediately upon receipt of acknowledgment of the transfer from the insurer.

Sec. 2. **Review of life settlement contracts.** The Superintendent of Insurance shall conduct the following review and submit legislation as follows.

1. The superintendent shall convene a working group that includes representatives of the Bureau of Insurance within the Department of Professional and Financial Regulation, insurance companies, persons or companies or their trade or professional organizations licensed in this or other jurisdictions to do the business of life settlements, insurance producers and the Office

of Policy and Legal Analysis to review current state law, federal law and other state laws and regulations relating to life settlements. The working group shall develop recommended legislation to govern and regulate life settlements under the Maine Revised Statutes, Title 24-A, chapter 85 relating to viatical settlements.

2. The superintendent shall submit legislation based on the recommendations of the working group to the Second Regular Session of the 121st Legislature not later than January 1, 2004 to authorize the use of life settlement contracts and to make other necessary changes to the laws regulating viatical settlement contracts.

**STATE OF MAINE**

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

**S.P. 446 - L.D. 1358**

**Resolve, To Reestablish the Commission To Study the Needs  
and Opportunities Associated with the Production of Salmonid  
Sport Fish 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,** the 119th Legislature originally established the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine in Resolve 1999, chapter 82 and the 120th Legislature reestablished it in Public Law 2001, chapter 462; and

**Whereas,** Private and Special Law 2001, chapter 71 authorized a general fund bond in the amount of \$7,000,000 to raise funds to construct and upgrade water pollution control facilities, to remove discharges and to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities; and

**Whereas,** authorization of this commission for an additional period is essential to allow the commission to provide legislative policy guidance on the expenditures of those funds; 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 Needs and Opportunities Associated with the Production of Salmonid Sport Fish 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 15 members:

1. The President of the Senate shall appoint 2 members of the Senate to the commission. The first Senator appointed pursuant to this subsection is the Senate chair of the commission. When making these appointments, the President of the Senate shall give preference to a Senate member of the Joint Standing Committee on Inland Fisheries and Wildlife and a Senate member of the Joint Standing Committee on Natural Resources;

2. The Speaker of the House shall appoint 2 members of the House to the commission. The first Representative appointed pursuant to this subsection is the House chair. When making these appointments, the Speaker of the House shall give preference to House members of the Joint Standing Committee on Inland Fisheries and Wildlife;

3. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;

4. The Superintendent of Fish Culture, Department of Inland Fisheries and Wildlife;

5. One member of Trout Unlimited nominated by the president of that organization and appointed by the Governor;

6. Two members of the Inland Fisheries and Wildlife Advisory Council appointed by the Governor;

7. Three individuals representing owners or operators of a private fish hatchery in the State appointed by the Governor;

8. Two members of the Sportsman's Alliance of Maine, one of whom is a former chair of the commission, nominated by the president of that organization and appointed by the Governor; and

9. One individual who owns or operates a private aquaculture facility in the State appointed by the Governor; and be it further

**Sec. 3. Appointments; convening of commission. Resolved:** That all appointments must be made no later than 30 days

following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. The chairs shall call and convene the first meeting of the commission no later than August 15, 2003; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall assist in the expenditure of the funds authorized under Private and Special Law 2001, chapter 71 to implement the recommendations of the final report of the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine as reported to the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Public Law 2001, chapter 462; 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 members 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 that occur on days the Legislature is not in session. 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 and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings. The Commissioner of Inland Fisheries and Wildlife shall use funds in the fish hatchery maintenance fund established in the Maine Revised Statutes, Title 12, section 7671-A to reimburse the Legislature for all costs incurred to pay the per diem and expenses of members of the commission who are Legislators and members who are not otherwise compensated by their employers or other entities that they represent and the costs to print the commission report; and be it further

**Sec. 7. 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 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 shall promptly 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. 8. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LEGISLATURE**

**Commission to Study the Needs and Opportunities  
Associated with the Production of Salmonid Sport  
Fish in Maine**

Initiative: Allocates the unexpended balance available from funds already received from the fish hatchery maintenance fund in the Department of Inland Fisheries and Wildlife to support the cost of 2 meetings of the commission.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	\$440	\$0
All Other	1,310	0
Other Special Revenue Funds Total	<u>\$1,750</u>	<u>\$0</u>

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

**STATE OF MAINE**

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

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**H.P. 797 - L.D. 1079**

**Resolve, To Establish the Committee To Study Compliance  
with Maine's Freedom of Access Laws**

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

Whereas, access to public records and public proceedings by the people is essential to successful democracy, and the freedom of access to the public records and proceedings is governed by the Maine Revised Statutes, Title 1, sections 401 to 410; and

Whereas, a study by the Maine Freedom of Information Coalition done in 2002 revealed evidence that suggested that citizens' access to public records is often restricted in contravention of law; and

Whereas, citizens would benefit from an immediate comprehensive study of issues relating to state and municipal compliance with the freedom of access laws and to ensuring complete compliance with the laws; 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 Compliance with Maine's Freedom of Access Laws, referred to in this resolve as "the committee," is established; and be it further

**Sec. 2. Committee membership. Resolved:** That the committee consists of 16 members appointed as follows:

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

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

3. One member representing the Maine Press Association, appointed by the President of the Senate;

4. One member representing the Maine Daily Newspapers Publishers Association, appointed by the Speaker of the House;

5. One member representing the Maine Municipal Association, appointed by the Governor;

6. One member representing the Maine Chiefs of Police Association, appointed by the Governor;

7. One member representing the Maine School Management Association, appointed by the Governor;

8. The Attorney General, or the Attorney General's designee;

9. One member representing the Maine Association of Broadcasters, appointed by the President of the Senate;

10. One member representing the Maine Freedom of Information Coalition, appointed by the Speaker of the House;

11. The Commissioner of Public Safety, or the commissioner's designee;

12. One member representing county commissioners, appointed by the President of the Senate;

13. One member representing the Maine Sheriffs' Association, appointed by the President of the Senate;

14. One member representing persons whose privacy interests are protected by the freedom of access laws, appointed by the President of the Senate;

15. One member of the public, appointed by the President of the Senate; and

16. One member of the public, appointed by the Speaker of the House; and be it further

**Sec. 3. Appointments; cochaIRS. 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. The legislative members named to the committee shall serve as cochaIRS. When the appointment of all members is completed, the cochaIRS of the committee shall call and convene the first meeting of the committee no later than 15 days after the last member is appointed; and be it further

**Sec. 4. Committee duties. Resolved:** That the committee shall meet not more than 4 times to study state and local governmental compliance with Maine's freedom of access laws and other issues relating to citizens' access to public records and public proceedings. In examining these issues, the committee shall:

1. Review and analyze the Report on Public Records Audit, prepared by the Maine Freedom of Information Coalition in November 2002, and the recommendations made in the report;

2. Study what measures, if any, state and local governmental entities in Maine and in other states have taken to ensure their employees are knowledgeable about and comply with Maine's freedom of access laws or other comparable state laws;

3. Investigate and recommend ways in which governmental compliance with Maine's freedom of access laws may be meaningfully improved and calculate what, if any, costs may be associated with making such improvements;

4. Undertake a comprehensive inventory and review of the various exceptions to public access to records and proceedings found within the freedom of access laws and identify possible changes to these exceptions in order to streamline Maine law and thereby make it more easily understood and complied with by governmental employees;

5. Reconsider whether the need for any of the statutory exceptions, as currently worded, is outweighed by the State's general interest in ensuring citizens' access to public records and proceedings; and

6. Study whether and to what extent the freedom of access laws may be used as a harassment tool against local governmental entities and what remedies may be available and appropriate to deter any such harassment; 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 committee; and be it further

**Sec. 6. Reimbursement. Resolved:** That legislative members of the committee 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 for their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the committee; and be it further

**Sec. 7. Funding. Resolved:** That the committee may seek and accept outside funds to advance its work. 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 along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further

**Sec. 8. Committee budget. Resolved:** That the cochairs 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; and be it further

**Sec. 9. Report. Resolved:** That the committee shall submit a report that includes its findings and recommendations including suggested legislation for presentation to the Joint Standing Committee on Judiciary and the Legislative Council by December 15, 2003. Following receipt and review of the report, the Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 121st Legislature to implement the committee's recommendations. If the committee requires a limited extension of time to conclude its study and to make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 10. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LEGISLATURE**

**Committee to Study Compliance with  
Maine's Freedom of Access Laws**

Initiative: Provides a base allocation of Other Special Revenue funds to authorize expenditures from this dedicated account.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$500	\$0
Other Special Revenue Funds Total	<hr/> \$500	<hr/> \$0

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



DATE: 4/16/03

(Filing No. S- 62 )

LABOR

Reported by: *Minority*

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 21, L.D. 35, Bill, "An Act To Increase the Assessment on Workers' Compensation Insurance To Fund the Workers' Compensation Board Administrative Fund"

Amend the bill in section 1 in subsection 6 in the 7th to 9th lines (page 1, lines 12 to 14 in L.D.) by striking out the following: "more than \$8,350,000 beginning in the 2003-04 fiscal year or more than \$8,525,000 beginning in the 2004-05 fiscal year" and inserting in its place the following: 'or more than \$7,546,000 beginning in the 2003-04 fiscal year'

Further amend the bill in section 1 in subsection 6 in the 13th to 15th lines (page 1, lines 18 to 20 in L.D.) by striking out the following: "\$8,350,000 beginning in the 2003-04 fiscal year or \$8,525,000 beginning in the 2004-05 fiscal year" and inserting in its place the following: 'or more than \$7,546,000 beginning in the 2003-04 fiscal year'

Further amend the bill by inserting after section 1 and before the summary the following:

'Sec. 2. Review. A commission is established to review the budget process of the Workers' Compensation Board.

