

# MAINE STATE LEGISLATURE

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SEN. BETH EDMONDS  
CHAIR

REP. GLENN A. CUMMINGS  
VICE-CHAIR

123<sup>RD</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

SEN. ELIZABETH H. MITCHELL  
SEN. CAROL WESTON  
SEN. JOHN L. MARTIN  
SEN. RICHARD W. ROSEN  
REP. HANNAH M. PINGREE  
REP. JOSHUA A. TARDY  
REP. SEAN FAIRCLOTH  
REP. ROBERT H. CROSTHWAITE

**Memorandum**

**TO:** The Honorable Beth Edmonds, Chair  
The Honorable Glenn Cummings, Vice-Chair  
Legislative Council  
  
And Honorable Members of the Legislative Council

**FROM:** *D.B.*  
David E. Boulter, Executive Director

**DATE:** June 15, 2007

**RE:** Consideration of Proposed Legislative Studies

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The Legislative Council will meet on Monday, June 18, 2007 to consider proposed legislative studies. Enclosed are background materials on the proposed studies for the upcoming legislative interim. The materials consist of:

- 1- a suggested protocol for considering the proposed studies (attached to this memo);
- 2- a spreadsheet listing the proposed studies and related activities along with summary information related to each proposed study, including the estimated cost of each study. The studies are sorted by committee/policy area; and
- 3- a notebook containing copies of the bill, resolve or joint order that would authorize each study.

The notebook consists of several parts: copies of engrossed version (or the latest version available) of the relevant orders, resolves or bills proposing the study or study-related aspects that require Council approval because they involve legislative costs; a copy of Joint Rule 353 (8) regarding the Study Table; and a copy of the Council-approved policy for legislative studies.

Thirty (30) legislative studies and three (3) non-legislative studies are proposed this session. \$30,000 has been budgeted in the legislative account for FY 08 for legislative studies or related legislative compensation. As you will see when you review the notebook, the cost to fund all of the proposed studies is approximately \$211,365; [\$169,945 (General Fund), \$13,750 (Highway Fund) and \$14,250 (other special revenue). \$13,420 would be required in FY 09.]

The Legislative Council will meet on Monday, June 18<sup>th</sup> in the Legislative Council Chamber following adjournment of the House and the Senate to decide the study requests. **PLEASE BRING YOUR NOTEBOOK WITH YOU TO THE LEGISLATIVE COUNCIL MEETING.** Thank you.

Enclosures

Cc: Chiefs of Staff, Leadership offices  
Joy O'Brien, Secretary of the Senate  
Millie MacFarland, Clerk of the House  
Patrick Norton, OPLA Director  
Grant Pennoyer, OFPR Director  
Meg Matheson, Revisor of Statutes

**123rd Legislature**  
**Legislative Council Meeting**  
**Review of Legislative Study Proposals**  
**June 2007**

**Requirements Relevant to Studies in the First Regular Session**

Under the terms of the Joint Rules of the 123<sup>rd</sup> Legislature, section 353, all joint orders and legislation proposing legislative studies regardless of funding source must be placed on a special study table. The Legislative Council must review proposed studies and establish priorities for allocation of budgetary and staffing resources.

For studies authorized by the Legislative Council, the Legislative Council must provide funds sufficient to enable the committee to reasonably conduct and complete the requirements of the studies.

Also under the Joint Rules, the Legislative Council must adopt a policy relating to preparing study legislation. On May 24, 2007, the Legislative Council unanimously adopted a policy on legislative studies for the 123<sup>rd</sup> Legislature. Joint Rules and the related council policy specify the manner of appointment, selection of chair, compensation of members, report date and other relevant as part of study legislation. Copies of the Joint Rule and the adopted policy are in your notebook.

**Suggested Protocol for Authorizing Legislative Studies**

- The Legislative Council will review study requests alphabetically by policy area.
- Voting will be by a show of hands, and each Legislative Council member's vote on each bill will be recorded. The record of each vote will be made available for public inspection following the meeting.
- Committee chairs and others are welcome to observe the council's deliberations on the study requests, but discussion of the requests will be confined to council members. However, Legislative Council members may ask questions of committee chairs and other legislators regarding the proposed study if needed.
- Unless otherwise specified by the Legislative Council, authorized studies are to be drafted consistent with applicable standards and policies approved by the Council. Floor amendments to authorized studies making Council-authorized changes will be prepared in the name of the Senate Assistant Majority Leader, except for studies tabled in the House which will be in the name of the House Assistant Majority Leader.

**Policy Issues Needing Decision**

1. **Number of authorized meetings and meeting location-Recommendation:** Unless otherwise specified by the Legislative Council, the number of study meetings is not to exceed four (4) and meetings are to be held in the Augusta area.
2. **Studies conducted using non-General Fund sources-Recommendation:** When a study committee is required to be funded by outside funds, the study committee may not convene until sufficient funds are received to pay for the study.
3. **Interim committee meetings-Recommendation:** Unless otherwise specified by the presiding officers, the number of interim meetings per committee is limited to four (4) days. Joint standing committees must complete all assigned work within their authorized meeting days.

SEN. BETH EDMONDS  
CHAIR

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VICE-CHAIR



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**Maine Legislative Council Policy  
On Legislative Studies**

**1. Introduction**

On March 22, 2007, the Legislative Council unanimously endorsed revisions to Joint Rule 353 and revisions to Legislative Council policies proposed by a Legislative Council subcommittee established to study the legislative study process. On May 15, 2007, the Legislative Council's proposed revisions to Joint Rule 353 were adopted by the House and the Senate, as amended by the Joint Select Committee on Joint Rules.

Joint Rule 353, Section 11, requires the Legislative Council to adopt policies governing legislative studies at the beginning of each legislative biennium. Pursuant to that authority, the Legislative Council adopts this policy on legislative studies to establish policies and procedures governing the Legislative Council's authorization of legislative studies, conditions on the funding of legislative studies, exceptions to the definition of legislative study, legislative study drafting standards and other provisions necessary to satisfy the requirements of that Joint Rule 353.

**2. Council authorization of legislative studies**

Legislative studies are authorized only upon the approval of a majority of the Legislative Council during its review of the study table, except that the approval of a 2/3<sup>rd</sup> majority of the Legislative Council is required to authorize a legislative study that is required to submit a report to a subsequent Legislature.

**3. Funding of legislative studies**

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. That study line must include funds appropriated by the Legislature for those purposes and funds allocated by the Legislature from other departmental accounts to the Legislative Account for the purposes of funding a legislative study. The Legislative Council shall also establish budgets and provide sufficient money from the legislative account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall provide money sufficient to enable the committees to reasonably conduct and complete the requirements of the studies.



#### **4. Acceptance of private contributions to support legislative studies**

Private financial or in-kind contributions to support the work of legislative studies may not be accepted from any party having a pecuniary or other vested interest in the outcome of the study. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. All such contributions are subject to the approval of the Legislative Council. All accepted contributions must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the legislative study committee when those contributions have been received. If funding for a legislative study is contingent upon receipt of private contributions and sufficient contributions have not been received within 30 days after the effective date of the study instrument, then no meetings of the study are authorized and no study-related expenses of any kind may be incurred or reimbursed.

#### **5. Exceptions to Joint Rule 353**

The following limited exemptions to Joint Rule 353 are provided:

A. Boards and commissions created in statute and codified in Title 5, chapter 379 are exempted from the provisions of this Joint Rule, except that the use of new legislative financial resources or Legislative Council staffing by a new Board or commission or as the result of an amendment to an existing Board or commission shall be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources;

B. Legislation directing an agency or a group of stakeholders to study and report to the Legislature on any matter may include the appointment of not more than two members of the Legislature, provided that the report of the agency or group is required to be submitted within the biennium in which the legislation is introduced, that there are no other legislative appointments required, that the legislators are appointed consistent with subsection 3 and that no other legislative resources are required. Legislation creating such groups must be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources; and

C. Notwithstanding Joint Rule 353, section 8, a joint select committee established in a manner consistent with Joint Rule 351 may, if so authorized in joint order establishing the joint select committee, introduce legislation to implement its recommendations.

#### **6. Council review of committee requests to vary from Joint Rule 353**

Pursuant to Joint Rule 353, joint standing and joint select committees may not, except upon the prior approval of the Legislative Council, report to the Legislature any bill, resolve or joint order proposing a legislative study that is inconsistent with that joint rule. Such requests must be made in writing to the Legislative and must include the committee's recommended draft language for the proposed study along with a list of the ways in which proposed study does not conform to Joint Rule 353 and an explanation of why those nonconforming provisions are needed. Such instruments reported to the Legislature by a committee with the prior approval of the Legislative Council remain subject to the provisions of Joint Rule 353 which requires that all legislative studies be referred to a special study table for review and funding authorization by the Legislative Council.

#### **7. Authority and effective date**

Pursuant to its authority under Joint Rule 353, Section 11, the Legislative Council hereby adopts this policy governing legislative studies on this 24<sup>th</sup> day of May, 2007.

This policy takes effect on May 24, 2007.

BY: David E. Boulter  
David E. Boulter, Executive Director

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## Legislative Study Commissions and Authorized Joint Standing Committee Interim Studies

### Interim 2007

#	Policy Area	Study Name	Number of Meetings	Report Dates/Reports to:	Total Members	Senate Appts specified	House Appts Specified	Other Appts Specified	Staff
1	ACF	Commission to Study the Promotion, Expansion and the Regulation of the Harness Racing Industry (LD 1073)	4 meetings	Final report to ACF by 12/5/07	11	Two Senators	Four members of the House	Commissioner of Agriculture appoints four members; Chair of Harness Racing Promotion Board	OPLA
2	AFA	Steering Committee to Streamline State Government (P.L. 2007, c. 240, Part QQQ)	As needed	1/8/08 to Legislative Council	13	None	None	None	OFPR
3	BRED	Joint Select Committee on Future Maine Prosperity (H.P. 1018)	5 meetings	1/2/2008 to the Legislature	15	Four Senators	Eleven members of the House	None	OPLA and OFPR
4	BRED	<u>Committee Study</u> of Business Compliance (Council authorized from LD 1163)	Must be completed by the BRED committee within its 4 authorized interim meetings	None	13	None	None	None	OPLA
5	BRED	<u>Committee Study</u> of Outdated and Unnecessary Laws and Rules (by letter)	Must be completed by the BRED committee within its 4 authorized interim meetings	None	13	None	None	None	OPLA
6	CRJ	<u>Committee Study</u> of Prison Industries Program (H.P. 1334)	Must be completed by the CJPS committee within its 5 authorized interim meetings	1/15/08 to the Legislature	13	None	None	None	OPLA
7	CRJ	<u>Committee Study</u> of Prison Overcrowding (by letter)	Must be completed by the CJPS committee within its 5 authorized interim meetings	None	13	None	None	None	OPLA
8	CRJ	<u>Committee Review</u> of Sex Offender Registration and Notification Act (by letter)	Must be completed by the CJPS committee within its 5 authorized interim meetings	None	13	None	None	None	OPLA
9	EDU	Commission to Develop Strategies to Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults (S.P. 717)	4 meetings	12/5/07 to Labor Committee and Education Committee	13	Two Senators and four non-legislators	Five members of the House and two non-legislators	None	OPLA

Prepared by the Office of Policy and Legal Analysis

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June 27, 2007

## Legislative Study Commissions and Authorized Joint Standing Committee Interim Studies Interim 2007

#	Policy Area	Study Name	Number of Meetings	Report Dates/Reports to:	Total Members	Senate Appts specified	House Appts Specified	Other Appts Specified	Staff
10	EDU	<b>Legislative Youth Advisory Commission</b> (P.L. 2001, c. 439 as amended by PL 2005, c. 662, Part C)	6 times annually with two public hearings annually	Annually to the Legislature	20	Two Senators and eight youth members	Two members of the House and eight youth members	None	OPLA
11	EDU	<b>Alternative Education Programs Committee</b> (LD 1758)	4 meetings	12/19/07 to Education Committee	13	Three Senators and three non-legislators	Four members of the House and three non-legislators	None	OPLA
12	HHS	<b>Committee Study of MaineCare</b> (S.P. 720)	Must be completed by the HHS Committee within its 6 authorized interim meetings	None	14	None	None	None	OPLA
13	HHS	<b>Committee Review of Eligibility for and Transitioning of the MaineCare Program</b> (S.P. 724)	Must be completed by the HHS Committee within its 6 authorized interim meetings	None	14	None	None	None	OPLA
14	HHS	<b>Commission to Study Primary Care Medical Practice</b> (S.P. 732)	4 meetings	12/5/07 to Health and Human Services Committee	13	Three Senators and three non-legislators	Five members of the House and two non-legislators	None	OPLA
15	HHS	<b>Commission to Develop a Strategic Priorities Plan for Maine's Young Children</b> (LD 755)	4 meetings	12/1/07 to HHS, BRED, TAX, EDU and AFA Committees	13	Three Senators, one from the majority party and one from the minority party with one that serves on HHS; one serving on TAX and one serving on BRED Committees and two non-legislators	Five members of the House, including three from the minority party; one of whom has experience working on issues affecting children, one each from the HHS Committee, EDU Committee, TAX Committee and BRED Committee and two non-legislators	Attorney General	OPLA

## Legislative Study Commissions and Authorized Joint Standing Committee Interim Studies

### Interim 2007

#	Policy Area	Study Name	Number of Meetings	Report Dates/Reports to:	Total Members	Senate Appts specified	House Appts Specified	Other Appts Specified	Staff
16	HHS	Working Group to Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss (LD 1239)	4 meetings	12/7/07 to Legislature	17	Three Senators; with preference to members of each major political party and members of the EDU and HHS Committees and four non-legislators	Six members of the House, with preference to members of each major political party and members of the EDU and HHS Committees and four non-legislators	None	OPLA
17	HHS	Advisory Council on Health Systems Development (LD 1849)	ongoing advisory council	3/1/08 annually to the IFS and HHS Committees	19	Two Senators, including one member recommended by the Senate Minority Leader	Three members of the House, including one member recommended by the House Minority Leader	Governor appoints fourteen members with the approval of the HHS Committee	Governor's Office
18	IFS	<u>Committee Review of Lyme Disease</u> (Council authorized from LD 1521)	Must be completed by IFS Committee within its 3 authorized interim committee meetings	None	13	None	None	None	OPLA
19	JUD	Right to Know Advisory Commission (P.L. 2005, c. 631 )	At least 4 times annually	1/15 annually to JUD Committee and Chief Justice	16	One Senator from JUD and five non-legislators	One member of the House from JUD and four non-legislators	Governor appoints three members. AG serves as ex-officio member.	OPLA
20	JUD	Council on Financial Literacy (LD 216)	ongoing advisory council	1/15/2009	12	One Senator	One member of the House	The Treasurer of State and nine others appointed by the Treasurer	Treasurer of State

## Legislative Study Commissions and Authorized Joint Standing Committee Interim Studies

### Interim 2007

#	Policy Area	Study Name	Number of Meetings	Report Dates/Reports to:	Total Members	Senate Appts specified	House Appts Specified	Other Appts Specified	Staff
21	JUD	Tribal-State Work Group (LD 1263)	6 meetings	12/5/07 to Governor, the Legislature and Tribal governments	17	Two Senators, one from the Majority party and one from the Minority party	Six members of the House, three from the Majority party and 3 from the Minority party	Seven representatives of the Native American Community; one member appointed by the Governor; and one representative of the Maine Indian Tribal-State Commission	Maine Indian Tribal-State Commission
22	LAB	Citizen Trade Policy Commission ( <i>PL 2003, c. 699</i> )	At least twice annually plus two annual public hearings	Annually to Legislature, Gov and others	22	Three Senators (from 2 parties) and three non legislators (all appointments already made)	Three members of the House (from 2 parties) and three non-legislators)	Governor appoints four members. Also one ex-officio member is named.	OPLA
23	MAR	<u>Committee Study of the Depletion of Finfish Stocks in the Gulf of Maine</u> (S.P.726)	Must be completed by the MAR committee within its 4 authorized interim meetings	None	13	None	None	None	OPLA
24	NAT	<u>Committee Study of on Solid Waste</u> (H.P. 1355)	Must be completed by the NAT committee within its 4 authorized interim committee meetings	None	13	None	None	None	OPLA

## Legislative Study Commissions and Authorized Joint Standing Committee Interim Studies

### Interim 2007

#	Policy Area	Study Name	Number of Meetings	Report Dates/Reports to:	Total Members	Senate Appts specified	House Appts Specified	Other Appts Specified	Staff
25	NAT	<b>Community Preservation Advisory Committee</b> (P.L. 2001, c. 648, as reauthorized by LD 336)	No more than 4 times annually	Annually to NAT Committee	13	Two Senators, one from Majority and one from Minority parties, with preference to members from the NAT, SLG, EDU, TRA, Tax and BRED Committees and three non-legislators	Four members of the House, one from Majority and one from Minority parties, with preference to members from the NAT, SLG, EDU, TRA, TAX and BRED Committees and two non-legislators	Director of State Planning and Director of the Maine Historic Preservation Commission	State Planning Office (with OPLA drafting assistance)
26	NAT	<b>Technical Advisory Group on Surface Water Ambient Toxic Monitoring</b> (LD 1845)	ongoing advisory group	3/31 annually to Nat and MAR Committees	12	One Senator from the NAT Committee	One member of the House from the MAR Committee	Commissioner of DEP appoints ten members	DEP and DMR
27	SLG	<b>Committee Review of the Need for Sesquicentennial Commission</b> (Council authorized from LD 1091)	Must be completed by the SLG committee within its 3 authorized interim	None	13	None	None	None	OPLA
28	TAX	<b>Committee Review of Property Tax Assessment</b> (Council authorized from LD 261)	Must be completed by TAX committee within its 4 authorized interim meetings	12/1/07 to TAX Committee	13	None	None	State Tax Assessor	OFPR
29	TRA	<b>Committee to Study Appropriate Funding of the State Police</b> (SP 725)	4 meetings	12/5/07 to CRJ and TRA Committees	13	Three Senators, two from the TRA Committee and one from the CRJ Committee	Ten members of the House, five from the TRA Committee and 5 from the CRJ Committee	None	OPLA
30	TRA	<b>Committee Study of Certain Transportation-Related Matters</b> (SP 731)	Must be completed by the TRA committee within its 4 authorized interim meetings	None	13	None	None	None	OPLA
31	TRA	<b>Committee Study of Motor Fuels</b> (Council authorized from LD 1919)	Must be completed by the TRA committee within its 4 authorized interim meetings	None	13	None	None	None	OPLA

Prepared by the Office of Policy and Legal Analysis

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June 27, 2007

New Joint Rule 353, as adopted by the House and Senate on May 15, 2007  
(as amended by the majority report of the Joint Select Committee on Joint Rules)

STATE OF MAINE

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**Rule 353. Legislative Studies.**

To assist in the exercise of its duties, the Legislature may establish legislative study committees or may alternatively refer matters to joint standing committees or subcommittees of joint standing committees for study. This Joint Rule establishes standards that govern the drafting of legislative study instruments and the authorization of legislative studies. All legislative studies must be consistent with this Joint Rule and with Legislative Council policies adopted under this Joint Rule. A joint standing or joint select committee may not, except upon the prior approval of the Legislative Council, report to the Legislature any bill, resolve or joint order proposing a legislative study that is inconsistent with this Joint Rule.

**1. Definitions.** For the purposes of this Joint Rule, the following terms have the following meanings:

A. The term "legislative study" or "legislative study committee" means any group of individuals established in an Act, Resolve or Joint Order or by the Legislative Council, except those exempted under policies adopted by the Legislative Council, whose duties include studying and reporting to the Legislature on any matter or advising the Legislature on any matter and that requires the use of legislative resources;

B. The term "legislative resources" means the expenditure of any funds appropriated or allocated to the Legislative Account, the appointment of one or more persons by the Legislature, the inclusion of one or more legislators as members of the legislative study committee or the use of Legislative Council staff; and

C. The term "non-legislative study" or "non-legislative study group" means any group of individuals directed by legislation to report back to the Legislature on any issue but that is not otherwise a legislative study.

**2. Establishing legislative studies.** A legislative study may only be created by joint study order, unless the instrument directs an agency or a person who is not a legislator to take an action or has an existence that extends beyond the Legislature in which it is introduced. A joint standing committee may report out a joint study order requesting that a legislative study be conducted.

**3. Appointment of members.** A majority of legislative study members must be legislators and the legislative study committee must be chaired by legislators appointed in a manner consistent with subsection 4. The legislative study committee must include members of the 2 parties holding the largest number of seats in the Legislature. All members of legislative study committees established by joint study order must be appointed by the presiding officers: Senate members by the President and House members by the Speaker. Members of a legislative study created by joint study order who are not legislators must be appointed either by the President or the Speaker. Legislative studies may include a minority of non-legislative members appointed by someone outside the Legislature. Joint appointment of members is not permitted.

**4. Appointment of chairs.** Legislative studies having more than 5 members must be cochaired by legislators. The first appointed Senate member must be the Senate chair and the first appointed House member must be the House chair. Legislative studies having 5 or fewer



members must have a single legislative chair appointed by the presiding officer of the body of the originating study order or legislation. The chair of a legislative study having 5 or fewer members shall appoint a chair protem from among the appointed members to serve in the chair's absence.

**5. Committee size.** Legislative study committees may consist of no fewer than 3 and no more than 13 members.

**6. Staffing.** Unless the Legislative Council directs otherwise, Legislative Council staff will only be assigned to legislative studies that conform to this Joint Rule.

**7. Reporting dates.** All reports of legislative study committees that are to be submitted to a first regular session must be completed and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature. All reports of legislative study committees that are to be submitted to a second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Upon request of the study committee, the Legislative Council may extend the reporting date, except that the extension may not go beyond December 15th in odd numbered years or beyond the first Wednesday of December in even numbered years.

**8. Legislation may not be introduced by legislative studies or non-legislative study groups.** Legislative and non-legislative study committees or groups may include proposed legislation in their reports to the Legislature, but are not authorized to introduce legislation. Upon receipt of a report submitted by a legislative or non-legislative study committee or group, the joint standing committee to which the report is submitted, or the appropriate joint standing committee of jurisdiction in the event that the report is submitted to the Legislature as a whole, may introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

**9. Compensation.** Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. 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 authorized meetings of a study committee.

**10. Study table.** All joint study orders or legislation proposing legislative studies must be placed on a special study table in the Senate or House. The Legislative Council shall review the proposed studies and authorize the allocation of budgetary and staffing resources for those studies.

**11. Legislative Council study policies.** The Legislative Council shall adopt policies governing legislative studies at the beginning of each legislative biennium. Those policies may include conditions on the funding of legislative studies, exceptions to this Joint Rule, drafting standards or other provisions necessary to satisfy the requirements of this Joint Rule.

**ACF**

**LD 1073**

**Commission to Study the Promotion, Expansion and the Regulation  
of the Harness Racing Industry**

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

H.P. 791 - L.D. 1073

**Resolve, To Study the Promotion, Expansion and Regulation of the Harness  
Racing Industry**

**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 Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry is established to review the racing industry in Maine; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Commission established. Resolved:** That the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry, referred to in this resolve as "the commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 11 members appointed as follows:

1. Two members of the Senate, one member of the party holding the highest number of seats and one member of the party holding the 2nd highest number of seats, appointed by the President of the Senate. At least one Senate member must be serving on the Joint Standing Committee on Agriculture, Conservation and Forestry;

2. Four members of the House of Representatives, at least one member of the party holding the highest number of seats and at least one member of the party holding the 2nd highest number of seats, all appointed by the Speaker of the House. At least one House member must be serving on the Joint Standing Committee on Agriculture, Conservation and Forestry;

3. The chair of the Maine harness racing promotion board;
4. Two members recommended by an association of horsemen appointed by the Commissioner of Agriculture, Food and Rural Resources;
5. One member who is a racing director for an agricultural fair recommended by a statewide fair association and appointed by the Commissioner of Agriculture, Food and Rural Resources; and
6. One member representing commercial harness racing tracks appointed by the Commissioner of Agriculture, Food and Rural Resources; and be it further

**Sec. 3. Chairs. Resolved:** That the Senate member named by the President is the Senate chair of the commission and the House of Representatives member named by the Speaker 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, which must be no later than 60 days following the effective date of this resolve; and be it further

**Sec. 5. Duties. Resolved:** That the commission shall study the best way to expand racing opportunities for Maine horsemen and Maine-owned horses, including an orderly expansion of race dates and venues and how to better fund the State Harness Racing Commission in a way that serves the racing industry and the public. The commission shall review rules and regulations and issues such as drug testing to ensure the integrity of the sport. In addition, the commission shall explore ways to promote public interest and participation in harness racing for followers of the sport and horse owners; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council 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 authorized 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. 8. Report. Resolved:** That, no later than December 5, 2007, the commission shall submit a report that includes its findings and recommendations, including any suggested legislation, for presentation to the Joint Standing Committee on Agriculture, Conservation and Forestry. The Joint Standing Committee on Agriculture, Conservation

and Forestry is authorized to introduce legislation related to the harness racing industry to the Second Regular Session of the 123rd Legislature; and be it further

**Sec. 9. Commission budget. Resolved:** That the commission shall seek outside funds to fully fund all costs of the commission. If sufficient outside funding has not been received by the commission by September 15, 2007 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the commission may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. The certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by 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 the funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of the funds. The Executive Director of the Legislative Council shall administer any funds received by the commission. The executive director shall notify the chairs of the commission when sufficient funding has been received. 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; and be it further

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

#### LEGISLATURE

##### Study Commissions - Funding 0444

Initiative: Provides an allocation of Other Special Revenue Funds in fiscal year 2007-08 in the event outside funds are received to fully fund the cost of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$1,760	\$0
All Other	\$3,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,760	\$0

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

**BRED**

**HP 1018**

**Joint Select Committee on Prosperity**

# STATE OF MAINE

---

In House HP 1018

**WHEREAS**, the State of Maine possesses unique opportunities for innovative growth; and

**WHEREAS**, those opportunities raise issues that are normally placed before several different joint standing committees of the Legislature; and

**WHEREAS**, to capitalize on those opportunities, a focused, integrated and long-term approach is necessary to build sustainable prosperity for our State; now, therefore, be it

**ORDERED**, the Senate concurring, that the Joint Select Committee on Prosperity is established as follows:

**1. Establishment.** The Joint Select Committee on Prosperity, referred to in this order as "the committee," is established.

**2. Membership.** The committee consists of 15 members of the Legislature: 4 Senators appointed by the President of the Senate and 11 members of the House of Representatives appointed by the Speaker of the House. The President shall appoint 2 members from the party holding the largest number of seats and 2 from the party holding the second-largest number of seats. The Speaker shall appoint 5 members from the party holding the largest number of seats, 5 from the party holding the second-largest number of seats and 1 who is unenrolled in any party. The first-named Senate and House members serve as co-chairs.

**3. Duties.** The committee shall develop a comprehensive plan to achieve sustainable prosperity in the State. In order to reach that goal, the committee shall:

A. Review recent reports aimed at addressing the long-term growth of the State's economy and the preservation of our quality of life, including, but not limited to:

- (1) "Charting Maine's Future: An Action Plan for Promoting Sustainable Prosperity and Quality Places," by the Brookings Institution;
- (2) The final report of the Joint Select Committee on Research, Economic Development and the Innovation Economy; and
- (3) The report of the Governor's Council on Jobs, Innovation and the Economy;
- (4) "Economic Development Programs in Maine - EDPs Still Lack Elements Critical for Performance Evaluation and Public Accountability," from the Office of Program Evaluation and Government Accountability; and
- (5) "Maine Comprehensive Research and Development Evaluation 2006," February 6, 2007, prepared pursuant to the Maine Revised Statutes, Title 5, section 13108;

B. Seek comments and recommendations from selected joint standing committees on elements of the plan that fall within their jurisdictions, including, but not limited to:

- (1) From the Joint Standing Committee on Agriculture, Conservation and Forestry on investments in public lands necessary to preserve the State's quality of place;

(2) From the Joint Standing Committee on Appropriations and Financial Affairs on cuts to State Government enacted since the recession of 2001, potential future cuts and spending limitations at various levels of government;

(3) From the Joint Standing Committee on Business, Research and Economic Development on the proper level of investment in the innovation economy and the format and amount of that investment;

(4) From the Joint Standing Committee on State and Local Government on investments in municipal infrastructure necessary to preserve the State's quality of place;

(5) From the Joint Standing Committee on Taxation on the tax structure necessary to support sustainable growth in the State's economy;

(6) From the Joint Standing Committee on Transportation on the transportation infrastructure necessary to support sustainable growth in the State's economy, including highways, railroads and port facilities;

(7) From the Joint Standing Committee on Education and Cultural Affairs Committee on investments in higher education; and

(8) From the Joint Standing Committee on Government Oversight Committee on locating efficiencies and savings in State Government; and

C. Develop recommendations for future legislative action to expand the State's economy over the long term and to identify and address threats to the State's quality of life.

**4. Meetings.** In conducting its duties, the committee may meet with any individuals, departments, organizations or institutions it considers appropriate.

**5. Appointments.** All appointments must be made no later than 7 days following the effective date of this order.

**6. Staff assistance.** The Office of Policy and Legal Analysis and the Office of Fiscal and Program Review shall provide staffing and clerical assistance to the committee and may, within existing resources, obtain technical assistance from appropriate sources.

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

**8. Report.** The committee shall submit its initial findings and recommendations, along with any necessary implementing legislation, to the First Regular Session of the 123rd Legislature by May 14, 2007 and shall submit its final findings and recommendations, along with any necessary implementing legislation, to the Second Regular Session of the 123rd Legislature by January 2, 2008.



9. **Termination.** The committee terminates January 4, 2008.

**SPONSORED BY:** \_\_\_\_\_

(Speaker CUMMINGS)

**TOWN:** Portland

**COSPONSORED BY:** \_\_\_\_\_

(President EDMONDS)

**COUNTY:** Cumberland

1 H.P. 1018

2 Date: (Filing No. S- )

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

4 STATE OF MAINE

5 SENATE

6 123RD LEGISLATURE

7 FIRST REGULAR SESSION

8 SENATE AMENDMENT “ ” to H.P. 1018, “Joint Order To Create the Joint  
9 Select Committee on Prosperity”

10 Amend the order in subsection 1 in the first line by striking out the following: "Joint  
11 Select Committee on Prosperity" and inserting the following: 'Joint Select Committee on  
12 Future Maine Prosperity'

13 Amend the order in subsection 3 in paragraph B in subparagraph (2) by striking out  
14 the following: "cuts to State Government enacted since the recession of 2001,"

15 Amend the order in subsection 3 in paragraph B in subparagraph (4) in the 2nd line  
16 by inserting after the following: "investments in" the following: 'state, county and'

17 Amend the order by striking out all of subsection 5.

18 Amend the order by striking out subsection 8 and inserting the following:

19 ‘8. Report. The committee shall submit its findings and recommendations, along  
20 with any necessary implementing legislation, to the Second Regular Session of the 123rd  
21 Legislature by January 2, 2008.’

22 Amend the order by renumbering the subsections to read consecutively.

23 SUMMARY

24 This amendment accomplishes the following.

25 1. It changes the name of the joint select committee to the "Joint Select Committee  
26 on Future Maine Prosperity."

27 2. It amends the scope of information requested from the Joint Standing Committee  
28 on Appropriations and Financial Affairs.

29 3. It amends the description of the information requested by the Joint Standing  
30 Committee on State and Local Government.

SENATE AMENDMENT “ ” to H.P. 1018, L.D. 0

1 4. It removes language regarding the time frame for appointments.

2 5. It removes language requiring an initial report.

3 **SPONSORED BY:** \_\_\_\_\_

4 (Senator MITCHELL)

5 **COUNTY:** Kennebec

**BRED**

**LD 1163**

**BRED Committee Study of Business Compliance**

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

—  
S.P. 411 - L.D. 1163

**An Act To Implement the Recommendations of the Office of Program  
Evaluation and Government Accountability Regarding Economic  
Development in Maine**

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

Sec. 1. 5 MRSA §13056-A is enacted to read:

**§13056-A. Comprehensive evaluation of state investments in economic development**

By November 1, 2007, the commissioner shall develop and submit to the Governor and the Legislature a plan for the comprehensive evaluation of state investments in economic development. Beginning February 1, 2009, the commissioner shall submit an annual comprehensive evaluation of state investments in economic development, not to include programs evaluated pursuant to section 13107 or those independent evaluations required by federal programs, to the Governor and the Legislature. The evaluation must:

1. Outcome measures. Establish and report on outcome measures considered appropriate by public and private practitioners inside and outside of this State in the field of economic development;

2. Independent reviewers. Use independent reviewers to assess the effect of economic development activities on the competitiveness of industry sectors in this State; and

3. Recommendations. Include recommendations to the Legislature on existing and proposed state-supported economic development programs and activities to affect economic development in this State.

Sec. 2. 5 MRSA §13056-B is enacted to read:

**§13056-B. Reporting requirements of recipients of economic development funding**

To assist the department in preparing the comprehensive economic development evaluation pursuant to section 13056-A, a recipient of state economic development funding, including general obligation bond proceeds for economic development, shall, in

addition to any other reporting requirements required by law, collect, maintain and provide data as requested by the department.

Sec. 3. 5 MRSA §13056-C is enacted to read:

**§13056-C. Maine Economic Development Evaluation Fund**

1. Fund established. The Maine Economic Development Evaluation Fund, referred to in this section as "the fund," is established as a nonlapsing Other Special Revenue Funds account administered by the department for the purposes of funding the comprehensive economic development evaluation required pursuant to section 13056-A.

2. Fund sources. The fund receives money deposited by the Treasurer of State pursuant to this section and any other gift, grant or other source of revenue deposited for funding the comprehensive economic development evaluation required pursuant to section 13056-A.

3. Payments to fund. Notwithstanding section 1585 or any other provision of law, the department shall assess agencies or private entities that receive General Fund appropriations or general obligation bonds for economic development an amount for contribution to the fund that is not to exceed 0.08% of General Fund appropriations received by or general obligation bonds issued to an agency or entity for economic development efforts. Private entities that receive funds from general obligation bonds for economic development efforts shall pay to the Treasurer of State in the fiscal year in which the general obligation bond was issued an assessment amount determined by the department that is not to exceed 0.08% of the proceeds from the bond issue in any fiscal year, which payment must be made from available resources other than bond proceeds. Only those programs that receive \$250,000 or more in economic development appropriations in any fiscal year or those entities that receive funds from a general obligation bond issue of \$250,000 or more for economic development efforts in any fiscal year, as identified and certified by the department and the Office of Fiscal and Program Review, may be assessed pursuant to this subsection. The department shall provide to each agency or private entity an annual budget for the fund and a detailed account of each institution's required assessment. Total payments made pursuant to this section may not exceed \$150,000 in any fiscal year.