1. **Members.** The commission consists of 2 members of the Joint Standing Committee on Labor, one representing each of the 2 political parties in the Legislature with the greatest number of members, appointed by the chairs of the Joint Standing Committee on Labor, and 2 members of the Workers' Compensation Board, one representing and appointed by the labor members of the board and one representing and appointed by the management members of the board.

0000081

2           **2. Chairs.** The members from the Joint Standing Committee  
on Labor are the chairs of the commission.

4           **3. Appointments; convening of commission.** All appointments  
6 must be made no later than 30 days following the effective date  
of this Act. The appointing authorities shall notify the  
8 Executive Director of the Legislative Council once all  
appointments have been completed. Within 15 days after  
10 appointment of all members, the chairs shall call and convene the  
first meeting of the commission.

12           **4. Duties.** The commission shall review the process used by  
14 the Workers' Compensation Board to establish, approve and monitor  
its budget and determine whether improvements are needed. The  
16 commission shall determine whether recommendations regarding the  
budget process contained in the 1997 Coopers and Lybrand report  
18 and the 2001 Berry, Dunn, McNeil and Parker report have been  
implemented and, if not, whether and how they should be  
20 implemented.

22           **5. Report.** The commission shall report its findings and  
recommendations, along with any recommended legislation, to the  
24 Joint Standing Committee on Labor not later than December 3,  
2003. The Joint Standing Committee on Labor is authorized to  
26 submit legislation to the Second Regular Session of the 121st  
Legislature in response to the report.

28           **6. Expenses and per diem.** Commission members who are  
30 Legislators are entitled to receive legislative per diem, as  
defined in the Maine Revised Statutes, Title 3, section 2, and  
32 reimbursement for travel and other necessary expenses related to  
their attendance at meetings of the commission. Commission  
34 members who are members of the Workers' Compensation Board are  
entitled to per diem and expenses as provided in Title 39-A,  
36 section 151, subsection 6. The Workers' Compensation Board shall  
transfer sufficient funds from its reserve fund to the  
38 Legislature to cover the costs of legislative per diem and  
expenses for commission meetings.

40           **7. Staff.** The Workers' Compensation Board shall provide  
42 staffing to the commission. Upon approval by the Legislative  
Council, the Office of Policy and Legal Analysis and the Office  
44 of Fiscal and Program Review shall also provide staff assistance  
to the commission.

46           **8. Extension.** If the commission requires a limited  
48 extension of time to complete its study and make its report, it  
may apply to the Legislative Council, which may grant an  
50 extension.

9. **Commission budget.** 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 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 shall promptly provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.

**Sec. 3. Appropriations and Allocations.** The following appropriations and allocations are made.

**WORKERS' COMPENSATION BOARD**

**Administration - Workers' Compensation Board 0183**

Initiative: Allocates funds to reflect an increase in the assessment cap.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$686,000	\$686,000
Other Special Revenue Funds Total	\$686,000	\$686,000

**WORKERS' COMPENSATION BOARD**

DEPARTMENT TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	\$686,000	\$686,000
DEPARTMENT TOTAL - ALL FUNDS	\$686,000	\$686,000

**LEGISLATURE**

**Commission to Review the Budget  
Process of the Workers' Compensation Board**

Initiative: Allocates funds to reflect the reimbursement to be received from the Workers' Compensation Board reserve fund to cover the costs of legislative per diem and expenses.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$440	\$0
All Other	\$415	\$0
Other Special Revenue Funds Total	\$855	\$0

2	LEGISLATURE		
4	DEPARTMENT TOTALS	2003-04	2004-05
6	OTHER SPECIAL REVENUE FUNDS	\$855	\$0
8	DEPARTMENT TOTAL - ALL FUNDS	<u>\$855</u>	<u>\$0</u>
10	SECTION TOTALS	2003-04	2004-05
12	OTHER SPECIAL REVENUE FUNDS	\$686,855	\$686,000
14	SECTION TOTAL - ALL FUNDS	<u>\$686,855</u>	<u>\$686,000</u>

### SUMMARY

This amendment is the minority report of the Joint Standing Committee on Labor. It changes the assessment limit provided for in the bill to \$7,546,000 beginning in fiscal year 2003-04. The bill called for a limit of \$8,350,000 in fiscal year 2003-04 and \$8,525,000 in fiscal year 2004-05.

The amendment also creates a 4-member commission to review the Workers' Compensation Board's process for establishing, approving and monitoring its budget, with 2 Legislators and 2 members of the Workers' Compensation Board. The commission will report its findings and recommendations to the Joint Standing Committee on Labor by December 3, 2003.

### FISCAL NOTE REQUIRED (See attached)

0000084

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 35**

**An Act to Increase the Assessment on Workers' Compensation Insurance  
To Fund the Workers' Compensation Board Administrative Fund**

**LR 0283(03)****Fiscal Note for Bill as Amended by Committee Amendment " "****Fiscal Note Required: Yes****Minority Report****Fiscal Note**

Undetermined current biennium cost increase - All Funds

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$686,855	\$686,000	\$686,000	\$686,000
<b>Revenue</b>				
Other Special Revenue Funds	\$686,000	\$686,000	\$686,000	\$686,000

**Fiscal Detail and Notes**

This bill as amended includes Other Special Revenue Funds allocations of \$686,000 and \$686,000 in fiscal years 2003 04 and 2004-05, respectively, to increase the authorized level of spending of the Workers' Compensation Board as a result of increasing the assessment cap. Increasing the workers' compensation assessment will increase the cost to all State agencies for the workers' compensation portion of personal services expense. The fiscal impact on the State's self-insured program can not be determined at this time and will depend on the actual amount assessed.

An allocation of \$855 is included in fiscal year 2003-04 for the additional costs of the legislative per diem and expenses for the two legislators who will serve on the Commission to Review the Budget Process of the Workers' Compensation Board. The total cost to the Workers' Compensation Board for the per diem and expenses of all the Commission members can not be determined at this time. It is expected that there will be sufficient funds available in the reserve fund to cover these costs. The additional costs associated with providing staffing assistance to the commission during the interim between legislative sessions can be absorbed by the Legislature utilizing existing budgeted resources.

0000085

**STATE OF MAINE**

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

**H.P. 989 - L.D. 1343**

**Resolve, To Create the Task Force To Study Parity and  
Portability of Retirement Benefits for State Law Enforcement  
Officers, Municipal Law Enforcement Officers and  
Firefighters**

**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 Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal Law Enforcement Officers and Firefighters; and

**Whereas,** this resolve is necessary as an emergency measure to afford adequate time for the issues to be appropriately addressed by the task force; 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 Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal Law Enforcement Officers and Firefighters, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of 11 members appointed as follows:

1. Two members of the Senate, appointed by the President of the Senate. When making the appointments, the President of the Senate shall give preference to members who serve on the Joint Standing Committee on State and Local Government, the Joint Standing Committee on Criminal Justice and Public Safety or the Joint Standing Committee on Labor;

2. Five members of the House of Representatives, appointed by the Speaker of the House. When making the appointments, the Speaker of the House shall give preference to members who serve on the Joint Standing Committee on State and Local Government, the Joint Standing Committee on Criminal Justice or the Joint Standing Committee on Labor; and

3. Four members appointed by the Governor as follows:

A. One member representing municipal law enforcement officers;

B. One member representing municipal firefighters;

C. One member representing state law enforcement officers including employees of the Office of the State Fire Marshal who have law enforcement powers; and

D. One member representing the Maine Municipal Association; and be it further

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

**Sec. 4. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force; and be it further

**Sec. 5. Duties. Resolved:** That the task force shall examine the following issues concerning retirement and health insurance benefits for state and municipal law enforcement officers and firefighters:

1. Review the differences in retirement benefits provided to state law enforcement officers and municipal law enforcement officers;

2. Develop options for providing parity in benefits and for increasing portability of benefits for law enforcement officers who move between state and municipal employment, including employment in the Office of the State Fire Marshal, or those who change municipal employers; and

3. Review the differences among retirement and health insurance benefits provided to municipal law enforcement officers and firefighters in various municipalities and consider the advantages and disadvantages of creating a uniform retirement and health insurance benefit plan for municipal law enforcement officers and firefighters; 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 task force. The Maine State Retirement System shall provide technical assistance as requested by the task force; and be it further

**Sec. 7. Compensation. Resolved:** That the legislative members of the task force 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 task force. 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 task force; and be it further

**Sec. 8. Report. Resolved:** That the task force shall submit its report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 121st Legislature no later than December 3, 2003. The task force is authorized to introduce legislation related to its report to the Second Regular Session of the 121st Legislature at the time of submission of its report; and be it further

**Sec. 9. Extension. Resolved:** That, if the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 10. Task force budget. Resolved:** That 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 its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget.