Sec. 4. 5 MRSA §13070-O, sub-§1, ¶F, as enacted by PL 1999, c. 768, §5, is amended to read:

F. Provide incentives for a business to meet objectives of the program and, when incentives are provided in anticipation of contractual performance, penalties for a business that does not meet the objectives of the program; ~~and~~

Sec. 5. 5 MRSA §13070-O, sub-§1, ¶G, as enacted by PL 1999, c. 768, §5, is amended to read:

G. Provide a cost analysis of the program based on at least a 10-year period;

Sec. 6. 5 MRSA §13070-O, sub-§1, ¶H is enacted to read:

H. Have a clearly defined public purpose:

**Sec. 7. 5 MRSA §13070-O, sub-§1, ¶I** is enacted to read:


I. In addition to standard data, report performance data specific to its goals and objectives annually to the entity that is assigned to coordinate the State's portfolio of economic development programs; and

**Sec. 8. 5 MRSA §13070-O, sub-§1, ¶J** is enacted to read:

J. Require that a business that receives benefits under the program have a business statement that includes the requirements of section 13070-J, subsection 2.

**Sec. 9. Economic development incentives; statutory duties of Department of Economic and Community Development.** By November 1, 2007, the Department of Economic and Community Development shall develop a proposal to amend the statutory definition of "economic development incentive" to provide a comprehensive guide for determining the criteria by which economic development incentives can be evaluated and incorporate the new definition into the statutory roles and responsibilities of the department. The department also shall submit a proposal to define the phrase "all economic assistance programs" in the Maine Revised Statutes, Title 5, section 13070-J, subsection 3, paragraph B. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation regarding the roles and responsibilities of the department to the Second Regular Session of the 123rd Legislature.

**Sec. 10. Proposals for expanding the role of Department of Economic and Community Development.** Beginning in October 2007, the Joint Standing Committee on Business, Research and Economic Development shall request proposals from the Maine Development Foundation and other nongovernmental entities that could potentially fulfill the role of the State's economic development portfolio coordinator and compare these proposals with any similar proposals submitted by the Department of Economic and Community Development. The joint standing committee is authorized to submit legislation on the creation of a state economic development portfolio coordinator to the Second Regular Session of the 123rd Legislature.

 **Sec. 11. Performance measures; incentives.** By November 1, 2007, the Joint Standing Committee on Business, Research and Economic Development shall consider statutory changes that will increase business compliance, through meaningful incentives and penalties, with the current reporting requirements for beneficiaries of state economic development incentives, as set out in the Maine Revised Statutes, Title 5, section 13070-J, subsection 3. The joint standing committee shall also consider the establishment of a new legislative process for review of all proposed legislation that involves economic development programs that would provide the joint standing committee and the department with a clearly defined review process for these proposals. The joint standing committee is authorized to submit legislation related to the subject matter of this section to the Second Regular Session of the 123rd Legislature.

**Sec. 12. Portfolio of existing state economic development programs.** The Commissioner of Economic and Community Development shall work with the Maine Development Foundation to prepare a portfolio of all existing economic development activities that fit within the State's criteria for economic development. For each program included, the portfolio must include the statutory authority for the activity or program, the public purpose as described in statute, the governing agency, the annual General Fund appropriations, the total budget, all intended recipients, a summary of program activities and any existing program evaluation. The commissioner shall submit the portfolio of economic development programs to the Joint Standing Committee on Business, Research and Economic Development by December 15, 2007.

**Sec. 13. Appropriations and allocations.** The following appropriations and allocations are made.

**DEVELOPMENT FOUNDATION, MAINE**

**Development Foundation 0198**

Initiative: Provides one-time funds in fiscal year 2007-08 for the Maine Development Foundation to prepare maps as part of developing a portfolio of all existing economic development activities that fit within the State's criteria for economic development.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$50,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$50,000</b>	<b>\$0</b>

**DEVELOPMENT FOUNDATION, MAINE**

**DEPARTMENT TOTALS**

	<b>2007-08</b>	<b>2008-09</b>
<b>GENERAL FUND</b>	<b>\$50,000</b>	<b>\$0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$50,000</b>	<b>\$0</b>

**ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

**Maine Economic Development Evaluation Fund N030**

Initiative: Allocates funds for a comprehensive economic development evaluation.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$150,000	\$150,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$150,000</b>	<b>\$150,000</b>



**ECONOMIC AND COMMUNITY  
DEVELOPMENT, DEPARTMENT OF  
DEPARTMENT TOTALS**

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$150,000	\$150,000
DEPARTMENT TOTAL - ALL FUNDS	<u>\$150,000</u>	<u>\$150,000</u>

**SECTION TOTALS**

	2007-08	2008-09
GENERAL FUND	\$50,000	\$0
OTHER SPECIAL REVENUE FUNDS	\$150,000	\$150,000
SECTION TOTAL - ALL FUNDS	<u>\$200,000</u>	<u>\$150,000</u>

**CRJ**

**HP 1334**

**Committee to Study the Prison Industries Program**

ORDERED, the Senate concurring, that the Committee To Study the Prison Industries Program is established as follows.

**1. Committee To Study the Prison Industries Program established.**

The Committee to Study the Prison Industries Program, referred to in this order as "the committee," is established.

**2. Membership.** The committee consists of the 13 members of the Joint Standing Committee on Criminal Justice and Public Safety.

**3. Committee chairs.** The Senate Chair and the House Chair of the Joint Standing Committee on Criminal Justice and Public Safety are the chairs of the committee.

**4. Convening of committee.** The chairs of the committee shall call and convene the first meeting of the committee, which must be no later than September 15, 2007.

**5. Duties.** The committee's duties include:

- A. Reviewing and assessing the current Department of Corrections' industries program, as well as past industries programs studies and proposed changes;
- B. Investigating industries programs in other states;
- C. Consulting with the Department of Labor and other experts to help determine what areas of the workforce clients who participate in industries programs may be able to transition into upon release;
- D. Developing a plan to ensure that an industries program has the financial capacity to be of value;
- E. Identifying a standard accounting procedure and other standard policies for operating an industries program; and
- F. Exercising any other steps necessary to evaluate, define and implement a financially viable, productive and useful corrections industries program that will support itself, provide support to the corrections system and provide skills to clients.

**6. Staff assistance.** The Legislative Council 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 January 15, 2008, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 123rd Legislature. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 123rd 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 committee 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 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.

1330 (4-3) On motion of Representative PRIEST of Brunswick, the following Joint Order: (H.P.

ORDERED, the Senate concurring, that the Commission To Study Strategies To Promote Financial Literacy is established as follows.

1. **Commission To Study Strategies To Promote Financial Literacy established.** The Commission To Study Strategies To Promote Financial Literacy, referred to in this order as "the commission," is established.

2. **Membership.** The commission consists of the following 9 members: 3 Senators appointed by the President of the Senate and 6 members of the House of Representatives appointed by the Speaker of the House. The 9 members must include at least 2 members from each of the following joint standing committees: the Joint Standing Committee on Education and Cultural Affairs; the Joint Standing Committee on Judiciary; and the Joint Standing Committee on Insurance and Financial Services.

3. **Participation of state agencies; interested persons.** The commission may request the participation of and seek the advice and expertise of the Treasurer of State, the Attorney General and the Department of Professional and Financial Regulations in carrying out its duties. The commission shall request input from interested parties representing the interests of kindergarten to grade 12 education, adult education, higher education, financial institutions, nonprofit financial literacy education providers, employers, labor and consumers. In conducting its duties, the commission may meet with any other individuals, departments, organizations or institutions it considers appropriate.

4. **Appointments; convening of committee.** All appointments must be made no later than 30 days following the adjournment of the First Regular Session of the 123rd Legislature. The first-named members appointed from each body are cochairs of the commission.

5. **Duties.** The commission shall:

- A. Review the experience in Maine and in other states with promoting and teaching financial literacy to children and adults;
- B. Review the existing federal, state and private resources relating to financial literacy education;
- C. Develop recommendations for the best methods for teaching financial literacy to children and adults;
- D. Consider the establishment of a clearinghouse to make financial literacy educational materials widely accessible to the public; and
- E. Develop recommendations for legislation or other government action to promote the development of financial literacy education programs in this State.

6. **Staff assistance.** The Legislative Council shall provide necessary staffing services to the commission.

7. **Compensation.** Legislative members of the commission 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 commission.

8. **Report.** No later than December 5, 2007, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Insurance and Financial Services and the Legislative Council. The Joint Standing Committee on Insurance and Financial Services is authorized to introduce legislation related to its report to the Second Regular Session of the 123rd Legislature related to the recommendations in the commission's report.

9. **Extension.** 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.

10. **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's budget, expenditures incurred and paid and available funds.

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**EDU**

**SP 717**

**Commission to Develop Strategies to Increase Postsecondary Access,  
Retention and Completion for Low-wage, Low-skilled Adults**

Thursday, May 31, 2007

Page 18

## ORDERS

## Joint Orders

(4-1) On motion by Senator **MITCHELL** of Kennebec, under unanimous consent, on behalf of President **EDMONDS** of Cumberland, the following Joint Order:

S.P. 717

ORDERED, the House concurring, that the Commission To Develop Strategies To Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults is established as follows.

1. Commission established. The Commission To Develop Strategies To Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults, referred to in this order as "the commission," is established.

2. Membership. The commission consists of the following 13 members:

- A. Two members of the Senate, who may not be from the same political party, appointed by the President of the Senate;
- B. Five members of the House of Representatives, of whom no more than 2 may be from the same party, appointed by the Speaker of the House of Representatives;
- C. One representative of a low-income advocacy group, appointed by the President of the Senate;
- D. One representative of the Maine Educational Opportunity Center, appointed by the President of the Senate;
- E. One representative of a public higher education system with expertise in financial aid and access programs, appointed by the President of the Senate;
- F. One representative of a statewide organization representing the economic interests of women, appointed by the Speaker of the House of Representatives;
- G. One representative of a statewide organization with expertise in economic policy analysis, especially relating to challenges faced by low-wage, low-skilled adults, appointed by the President of the Senate; and
- H. One employer with experience in, and who has demonstrated support of, educational programs for employees, appointed by the Speaker of the House of Representatives.

The commission may invite the participation and input of the Commissioner of Labor or the commissioner's designee.

3. Commission chairs. The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

4. Appointments; convening of commission. All appointments must be made no later than 30 days following the passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission.



Thursday, May 31, 2007

Page 19

5. Duties. The commission shall study and make recommendations on ways to assist low-wage, low-skilled adults to overcome barriers to obtaining postsecondary degrees or occupational credentials to achieve the goals of improving the economy of the State and increasing the number of workers who earn a family-sustaining wage. In performing its duties, the commission shall consider:

- A. The need for remedial or developmental education;
- B. The availability of financial aid for nontraditional students that takes into account their need for flexible and part-time attendance;
- C. The need for a financial aid package that recognizes the full array of education-related expenses that nontraditional students incur, including expenses for child care and transportation and lost wages as workers reduce their work hours to attend classes;
- D. The need for additional resources for student advising and counseling to help students navigate academic challenges and social and economic barriers that affect attendance;
- E. The alignment of related program resources in other departments of State Government to help students with access to postsecondary education; and
- F. The design of program offerings, including modules, nontraditional hours and distance learning opportunities.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

7. Report. No later than December 5, 2007, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Labor and the Joint Standing Committee on Education and Cultural Affairs. Pursuant to Joint Rule 353, the commission is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Labor, pursuant to Joint Rule 353, may introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

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Expressions of Legislative Sentiment recognizing:

(4-2) the Bangor High School Boys Swim Team, on its winning the 2007 Class A State Championship. This is the 22nd state title for the school. The team was coached by Phil Emery, who swam as a senior on the 1964 Bangor High School team and has had a hand in each of the 22 state titles. We extend our congratulations and best wishes to the team members on their remarkable achievement;

SLS 268

Sponsored by Senator PERRY of Penobscot.

Cosponsored by Representatives: BLANCHETTE of Bangor, DUNN of Bangor, FAIRCLOTH of Bangor, NORTON of Bangor.

**EDU**

**LD 1758**

**Alternative Education Programs Committee**

## STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

H.P. 1224 - L.D. 1758

**Resolve, To Promote Alternative Schools within Existing School Systems**

**Sec. 1. Committee established. Resolved:** That the Alternative Education Programs Committee, referred to in this resolve as "the committee," is established; and be it further

**Sec. 2. Committee membership. Resolved:** That the committee consists of 13 members appointed as follows:

1. Three members of the Senate, appointed by the President of the Senate;
2. Four members of the House of Representatives, appointed by the Speaker of the House;
3. One member from the University of Maine Institute for the Study of Students at Risk, appointed by the President of the Senate;
4. Two members from the alternative education advisory committee established under the Maine Revised Statutes, Title 20-A, section 5152, appointed by the Speaker of the House;
5. One member from the Department of Education, Office of Truancy, Dropout and Alternative Education, appointed by the President of the Senate;
6. One member from the Alternative Education Association of Maine, appointed by the Speaker of the House; and
7. One member from the Interdepartmental Committee on Transition, established under the Maine Revised Statutes, Title 20-A, section 7803, appointed by the President of the Senate; and be it further

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

**Sec. 4. Appointments; convening of committee. Resolved:** That all appointments must be made no later than 30 days following the effective date of this

resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the committee; and be it further

**Sec. 5. Duties. Resolved:** That the committee shall conduct a review of all existing alternative education programs and how they are beneficial to youth at risk in Maine.

1. The committee shall:

- A. Determine the number and types of kindergarten to grade 12 alternative education programs existing in the State;
- B. Determine the number of students participating in alternative education programs;
- C. Study the population served by the alternative education programs;
- D. Review the practices that exist for at-risk youth and youth needing alternatives in education;
- E. Determine how the alternative education programs help in raising graduation rates and lowering dropout rates;
- F. Provide the percentage of youth who were identified as being at risk but completed high school through participation in an alternative education program;
- G. Research local, state and federal funding sources;
- H. Check how alternative education programs contribute toward helping students be college, work and citizenship ready;
- I. Coordinate alternative education programs with extended learning opportunities such as 21st-century learning centers, advance placement and employment opportunities;
- J. Identify the geographic regions in which students do not have access to alternative education programs;
- K. Provide anecdotal data regarding the impact of alternative education on the lives of students and their parents; and
- L. Seek professional development opportunities for staff and administration on meeting the needs of at-risk youth.

2. The committee may hold informational sessions and discussions with experts and interested parties; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the committee; and be it further

**Sec. 7. Compensation. Resolved:** That the legislative members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at 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. 8. Report. Resolved:** That, no later than December 19, 2007, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Education and Cultural Affairs. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 123rd Legislature at the time of submission of its report; and be it further

**Sec. 9. Extension. Resolved:** That, 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; and be it further

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

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services shall hold a minimum of 10 meetings during the 2007 interim to receive information regarding and to review the MaineCare program. The review of the MaineCare program must include full exploration of a range of issues regarding MaineCare. The issues must include, but are not limited to:

1. The efficiency, cost-effectiveness, performance and fiscal soundness of the MaineCare program;
2. The potential for maximizing 3rd-party liability collections and other cost savings;
3. Analysis of MaineCare program delivery and options for improving delivery;
4. The roles that care coordination and disease management play in improving health outcomes and consequent reductions in utilization and costs;
5. Fulfillment of the obligations of the State in operating the MaineCare program;
6. The implementation of health care reforms in the MaineCare program during 2007, including clinical management and managed behavioral health care;
7. The relationship of the MaineCare program to the Dirigo Health Program and the elderly low-cost drug program;
8. The effect of the merger of the Department of Health and Human Services and the Department of Behavioral and Developmental Services on the MaineCare program and the delivery of MaineCare services; and
9. The transformation of the Department of Health and Human Services, Office of MaineCare Services.

The joint standing committee is authorized to submit legislation regarding the MaineCare program to the Second Regular Session of the 123rd Legislature.

**HHS**

**SP 724**

**Health and Human Services Committee Review of Eligibility for and  
Transitioning of the MaineCare Program**

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services shall review eligibility for and transitioning of the MaineCare program and may submit legislation to the Second Regular Session of the 123rd Legislature. The committee shall consider in its review the coverage of young adults 19 and 20 years of age, qualified working disabled persons whose unearned income does not exceed 150% of the federal poverty level, parents and caretaker relatives whose income exceeds eligibility levels and children whose family income exceeds eligibility for the Cub Care program.



**HHS**

**SP 732**

**Commission to Study Primary Care Medical Practice**

ORDERED, the House concurring, that the Commission to Study Primary Care Medical Practice is established as follows.

1. Commission to Study Primary Care Medical Practice established. The Commission to Study Primary Care Medical Practice, referred to in this order as "the commission," is established.

2. Membership. The commission consists of the following 13 members, appointed as follows:

- A. Three members of the Senate, appointed by the President of the Senate;
- B. Five members of the House of Representatives, appointed by the Speaker of the House;
- C. Two independent primary care physicians, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;
- D. One member of an organization representing hospitals in the State, appointed by the President of the Senate;
- E. One member of an organization that has expertise in issues regarding the enhancement of quality of life and that provides information, advocacy and service to members of the public, including patients and consumers, appointed by the President of the Senate; and
- F. One member of an organization representing physicians in the State, appointed by the Speaker of the House.