Upon request from the task force, the Executive Director of the Legislative Council or the executive director's designee shall promptly provide the task force chair and staff with a status report on the study budget, expenditures incurred and paid and available funds.

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

## STATE OF MAINE

In Senate

May 1, 2003

**ORDERED**, the House concurring, that the Committee to Study the Implementation of the Privatization of the State's Wholesale Liquor Business is established as follows.

**1. Committee established.** The Committee to Study the Implementation of the Privatization of the State's Wholesale Liquor Business, referred to in this order as "the committee," is established.

**2. Membership.** The committee consists of the following 9 members:

A. Four members of the Senate, appointed by the President of the Senate, one of whom serves on the Joint Standing Committee on Appropriations and Financial Affairs, one of whom serves on the Joint Standing Committee on Criminal Justice and Public Safety and 2 of whom serve on the Joint Standing Committee on Legal and Veterans Affairs; and

B. Five members of the House of Representatives, appointed by the Speaker of the House, 2 of whom serve on the Joint Standing Committee on Appropriations and Financial Affairs, one of whom serves on the Joint Standing Committee on Criminal Justice and Public Safety and 2 of whom serve on the Joint Standing Committee on Legal and Veterans Affairs.

**3. Committee chairs.** The first-named Senator is the Senate chair of the committee and the first-named member of the House is the House chair 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 has been completed, the chairs of the committee shall call and convene the first meeting of the committee, which must be no later than August 15, 2003.

**5. Duties.** The committee shall hold its meetings at various locations in the State, to be determined by the chairs.

10.06

The committee shall gather information and request necessary data from public and private entities in order to review the progress of the implementation of the privatization of the State's wholesale liquor business. In conducting its study, the committee shall specifically:

A. Review the bidding process by which the State will lease the wholesale liquor distribution rights to a private distributor; and

B. Explore issues associated with the responsibility for enforcement of the laws governing the manufacture, importation, storage and sale of all liquor and with administering the laws relating to licensing and the collection of taxes on malt liquor and wine.

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 and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

8. **Report.** No later than December 3, 2003, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 121st Legislature. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 121st Legislature at the time of submission of its report.

9. **Extension.** If the committee requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the task force terminates.

10. **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

208.  
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.

SPONSORED BY: 76 95

(Senator GAGNON)

COUNTY: Kennebec

**STATE OF MAINE**

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

**H.P. 943 - L.D. 1271**

**Resolve, To Study the Implementation of a Plan To Prohibit  
the Discharge of Certain Wastewater into Coastal Waters**

**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 directs the Department of Environmental Protection to develop a plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State; and

**Whereas,** this resolve is necessary as an emergency measure to afford adequate time for the issues to be appropriately addressed by the department; 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. Stakeholder group established. Resolved:** That the Department of Environmental Protection shall convene a stakeholder group to assist the department in developing a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State. The stakeholder group must be convened no later than 30 days after the effective date of this resolve; and be it further

**Sec. 2. Membership. Resolved:** That the department shall invite a marine biologist, an oceanographer and a harbor master and a representative of each of the following interested parties to participate in the stakeholder group: the Joint Standing Committee on Natural Resources, an environmental advocacy organization, a marine trade association, the marina industry, the United States Coast Guard, a group representing the interests of saltwater recreational boaters, the boatbuilding industry, the commercial fishing industry including lobstermen and shellfish harvesters, the aquaculture industry, the tourism industry, the hotel industry, an organization whose mission is to protect Casco Bay, a group representing the Maine petroleum industry, the marine terminal industry and other interested parties as determined by the department; and be it further

**Sec. 3. Duties. Resolved:** That the Department of Environmental Protection, with the assistance of the stakeholder group established pursuant to section 2, shall develop a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State. The department shall, at a minimum, hold one meeting in Portland with the stakeholder group and one meeting in Bar Harbor with the stakeholder group. The department shall include in its review the following:

1. The issues identified in Legislative Document 1158, "An Act to Protect Maine's Coastal Water" of the 121st Legislature;

2. The benefits and detriments to identifying certain waters in Casco Bay as no-discharge zones prior to applying to the United States Environmental Protection Agency for designation of up to 50 significant harbors or bays in the territorial waters of the State as no-discharge zones pursuant to Public Law 1999, chapter 655;

3. A process for determining the boundaries of those waters that should be designated as no-discharge zones; and

4. The parameters for the regulation of gray water, including vessel weight and vessel passenger capacity; and be it further

**Sec. 4. Report. Resolved:** That the Department of Environmental Protection shall submit to the Joint Standing Committee on Natural Resources no later than November 1, 2003 a recommended plan, including any legislation necessary to implement the plan, for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State; and be it further

**Sec. 5. Funding. Resolved:** That, pursuant to the Maine Revised Statutes, Title 38, section 351, the Commissioner of Environmental Protection may seek and accept outside funds to advance the work in developing a recommended plan pursuant to this resolve.

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



# 121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

## Joint Study Order

House Paper No. 726

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House of Representatives, February 25, 2003

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### Joint Study Order To Establish the Task Force To Study the Functional Efficiencies in the Legislative Process

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Reference to the Committee on Joint Select Committee on Joint Rules suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SHIELDS of Auburn.  
Cosponsored by Senator YOUNGBLOOD of Penobscot and  
Representatives: BOWLES of Sanford, DAVIS of Falmouth, HONEY of Boothbay, JOY of  
Crystal.

0000096



STATE OF MAINE

In House February 25, 2003

**ORDERED**, the Senate concurring, that the Task Force to Study the Functional Efficiencies in the Legislative Process is established as follows.

**1. Task Force to Study the Functional Efficiencies in the Legislative Process established.** The Task Force to Study the Functional Efficiencies in the Legislative Process, referred to in this order as "the task force," is established.

**2. Membership.** The task force consists of 10 members appointed jointly by the President of the Senate and the Speaker of the House. When making appointments, the President of the Senate and the Speaker of the House shall appoint legislators from all parties.

**3. Task force chairs.** The first-named Senator is the Senate chair of the task force and the first-named member of the House is the House chair of the task force.

**4. Appointments; convening of task force.** 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 has been completed, the chairs of the task force shall call and convene the first meeting of the task force, which must be no later than 60 days following passage of this order.

**5. Duties.** The task force shall hold its meetings at various locations in the State, to be determined by the chairs. The task force shall gather information and request necessary data from public and private entities in order to:

A. Assess and identify the inefficiencies and redundancies in the legislative process; and

B. Determine what solutions and changes need to be made to correct the inefficiencies in the legislative process.

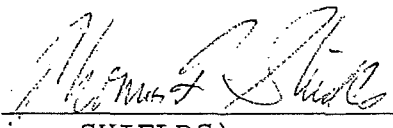
6. **Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

7. **Compensation.** Members of the task force are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force.

8. **Report.** The task force shall submit a report that includes its findings and recommendations, including suggested legislation, to the Legislative Council by November 6, 2003.

9. **Extension.** If the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the task force terminates.

10. **Budget.** 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 its approval. The task force may not incur expenses that would result in the task force's 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.

SPONSORED BY:   
(Representative SHIELDS)

TOWN: Auburn

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THREE

S.P. 26 - L.D. 40

**Resolve, to Extend the Reporting Deadline of the Commission  
to Recognize Veterans of World War II and the Korean War in  
the State House Hall of Flags**

**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 commission was established by the 120th Legislature to arrange for a plaque or plaques and a flag or flags to be displayed in the Hall of Flags in the State House to honor the Maine veterans of World War II and the Korean War; and

Whereas, the commission was required to file its final report and to terminate on November 1, 2002; and

Whereas, the commission, which consists of 7 members, requires additional time to complete its work; and

Whereas, the process to solicit and select designs and to raise the necessary funds to produce the plaque or plaques and flag or flags chosen by the commission could not be completed by the original report deadline; 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. Resolve 2001, c. 113, §§5 and 7, amended. Resolved:** That Resolve 2001, c. 113, §§5 and 7 are amended to read:

**Sec. 5. Meetings. Resolved:** That the commission may hold up to 4- 8 meetings; and be it further

**Sec. 7. 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 or plaques 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 no later than October 4, 2002, the commission shall submit its initial report for review by the Legislative Council through the Office of the Executive Director. A final report must be submitted to the Executive Director of the Legislative Council by November 1, 2002 2003. Upon submission of its required reports, the commission terminates; and be it further

; and be it further

**Sec. 2. Retroactivity. Resolved:** That the section of this resolve that amends Resolve 2001, chapter 113 applies retroactively to November 1, 2002; and be it further

**Sec. 3. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

#### **LEGISLATURE**

##### **Study Commissions - Funding**

Initiative: Provides funds for the per diem and expenses associated with conducting 4 additional meetings of the commission to recognize veterans of World War II and the Korean War in the State House Hall of Flags.

<b>General Fund</b>	<b>2002-03</b>	<b>2004-05</b>
Personal Services	\$440	\$0
All Other	1,400	\$0
General Fund Total	<u>\$1,840</u>	<u>\$0</u>

**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 AND THREE**

**H.P. 359 - L.D. 467**

**Resolve, To Study the Policies of the Department of  
Administrative and Financial Services, Bureau of Revenue  
Services Regarding Tax Collection Practices**

**Sec. 1. Commission established. Resolved:** That the Commission to Study the Policies of the Bureau of Revenue Services Regarding Tax Collection, 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 12 members:

1. Three members from the Senate, appointed by the President of the Senate;

2. Three members from the House of Representatives, appointed by the Speaker of the House;

3. Four members who are tax professionals employed in the private sector, appointed jointly by the President of the Senate and the Speaker of the House; and

4. Two members of the public, appointed jointly by the President of the Senate and the Speaker of the House; 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; convening of commission; 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. The chairs of the commission shall call and convene the first meeting of the commission no later than 15 days after all appointments are made; and be it further

**Sec. 5. Duties. Resolved:** That the commission shall study the policies and approaches of the Department of Administrative and Financial Services, Bureau of Revenue Services regarding tax collection practices, review and evaluate the responsibilities of the taxpayer advocate, and assess the need for a tax ombudsman; and be it further

**Sec. 6. Staff assistance. Resolved:** That upon approval of the Legislative Council, the Office of Fiscal and Program Review shall provide necessary staffing services to the commission; and be it further

**Sec. 7. 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 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 for their attendance at authorized meetings of the commission; and be it further

**Sec. 8. Report. Resolved:** That the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over taxation matters and the Legislative Council by January 2, 2004. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 121st Legislature at the time of the submission of its report; and be it further

**Sec. 9. Extension. Resolved:** That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 10. 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's exceeding its approved budget.

Upon request from the commission, the Executive Director of the Legislative Council or the executive director's designee shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds.

STATE OF MAINE

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IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THREE  
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S.P. 208 - L.D. 599

**An Act To Implement the Recommendations of the Task Force  
on Rail Transportation and Correct an Inconsistency**

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

**Sec. 1. 5 MRSA §13058, sub-§19 is enacted to read:**

19. Coordinate assessment of transportation needs related to economic development projects. The commissioner shall coordinate the activities of the department, the State Planning Office within the Executive Department, the Department of Transportation and regional planning and economic development organizations to ensure that the location of rail lines, potential use of passenger and freight rail and costs of transportation improvements related to development are considered during initial planning and locating of projects reviewed by the commissioner in administering economic development programs under this chapter.

**Sec. 2. 23 MRSA §74 is enacted to read:**

**§74. Freight transportation advisory council**

1. Purpose; membership. The Commissioner of Transportation shall establish a freight transportation advisory council to facilitate discussion and provide insight into issues pertaining to freight transportation in the State. The commissioner shall invite no fewer than 20 people from the private sector to participate as members of the council. Membership must include representatives of various geographic areas of the State. Membership must include at least one person with experience in each of the following:



- A. Commercial trucking;
- B. Rail freight;
- C. Waterborne freight;
- D. Manufacturing forest products;
- E. Shipping forest products;
- F. Shipping agricultural products; and
- G. Distributing petroleum products.

2. Meetings; chair. The Commissioner of Transportation or the commissioner's designee shall serve as chair of the council established in subsection 1. The Department of Transportation shall provide staff support to the council. The council shall meet at the call of the chair but not less than 4 times during a calendar year. Members of the council serve without compensation.

Sec. 3. 23 MRSA §7103, sub-§1, as repealed and replaced by PL 1989, c. 398, §7, is amended to read:

1. **Fund created.** There is created the "Railroad Preservation and Assistance Fund," which ~~shall receive~~ receives all revenue derived from the tax levied pursuant to Title 36, chapter 361, ~~except that no more than \$150,000 from this revenue shall be deposited in the fund in any fiscal year and taxes paid under Title 36, section 1865.~~ The fund shall ~~is~~ also be eligible to receive grants from other sources. The Treasurer of State shall receive and deposit all revenue to the fund in a separate account to be known as the Railroad Preservation and Assistance Fund.

Sec. 4. 23 MRSA §7107 is enacted to read:

**§7107. Dismantling of state-owned track**

Except as provided in this section, the Department of Transportation may not dismantle or contract with a state agency or private entity for the dismantling of state-owned track. When the department, in consultation with a regional economic planning entity and a regional transportation advisory committee established in accordance with rules adopted under section 73, subsection 4, determines that removal of a specific length of rail owned by the State will not have a negative impact on a region or on future economic opportunities for that region, the Commissioner of Transportation shall seek review and approval of

the joint standing committee of the Legislature having jurisdiction over transportation matters prior to removal.

Sec. 5. 23 MRSA §7230, 3rd ¶, as enacted by PL 1989, c. 398, §8, is amended to read:

The State may provide annually each railroad corporation with a reimbursement payment. For at-grade crossings, the payment shall must be determined based on each railroad corporation's verified average cost for crossing maintenance multiplied by the number of eligible crossings, with a maximum payment of ~~\$1,500~~ \$2,500 per crossing. ~~Fer--grade--separation bridges,--the payment--shall--be--determined--based--on--each--railroad corporation's---verified---average---maintenance---cost---for---grade separation---bridges---multiplied---by---the---number---of---eligible structures,--with--a--maximum--payment--of--\$2,500--per--structure.~~

Sec. 6. 29-A MRSA §2602, sub-§4, ¶¶B and C, as enacted by PL 1997, c. 750, Pt. A, §3, are amended to read:

B. Of the fines and forfeitures collected for traffic infractions under sections 511, 2354, 2356, 2360, 2380, 2387 and 2388, 7% accrues to the General Fund, 6% accrues to the Law Enforcement Agency Reimbursement Fund and the balance accrues to the General Highway Fund; and

C. Of the fines and forfeitures collected for violations other than traffic infractions under sections 511, 2354, 2356, 2360, 2380, 2387 and 2388, only \$5 or 13%, whichever is greater, accrues to the General Fund and the balance accrues to the Highway Fund.

Sec. 7. 36 MRSA §1865 is enacted to read:

**§1865. Deposit of use taxes paid on certain fuels**

The Treasurer of State shall deposit all use taxes received for fuel consumed by vehicles operating on rails and qualifying for a fuel tax refund under section 3218 and taxed under this chapter into the Rail Preservation and Assistance Fund established in Title 23, section 7103.

Sec. 8. 36 MRSA §2621-A, sub-§3, ¶F, as enacted by PL 1991, c. 591, Pt. N, §3 and affected by §4, is repealed.

Sec. 9. 36 MRSA §2625, as repealed and replaced by PL 1983, c. 571, §8, is amended to read:

**§2625. Return and payment**

Every railroad company incorporated under the laws of this State or doing business in this State shall file with the State Tax Assessor annually, on or before April 15th, a railroad excise tax return, on a form prescribed by the State Tax Assessor. The tax shall must be paid in equal installments on the next June 15th, September 15th and December 15th. The Treasurer of State shall deposit all taxes paid under this chapter into the Railroad Preservation and Assistance Fund established under Title 23, section 7103.

**Sec. 10. 36 MRSA §3218-A is enacted to read:**

**§3218-A. Refunds of tax for fuel used by railroads**

Beginning July 1, 2004, the assessor shall monitor the amount of refunds paid under section 3218 for fuel consumed by vehicles operating on rails and monitor the amount of use tax paid on fuel consumed by vehicles operating on rails under chapter 215.