3. Commission chairs. The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

4. Appointments; convening of commission. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission.

5. Duties. The commission shall:

- A. Identify the causes of the loss of independent ownership of primary care medical practices due to financial, regulatory or business-related reasons;
- B. Seek input from independent primary care physicians on payor mix, reimbursement and Medicaid regulatory changes and the effects of such factors on the ability of independent primary care physicians to practice medicine in Maine;
- C. Seek to determine the effect of hospital control of primary care medical offices or primary care physicians on health care costs, access to health care and medical treatment of Maine's citizens; and
- D. Review how comparable states manage physician-hospital relationships with respect to health care costs, patient advocacy and access to health care.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

7. Report. No later than December 5, 2007, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services. Pursuant to Joint Rule 353, the commission is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Health and Human Services may, pursuant to Joint Rule 353, introduce a

bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

**HHS**

**LD 755**

**Commission to Develop a Strategic Priorities Plan for Maine's  
Young Children**

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

H.P. 576 - L.D. 755

**Resolve, To Create the Commission To Develop a Strategic Priorities Plan  
for Maine's Young Children**

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

**Whereas,** there have been reports and efforts highlighting the importance of early child care and education in Maine since the mid-1990s; and

**Whereas,** strong scientific evidence supports the conclusion that 90% of brain development occurs before 5 years of age; and

**Whereas,** the "Start ME Right," "Invest in ME Now!" and other initiatives have come before the Legislature in various bills and formats; and

**Whereas,** State Government faces serious fiscal challenges that require difficult choices to establish spending priorities; and

**Whereas,** a strategic investment plan is needed and must be initiated before the 90-day period expires in order that the plan may be completed and a report submitted in time for submission to the next legislative session; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Commission established. Resolved:** That the Commission to Develop a Strategic Priorities Plan for Maine's Young Children, referred to in this resolve as "the commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 13 members appointed as follows:

1. Three members of the Senate including 2 members from the majority party and one member from the minority party, appointed by the President of the Senate, one of

whom serves on the Joint Standing Committee on Health and Human Services, one of whom serves on the Joint Standing Committee on Taxation and one of whom serves on the Joint Standing Committee on Business, Research and Economic Development;

2. Five members of the House of Representatives, including 3 members from the majority party and 2 members from the minority party, appointed by the Speaker of the House, one of whom has significant experience working on public policy issues affecting children, one of whom serves on the Joint Standing Committee on Health and Human Services, one of whom serves on the Joint Standing Committee on Education and Cultural Affairs, one of whom serves on the Joint Standing Committee on Taxation and one of whom serves on the Joint Standing Committee on Business, Research and Economic Development;

3. One member representing a business that offers a comprehensive child care benefit and who has focused on the interaction between early care and education and economic development, appointed by the Speaker of the House;

4. One member representing organized labor with an expertise in early child care and education and an understanding of its relationship to opportunities for women and families, appointed by the Speaker of the House;

5. One member representing academia, business or a public policy organization with experience as an actuary or economist who has analyzed the interactions between economic development, early care and education and early child brain development, appointed by the President of the Senate;

6. One member representing child care providers or early child care and education, appointed by the President of the Senate; and

7. The Attorney General or the Attorney General's designee; and be it further

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair of the commission, and the first-named House 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, which must be no later than September 1, 2007; and be it further

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

1. Work with experts in the field and the Joint Standing Committee on Education and Cultural Affairs to evaluate information from existing early childhood task forces, reports and scientific data on brain development;

2. Identify the current and future economic needs of employers and parents and the links to early child care and education;

3. Hold necessary meetings involving parents, providers of all levels of child care, representatives of business, health experts and economists;

4. Evaluate and review best practices related to parenting education, parent coaching and home visit programs in consultation with the Maine Children's Trust or its designee;

5. Examine the multiple levels of relationship between early childhood brain development and the needs of parents and employers;

6. Take into account the need for the State to receive its best return on the investment of tax dollars;

7. Consult with people involved in the initiatives "Start ME Right" and "Invest in ME Now!"; and

8. Consider the recommendations from the Task Force on Early Childhood and from the report entitled "Invest Early in Maine: A Working Plan for Humane Early Childhood Systems"; and be it further

**Sec. 6. Investment strategy and plan. Resolved:** That the commission shall, by taking findings from the activities under section 5 into account, recommend a comprehensive 3-year investment strategy and plan that will identify:

1. The amount of the investment each year;

2. The prioritization of programs, both new and existing, to be invested in;

3. The expected outcomes for children and the economy;

4. A timeline for those outcomes; and

5. Funding sources, including, but not limited to, current resources that need to be shifted, new funds and alternate funding sources that are needed; and be it further

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

**Sec. 8. 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 authorized 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. 9. Strategic investment plan. Resolved:** That, no later than December 1, 2007, the commission shall submit a report that includes its strategic investment plan, including suggested legislation, for presentation to the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Business, Research and

Economic Development, the Joint Standing Committee on Taxation, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Appropriations and Financial Affairs, as well as to the Legislative Council. The commission is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on Health and Human Services may submit a bill to the Second Regular Session of the 123rd Legislature; and be it further

**Sec. 10. 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. 11. Commission budget. Resolved:** That the chairs of the commission, with assistance from 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 exceeding the 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.

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



**HHS**

**LD 1239**

**Working Group to Study the Effectiveness and Timeliness of Early  
Identification and Intervention for Children with Hearing Loss**

## STATE OF MAINE

COPY

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

H.P. 881 - L.D. 1239

**Resolve, To Establish a Working Group To Study the Effectiveness and  
Timeliness of Early Identification and Intervention for Children with  
Hearing Loss in Maine**

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

**Whereas,** this resolve establishes a working group to study the effectiveness and timeliness of early identification and intervention for children with hearing loss; and

**Whereas,** this resolve requires that the working group submit a report and recommended legislation by December 7, 2007, and the work needs to begin as soon as possible; 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. Working group established. Resolved:** That the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine, referred to in this resolve as "the working group," is established; and be it further

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

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

A. Three members of the Senate. When making the appointments, the President of the Senate shall give preference to members of each of the 2 major political parties

and to members of the Joint Standing Committee on Education and Cultural Affairs and to members of the Joint Standing Committee on Health and Human Services;

- B. One representative of the Maine Academy of Audiology;
- C. One representative of the Department of Education, Child Development Services;
- D. One representative of the Warren Center for Communication and Learning; and
- E. One representative of the Maine chapter of the American Academy of Pediatrics; and

2. The following members appointed by the Speaker of the House of Representatives:

- A. Six members of the House of Representatives. When making the appointments, the Speaker of the House shall give preference to members of each of the 2 major political parties and to members of the Joint Standing Committee on Education and Cultural Affairs and to members of the Joint Standing Committee on Health and Human Services;
- B. One representative of the Maine Speech-Language-Hearing Association;
- C. The Director of Statewide Educational Services for the Maine Educational Center for the Deaf and Hard of Hearing or the director's designee;
- D. The Executive Director of hear ME now! or the director's designee; and
- E. One representative of the Maine Society of Otolaryngology; and be it further

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

**Sec. 4. Appointments. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council 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 working group, which must be no later than 30 days after the appointment of all members is complete; and be it further

**Sec. 5. Duties. Resolved:** That the working group shall examine issues of access to timely and accurate diagnosis of hearing loss by 3 months of age, and review and assess the processes by which families are informed of their options for communication and for finding providers in the State.

In examining these issues, the working group shall specifically examine:

- 1. The definition of a "highly qualified provider" in various professions serving this population;
- 2. The operation and effectiveness of existing programs and resources for families who have children who have been identified as having hearing loss;

3. Opportunities for coordination to maximize the effects of available resources;
4. The need for state or private programs to supplement state programs or to enable existing programs to serve a greater portion of those eligible;
5. Techniques to use resources in new ways or new combinations that have the potential for easing the burden on current providers and enhancing the training of current and new providers to enable equal access to highly qualified providers to all children statewide;
6. The effects of limited resources for diagnostic testing and poor reimbursement rates; and
7. Programs and techniques that are employed in other states or countries; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the working group; and be it further

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

**Sec. 8. Report. Resolved:** That, no later than December 7, 2007, the working group shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 123rd Legislature. The working group is not authorized to introduce legislation; and be it further

**Sec. 9. Outside funding. Resolved:** That the working group shall seek outside funding to fully fund all costs of the working group. If sufficient outside funding has not been received by the working group by October 1, 2007 to fully fund all costs of the working group, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; be it further

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

#### LEGISLATURE

##### Study Commissions - Funding 0444

Initiative: Allocates funds for the per diem and expenses of the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$1,980	\$0
All Other	\$7,510	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	<hr/> \$9,490	<hr/> \$0

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

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In House of Representatives, ..... 2007

Read and passed finally.

..... Speaker

---

In Senate, ..... 2007

Read and passed finally.

..... President

---

Approved ..... 2007

..... Governor

**HHS**

**LD 1849**

**Blue Ribbon Commission to Study the Regulation of Health Care  
Expenditures**

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**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 costs of health care in Maine are making health care coverage unaffordable for many consumers and contributing to a health care crisis in this State; and

**Whereas,** this legislation expands the duties of the Advisory Council on Health Systems Development to include the collecting and reporting of data on health care costs and the development of specific recommendations for reductions in health care spending; and

**Whereas,** these recommendations will assist the Legislature in determining what actions may be taken to lower the costs of health care for Maine consumers; 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. 2 MRSA §104,** as enacted by PL 2003, c. 469, Pt. B, §1 and amended by c. 689, Pt. B, §6, is further amended to read:

#### **§ 104. Advisory Council on Health Systems Development**

**1. Appointment; composition.** ~~The Advisory Council on Health Systems Development, established in Title 5, section 12004-I, subsection 31-A and referred to in this section as "the council," consists of the following 11 members appointed by the Governor with approval of the joint standing committee of the Legislature having jurisdiction over health and human services matters:~~


- ~~A. Two individuals with expertise in health care delivery;~~
- ~~B. One individual with expertise in long-term care;~~
- ~~C. One individual with expertise in mental health;~~
- ~~D. One individual with expertise in public health care financing;~~
- ~~E. One individual with expertise in private health care financing;~~
- ~~F. One individual with expertise in health care quality;~~
- ~~G. One individual with expertise in public health;~~



H. ~~Two representatives of consumers; and~~

I. ~~One representative of the Department of Health and Human Services, Bureau of Health program that works collaboratively with other organizations to improve the health of the citizens of this State.~~

~~Prior to making appointments to the council, the Governor shall seek nominations from the public, from statewide associations representing hospitals, physicians and consumers and from individuals and organizations with expertise in health care delivery systems, health care financing, health care quality and public health.~~

 **1-A. Appointment; composition.** The Advisory Council on Health Systems Development, established in Title 5, section 12004-I, subsection 31-A and referred to in this section as "the council," consists of 19 members appointed pursuant to this subsection.

A. The Governor shall appoint 14 members with the approval of the joint standing committee of the Legislature having jurisdiction over health and human services matters:

(1) Two individuals with expertise in health care delivery, one of whom represents hospitals;

(2) One individual with expertise in long-term care;

(3) One individual with expertise in mental health;

(4) One individual with expertise in public health care financing;

(5) One individual with expertise in private health care financing;

(6) One individual with expertise in health care quality;

(7) One individual with expertise in public health;

(8) Two representatives of consumers;

(9) One individual with expertise in the insurance industry;

(10) Two individuals with expertise in business, one representing a business or businesses with fewer than 50 employees; and

(11) One representative of the Department of Health and Human Services, Maine Center for Disease Control and Prevention that works collaboratively with other organizations to improve the health of the citizens of this State.

Prior to making appointments to the council, the Governor shall seek nominations from the public, from statewide associations representing hospitals, physicians and consumers and from individuals and organizations with expertise in health care delivery systems, health care financing, health care quality and public health.

B. Five members of the council must be members of the Legislature who serve on the joint standing committee of the Legislature having jurisdiction over health and human services matters or the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters:

(1) Two members of the Senate, appointed by the President of the Senate, including one member recommended by the Senate Minority Leader; and

(2) Three members of the House of Representatives appointed by the Speaker of the House, including one member recommended by the House Minority Leader.

**2. Term.** ~~Members~~ Except for members who are Legislators, members of the council serve 5-year terms except for initial appointees. Initial appointees must include 3 members appointed to 3-year terms, 4 members appointed to 4-year terms and 4 members appointed to 5-year terms. A member may not serve more than 2 consecutive terms. Members of the Legislature serve 2-year terms coterminous with their elected terms. Except for a member who is a Legislator, a member may continue to serve after expiration of the member's term until a successor is appointed.

**3. Compensation.** Members of the council are entitled to compensation according to the provisions of Title 5, chapter 379. Members of the council 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 for attendance at meetings of the council.

**4. Quorum.** A quorum is a majority of the members of the council.

**5. Chair.** The council shall annually choose one of its members to serve as chair for a one-year term.

**6. Meetings.** The council shall meet at least 4 times a year at regular intervals and may meet at other times at the call of the chair or the Governor. Meetings of the council are public proceedings as provided by Title 1, chapter 13, subchapter 1.

**7. Duties.** The council shall advise the Governor in developing the plan to the extent data and resources are available by:

- A. Collecting and coordinating data on health systems development in this State;
- B. Synthesizing relevant research; and
- C. Conducting at least 2 public hearings on the plan and the capital investment fund each biennium;
- D. Conducting a systemic review of cost drivers in the State's health care system, including, but not limited to, market failure, supply and demand for services, provider charges and costs, public and commercial payor policies, consumer behavior, cost and pricing of pharmaceuticals and the need for and availability and cost of capital equipment and services;
- E. Collecting and reporting on health care cost indicators, including the cost of services and the cost of health insurance. The council shall report on both administrative and service costs. These indicators must, at a minimum, include:
  - (1) The annual rate of increase in the unit cost, adjusted for case mix or other appropriate measure of acuity or resource consumption, of key components of the total cost of health care, including without limitation hospital services, surgical and diagnostic services provided outside of a hospital setting, primary care physician services, specialized medical services, the cost of prescription drugs, the cost of long-term care and home health care and the cost of laboratory and diagnostic services;
  - (2) The interaction of indicators including, but not limited to, cost shifting among public and private payors and cost shifting to cover uncompensated care to persons unable to pay for items or services and the effect of these practices on the total cost paid by all payment sources for health care;
  - (3) The administrative costs of health insurance and other health benefit plans, including the relative costliness of private insurance as compared to Medicare and MaineCare, and the potential for measures and policies that would tend to encourage greater efficiency in the administration of public and private health benefit plans provided to consumers in this State;
  - (4) Geographic distribution of services with attention to appropriate allocation of high-technology resources;
  - (5) Regional variation in quality and cost of services; and
  - (6) Overall growth in utilization of health care services.

F. Identifying specific potential reductions in total health care spending without shifting costs onto consumers and without reducing access to needed items and services for all persons, regardless of individual ability to pay. In identifying specific potential reductions pursuant to this paragraph, the council shall recommend methods to reduce the rate of increase in overall health care spending and the rate of increase in health care costs to a level that is equivalent to the rate of increase in the cost of living to make health care and health coverage more affordable for people in this State; and

G. Beginning March 1, 2008 and annually thereafter, make specific recommendations relating to paragraphs A to F to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters and to any appropriate state agency.

**8. Staff support.** The Governor's office shall provide staff support to the council. The Department of Health and Human Services, ~~Bureau of Health~~Maine Center for Disease Control and Prevention, the Maine Health Data Organization and other agencies of State Government as necessary and appropriate shall provide additional staff support or assistance to the council.

**9. Data.** The council shall solicit data and information from both the public and private sectors to help inform the council's work.

A. The following organizations shall forward data that documents key public health needs, organized by region of the State, to the council annually:

(1) The Department of Health and Human Services, ~~Bureau of Health~~Maine Center for Disease Control and Prevention;

(2) The Maine Center for Public Health Practice established pursuant to Title 22, section 3-D; and

(3) A statewide public health association.

B. Public purchasers using state or municipal funds to purchase health care services or health insurance shall, beginning January 1, 2004, submit to the council a consolidated public purchasers expenditure report outlining all funds expended in the most recently completed state fiscal year for hospital inpatient and outpatient care, physician services, prescription drugs, long-term care, mental health and other services and administration, organized by agency.

C. The council shall encourage private purchasers established under Title 13, Title 13-B and Title 13-C to develop and submit to the council a health expenditure report similar to that described in paragraph B.

D. The Maine Health Data Organization and the Maine Quality Forum shall forward cost and quality data annually and any ad hoc data requested by the council.

**10. Funding.** The council may apply for grants and other nongovernmental funds to provide staff support or consultant support to carry out the duties and requirements of this section.

**Sec. 2. Appointments; staggered terms.** Notwithstanding the Maine Revised Statutes, Title 2, section 104, subsection 2, of the members of the Advisory Council on Health Systems Development appointed pursuant to Title 2, section 104, subsection 1-A, paragraph A, subparagraphs (1), (9) and (10), 2 members must be appointed for 4-year terms and 2 members must be appointed for 5-year terms.