**Sec. 11. Review of taxes imposed on railroads; legislation.** The chairs of the Joint Standing Committee on Taxation shall appoint a subcommittee to review statutory provisions for taxes that apply to companies operating railroads in the State and consider the impact of these provisions. The subcommittee shall recommend statutory revisions to Maine tax laws to improve the viability of railroads operating in the State. The Joint Standing Committee on Taxation may report out legislation to the Second Regular Session of the 121st Legislature pertaining to taxation of companies operating railroads in Maine.

**Sec. 12. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 23, section 7103, subsection 1; Title 29-A, section 2602, subsection 4, paragraphs B and C; and Title 36, section 2625 take effect July 1, 2005. That section of this Act that enacts Title 36, section 1865 takes effect July 1, 2005. That section of this Act that repeals Title 36, section 2621-A, subsection 3, paragraph F takes effect July 1, 2005.

obtained advanced education or specialized training.  
"Professional services" includes, without limitation, such  
services as:

(1) Lobbying services;

(2) Architectural and design consulting services;

(3) Legal services;

(4) Surveying and professional engineering services,  
including geological and hydrogeological consulting  
services and consulting services related to the science  
of soil analysis and subsurface engineering;

(5) Arbitration services;

(6) Appraisal services; and

(7) Accounting, financial investment and financial  
management services.

"Licensed professional services" does not include those  
services provided by health care practitioners.

Sec. D-9. 36 MRSA §1760, sub-§14 is repealed.

Sec. D-10. 36 MRSA §1760, sub-§24 is amended to read:

24. Funeral services. Sales of basic funeral services, not  
exceeding \$2,500 in value, that are provided for the disposition  
or interment of a deceased human body.

Sec. D-11. 36 MRSA §1760, sub-§34, as repealed and replaced by  
PL 1981, c. 163, §4, is repealed.

Sec. D-12. 36 MRSA §1760, sub-§86 is enacted to read:

86. Certain legal services. Legal services provided on a  
pro bono basis, all legal services provided by court appointment  
and all legal services provided to a client without substantial  
assets of any kind whose household income from all sources is  
less than 200% of the federal poverty level during the period 6  
months prior to the initiation of the legal service or during the  
period 6 months subsequent to the initiation of the legal service  
as such a determination can be reasonably calculated, whichever  
analysis yields the lesser income.

Sec. D-13. Annual review. The joint standing committee of the  
Legislature having jurisdiction over taxation matters shall

annually monitor all additional sales tax revenues collected, as well as the total annual cost of reimbursing the municipalities of the State, as provided for in this Part. By January 1, 2005 and every year thereafter, the committee shall report to the full Legislature on the amount collected and the full amount of reimbursement for the last fiscal year. Any such revenue collections in excess of the reimbursement obligation must be used to reduce the tax burden on citizens of the State and the joint standing committee having jurisdiction over taxation matters is authorized to report out legislation to accomplish the reduction in the tax burden.

## PART E

**Sec. E-1. 36 MRSA §1811, first ¶,** as amended by PL 2001, c. 439, Pt. TTTT, §2 and affected by §3, is further amended to read:

A tax is imposed on the value of all tangible personal property and taxable services sold at retail in this State. The rate of tax is 7% on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43; 7% 10% on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp; 10% on the value of rental for a period of less than one year of an automobile; 7% on the value of prepared food; and 5% on the value of all other tangible personal property and taxable services. Value is measured by the sale price, except as otherwise provided.

## PART F

**Sec. F-1. 36 MRSA §6652, sub-§1,** as amended by PL 2001, c. 396, §45, is further amended to read:

**1. Generally.** A person against whom taxes have been assessed pursuant to Part 2, except for chapters 111 and 112, with respect to eligible property and who has paid those taxes is entitled to reimbursement of those taxes from the State as provided in this chapter. The amount of reimbursement is limited to 70% of the amount by which the taxes paid with respect to the eligible property exceeds the amount that has been or will be returned to the taxpayer by a municipality due to the taxpayer's participation in a municipal development district under Title 30-A, chapter 206. For purposes of this chapter, a tax applied as a credit against a tax assessed pursuant to chapter 111 or 112 is a tax assessed pursuant to chapter 111 or 112. Eligible property is subject to reimbursement pursuant to this chapter for up to 12 property tax years, but the 12 years must be reduced by

STATE OF MAINE

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IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THREE

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S.P. 134 - L.D. 397

**Resolve, To Create the Study Group To Examine an Emergency  
Alert Notification System for Deaf and Hard-of-hearing  
Individuals**

**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 Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals needs to be established to study the development of an emergency alert notification system to protect the safety of deaf and hard-of-hearing individuals; 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 Second Regular Session of the 121st Legislature; 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 group established. Resolved:** That the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals, referred to in this resolve as "the study group," is established; and be it further

**Sec. 2. Study group membership. Resolved:** That the study group consists of 17 members appointed as follows:

1. The Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management;

2. A representative of the deaf community, appointed by the Governor;

3. The Director of the Division of Deafness within the Department of Labor, Bureau of Rehabilitation Services;

4. A representative of the emergency services committee created by the Division of Deafness, recommended by the Director of the Division of Deafness and appointed by the Governor;

5. The Director of the Emergency Services Communications Bureau within the Department of Public Safety or the director's designee;

6. A person employed by the office of the Chief Information Officer within the Department of Administrative and Financial Services who serves on Homeland Security Initiative III, recommended by the Commissioner of Administrative and Financial Services and appointed by the Governor;

7. A representative of the Office of the Governor, appointed by the Governor;

8. A person employed in the Department of Labor knowledgeable about the requirements of the federal Americans With Disabilities Act of 1990, recommended by the Commissioner of Labor and appointed by the Governor;

9. Two persons knowledgeable in the subject of closed captioning on commercial television broadcasts, appointed by the Governor;

10. A representative of the Maine Public Broadcasting Corporation, appointed by the Governor;

11. Two representatives of municipal emergency service providers, appointed by the Governor;

12. A representative of state or local law enforcement, appointed by the Governor;

13. A person with expertise in telephone and pager technology, appointed by the Governor; and

14. Two persons with technical expertise in emergency notification systems and state-of-the-art technologies relevant to the subject of the study, appointed by the Governor; and be it further

**Sec. 3. Chair. Resolved:** That the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management shall serve as chair; and be it further

**Sec. 4. Appointments; convening of study group. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chair shall call and convene the first meeting of the study group; and be it further

**Sec. 5. Duties. Resolved:** That the study group shall:

1. Study the development of emergency alert systems for deaf and hard-of-hearing individuals for all types of emergencies, including weather-related emergencies;

2. Develop recommendations for establishing or improving emergency alert systems for deaf and hard-of-hearing individuals;

3. Compile and evaluate information relevant to the subject of the study;

4. Seek input and information from any state agencies with expertise relevant to the subject of the study;

5. Invite public comments and testimony during the development of its recommendation; and

6. Invite participation from any interested members of the Joint Standing Committee on Utilities and Energy; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management shall provide staff assistance to the study group. The study group may request of the Legislative Council assistance from the Office of Policy and Legal Analysis in drafting any legislation the study group proposes; and be it further



**Sec. 7. Compensation. Resolved:** That members of the study group are not entitled to per diem or reimbursement for expenses related to their participation in the work of the study group; and be it further

**Sec. 8. Report. Resolved:** That, no later than November 21, 2003, the study group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 121st Legislature. The study group is authorized to introduce legislation related to its report to the Second Regular Session of the 121st Legislature at the time of submission of its report; and be it further

**Sec. 9. Extension. Resolved:** That, if the study group requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension.

**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 AND THREE

S.P. 233 - L.D. 669

An Act To Strengthen the Energy Resources Council

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

Whereas, in order to provide adequate time for a study of vital energy-related matters prior to the beginning of the next legislative session, this Act must take effect immediately; 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. 5 MRSA §3327, sub-§3, as enacted by PL 2001, c. 630, §1, is amended to read:

3. **Quarterly meetings; staff; funding.** The council shall meet at least quarterly. The council shall prepare a work program for each year establishing priorities among its efforts. The State Planning Office, within the Executive Department, shall provide staff support. ~~Each member of the council shall enter into an agreement with the State Planning Office to share in the cost of providing the staff support.~~

A. A state agency applying for funds under the State Energy Program of the United States Department of Energy pursuant to 10 Code of Federal Regulations, Part 420 shall, as directed by the council, apply for funds to support the work of the council and its staff.

B. To the extent funds available pursuant to paragraph A are insufficient to fund fully staff support for the council, each member of the council shall enter into an agreement with the State Planning Office to share in the cost of providing the staff support.