**Sec. 3. Current members continue to serve.** Notwithstanding the Maine Revised Statutes, Title 2, section 104, subsection 2, any member serving on the Advisory Council on Health Systems Development on the effective date of this Act continues to serve until the expiration of the term for which the member was appointed or until a successor is appointed.

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

### SUMMARY

This amendment replaces the bill. Unlike the bill, which proposes establishing the Blue Ribbon Commission To Study the Regulation of Health Care Expenditures, this amendment instead expands the membership and duties of the Advisory Council on Health Systems Development, updates statutory language and authorizes the council to seek grants and other funding to support its work. The amendment also adds an emergency preamble and emergency clause to the bill.

### FISCAL NOTE REQUIRED

(See attached)

## STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

S.P. 544 - L.D. 1521

**Resolve, To Provide Education Concerning and Insurance Coverage for  
Lyme Disease**

**Sec. 1. Public education; Lyme disease. Resolved:** That within existing resources, the Department of Health and Human Services, Maine Center for Disease Control and Prevention shall develop a public education program related to the prevention, diagnosis and treatment of Lyme disease and other tick-borne illnesses. At a minimum, the public education program developed by the Maine Center for Disease Control and Prevention must include the distribution of written materials to elementary and secondary schools and health care providers throughout the State. The Maine Center for Disease Control and Prevention shall also expand and update the information and resources made available on its publicly accessible website regarding Lyme disease and other tick-borne illnesses; and be it further

**Sec. 2. Committee review; authorization to submit legislation. Resolved:** That upon the approval of the Legislative Council, the Joint Standing Committee on Insurance and Financial Services shall review issues regarding Lyme disease and other tick-borne illnesses, including, but not limited to, the difficulties associated with diagnosis, the differences between treatment protocols recommended for treatment and the manner in which insurance coverage is provided. In conducting its review, the committee shall invite the participation of interested parties and gather public input as necessary. The committee may submit legislation related to its review to the Second Regular Session of the 123rd Legislature.

**IFS**

° **LD 1760**

**Maine Individual High-Risk Reinsurance Pool Association**


LD 1760, item 1, 123rd Maine State Legislature  
An Act To Restore Competition to Maine's Health Insurance Market

**12. Reinsurer.** "Reinsurer" means an insurer from whom a person providing health insurance for a resident procures insurance for itself with the insurer with respect to all or part of the medical insurance risk of the person. "Reinsurer" includes an insurer that provides employee benefits excess insurance.

**13. Third-party administrator.** "Third-party administrator" means an entity that is paying or processing medical insurance claims for a resident.

**§ 3903. Maine Individual High-risk Reinsurance Pool Association**

**1. Risk pool established.** The Maine Individual High-risk Reinsurance Pool Association is established as a nonprofit legal entity. As a condition of doing business, every insurer that has sold medical insurance within the previous 12 months or is actively marketing a medical insurance policy in this State shall participate in the association. The Dirigo Health Program established in chapter 87 and any other state-run or state-sponsored health benefit program shall also participate in the association.

 **2. Board of directors.** The association is governed by a board of directors in accordance with the following.

A. The board consists of 11 members appointed as follows.

(1) Six members appointed by the superintendent, of whom:

(a) Two members must be chosen from the general public and may not be associated with the medical profession, a hospital or an insurer;

(b) Two members must represent medical providers;

(c) One member must represent health insurance producers; and

(d) One member must represent a statewide association representing small businesses that receives the majority of its funding from persons and businesses in the State.

A board member appointed by the superintendent may be removed at any time without cause;

(2) Three members appointed by insurers belonging to the association, at least 2 of whom are domestic insurers; and

(3) Two Legislators who serve as the Senate and House chairs of the joint standing committee of the Legislature having jurisdiction over health insurance matters, or the Legislators' designees, who serve as nonvoting, ex officio members of the board.



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B. Terms for initial appointments to the board are as follows. Of those members of the board appointed by the superintendent, 2 members serve for a term of one year, 2 members for a term of 2 years and 2 members for a term of 3 years. Of those members appointed by insurers, one member serves for a term of one year, one member serves for a term of 2 years and one member serves for a term of 3 years. The appointing authority shall designate the period of service of each initial appointee at the time of appointment. All terms after the initial terms must be for 3 years.

C. The board shall elect one of its members as chair.

D. Board members may be reimbursed from funds of the association for actual and necessary expenses incurred by them as members but may not otherwise be compensated for their services.

**3. Plan of operation; rules.** The association shall adopt a plan of operation in accordance with the requirements of this chapter and submit its articles, bylaws and operating rules to the superintendent for approval. If the association fails to adopt the plan of operation and suitable articles and bylaws within 90 days after the appointment of the board, the superintendent shall adopt rules to effectuate the requirements of this chapter, and those rules remain in effect until superseded by a plan of operation and articles and bylaws submitted by the association and approved by the superintendent. Rules adopted pursuant to this subsection by the superintendent are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Immunity.** A board member is not liable and is immune from suit at law or equity for any conduct performed in good faith that is within the subject matter over which the board has been given jurisdiction.

#### **§ 3904. Liability and indemnification**

**1. Liability.** The board and its employees may not be held liable for any obligations of the association. A cause of action may not arise against the association; the board, its agents or its employees; any insurer belonging to the association or its agents, employees or producers; or the superintendent for any action or omission in the performance of powers and duties pursuant to this chapter.

**2. Indemnification.** The board in its bylaws or rules may provide for indemnification of, and legal representation for, its members and employees.

#### **§ 3905. Duties and powers of association**

**1. Duties.** The association shall:

A. Establish administrative and accounting procedures for the operation of the association;

B. Establish procedures under which applicants and participants in the plan may have grievances reviewed by an impartial body and reported to the board;

C. Select a plan administrator in accordance with section 3906;

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D. Establish procedures for the handling and accounting of pool assets;

E. Collect assessments as provided in section 3907. The level of payments must be established by the board. Assessments must be collected pursuant to the plan of operation approved by the board. In addition to the collection of such assessments, the association shall collect an organizational assessment or assessments from all insurers as necessary to provide for expenses that have been incurred or are estimated to be incurred prior to receipt of the first calendar year assessments. Organizational assessments must be equal in amount for all insurers but may not exceed \$500 per insurer for all such assessments. Assessments are due and payable within 30 days of receipt of the assessment notice by the insurer; and

F. Comply with all reserve requirements and solvency requirements applicable to insurers that offer fully insured products in the event that the association offers a self-funded health plan.

**2. Powers.** The association may:

A. Exercise powers granted to insurers under the laws of this State;

B. Enter into contracts as necessary or proper to carry out the provisions and purposes of this chapter, including the authority, with the approval of the superintendent, to enter into contracts with similar organizations in other states for the joint performance of common administrative functions or with persons or other organizations for the performance of administrative functions;

C. Sue or be sued, including taking any legal actions necessary or proper to recover or collect assessments due the association;

D. Take any legal actions necessary to avoid the payment of improper claims against the association or the coverage provided by or through the association, to recover any amounts erroneously or improperly paid by the association, to recover any amounts paid by the association as a result of mistake of fact or law or to recover other amounts due the association;

E. Define the health benefit plans for which reinsurance will be provided under this chapter;

F. Appoint appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the plan, policy or other contract design and any other function within the authority of the association;

G. Borrow money to effect the purposes of the association. Any notes or other evidence of indebtedness of the association not in default must be legal investments for insurers and may be carried as admitted assets;

H. Establish rules, conditions and procedures for reinsuring risks of insurers under the pool in accordance with section 3909;

I. Provide for reinsurance of risks incurred by the association. The provision of reinsurance may not subject the association to any of the capital or surplus requirements, if any, otherwise applicable to reinsurers; and

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J. Apply for funds or grants from public or private sources, including federal grants provided to qualified high-risk reinsurance pools.

**3. Additional duties and powers.** The superintendent may, by rule, establish additional powers and duties of the board and may adopt such rules as are necessary and proper to implement this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Review for solvency.** The superintendent shall review the operations of the association at least every 3 years to determine its solvency. If the superintendent determines that the funds of the association are insufficient to support the need for reinsurance, the superintendent may order the association to increase its assessments. If the superintendent determines that the funds of the association are insufficient, the superintendent may order the association to charge an additional assessment.

**5. Annual report.** The association shall report annually to the joint standing committee of the Legislature having jurisdiction over health insurance matters by March 15th. The report must include information on the benefits and rate structure of coverage offered by the association, the financial solvency of the association and the administrative expenses of the plan.

**6. Audit.** The association must be audited at least every 3 years. A copy of the audit must be provided to the superintendent and to the joint standing committee of the Legislature having jurisdiction over health insurance matters.

**§ 3906. Selection of plan administrator**

**1. Selection of plan administrator.** The board shall select an insurer or 3rd-party administrator, through a competitive bidding process, to administer the plan.

**2. Contract with plan administrator.** The plan administrator selected pursuant to subsection 1 is contracted for a period of 3 years. At least one year prior to the expiration of each 3-year period of service by a plan administrator, the board shall invite all insurers, including the current plan administrator, to submit bids to serve as the plan administrator for the succeeding 3-year period. The selection of the plan administrator for the succeeding period must be made at least 6 months prior to the expiration of the 3-year period.

**3. Duties of plan administrator.** The plan administrator selected pursuant to subsection 1 shall:

A. Perform all administrative functions relating to the plan;

B. Pay a producer's referral fee as established by the board to each producer who refers an applicant to the plan, if the applicant's application is accepted. The selling or marketing of the plan is not limited to the plan administrator or its producers. The plan administrator shall pay the referral fees from funds received as premiums for the plan;

**IFS**

**LD 1890**

**Board of Directors of the Maine Individual Reinsurance Program**

**7. Program.** "Program" means the Maine Individual Reinsurance Program established in section 3903.

**8. Reinsurer.** "Reinsurer" means an insurer from whom a person providing medical insurance for a resident procures insurance for itself with the insurer with respect to all or part of the medical insurance risk of the person. "Reinsurer" includes an insurer that provides employee benefits excess insurance.

**9. Resident.** "Resident" has the same meaning as in section 2736-C, subsection 1, paragraph C-2.

### **§ 3903. Maine Individual Reinsurance Program**

**1. Program established.** The Maine Individual Reinsurance Program is established as a nonprofit legal entity.

**2. Board of directors.** The program is governed by a board of directors in accordance with this subsection.

**A.** The board consists of 14 members appointed pursuant to this paragraph:

(1) Eight members appointed by the superintendent, of whom:

(a) Four must be chosen from the general public and may not be associated with the medical profession, a hospital or an insurer;

(b) One must represent medical care providers;

(c) One must represent producers;

(d) One must represent a statewide association representing small businesses that receives the majority of its funding from persons and businesses in the State; and

(e) One must represent Dirigo Health;

(2) Three members appointed by insurers belonging to the program, at least 2 of whom are domestic insurers; and

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An Act To Make Health Care Affordable, Accessible and Effective for All

(3) Three ex officio, nonvoting members, 2 of whom are Legislators who serve as the Senate and House chairs of the joint standing committee of the Legislature having jurisdiction over health insurance matters, or the Legislators' designees, and one of whom is the director of the Governor's Office of Health Policy and Finance, or the Governor's designee.

B. Members of the board serve 3-year terms.

C. The board shall elect one of its members as chair.

D. Board members may be reimbursed from funds of the program for actual and necessary expenses incurred by them as members but may not otherwise be compensated for their services.

**3. Plan of operation; rules.** The board shall adopt by rule a plan of operation, articles and bylaws in accordance with the requirements of this chapter within 90 days after the initial appointment of members of the board pursuant to subsection 2. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Immunity.** A board member is not liable and is immune from suit at law or equity for any conduct performed in good faith in that member's official capacity as a member of the board.

**5. Staff assistance.** Upon request from the board, the bureau and other appropriate agencies of State Government must provide staff assistance to the board during implementation of the program as necessary and appropriate.

#### **§ 3904. Liability and indemnification**

**1. Liability.** The board and any employees of the program may not be held liable for any obligations of the program. A cause of action may not arise against the program; the board, its agents or its employees; any insurer belonging to the program or its agents, employees or producers; or the superintendent for any action or omission in the performance of powers and duties pursuant to this chapter.

**2. Indemnification.** The board in its bylaws or rules may provide for indemnification of, and legal representation for, its members and employees of the program.

#### **§ 3905. Duties and powers of the board**

**1. Duties.** The board shall:

A. Establish administrative and accounting procedures for the operation of the program;

B. Establish procedures under which participants in the program may have grievances reviewed by an impartial body and reported to the board;

C. Select a program administrator in accordance with section 3906;

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An Act To Make Health Care Affordable, Accessible and Effective for All

- D. Establish procedures for the handling and accounting of program assets; and
- E. Establish procedures for determining reinsurance amounts in accordance with section 3907.

**2. Powers.** The board may:

- A. Exercise powers granted to insurers under the laws of this State;
- B. Enter into contracts as necessary or proper to carry out the provisions and purposes of this chapter, including the authority, with the approval of the superintendent, to enter into contracts with similar organizations in other states for the joint performance of common administrative functions or with persons or other organizations for the performance of administrative functions;
- C. Sue or be sued;
- D. Take any legal actions necessary to avoid the payment of improper claims against the program or the coverage provided by or through the program, to recover any amounts erroneously or improperly paid by the program, to recover any amounts paid by the program as a result of mistake of fact or law or to recover other amounts due the program;
- E. Appoint appropriate legal, actuarial and other committees as necessary to provide technical assistance and any other functions within the authority of the program;
- F. Borrow money to effect the purposes of the program. Any notes or other evidence of indebtedness of the program not in default must be legal investments for insurers and may be carried as admitted assets;
- G. Establish rules, conditions and procedures for reinsuring risks of insurers under the program in accordance with section 3907;
- H. Provide for reinsurance of risks incurred by the program. The provision of reinsurance may not subject the program to any of the capital or surplus requirements, if any, otherwise applicable to reinsurers;
- I. Apply for funds or grants from public or private sources, including federal grants provided to qualified high-risk reinsurance plans; and
- J. Establish and adopt such rules as are necessary and proper to implement this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Additional duties and powers.** The superintendent may by rule establish powers and duties of the program in addition to those set out in subsection 2 and may adopt such rules as are necessary and proper to implement this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Review for solvency.** The superintendent shall review the operations of the program after the first year and thereafter at least every 3 years to determine its solvency.

**5. Annual report.** The program shall report annually to the joint standing committee of the Legislature having jurisdiction over health insurance matters by March 15th. The report must include information on the number and value of claims reinsured by the program and the financial solvency and the administrative expenses of the program.

**6. Audit.** The program must be audited every year by an independent auditor. A copy of the audit must be provided to the superintendent and to the joint standing committee of the Legislature having jurisdiction over health insurance matters.

### **§ 3906. Selection of program administrator**

**1. Selection of program administrator.** The board shall select an appropriate entity through a competitive bidding process to administer the program.

**2. Contract with program administrator.** The program administrator selected pursuant to subsection 1 is contracted for a period of 3 years. At least one year prior to the expiration of each 3-year period of service by the program administrator, the board shall invite all insurers, including the current program administrator, to submit bids to serve as the program administrator for the succeeding 3-year period. The selection of the program administrator for the succeeding period must be made at least 6 months prior to the expiration of the current 3-year period.

**3. Duties of program administrator.** The program administrator selected pursuant to subsection 1 shall:

- A. Perform all administrative functions relating to the program;
- B. Submit regular reports to the board regarding the operation of the program. The frequency, content and form of the reports must be as determined by the board;
- C. Following the close of each calendar year, determine reinsurance premiums, the amount of collections from the premium tax on health maintenance organizations pursuant to Title 36, section 2521-D, the expenses of administration pertaining to the reinsurance operations of the program and the incurred losses of the year and report this information to the superintendent; and
- D. Pay reinsurance amounts as provided for in the plan of operation under section 3903, subsection 3.

**4. Payment to program administrator.** The program administrator selected pursuant to subsection 1 must be paid, as provided in the contract of the program under subsection 2, for the program administrator's direct and indirect expenses incurred in the performance of the program administrator's services. As used in this subsection, "direct and indirect expenses" includes that portion of the audited administrative costs, printing expenses, management expenses, building overhead expenses and other actual operating and administrative expenses of the program administrator that are approved by the board as allocable to the administration of the program and included in the specifications of a bid under subsection 2.