C. The council may seek, and the Public Utilities Commission may provide, funds to the council pursuant to Title 35-A, section 3211-A, subsection 5-A.

**Sec. 2. 35-A MRSA §3211-A, sub-§1, ¶C, as enacted by PL 2001, c. 624, §4, is amended to read:**

C. "Available funds" means funds available in the program fund but does not include any funds provided to the Energy Resources Council pursuant to subsection 5-A.

**Sec. 3. 35-A MRSA §3211-A, sub-§5-A is enacted to read:**

**5-A. Support for Energy Resources Council.** Notwithstanding any other provision of this section:

A. The Energy Resources Council established under Title 5, section 3327 may apply to the commission for funding from the program fund to support projects and activities of the council related to energy conservation; and

B. The commission may provide up to \$200,000 in any fiscal year to the Energy Resources Council established under Title 5, section 3327 from the program fund if the funds are needed for particular projects or activities directed by the Legislature to be undertaken by the council, or the commission finds the projects or activities are generally consistent with the overall purposes of this section.

**Sec. 4. Energy review and report.** In addition to its other responsibilities, the Energy Resources Council established under the Maine Revised Statutes, Title 5, section 3327 shall undertake a review of state energy-related policy and its implementation and prepare and submit a report of its findings and recommendations to the Joint Standing Committee on Utilities and Energy no later than January 31, 2004. The council shall review and identify in its report any demand and supply forecasts for

electricity that have been compiled by regional entities such as the New England Power Pool or the independent system operator for New England, with particular reference to forecasts specific to this State. In developing its findings and recommendations, the council shall identify the links between energy policy and environmental, transportation and economic development policy. The council also shall identify opportunities for improving the effectiveness of state policy implementation. The council shall focus its review on policies related to energy efficiency and renewable energy.

The Speaker of the House shall appoint 2 members of the House of Representatives, one from the majority political party and one from a minority political party, who serve on the Joint Standing Committee on Utilities and Energy to participate in the council's deliberations under this section. The President of the Senate shall appoint 2 members of the Senate, one from the majority political party and one from a minority political party, who serve on the Joint Standing Committee on Utilities and Energy to participate in the council's deliberations under this section. 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 appointments have been completed. Legislators so appointed are members of the council for the purpose of allowing their full participation in its deliberations, including voting on findings and recommendations, conducted pursuant to this section. Legislators are not members of the council for any other purposes and are not entitled to participate in any other matters of the council. Legislators so appointed are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at meetings of the commission.

The council shall hold at least one public hearing outside of Augusta on its draft findings and recommendations prior to preparing its final draft. As it finds appropriate, the council shall invite additional comments from legislative committees of jurisdiction, stakeholders and the public.

The council shall request assistance from the Legislative Council in the preparation of any recommended legislation.

In response to the report of the council, the Joint Standing Committee on Utilities and Energy may report out legislation to the Second Regular Session of the 121st Legislature concerning energy policy.

**Sec. 5. Transfer of funds.** Notwithstanding the Maine Revised Statutes, Title 35-A, section 3211-A, the State

Controller shall transfer \$2,920 from the Public Utilities Commission's conservation program fund under the Maine Revised Statutes, Title 35-A, section 3211-A, subsection 5 to the Legislature at the beginning of the 2003-04 fiscal year. These funds must be used for costs incurred to pay the per diem and expenses of legislative members participating in the review required by this Act.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**LEGISLATURE**

**Miscellaneous Studies - Energy Resources Council**

Initiative: Provides funds for per diem and expenses of legislative members participating in activities of the Energy Resources Council for the energy review and report requirement. Funds from the Public Utilities Commission's conservation program fund must be transferred to the Legislature at the beginning of the fiscal year to be available for the legislative expenses.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$1,320	\$0
All Other	1,600	0
Other Special Revenue Funds Total	<u>\$2,920</u>	<u>\$0</u>

**LEGISLATURE**

DEPARTMENT TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	\$2,920	\$0
DEPARTMENT TOTAL - ALL FUNDS	<u>\$2,920</u>	<u>\$0</u>

**EXECUTIVE DEPARTMENT**

**State Planning Office**

Initiative: Provides funds for contractual services to assist the Energy Resources Council established pursuant to the Maine Revised Statutes, Title 5, section 3327 with its comprehensive review of the State's energy policy and for other related purposes.

Other Special Revenue Funds	2003-04	2004-05
All Other	<u>\$197,080</u>	<u>\$200,000</u>

Other Special Revenue Funds Total	\$197,080	\$200,000
<b>EXECUTIVE DEPARTMENT</b>		
<b>DEPARTMENT TOTALS</b>	<b>2003-04</b>	<b>2004-05</b>
OTHER SPECIAL REVENUE FUNDS	\$197,080	\$200,000
DEPARTMENT TOTAL - ALL FUNDS	<u>\$197,080</u>	<u>\$200,000</u>
<b>SECTION TOTALS</b>	<b>2003-04</b>	<b>2004-05</b>
OTHER SPECIAL REVENUE FUNDS	\$200,000	\$200,000
SECTION TOTAL - ALL FUNDS	<u>\$200,000</u>	<u>\$200,000</u>

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

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THREE  
—

S.P. 330 - L.D. 989

**Resolve, To Establish a Task Force Concerning  
Speech-language Pathologists**

**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 State is experiencing a critical shortage in the number of speech-language pathologists available to provide services in schools to Maine children; and

**Whereas,** the need for speech-language pathologists is expected to increase dramatically within the next 5 to 10 years; and

**Whereas,** postsecondary, graduate training programs and professional development opportunities in speech-language pathology are severely limited in the State's postsecondary institutions that prepare professional personnel; 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 Address the Shortage of Speech-language Pathologists, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of the following 13 members:

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

2. The Chancellor of the University of Maine System or the chancellor's designee;

3. One member representing the State Board of Education appointed by the President of the Senate upon recommendation of the Chair of the State Board of Education;

4. Four members representing the Maine Speech-Language-Hearing Association, 3 of whom are school-based, appointed by the Speaker of the House upon recommendation of the President of the Maine Speech-Language Hearing Association;

5. One member representing the Maine School Superintendents Association appointed by the President of the Senate upon recommendation of the President of the Maine School Superintendents Association;

6. One member representing the Maine School Boards Association appointed by the Speaker of the House upon recommendation of the President of the Maine School Boards Association;

7. One member representing the Maine Principals' Association appointed by the President of the Senate upon recommendation of the President of the Maine Principals' Association;

8. One member representing the Maine Association of Directors of Special Education appointed by the Speaker of the House upon recommendation of the President of the Maine Association of Directors of Special Education;

9. One member representing the University of Maine, Department of Communication Sciences and Disorders appointed by the President of the Senate upon recommendation of the Chair of the University of Maine, Department of Communication Sciences and Disorders; and

10. One parent of a student receiving speech pathology services appointed by the Speaker of the House; and be it further

**Sec. 3. Chair. Resolved:** That the chair is selected by a vote of the task force membership at its first meeting; and be it further



**Sec. 4. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the executive director shall call and convene the first meeting of the task force; and be it further

**Sec. 5. Duties. Resolved:** That the task force shall provide leadership and direction for collaborative efforts among the Department of Education, the University of Maine System and the State Board of Education to increase the number of speech-language pathologists who provide services to Maine children by:

1. Establishing a plan and schedule for the task force's work;

2. Meeting regularly to gather and review information and data on the conditions affecting recruitment and retention of speech-language pathologists in Maine schools and develop recommendations for recruitment and retention of speech-language pathologists;

3. Developing a plan to support and enhance the capacity of graduate training programs at institutions that prepare speech-language pathologists and ensure adequate opportunities for professional growth and development through the University of Maine System and other public and private organizations;

4. Examining trends related to the existing vacancy rates in Maine schools of speech-language pathologists, trends in use of Medicaid funding to enhance speech-language pathology services and demographics of currently employed school-based speech-language pathologists to identify current capacity and anticipated need by 2010;

5. Reviewing current licensure requirements of speech-language pathologists and making any recommendations for revisions to such requirements in order to ensure quality of services and to increase the number of individuals qualified for licensure as speech-language pathologists; and

6. Examining the potential for assignment of certified school personnel who can provide services while being appropriately supervised by licensed speech-language pathologists; and be it further

**Sec. 6. Advisory capacity. Resolved:** That the task force shall serve in an advisory capacity to the Legislature and the agencies involved with the requirements, licensure and preparation of speech-language pathologists; and be it further

**Sec. 7. Recommendation. Resolved:** That the task force shall recommend to the Legislature, the State Board of Education and the Commissioner of Education a plan to ensure access to educational training opportunities for speech-language pathologists in postsecondary institutions; and be it further

**Sec. 8. Staff assistance. Resolved:** That the Department of Education shall provide necessary staffing services to the task force; and be it further

**Sec. 9. Compensation. Resolved:** That the public members of the task force not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 for their attendance at authorized meetings of the task force; and be it further

**Sec. 10. Report. Resolved:** That the task force shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs, to the Commissioner of Education and the State Board of Education by January 15, 2004. Following receipt and review of the report, the Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 121st Legislature; and be it further

**Sec. 11. Extension. Resolved:** That, if the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 12. Task force budget. Resolved:** That expenses incurred by the task force in completing its work must be absorbed by the respective agencies and entities represented on the task force.

**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 AND THREE

S.P. 424 - L.D. 1293

An Act To Improve the Fairness of the Health Care Provider  
Tax and To Ensure Fair Implementation of Health Care  
Reimbursement Reforms

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

Sec. 1. 36 MRSA §2871, sub-§2, as enacted by PL 2001, c. 714, Pt. CC, §3 and affected by §8, is amended to read:

2. **Annual net operating revenue.** "Annual net operating revenue" means gross charges less any amounts allowable recorded as bad debts, charity care or payer discounts in accordance with generally accepted accounting principles.

Sec. 2. 36 MRSA §2871, sub-§3, as enacted by PL 2001, c. 714, Pt. CC, §3 and affected by §8, is repealed.

Sec. 3. 36 MRSA §2871, sub-§3-A is enacted to read:

3-A. Facility fiscal year. "Facility fiscal year" means the fiscal year actually used by a person subject to this chapter in keeping that person's books and records.

Sec. 4. 36 MRSA §2871, sub-§6-A is enacted to read:

6-A. State fiscal year. "State fiscal year" means the uniform fiscal year established pursuant to Title 5, section 1501 for all financing and reporting of state government expenditures.

Sec. 5. 36 MRSA §2872, as enacted by PL 2001, c. 714, Pt.

CC, §3 and affected by §8, is repealed and the following enacted in its place:

**§2872. Tax imposed; fiscal years beginning 2002**

Beginning July 1, 2002, in addition to all other fees and taxes assessed or imposed by the Maine Revised Statutes, a tax is imposed annually against each residential treatment facility and nursing home located in the State and calculated as follows.

1. Residential treatment facilities. The tax imposed on a residential treatment facility under this section is calculated as follows:

A. For the state fiscal year beginning July 1, 2002, the tax imposed against each residential treatment facility is equal to 6% of its annual gross patient services revenue for the state fiscal year;

B. For facility fiscal years beginning on or after July 1, 2002 and before July 1, 2003, the tax imposed against each residential treatment facility in addition to the tax imposed pursuant to paragraph A is equal to 6% of its gross patient services revenue for that portion of the facility fiscal year occurring after June 30, 2003; and

C. For facility fiscal years beginning on or after July 1, 2003, the tax imposed against each residential treatment facility is equal to 6% of its annual gross patient services revenue for the corresponding facility fiscal year.

2. Nursing homes. The tax imposed on a nursing home under this section is calculated as follows:

A. For the state fiscal year beginning July 1, 2002, the tax imposed against each nursing home is equal to 6% of its annual net operating revenue for the state fiscal year;

B. For facility fiscal years beginning on or after July 1, 2002 and before July 1, 2003, the tax imposed against each nursing home in addition to the tax imposed pursuant to paragraph A is equal to 6% of its net operating revenue for that portion of the facility fiscal year occurring after June 30, 2003; and

C. For facility fiscal years beginning on or after July 1, 2003, the tax imposed against each nursing home is equal to 6% of its annual net operating revenue for the corresponding facility fiscal year.

The tax imposed by this section is an obligation of the provider pursuant to section 2873 and may not be billed to a patient as a separately stated charge.

Sec. 6. 36 MRSA §2873, sub-§1, as enacted by PL 2001, c. 714, Pt. CC, §3 and affected by §8, is amended to read:

1. **Monthly returns required; payment of estimated tax liability.** On or before the 15th day of each month, each person subject to the tax imposed by this chapter shall submit to the assessor a return on a form prescribed and furnished by the assessor. Each return must be accompanied by a payment of an amount equal to 1/12 of the person's estimated tax liability for the entire current state fiscal year or facility fiscal year or, in the case of a facility taxed on the basis of a partial facility fiscal year after June 30, 2003, an amount equal to a fraction of the estimated liability in which the denominator is the number of months remaining in the facility fiscal year and the numerator is one. A person may estimate its tax liability for the current state fiscal year or facility fiscal year by applying the tax rates provided by section 2872 to the most recent state fiscal year or facility fiscal year for which ~~relevant-taxable-revenues-have-been-finally-determined-and-are-no longer-open-to-audit-adjustment-or-correction~~ a Medicaid cost report has been finally settled and is no longer open to audit adjustment or correction, ~~provided-that~~ as long as the fiscal year in question began no earlier than 3 years prior to the beginning of the current fiscal year; in the event that the information necessary to prepare this estimate is not available, an estimate may be prepared on the basis of the reconciliation return most recently submitted or, if the first such return has not yet been filed, then on the basis of the revenues formally reported by the facility in accordance with generally accepted accounting principles. Regardless of the method used for preparing the estimate, the estimate may include adjustments to reflect changes in the number of licensed or certified beds or extraordinary changes in payment rates. Once a taxpayer has made its first monthly payment for a state fiscal year or facility fiscal year pursuant to this subsection, the monthly amount must remain fixed throughout the fiscal year unless the assessor authorizes a change. If the person's estimated annual tax liability as reported and paid pursuant to this subsection does not equal the tax imposed on that person by section 2872, any adjustments necessary to reconcile the estimated tax with the correct tax amount must be made pursuant to subsection 2.

Sec. 7. 36 MRSA §2873, sub-§2, as enacted by PL 2001, c. 714, Pt. CC, §3 and affected by §8, is repealed and the following enacted in its place:

**2. Reconciliation return required.** On or before October 15, 2003 and on or before the 15th day of the 4th month following the end of each facility fiscal year ending after October 15, 2003, each person subject in that state fiscal year or facility fiscal year to the tax imposed by this chapter shall submit a reconciliation return on a form prescribed and furnished by the assessor. The reconciliation return must account for any adjustments necessary to reconcile the annual tax for a prior state fiscal year or facility fiscal year estimated pursuant to subsection 1 with the person's correct tax liability, and the person shall submit with the reconciliation return payment of any amount due for the prior state fiscal year or facility fiscal year or portion of any prior state fiscal year or facility fiscal year. The taxpayer may also claim on the reconciliation return a refund or credit for any overpayment of tax. The determination of amounts due or overpaid is calculated by comparing the tax originally estimated and paid in the prior state fiscal year or facility fiscal year or years with the tax imposed by section 2872 on taxable revenues accrued for that period, together with any audit adjustments or corrections of which the person has knowledge on or before the 15th day of the month immediately preceding the due date of the return. The obligation to file a reconciliation return with respect to a particular state fiscal year or facility fiscal year continues until the relevant taxable revenues for that period have been finally determined and are no longer open to audit adjustment or correction and the person has reported those revenues on a reconciliation return.

**Sec. 8. 36 MRSA §2873, sub-§3,** as enacted by PL 2001, c. 714, Pt. CC, §3 and affected by §8, is amended to read:

**3. Audit period to remain open; accrual of penalties and interest.** Notwithstanding any other provision of law, the tax imposed against a person by section 2872 for any fiscal year remains open to audit and further assessment by the assessor until ~~the person's taxable revenues for that fiscal year have been finally determined~~ completion of the audit of the Medicaid cost report or reports for the fiscal year. Any underestimates of tax liability reported and paid pursuant to subsection 1 are subject to an assessment of interest at the rate provided in section 186 from the date or dates of underpayment until payment is made, unless the estimated tax liability was calculated by ~~applying the tax rates provided by section 2872 to the most recent fiscal year for which relevant taxable revenues have been finally determined~~ in compliance with the standards provided in subsection 1, in which case no interest may accrue prior to the date on which the reconciliation return for the year is due. Any amount of tax that is reported on a reconciliation return required by subsection 2 but not paid at the time the reconciliation return is filed is subject to the accrual of

interest as provided by section 186, as well as to any applicable provisions of section 187-B, including, without limitation, the penalty provided by section 187-B, subsection 2 for failure to pay a tax.

**Sec. 9. Long-term care financing.** The Joint Standing Committee on Health and Human Services may consider the issue of long-term care financing, including dedication to long-term care of all or any portion of the health care provider tax and revenues attributable to that tax under the Maine Revised Statutes, Title 36, section 2873 and statutory requirements specifying enhanced reimbursement levels for long-term care providers, during the Second Regular Session of the 121st Legislature and may report out a bill on long-term care financing to the Second Regular Session of the 121st Legislature.