**JUD**

**LD 216**

**Council on Financial Literacy**

## STATE OF MAINE

COPY

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 IN THE YEAR OF OUR LORD

TWO THOUSAND AND SEVEN

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 H.P. 187 - L.D. 216

**Resolve, To Establish the Council on Financial Literacy and Create a  
Financial Literacy Matching Grant Program**

**Sec. 1. Council established. Resolved:** That there is created the Council on Financial Literacy, referred to in this resolve as "the council," whose purpose is to encourage and support projects and programs offered by public entities and private not-for-profit entities that seek to inform and educate Maine residents, especially students, on the management of their personal finances; and be it further

**Sec. 2. Grant program. Resolved:** That the purpose of the council must be carried out through administration of a financial literacy matching grant program for the benefit of Maine residents. The program grants must be awarded by the Treasurer of State, with advice from the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation, referred to in this resolve as "the director"; and be it further

**Sec. 3. Membership. Resolved:** That the council must be chaired by the Treasurer of State. The director or a designee must be a member of the council. Other members must be selected by the Treasurer of State, and must include a Legislator, a business person, a Maine high school student, a Maine college student, a banker, a credit union officer, a Maine investment advisor, a Maine public school teacher and a member of the public; and be it further

**Sec. 4. Service without compensation. Resolved:** That members of the council serve without compensation except that the Legislator is entitled to receive the legislative per diem for attendance at meetings of the council; and be it further

**Sec. 5. Additional authority. Resolved:** That the council is authorized to apply for and raise private funds to supplement its grant program; and be it further

**Sec. 6. Report. Resolved:** That the Treasurer of State shall issue a report to the Legislature no later than January 15, 2009 on the operations of the financial literacy matching grant program, including a description of the recipients of the matching grants, a description of how the funded programs have benefited Maine citizens and whether the council has been able to supplement its initial funding from other sources; and be it further

**Sec. 7. Transfer to the Financial Literacy Program. Resolved:** That, notwithstanding any other provision of law, the State Controller shall transfer \$50,000 in each of fiscal years 2007-08 and 2008-09 from the Office of Consumer Credit Regulation, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the Financial Literacy Program, Other Special Revenue Funds account in the Office of the Treasurer of State. The State Controller shall make these transfers at a time determined in consultation with the Director of the Office of Consumer Credit Regulation and the Treasurer of State; and be it further

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

**TREASURER OF STATE, OFFICE OF**

**Financial Literacy Program N004**

Initiative: Allocates funds for the expenses of the financial literacy matching grant program.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$50,000	\$50,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$50,000</b>	<b>\$50,000</b>

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In House of Representatives, ..... 2007

Read and passed finally.

..... Speaker

---

In Senate, ..... 2007

Read and passed finally.

..... President

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Approved ..... 2007

..... Governor

**JUD**

**LD 391**

**Adoption Laws and Practices Task Force**

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the resolve by striking out all of section 2 and inserting the following:

**'Sec. 2 Task force membership. Resolved:** That the task force consists of 13 members appointed as follows:

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 of Representatives;
3. Two members representing adoptees, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
4. Two members representing adoptive parents, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
5. Two members representing birth parents, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
6. Two members representing adoption agencies or other entities providing adoption services, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
7. One member representing sexual assault victim advocacy service providers; and
8. One member representing probate courts and probate registers, appointed by the Speaker of the House of Representatives; and be it further'

Amend the resolve in section 3 in the first line (page 2, line 2 in L.D.) by inserting after the following: "That the" the following: 'first-named'

Amend the resolve by striking out all of section 5 and inserting the following:

**'Sec. 5 Duties. Resolved:** That the task force shall conduct a review of adoption laws and practices and propose a comprehensive public policy addressing the issues involved in adoption laws and practices.

1. The task force shall:

- A. Identify laws that relate to adoption;
- B. Identify court jurisdiction over adoption-related issues;
- C. Review paternity issues;
- D. Consider appropriate accessibility to birth and family information, consistent with existing and proposed federal requirements and identity theft concerns;
- E. Determine the relation of the "safe haven" law to adoption issues;
- F. Identify all interests affected by adoption laws and practices;

- G. Review trends in other states concerning adoption laws and practices;
  - H. Propose an adoption public policy blueprint; and
  - I. Draft a comprehensive revision of all adoption laws consistent with the adoption public policy blueprint.
2. The task force may:
- A. Establish a non-voting advisory stakeholders group to help identify interests and issues that should be included in the discussion and to help formulate the public policy blueprint and the comprehensive revision of adoption laws consistent with the blueprint;
  - B. Hold informational sessions and discussions with experts, interested parties and practitioners; and
  - C. Hold a public hearing in Augusta; and be it further'

Amend the resolve by striking out all of sections 7 to 10 and inserting the following:

**'Sec. 7 Report. Resolved:** That, no later than December 5, 2007, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Judiciary. Pursuant to Joint Rule 353, the task force is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Judiciary may, pursuant to Joint Rule 353, introduce a bill during the Second Regular Session of the 123rd Legislature to implement its recommendations on matters relating to the study.'

## SUMMARY

This amendment revises the membership of the task force to consist of a total of 13 members: 3 Legislators, 2 members representing adoptees, 2 members representing birth parents, 2 members representing adoptive parents, 2 members representing adoption agencies, one member representing sexual assault victims' services providers and one member representing Probate Courts and probate registers. This task force may establish a non-voting advisory stakeholders group to provide advice to the task force. This amendment also makes revisions consistent with the requirements of Joint Rule 353.

## FISCAL NOTE REQUIRED

(See attached)

**JUD**

**LD 1263**

**Tribal-State Work Group**



STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

H.P. 891 - L.D. 1263

**Resolve, To Continue the Tribal-State Work Group**

**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 needs to take effect before the expiration of the 90-day period in order for the tribal-state work group originally created by Executive Order 19 FY 06/07 to continue working during and after the First Regular Session of the 123rd Legislature and for its study and report to be completed 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. Tribal-State Work Group established. Resolved:** That the Tribal-State Work Group, referred to in this resolve as "the work group," is established; and be it further

**Sec. 2. Work group membership. Resolved:** That the work group consists of 17 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 second largest number of seats in the Senate, appointed by the President of the Senate;

2. Six members of the House of Representatives, 3 belonging to the political party holding the largest number of seats in the House and 3 belonging to the political party holding the second largest number of seats in the House, appointed by the Speaker of the House;

3. Seven representatives of the Native American community, one appointed by each of the top elected leaders of the 5 Wabanaki Tribal Governments: the Chief of the Aroostook Band of Micmacs, the Chief of the Houlton Band of Maliseet Indians, the Governor of the Passamaquoddy Tribe at Indian Township, the Governor of the

Passamaquoddy Tribe at Pleasant Point and the Chief of the Penobscot Nation; the Passamaquoddy Tribal Representative to be appointed by the Joint Tribal Council of the Passamaquoddy Tribe; and the Penobscot Tribal Representative appointed by the Chief of the Penobscot Nation;

4. One member appointed by the Governor; and

5. One representative of the Maine Indian Tribal-State Commission; and be it further

**Sec. 3. Cooperation and participation of the Attorney General. Resolved:**

That the Attorney General is requested to have a representative attend all meetings of the work group and respond to requests during the work group's deliberations regarding the Attorney General's opinion concerning the constitutionality and legal interpretation of any possible changes to AN ACT to Implement the Maine Indian Claims Settlement or related statutes and agreements; and be it further

**Sec. 4. Chair. Resolved:** That the first-named Senate member is the Senate chair of the work group and the first-named House of Representatives member is the House chair of the work group; and be it further

**Sec. 5. Duties. Resolved:** That the work group may hold up to 6 meetings and shall examine the issues identified in the framework document prepared for the Assembly of the Governors and Chiefs held May 8, 2006, the minutes for that meeting, Tribal-Maine Issues: Issues That Have Been Litigated or Are in Litigation, and Tribal-Maine Issues: Macro Issues prepared for the May 31, 2006 review of AN ACT to Implement the Maine Indian Claims Settlement, the federal Maine Indian Claims Settlement Act of 1980 and other settlement acts pertaining to the Wabanaki Tribes for the meeting held at Indian Island May 31, 2006, the minutes for the May 31, 2006 meeting and the final report of the tribal-state work group created by Executive Order 19 FY 06/07; and be it further

**Sec. 6. Staff assistance. Resolved:** That, upon adequate appropriation by the Legislature, the Maine Indian Tribal-State Commission shall provide necessary staffing services to the work group; and be it further

**Sec. 7. Compensation. Resolved:** That the legislative members of the work group are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the work group. 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 determination of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the work group; and be it further

**Sec. 8. Report. Resolved:** That no later than December 5, 2007, the work group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 123rd Legislature, the Governor, the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Indian Township, the Passamaquoddy Tribe at Pleasant Point

and the Penobscot Nation. The work group is authorized to introduce legislation related to its report to the Second Regular Session of the 123rd Legislature at the time of submission of its report; and be it further

**Sec. 9. Work group budget. Resolved:** That the chairs of the work group, with assistance from the work group staff, shall administer the work group's budget. Within 10 days after its first meeting, the work group shall present a work plan and proposed budget to the Legislative Council for its approval. Upon notice to the Executive Director of the Legislative Council that all seats on the work group have been filled, the personal services portion of the work group budget must be paid in full to the Maine Indian Tribal-State Commission. The work group may not incur expenses that would result in the work group's exceeding its approved budget. Upon request from the work groups, the Executive Director of the Legislative Council shall promptly provide the work group chairs and staff with a status report on the work group's budget, expenditures incurred and paid and available funds; and be it further

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

#### INDIAN TRIBAL-STATE COMMISSION, MAINE

##### Tribal-State Work Group N021

Initiative: Provides funds for administrative and staffing support for the Tribal-State Work Group.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$5,070	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$5,070</b>	<b>\$0</b>

#### INDIAN TRIBAL-STATE COMMISSION, MAINE

<b>DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
<b>GENERAL FUND</b>	<b>\$5,070</b>	<b>\$0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$5,070</b>	<b>\$0</b>

#### LEGISLATURE

##### Study Commissions - Funding 0444

Initiative: Provides funds for legislative per diem and other expenses for 6 meetings of the Tribal-State Work Group.

GENERAL FUND	2007-08	2008-09
Personal Services	\$5,280	\$0
All Other	\$5,550	\$0

GENERAL FUND TOTAL	<u>\$10,830</u>	<u>\$0</u>
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LEGISLATURE		
DEPARTMENT TOTALS	2007-08	2008-09

GENERAL FUND	\$10,830	\$0
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DEPARTMENT TOTAL - ALL FUNDS	<u>\$10,830</u>	<u>\$0</u>
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SECTION TOTALS	2007-08	2008-09
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GENERAL FUND	\$15,900	\$0
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SECTION TOTAL - ALL FUNDS	<u>\$15,900</u>	<u>\$0</u>
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**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

**MAR**

**SP 689**

**Marine Resources Review of Maine's Groundfishing Industry**

ORDERED, the House concurring, that the Joint Standing Committee on Marine Resources shall review the options available for the long-term support of Maine's commercial groundfishing industry during the Second Regular Session of the 123rd Legislature; and be it further

ORDERED, that the joint standing committee is authorized to submit legislation based on its review of the options available for the long-term support of the commercial groundfishing industry to the Second Regular Session of the 123rd Legislature.

**MAR**

**SP 726**

**Marine Resources Committee Study of the Depletion of FinFish  
Stocks in the Gulf of Maine**

ORDERED, the House concurring, that the Joint Standing Committee on Marine Resources shall study the depletion of finfish stocks in the Gulf of Maine and may report out a bill to the Second Regular Session of the 123rd Legislature implementing the committee's recommendation on matters relating to the study.



**NAT**

**HP 1355**

**Natural Resources Committee Study of Solid Waste Management**

(4-2) On motion of Representative KOFFMAN of Bar Harbor, the following Joint Order:  
(H.P. 1355)

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources, referred to in this order as "the committee," is authorized to meet to study issues related to solid waste management in the State as follows.

**1. Convening of committee.** The chairs of the committee shall call and convene the first meeting of the committee, which must be no later than September 15, 2007.

**2. Duties.** The committee's duties include:

A. Reviewing the laws governing the duties and responsibilities for managing solid waste in the State; and

B. Reviewing the laws regarding public benefit determinations, including a review of whether the current determination standards are sufficient and whether currently owned state solid waste disposal facilities must be subject to a public benefit determination.

**3. Staff assistance.** The Legislative Council shall provide necessary staffing services to the committee.

**4. 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.

**5. Report.** The committee may, pursuant to Joint Rule 353, introduce a bill relating to the study during the Second Regular Session of the 123rd Legislature.

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**NAT**

**LD 336**

**Community Preservation Advisory Committee**

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

S.P. 108 - L.D. 336

An Act To Reauthorize the Community Preservation Advisory Committee

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

Sec. 1. 30-A MRSA §4350-A, as enacted by PL 2001, c. 648, §2, is amended to read:

§4350-A. Repeal date

This article is repealed June 1, ~~2008~~ 2012.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Provides funds for the per diem and expenses of the 6 legislative members of the Community Preservation Advisory Committee. The committee was to sunset on June 1, 2008 but is now extended until 2012.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	\$1,320
All Other	\$0	\$1,950
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$3,270</u>

**NAT**

**LD 1845**

**Technical Advisory Group on Surface Water Ambient Toxic  
Monitoring**

## STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

H.P. 1285 - L.D. 1845

**An Act To Strengthen the Laws Concerning Surface Water Ambient Toxic  
Monitoring**

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

**Sec. 1. 38 MRSA §420-B, sub-§1, ¶B,** as enacted by PL 1993, c. 720, §1, is amended to read:

B. Prepare a work program each year that defines the work to be conducted that year toward the objectives of the 5-year plan. This work program must identify specific sites, the sampling media and the contaminants that will be tested.

(1) The commissioner shall consider the following factors when selecting monitoring sites for the annual work program:

- (a) The importance of the water body to fisheries, wildlife and humans;
- (b) Known or likely sources of contamination and their relative risk to human or ecological health;
- (c) The existence of pending waste discharge licenses affecting the water body;
- (d) The availability of reference sites that are relatively unaffected by human activity;
- (e) Anticipated improvement or degradation of the water body; and
- (f) The availability of current, valid data from other sources on the level of toxic contamination of the water body.

(2) The commissioner shall incorporate the following types of testing in the program:

- (a) Monitoring of toxic contaminant levels in biological tissue and water body sediments, and monitoring of the water column may be included;
- (b) Analysis of the resident biological community in the monitored water body; and

(c) Monitoring of the health of individual organisms that may serve as indicators of toxic contamination.

(3) When selecting the specific toxic substances to be monitored in the annual program, the commissioner shall consider:

- (a) Toxic substances that have the potential to affect human or ecological health at expected concentrations;
- (b) Toxic substances from both natural and human sources;
- (c) Toxic substances that serve as tracers for human sources of pollution;
- (d) Toxic substances or measures of contamination that may be more cost-effective indicators of other toxic substances; and
- (e) Toxic substances for which there are analytical test methods approved by the United States Environmental Protection Agency or, where such methods have not been approved, for which the commissioner determines, with the assistance of the technical advisory group established under this section, that proven, reliable methods have been established.

The commissioner shall include in the annual work program a written statement providing the factual basis for the selection of the specific toxic substances to be monitored. Prior to implementation of the annual work program, the toxic substances to be monitored and, if not approved by the United States Environmental Protection Agency, the analytical test methods to be used must be approved by the technical advisory group by a 2/3 vote.

(4) When determining the intensity of the monitoring effort in the annual program, the commissioner shall consider:

- (a) The potential for annual variation in toxic contamination at a monitoring site;
- (b) The degree of homogeneity in the materials to be sampled; and
- (c) The uncertainty in observations due to possible systematic and analytic error.

(5) A technical advisory group composed of ~~44~~ 12 individuals is established. The commissioner shall appoint 2 members with scientific backgrounds in toxic contamination or monitoring, ecological assessment or public health from each of the following interests: business, municipal, conservation, public health and academic interests. The President of the Senate ~~and the Speaker of the House of Representatives~~ shall jointly appoint as a nonvoting member one ~~Legislator~~ Senator who serves on the joint standing committee of the Legislature having jurisdiction over natural ~~resource~~ resources matters. The Speaker of the House shall appoint as a nonvoting member one member of the House of Representatives who serves on the joint standing committee of the Legislature having jurisdiction over marine resources matters. The commissioner shall appoint the chair from among the voting members. A quorum of 6 voting members must be present for the conduct of business. Members do not receive compensation or reimbursement for expenses.

The members appointed by the commissioner serve for terms of 3 years except that, for the initial appointments, 2 members serve terms of one year, 4 members serve terms of 2 years and 4 members serve terms of 3 years. The ~~Legislator serves~~ Legislators serve for the duration of the Legislature to which the ~~Legislator is~~ Legislators are elected.

The group shall advise the commissioner during the development of the 5-year monitoring plan and the annual work programs.

**Sec. 2. 38 MRSA §420-B, sub-§4**, as amended by PL 1997, c. 179, §4, is further amended to read:

**4. Report.** No later than March 31st of each year, the commissioner shall report on the monitoring program to the joint standing ~~committee~~ committees of the Legislature having jurisdiction over natural ~~resource~~ resources matters and marine resources matters. This report must contain:

- A. At the start of each 5-year period, the 5-year monitoring plan;
- B. The annual work program for the past year and the current year;
- C. The commissioner's conclusions as to the levels of toxic contamination in the State's waters and fisheries;
- D. Any trends of increasing or decreasing levels of contaminants found; and
- E. The report on the results of the dioxin monitoring program required under section 420-A, subsection 4.

**Sec. 3. Continuance of program.** The Commissioner of Marine Resources and the Commissioner of Environmental Protection shall jointly prepare a report for submission to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Natural Resources no later than January 4, 2008. The report, which may include implementing legislation, must provide a detailed plan that ensures a reliable and consistent source of funding for the surface water ambient toxic monitoring program required under the Maine Revised Statutes, Title 38, section 420-B.