121st Legislature, First Regular Session  
Legislative Council Action on Proposed Legislative Studies  
June 4, 2003

	LD No.	Paper No.	Bill/Study Title	Policy Area	Purpose	Legislative Council Action
1	JSO, HP 724	HP 724	Joint Study Order Directing the Joint Standing Committee on Agriculture, Conservation and Forestry to Study New Payment Models for the Logging Industry	ACF	Examine new payment models for the logging industry	Authorized
2	LD 1219	HP 893	Resolve, to Study the Current and Future Benefits of Agricultural Biotechnology	ACF	Working group to evaluate the advantages and disadvantages and make recommendations regarding current and future benefits of agricultural biotechnology to Maine's farmers and citizens	Tabled
3	JSO, HP 772	HP 772	Joint Order Directing the Joint Standing Committee on Appropriations and Financial Affairs to Study the Fiscal Note Process	AFA	Study the fiscal note process, especially the process by which a department provides information about the cost of a bill before the Legislature and the potential adverse effect on a department of providing that information	Await Recommendation from Rules Committee
4	LD 472	HP 364	Resolve, Directing the Community Preservation Advisory Committee to Study Issues Pertaining to Barriers to Affordable Housing in the State	BRE	Develop recommendations to reduce regulatory barriers to and provide incentives for the creation and availability affordable housing	Authorized
5	LD 969	SP 310	An Act to Ensure Equity in Mortgage Volume Fees	BRE	Study the revenue sources of the Office of Consumer Credit Regulation	Authorized
6	LD 1614, (section K-2 of Part 2 budget bill)	HP 1190	Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners	CRJ	Study ways to reduce the prison population; control the overall costs of the correction system; and reduce recidivism and the transition of prisoners back to the community, including the impact of offenders on communities	Authorized
7	LD 372	HP 292	Resolve, to Improve Community Safety and Sex Offender Accountability	CRJ	Examine and recommend any changes to current laws governing the sentencing, registration, release and placement of sex offenders	Authorized



121st Legislature, First Regular Session  
Legislative Council Action on Proposed Legislative Studies  
June 4, 2003

	LD No.	Paper No.	Bill/Study Title	Policy Area	Purpose	Legislative Council Action
8	LD 425	HP 333	Resolve, To Prepare Maine's Students for Active Citizenship	EDU	Examine issues surrounding citizenship education and preparing Maine's citizens to be active in the governance of institutions	Tabled
9	LD 751	HP 557	An Act to Implement the Recommendations of the Legislative Youth Advisory Council	EDU	Recommends adding one Senator to the Legislative Youth Advisory Council	Authorized
10	LD 989	SP 338	Resolve, to Establish a Task Force Concerning Speech-language Pathologists	EDU	Study Methods to increase the number of speech-language pathologists available to provide services in schools to Maine children	Authorized
11	LD 1293	SP 424	An Act to Improve the Fairness of the Health Care Provider Tax and to Ensure Fair Implementation of Health Care Reimbursement Reforms	HHS	Joint Standing Committee on Health and Human Services to consider the issue of long-term care financing during the 2nd Regular Session of the 121st Legislature and report out a bill	Tabled
12	LD 1614 (sec. P-9 of change package to Part 2 budget bill)	HP 1190	Youth in Need of Services Oversight Committee	HHS	Provide oversight of services provided to or offered by the State for youth in need of services and their families	Failed
13	LD 471	HP 363	Resolve, To Study Obesity and Methods to Decrease the Cost of Health Care and Increase the Public Health	HHS	Study obesity in the State and methods to decrease the cost of health care and improve the public health	Tabled
14	LD 553	SP 193	Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents	HHS	Examine the behavioral, developmental, social, emotional and educational needs of deaf and hard-of-hearing children and adolescents who are not receiving adequate services because of the lack of appropriate resources in the State	Authorized
15	LD 57	HP 65	An Act to Establish the Long-term Care Oversight Committee	HHS	Review the adoption and amendment of rules and monitor the implementation of initiatives in long-term care	Tabled

121st Legislature, First Regular Session  
Legislative Council Action on Proposed Legislative Studies  
June 4, 2003

	LD No.	Paper No.	Bill/Study Title	Policy Area	Purpose	Legislative Council Action
16	LD 732	HP 538	Resolve, Directing the Department of Human Services to Establish an Advisory Task Force to Examine Staff-child Ratios and Maximum Group Size in Child Care Facilities	HHS	Advisory task force established to examine and make recommendations regarding staff-child ratios and maximum group size in child care facilities	Failed
17	LD 1413	HP 1035	An Act to Clarify Maine Law Relating to Viatical Settlements	IFS	Working group to develop recommended legislation relating to life settlement contracts	No Action Required (enacted)
18	LD 20	HP 27	An Act to Extend the Authority of the Health Care System and Health Security Board	IFS	Develop recommendations to provide health care coverage to all citizens of Maine	Failed
19	LD 1358	SP 446	Resolve, to Reestablish the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine	IFW	Provide oversight and policy guidance to the Department of IFW concerning funds appropriated for engineering design of Embden Hatchery; complete all duties prescribed of the previous study commission and work with department on other issues related to fish hatcheries	Authorized
20	LD 1079	HP 797	Resolve, To Establish the Committee to Study Compliance with Maine's Freedom of Access Laws	JUD	Study state and local governmental compliance with Maine's freedom of access laws and other issues relating to citizens' access to public records and public proceedings, including whether and to what extent the Freedom of Access Laws may be used as a harassment tool against local government entities	Tabled
21	LD 0035	SP 21	An Act to Increase the Assessment of Workers' Compensation Insurance to Fund the Workers' Compensation Board Administrative Fund (proposed in minority report, Committee Amendment "B")	LAB	Review the process used by the Workers' Compensation Board to establish, approve and monitor its budget and determine whether improvements are needed.	Authorized

121st Legislature, First Regular Session  
Legislative Council Action on Proposed Legislative Studies  
June 4, 2003

	LD No.	Paper No.	Bill/Study Title	Policy Area	Purpose	Legislative Council Action
22	LD 1343	HP 989	Resolve, To Create the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal Law Enforcement Officers and Firefighters	LAB	Examine issues related to the issues concerning retirement and health insurance benefits for state and municipal law enforcement officers and firefighters	Tabled
23	JSO, SP 0552	SP 552	Joint Order Establishing the Committee to Study the Implementation of the Privatization of the State's Wholesale Liquor Business	LVA	Gather information and data from public and private entities in order to review the progress of the implementation of the privatization of the State's wholesale liquor business	Authorized
24	LD 1271	HP 943	Resolve, To Study the Implementation of a Plan to Prohibit the Discharge of Certain Wastewater into Coastal Waters	NAT	Develop a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State	Authorized
25	JSO, HP 726	HP 726	Joint Study Order to Establish the Task Force to Study the Functional Efficiencies in the Legislative Process	SLG	Assess and identify inefficiencies and redundancies in the legislative process and determine solutions to correct inefficiencies in the legislative process	Await Recommendation from Rules Committee
26	LD 40	SP 26	Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War on the State House Hall of Flags	SLG	To arrange for a plaque or plaques and a flag(s) to be displayed in the eh Hall of Flags in the State House in honor of the Maine Veterans of World War II and the Korean War	Authorized
27	LD 1394	HP 1020	An Act to Modernize the State's Tax System	TAX	Annually monitor all additional sales tax revenues collected, as well as the total costs of reimbursing the municipalities	Failed

121st Legislature, First Regular Session  
Legislative Council Action on Proposed Legislative Studies  
June 4, 2003

	LD No.	Paper No.	Bill/Study Title	Policy Area	Purpose	Legislative Council Action
28	LD 467	HP 359	Resolve, To Study the Policies of the Department of Administrative and Financial Services, Bureau of Revenue Services Regarding Tax Collection Practices	TAX	Study the policies and approaches of the Department of Administrative and Financial Services regarding tax collection practices; review and evaluate the responsibilities of the taxpayer advocate; and assess the need for a tax ombudsman	Failed
29	LD 599	SP 208	An Act to Implement Recommendations of the Task Force on Rail Transportation and Correct an Inconsistency	TAX	Review and make recommendations for statutory revisions to Maine tax laws affecting railroads operating in Maine	Authorized
30	LD 397	SP 134	Resolve, to Create the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals	UTE	Study the development of emergency alert systems for deaf and hard-of-hearing individuals for all types of emergencies, including weather-related emergencies	Authorized
31	LD 669	SP 233	An Act to Strengthen the Energy Resources Council	UTE	Review the state energy-related policy and its implementation	Tabled

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