**SLG**

**LD 1091**

**Maine Civil War Sesquicentennial Commission**

## STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

H.P. 809 - L.D. 1091

**Resolve, To Establish the Maine Civil War Sesquicentennial Commission****Sec. 1. Maine Civil War Sesquicentennial Commission established.**

**Resolved:** That the Maine Civil War Sesquicentennial Commission, referred to in this resolve as "the commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 13 members appointed as follows:

1. Three members of the Senate, appointed by the President of the Senate, at least one of whom serves on the Joint Standing Committee on State and Local Government;
2. Four members of the House of Representatives, appointed by the Speaker of the House, at least one of whom serves on the Joint Standing Committee on State and Local Government;
3. The State Librarian or the State Librarian's designee;
4. The State Historian or the State Historian's designee;
5. The State Historic Preservation Officer or the State Historic Preservation Officer's designee;
6. The Adjutant General or the Adjutant General's designee; and
7. Two members of the general public appointed by the Governor; and be it further

**Sec. 3. Terms of appointment. Resolved:** That the Legislators serve terms coincident with their legislative terms and are appointed every 2 years. Legislators may be reappointed to the commission and may continue to serve until their replacements are designated. Members of the general public are appointed for 3 years and may be reappointed by the Governor; and be it further

**Sec. 4. 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. 5. 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, which must be no later than November 15, 2007; and be it further

**Sec. 6. Duties. Resolved:** That the commission shall develop and coordinate the commemoration of the 150th anniversary of Maine's role in the Civil War through educational and historical events, activities, publications and programs throughout the State. The commission may adopt an official flag, seal or other emblem for the commemoration and copyright that flag, seal or emblem in the name of the State and may license the use of the official flag, seal or emblem upon terms determined by the commission. Any revenue from the licensed use of an official flag, seal or emblem under this section must be credited to the fund established in section 12; and be it further

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

**Sec. 8. Meetings. Resolved:** That the commission may hold up to 4 meetings a year, one of which must be a public hearing, and all meetings must be held during the interim between legislative sessions; and be it further

**Sec. 9. 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 authorized 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. 10. Report. Resolved:** That, no later than December 15th of each year, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the joint standing committee of the Legislature having jurisdiction over state and local government matters and the Legislative Council. The commission is not authorized to introduce legislation. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over state and local government matters may submit legislation to the Legislature on or before January 15th annually; and be it further

**Sec. 11. 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. 12. Funding. Resolved:** That the Maine Civil War Sesquicentennial Fund, referred to in this resolve as "the fund," is established. The commission may seek and accept outside funds from public and private sources and grants to fund the costs of all activities of the commission except for legislative per diems pursuant to section 9. Contributions to support the work of the commission may not be accepted from any party having a pecuniary or other vested interest in the outcome of the commission's work. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the commission's work. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by 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 of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the commission. Balances in the fund may not lapse and must be carried forward and used for the purposes of this resolve. The Executive Director of the Legislative Council, with the permission of the commission, may permit the Treasurer of State to invest unexpended money held in the fund, and all proceeds of these investments accrue to the commission. The fund terminates on December 31, 2015, and any unexpended balance in the fund on December 31, 2015 must be transferred to the General Fund; and be it further

**Sec. 13. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

#### LEGISLATURE

##### Study Commissions - Funding 0444

Initiative: Provides a base allocation of Other Special Revenue Funds beginning in fiscal year 2007-08 in the amount of \$500 in the event that funds are received for activities of the commission other than compensation for commission members.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

H.P. 217 - L.D. 261

**Resolve, To Review the Procedures by Which a Municipality Assesses  
Property**

**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 Property Tax Assessment Review Committee is established to review and report on municipal assessment practices; and

**Whereas,** the review must be initiated before the 90-day period expires in order that the review 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. Committee established. Resolved:** That the Property Tax Assessment Review Committee, referred to in this resolve as "the committee," is established to review and report on municipal assessment practices; and be it further

**Sec. 2. Committee membership. Resolved:** That the committee consists of 11 members. Appointing authorities shall seek to ensure representation of all areas of the State and of large, small and medium-sized municipalities. Members are appointed as follows:

1. Two members of the Senate, appointed by the President of the Senate, at least one of whom must be a member of the political party holding the 2nd-highest number of seats in the Senate;
2. One member appointed by the President of the Senate who is employed by a private firm that contracts with municipalities to perform assessments;

3. Four members of the House of Representatives, appointed by the Speaker of the House, at least one of whom must be a member of the political party holding the 2nd-highest number of seats in the House of Representatives;

4. Three municipal officials who conduct property tax assessment, appointed by the Speaker of the House from recommendations provided by a statewide association of assessing professionals. One must represent a large municipality, one a small or medium-sized municipality and one a municipality where the municipal officers are the assessors; and

5. The State Tax Assessor or the assessor's designee; and be it further

**Sec. 3. Chairs. Resolved:** That the first-named Senate member and the first-named House member serve as cochairs of the committee; and be it further

**Sec. 4. Advisors. Resolved:** That the State Tax Assessor shall provide any information requested by the committee. The committee may appoint an advisory group to advise the committee consisting of representatives of municipal and county government, organizations representing municipal and county government and organizations representing taxpayers and other interested persons identified by the committee; and be it further

**Sec. 5. Duties. Resolved:** That the committee shall:

1. Review statutory and constitutional requirements relating to the valuation of property and assessment of property taxes;

2. Determine the various methods for valuation and assessment used by municipalities in the State;

3. Evaluate the potential for regional or county assessment structures to improve the assessment of property in the State including the potential for providing greater uniformity and efficiency; and

4. Recommend statutory changes to the property assessment laws to provide for greater consistency, compliance and enforceability; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the committee; and be it further

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

**Sec. 8. Report. Resolved:** That by December 1, 2007, the committee shall submit a report to the Joint Standing Committee on Taxation that includes its findings and recommendations. Following receipt of the report, the Joint Standing Committee on

Taxation may submit legislation based on the report to the Second Regular Session of the 123rd Legislature; and be it further

**Sec. 9. Extension. Resolved:** That, 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; and be it further

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

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

**TRA**

**SP 725**

**Committee to Study Appropriate Funding of the State Police**



ORDERED, the House concurring, that the Committee To Study Appropriate Funding of the State Police is established as follows.

1. Committee To Study Appropriate Funding of the State Police established. The Committee To Study Appropriate Funding of the State Police, referred to in this order as "the committee," is established.

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

A. Three members of the Senate, appointed by the President of the Senate, 2 of whom serve on the Joint Standing Committee on Transportation and one of whom serves on the Joint Standing Committee on Criminal Justice; and

B. Ten members of the House of Representatives, appointed by the Speaker of the House, 5 of whom serve on the Joint Standing Committee on Transportation and 5 of whom serve on the Joint Standing Committee on Criminal Justice.

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.

5. Duties. The committee shall examine the formula for funding the Department of Public Safety, Bureau of State Police from the General Fund and the Highway Fund. The committee shall examine the final report of the Office of Program Evaluation and Government Accountability issued in February 2007 entitled "Highway Fund Eligibility at the Department of Public Safety - an Analysis of Select Departmental Activities" and any other information the committee determines appropriate. The committee shall develop recommendations for appropriate funding for the Department of Public Safety, Bureau of State Police.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the committee.

7. Compensation. Legislative 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. Funding. To the extent funding for the study described in this joint order is provided from the Highway Fund by appropriate allocation or other provision of law, the committee is funded from such funds. If such funding is not provided, or if the committee requires additional funding, the committee may be funded from other available funding sources as approved by the Legislative Council.

9. Report. No later than December 5, 2007, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Transportation and the Joint Standing Committee on Criminal Justice. Pursuant to Joint Rule 353, the committee is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing

Committee on Transportation may, pursuant to Joint Rule 353, introduce a bill during the session in which the report is submitted to implement its recommendations on matters relating to the study.

**TRA**

**SP 731**

**Transportation Committee Study of Certain Transportation-  
Related Matters**

ORDERED, the House concurring, that the Joint Standing Committee on Transportation study certain transportation-related matters as follows.

1. Duties. The Joint Standing Committee on Transportation shall:

- A. Examine the physical and functional features of and jurisdictional responsibilities over the current collector and state aid highway networks;
- B. Review the evolution of state and federal law governing the current collector and state aid highway networks;
- C. Identify inequities experienced by municipalities as a result of current law regarding jurisdictional responsibilities over and funding of the current collector and state aid highway networks;
- D. Compare Maine with other states on matters of jurisdiction over and financing of major and minor collector highways;
- E. Assess the need to:
  - (1) Coordinate existing multiple highway classification systems;
  - (2) Adjust jurisdictional responsibilities for highway maintenance;
  - (3) Adjust jurisdictional responsibilities for capital improvement of highways;
  - (4) Amend the level of funding and the distribution formula under the Urban-Rural Initiative Program under the Maine Revised Statutes, Title 23, section 1803-B;
  - (5) Increase financial resources for maintenance and capital improvement of highways; and
  - (6) Improve the efficiency and effectiveness of maintenance and capital improvement methods; and
- F. Develop recommendations to address identified issues and needs related to the subject matter of this study and identify the anticipated positive and negative impacts to property tax valuations and rates, local road conditions and state aid collector road conditions resulting from those recommendations.

2. Meetings. The Joint Standing Committee on Transportation may meet up to 4 times during the 2007 interim for the purpose of conducting this study. The committee may request authorization from the Legislative Council for additional meetings.

3. Staff assistance. The Legislative Council shall provide necessary staffing services to the Joint Standing Committee on Transportation for this study.

4. Compensation. Committee members are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings.

5. Funding. To the extent funding for the study described in this joint order is provided from the Highway Fund by appropriate allocation or other provision of law, the committee is funded from such funds. If such funding is not provided, or if the committee requires additional funding, the committee may be funded from other available funding sources as approved by the Legislative Council.

6. Legislation. The Joint Standing Committee on Transportation may submit a bill during the Second Regular Session of the 123rd Legislature relating to the subject matter of the committee's study pursuant to this joint order.

**TRA**

**LD 1919**

**Working Group on Motor Fuel Taxes**

LD 1919, item 1, 123rd Maine State Legislature  
Resolve, To Provide for a Careful Examination of the Motor Fuel Taxes

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **Resolve, To Provide for a Careful Examination of the Motor Fuel Taxes**

**Sec. 1 Examination of motor fuel taxes. Resolved:** That the Department of Transportation and the Department of Administrative and Financial Services shall examine how motor fuel taxes could be restructured to eliminate or change the current indexing system, including, but not limited to, a restructuring of the taxes in a manner that would replace some or all of the current taxes with some form of a sales or other tax that relates to the price of the fuels. The departments shall consult with other appropriate departments and experts in developing recommendations for restructuring motor fuel taxes, including 2 Legislators from the Joint Standing Committee on Transportation, one Senator appointed by the President of the Senate and one Representative appointed by the Speaker of the House. The departments jointly shall report their findings together with any suggested legislation to the Joint Standing Committee on Transportation no later than January 15, 2008. The Joint Standing Committee on Transportation may submit legislation relating to the motor fuel taxes to the Second Regular Session of the 123rd Legislature.

### **SUMMARY**

This resolve is the unanimous report of the Joint Standing Committee on Transportation pursuant to Joint Order 2007, H.P. 1342. This resolve directs the Department of Transportation and the Department of Administrative and Financial Services, working with 2 Legislators, to examine how motor fuel taxes could be restructured to eliminate or change the current indexing system. The resolve directs the departments to submit their recommendations to the Joint Standing Committee on Transportation no later than January 15, 2008. The Joint Standing Committee on Transportation is authorized to submit legislation relating to the motor fuel taxes to the Second Regular Session of the 123rd Legislature.

**HHS**

**LD 977**

**Working Group on Funding Needs of Air and Ground Emergency  
and Critical Care Medical Services**

## STATE OF MAINE

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IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

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H.P. 737 - L.D. 977

**Resolve, To Address the Funding Needs of Air and Ground Emergency and  
Critical Care Emergency Medical Services**

**Sec. 1. Working group and report. Resolved:** That the Department of Health and Human Services shall convene a working group that includes the Department of Public Safety, Maine Emergency Medical Services; representatives of the Department of Health and Human Services and the Governor's Office of Health Policy and Finance; and representatives of providers of air and ground emergency and critical care emergency medical services. The working group shall review costs of emergency response services and emergency and nonemergency transportation services; revenues that support the work of the service providers, including fee-for-service payments, insurance, Medicare and MaineCare reimbursement; and the cost of readiness and the growing gap between revenues and costs. The working group shall seek outside funding for its work. If outside funding is obtained, the Department of Health and Human Services shall administer the funds and include information on the funding that was obtained and all expenditures and any remaining balance in the report of the working group. By January 15, 2008, the Department of Health and Human Services shall report to the Joint Standing Committee on Health and Human Services on the findings and the working group and any recommendations for legislation or rulemaking. The joint standing committee may submit legislation to the Second Regular Session of the 123rd Legislature. This resolve is contingent upon the receipt by the Department of Health and Human Services of outside funding to cover the costs of the working group.



## STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

H.P. 963 - L.D. 1371

**Resolve, To Study the Impact of Social Services and Corrections Policies on  
Homeless People in Maine**

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

**Whereas,** this resolve directs the Statewide Homeless Council to coordinate a study of the connection between the increasing numbers of homeless persons in the State, and the existing policies and procedures employed by the Department of Health and Human Services and the Department of Corrections that may affect homeless persons and to report to the Joint Standing Committee on Health and Human Services in time for legislative action during the Second Regular Session of the 123rd 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. Resolved:** That the Statewide Homeless Council established in the Maine Revised Statutes, Title 30-A, chapter 202, subchapter 5-A shall coordinate a study of the connections between social services, corrections and homelessness and shall submit the results of the study and any recommended legislation to the Joint Standing Committee on Health and Human Services by January 15, 2008. The study must include a review of best practices for homeless shelters and current practices used by social services and corrections agencies and facilities, including discharge practices, the rights and responsibilities of persons with mental illness and co-occurring disorders and best practices for housing and supportive services. The Statewide Homeless Council shall invite the participation of representatives of the Department of Health and Human Services including the Office of Substance Abuse, the Department of Corrections, the Maine State Housing Authority, representatives of hospitals in the State, statewide organizations representing homeless persons, representatives of community mental health provider agencies, homeless service providers and persons with mental illness, persons with substance abuse issues and other interested parties. The joint standing committee is authorized to submit legislation during the Second Regular Session of the 123rd Legislature pertaining to the study.

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

**TRA**

**LD 245**

**Secretary of State Study of Dealer Plates**

## STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVEN

S.P. 82 - L.D. 245

**Resolve, To Direct the Secretary of State To Study Issues Related to Dealer  
Plates**

**Sec. 1. Secretary of State to examine laws. Resolved:** That the Secretary of State shall establish a working group to examine and develop recommendations for changes to the laws and rules governing dealer plates, including, but not limited to, laws governing the number of types of dealer plates issued and eligibility standards for issuance of the plates. The Secretary of State shall seek to include in the working group persons representing new car dealers, used car dealers and equipment dealers. The working group also must include a representative of the Bureau of Motor Vehicles. The Secretary of State shall report the findings and recommendations of the working group to the Joint Standing Committee on Transportation no later than November 30, 2007. The Secretary of State shall include with the report draft legislation to make appropriate changes to the dealer plate laws based on the findings and recommendations of the working group; and be it further

**Sec. 2. Authorization to submit legislation. Resolved:** That the Joint Standing Committee on Transportation may submit a bill related to the subject matter of the working group's report to the Second Regular Session of the 123rd Legislature.

## **Citizen Trade Policy Commission**

## CHAPTER 699

H.P. 1337 - L.D. 1815

An Act To Establish the Maine Jobs, Trade and  
Democracy Act

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

Sec. 1. 5 MRSA §12004-I, sub-§79-A is enacted to read:

<u>79-A.</u>	<u>Citizen Trade</u>	<u>Legislative</u>	<u>10 MRSA</u>
<u>Trade</u>	<u>Policy</u>	<u>Per Diem</u>	<u>\$11</u>
	<u>Commission</u>	<u>and Expenses</u>	
		<u>for Legislators/</u>	
		<u>Expenses Only</u>	
		<u>for Other</u>	
		<u>Members</u>	

Sec. 2. 10 MRSA c. 1-A is enacted to read:

CHAPTER 1-AINTERNATIONAL TRADE AND THE ECONOMY§11. Maine Jobs, Trade and Democracy Act

1. Short title. This section may be known and cited as "the Maine Jobs, Trade and Democracy Act."

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commission" means the Citizen Trade Policy Commission established in Title 5, section 12004-I, subsection 79-A.

B. "Trade agreement" means any agreement reached between the United States Government and any other country, countries or other international political entity or entities that proposes to regulate trade among the parties to the agreement. "Trade agreement" includes, but is not limited to, the North American Free Trade Agreement, agreements with the World Trade Organization and the proposed Free Trade Area of the Americas.

3. Purposes. The commission is established to assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environment; to provide a mechanism for citizens and Legislators to voice their concerns and recommendations; and to make policy recommendations designed to protect Maine's jobs, business environment and laws from any negative impact of trade agreements.

4. Membership. The commission consists of the following members:

A. The following 17 voting members:

(1) Three Senators representing at least 2 political parties, appointed by the President of the Senate;

(2) Three members of the House of Representatives representing at least 2 political parties, appointed by the Speaker of the House;

(3) The Attorney General or the Attorney General's designee;

(4) Four members of the public, appointed by the Governor as follows:

(a) A small business person;

(b) A small farmer;

(c) A representative of a nonprofit organization that promotes fair trade policies; and

(d) A representative of a Maine-based corporation that is active in international trade;

(  
(5) Three members of the public appointed by the  
President of the Senate as follows:



(a) A health care professional;

(b) A representative of a Maine-based manufacturing business with 25 or more employees; and

(c) A representative of an economic development organization; and

(6) Three members of the public appointed by the Speaker of the House as follows:

(a) A person who is active in the organized labor community;

(b) A member of a nonprofit human rights organization; and

(c) A member of a nonprofit environmental organization.

In making appointments of members of the public, the appointing authorities shall make every effort to appoint representatives of generally recognized and organized constituencies of the interest groups mentioned in subparagraphs (4), (5) and (6); and

B. The following 5 commissioners or the commissioners' designees of the following 5 departments who serve as ex officio, nonvoting members:

(1) Department of Labor;

(2) Department of Economic and Community Development;

(3) Department of Environmental Protection;

(4) Department of Agriculture, Food and Rural Resources; and

(5) Department of Human Services.

5. Terms; vacancies; limits. Except for Legislators, commissioners and the Attorney General, who serve terms coincident with their elective or appointed terms, all members are appointed for 3-year terms. A vacancy must be filled by the same appointing authority that made the original appointment. Appointed members may not serve more than 2 terms. Members may

continue to serve until their replacements are designated. A member may designate an alternate to serve on a temporary basis.

6. Chair; officers; rules. The first-named Senate member and the first-named House of Representatives member are cochair of the commission. The commission shall appoint other officers as necessary and make rules for orderly procedure.

7. Compensation. Legislators who are members of the commission are entitled to receive the legislative per diem and expenses as defined in Title 3, section 2 for their attendance to their duties under this chapter. Other members are entitled to receive reimbursement of necessary expenses if they are not otherwise reimbursed by their employers or others whom they represent.

8. Staff. The Office of Policy and Legal Analysis shall provide the necessary staff support for the operation of the commission. After one year, the commission shall assess the need for and qualifications of a staff person, for example, an executive director. If the commission determines that it requires such a person, it may request additional funds from the Legislature.

9. Powers and duties. The commission:

A. Shall meet at least twice annually;

B. Shall hear public testimony and recommendations from the people of the State and qualified experts when appropriate at no fewer than 2 locations throughout the State each year on the actual and potential social, environmental, economic and legal impacts of international trade agreements and negotiations on the State;

C. Shall conduct an annual assessment of the impacts of international trade agreements on Maine's state laws, municipal laws, working conditions and business environment;

D. Shall maintain active communications with and submit an annual report to the Governor, the Legislature, the Attorney General, municipalities, Maine's congressional delegation, the Maine International Trade Center, the Maine Municipal Association, the United States Trade Representative's Office, the National Conference of State Legislatures and the National Association of Attorneys General or the successor organization of any of these groups. The commission shall make the report easily accessible to the public by way of a publicly accessible site on the Internet maintained by the State. The report must contain

information acquired pursuant to activities under paragraphs B and C;

E. Shall maintain active communications with any entity the commission determines appropriate regarding ongoing developments in international trade agreements and policy;

F. May recommend or submit legislation to the Legislature;

G. May recommend that the State support, or withhold its support from, future trade negotiations or agreements; and

H. May examine any aspects of international trade, international economic integration and trade agreements that the members of the commission consider appropriate.

10. Outside funding. The commission may seek and accept outside funding to fulfill commission duties. 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 that includes the amount received, the date that amount was received, from whom that amount was received, the purpose of the donation and any limitation on use of the funds. The executive director administers any funds received.

11. Evaluation. By December 31, 2009, the commission shall conduct an evaluation of its activities and recommend to the Legislature whether to continue, alter or cease the commission's activities.

**Sec. 3. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 10, section 11, subsection 5, the appointing authorities for the original appointments of public members of the Citizen Trade Policy Commission shall designate their first appointment for a one-year term, their 2nd appointment for a 2-year term and any other appointments for a 3-year term. An initial term of one or 2 years may not be considered a full term for purposes of limiting the number of terms for which a member may serve.

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

#### LEGISLATURE

#### Legislature

Initiative: Provides funds for the per diem and expenses for members of the Citizen Trade Policy Commission as well as public

hearing and general operation expenses. A base allocation in the amount of \$500 is included below in the event outside sources of funding are received for this purpose.

<b>General Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	\$0	\$1,320
All Other	0	11,050
General Fund Total	<hr/> \$0	<hr/> \$12,370
<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$0	\$500
Other Special Revenue Funds Total	<hr/> \$0	<hr/> \$500

## **Right to Know Advisory Commission**

## PUBLIC LAWS

### Second Regular Session of the 122nd

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#### CHAPTER 631 H.P. 1503 - L.D. 2111

#### An Act To Implement the Recommendations of the Freedom of Access Advisory Committee

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

Sec. 1. 1 MRSA §411 is enacted to read:

#### §411. Right To Know Advisory Committee

1. **Advisory committee established.** The Right To Know Advisory Committee, referred to in this chapter as "the advisory committee," is established to serve as a resource for ensuring compliance with this chapter and upholding the integrity of the purposes underlying this chapter as it applies to all public entities in the conduct of the public's business.

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

- A. One Senator who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the President of the Senate;
- B. One member of the House of Representatives who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the Speaker of the House;
- C. One representative of municipal interests, appointed by the Governor;
- D. One representative of county or regional interests, appointed by the President of the Senate;
- E. One representative of school interests, appointed by the Governor;
- F. One representative of law enforcement interests, appointed by the President of the Senate;
- G. One representative of the interests of State Government, appointed by the Governor;
- H. One representative of a statewide coalition of advocates of freedom of access, appointed by the Speaker of the House;
- I. One representative of newspaper and other press interests, appointed by the President of the Senate;
- J. One representative of newspaper publishers, appointed by the Speaker of the House;
- K. Two representatives of broadcasting interests, one appointed by the President of the Senate and one appointed by the Speaker of the House;
- L. Two representatives of the public, one appointed by the President of the Senate and one appointed by the Speaker of the House; and
- M. The Attorney General or the Attorney General's designee.

The advisory committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.

3. **Terms of appointment.** The terms of appointment are as follows.

- A. Except as provided in paragraph B, members are appointed for terms of 3 years.
- B. Members who are Legislators are appointed for the duration of the legislative terms of office in which they were appointed.
- C. Members may serve beyond their designated terms until their successors are appointed.

**4. First meeting; chair.** The Executive Director of the Legislative Council shall call the first meeting of the advisory committee as soon as funding permits. At the first meeting, the advisory committee shall select a chair from among its members and may select a new chair annually.

**Meetings.** The advisory committee may meet as often as necessary but not fewer than 4 times a year. A meeting may be called by the chair or by any 4 members.

**6. Duties and powers.** The advisory committee:

A. Shall provide guidance in ensuring access to public records and proceedings and help to establish an effective process to address general compliance issues and respond to requests for interpretation and clarification of the laws;

B. Shall serve as the central source and coordinator of information about the freedom of access laws and the people's right to know. The advisory committee shall provide the basic information about the requirements of the law and the best practices for agencies and public officials. The advisory committee shall also provide general information about the freedom of access laws for a wider and deeper understanding of citizens' rights and their role in open government. The advisory committee shall coordinate the education efforts by providing information about the freedom of access laws and who to contact for specific inquiries;

C. Shall serve as a resource to support the establishment and maintenance of a central publicly accessible website that provides the text of the freedom of access laws and provides specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. The website must include the contact information for agencies, as well as who to contact with complaints and concerns. The website must also include, or contain a link to, a list of statutory exceptions to the public records laws;

D. Shall serve as a resource to support training and education about the freedom of access laws. Although each agency is responsible for training for the specific records and meetings pertaining to that agency's mission, the advisory committee shall provide core resources for the training, share best practices experiences and support the establishment and maintenance of online training as well as written question-and-answer summaries about specific topics;

E. Shall serve as a resource for the review committee under subchapter 1-A in examining public records exceptions in both existing laws and in proposed legislation;

F. Shall examine inconsistencies in statutory language and may recommend standardized language in the statutes to clearly delineate what information is not public and the circumstances under which that information may appropriately be released;

G. May make recommendations for changes in the statutes to improve the laws and may make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities with regard to best practices in providing the public access to records and proceedings and to maintain the integrity of the freedom of access laws and their underlying principles. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the advisory committee's recommendations;

H. Shall serve as an adviser to the Legislature when legislation affecting public access is considered;

I. May conduct public hearings, conferences, workshops and other meetings to obtain information about, discuss, publicize the needs of and consider solutions to problems concerning access to public proceedings and records;

J. Shall review the collection, maintenance and use of records by agencies and officials to ensure that confidential records and information are protected and public records remain accessible to the public; and

K. May undertake other activities consistent with its listed responsibilities.

**7. Outside funding for advisory committee activities.** The advisory committee may seek outside funds to fund the cost of public hearings, conferences, workshops, other meetings, other activities of the advisory committee and educational and training materials. Contributions to support the work of the advisory committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution shall certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the advisory committee's activities. Such a certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by 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 of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the advisory committee.

**Compensation.** Legislative members of the advisory committee are entitled to receive the legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the advisory 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 advisory committee.

**9. Staffing.** The Legislative Council shall provide staff support for the operation of the advisory committee, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session. In addition, the advisory committee may contract for administrative, professional and clerical services if funding permits.

**10. Report.** By January 15, 2007 and at least annually thereafter, the advisory committee shall report to the Governor, the Legislative Council, the joint standing committee of the Legislature having jurisdiction over judiciary matters and the Chief Justice of the Supreme Judicial Court about the state of the freedom of access laws and the public's access to public proceedings and records.

**Sec. 2. 1 MRSA §431, sub-§3** is enacted to read:

**3. Advisory committee.** "Advisory committee" means the Right To Know Advisory Committee established in Title 5, section 12004-J, subsection 14 and described in section 411.

**Sec. 3. 1 MRSA §432**, as enacted by PL 2003, c. 709, §3, is amended to read:

#### **§432. Exceptions to public records; review**

**1. Recommendations.** During the second regular session of each Legislature, the review committee ~~shall~~ may report out legislation containing its recommendations concerning the repeal, modification and continuation of public records exceptions and any recommendations concerning the exception review process. Before reporting out legislation, the review committee shall notify the appropriate committees of jurisdiction concerning public hearings and work sessions and shall allow members of the appropriate committees of jurisdiction to participate in work sessions.

**2. Process of evaluation.** According to the schedule in section ~~434~~ 433, the ~~review~~ advisory committee shall evaluate each public records exception that is scheduled for review that biennium. This section does not prohibit the evaluation of a public record exception by either the advisory committee or the review committee at a time other than that listed in section 433. The ~~review committee shall use the~~ following criteria ~~to determine~~ apply in determining whether each exception scheduled for review should be repealed, modified or remain unchanged:

- A. Whether a record protected by the exception still needs to be collected and maintained;
- B. The value to the agency or official or to the public in maintaining a record protected by the exception;
- C. Whether federal law requires a record to be confidential;
- D. Whether the exception protects an individual's privacy interest and, if so, whether that interest substantially outweighs the public interest in the disclosure of records;
- E. Whether public disclosure puts a business at a competitive disadvantage and, if so, whether that business's interest substantially outweighs the public interest in the disclosure of records;
- F. Whether public disclosure compromises the position of a public body in negotiations and, if so, whether that public body's interest substantially outweighs the public interest in the disclosure of records;
- G. Whether public disclosure jeopardizes the safety of a member of the public or the public in general and, if so, whether that safety interest substantially outweighs the public interest in the disclosure of records;
- H. Whether the exception is as narrowly tailored as possible; and
- I. Any other criteria that assist the review committee in determining the value of the exception as compared to the



public's interest in the record protected by the exception.

**2-A. Accountability review of agency or official.** In evaluating each public records exception, the advisory committee shall, in addition to applying the criteria of subsection 2, determine whether there is a publicly accountable or what has authority to review the agency or official that collects, maintains or uses the record subject to the exception in order to ensure that information collection, maintenance and use are consistent with the purpose of the exception and that public access to public records is not hindered.

**2-B. Recommendations to review committee.** The advisory committee shall report its recommendations under this section to the review committee no later than the convening of the second regular session of each Legislature.

**3. Assistance from committees of jurisdiction.** The ~~review~~ advisory committee ~~shall~~ may seek assistance in evaluating public records exceptions from the joint standing committees of the Legislature having jurisdiction over the subject matter related to the exceptions being reviewed. The ~~review~~ advisory committee may hold ~~joint~~ public hearings ~~with after notice~~ to the appropriate committees of jurisdiction. ~~The review committee shall notify the appropriate committees of jurisdiction concerning work sessions and shall allow members of the appropriate committees of jurisdiction to participate in work sessions.~~

Sec. 4. 1 MRSA §433, sub-§1, as enacted by PL 2003, c. 709, §3, is repealed.

Sec. 5. 1 MRSA §433, sub-§§2 and 3 are enacted to read:

**2. Scheduling guidelines.** The advisory committee shall use the following list as a guideline for scheduling reviews of public records exceptions.

A. Exceptions codified in the following Titles are scheduled for review in 2008:

- (1) Title 1;
- (2) Title 2;
- (3) Title 3;
- (4) Title 4;
- (5) Title 5;
- (6) Title 6;
- (7) Title 7;
- (8) Title 8;
- (9) Title 9-A; and
- (10) Title 9-B.

B. Exceptions codified in the following Titles are scheduled for review in 2010:

- (1) Title 10;
- (2) Title 11;
- (3) Title 12;
- (4) Title 13;
- (5) Title 13-B;
- (6) Title 13-C;
- (7) Title 14;
- (8) Title 15;
- (9) Title 16;
- (10) Title 17;
- (11) Title 17-A;
- (12) Title 18-A;
- (13) Title 18-B;
- (14) Title 19-A;

- (15) Title 20-A; and
- (16) Title 21-A.

C. Exceptions codified in the following Titles are scheduled for review in 2012:

- (1) Title 22;
- (2) Title 23;
- (3) Title 24;
- (4) Title 24-A; and
- (5) Title 25.

D. Exceptions codified in the following Titles are scheduled for review in 2014:

- (1) Title 26;
- (2) Title 27;
- (3) Title 28-A;
- (4) Title 29-A;
- (5) Title 30;
- (6) Title 30-A;
- (7) Title 31;
- (8) Title 32;
- (9) Title 33;
- (10) Title 34-A;
- (11) Title 34-B;
- (12) Title 35-A;
- (13) Title 36;
- (14) Title 37-B;
- (15) Title 38; and
- (16) Title 39-A.

3. Scheduling changes. The advisory committee may make adjustments to the scheduling guidelines provided in subsection 2 as it determines appropriate and shall notify the review committee of such adjustments.

Sec. 6. 1 MRSA §434, sub-§2-A are enacted to read:

2-A. Accountability review of agency or official. In evaluating each proposed public records exception, the review committee shall, in addition to applying the criteria of subsection 2, determine whether there is a publicly accountable entity that has authority to review the agency or official that collects, maintains or uses the record subject to the exception in order to ensure that information collection, maintenance and use are consistent with the purpose of the exception and that public access to public records is not hindered.

Sec. 7. 5 MRSA §12004-J, sub-§14 is enacted to read:

<u>14.</u>	<u>Right To</u>	<u>Legislative 1</u>
<u>Freedom</u>	<u>Know</u>	<u>Per Diem MRSA</u>
<u>of Access</u>	<u>Advisory</u>	<u>and Ex- §411</u>
	<u>Committee</u>	<u>penses</u>
		<u>for</u>
		<u>Legislators</u>
		<u>and</u>
		<u>Expenses</u>
		<u>Only for</u>
		<u>Certain</u>

Members

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

**LEGISLATURE**

**Legislature 0081**

**Initiative:** Provides a base allocation of \$500 in fiscal year 2006-07 in the event outside funding is received to fund certain expenses of the Right To Know Advisory Committee.

**OTHER SPECIAL REVENUE**

**FUNDS 2005-06 2006-07**

All Other \$0 \$500

**OTHER SPECIAL REVENUE**

**FUNDS TOTAL \$0 \$500**

Effective August 23, 2006.

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**Legislative Youth Advisory Commission**

# PUBLIC LAWS OF MAINE

## First Regular Session of the 120th

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### PART PPPP

Sec. PPPP-1. 3 MRSA §168-A is enacted to read:

#### §168-A. Legislative Youth Advisory Council

There is established the Legislative Youth Advisory Council, referred to in this section as the "council."

1. Duties. The council shall perform the following duties:

- A. Advise the Legislature, the President of the Senate and the Speaker of the House of Representatives on proposed and pending legislation, state budget expenditures and policy matters related to youth;
- B. Advise the joint standing committees of the Legislature and study commissions, committees and task forces regarding issues related to youth;
- C. Conduct an annual seminar each August for its members regarding leadership, government and the Legislature, to which Legislators must be invited;
- D. Meet at least 6 times per year and conduct 2 public hearings per year on issues of importance to youth; and
- E. Publish an annual report of its activities and present the report to the Legislature by February 15th of each year. The council may submit legislation to the Legislature.

2. Jurisdiction. The council shall examine issues of importance to youth, including, but not limited to, education, employment, strategies to increase youth participation in municipal government and State Government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness and youth access to services on municipal and statewide bases.

3. Membership. The council consists of 21 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 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;
- (3) Two students at postsecondary educational institutions located in the State; and
- (4) One member of the Senate whose term coincides 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;

(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.

4. Chairs. At the first meeting of each calendar year, the members shall elect one of their youth members to serve as cochair for a term of one year. The member of the House of Representatives who is the first appointed by the Speaker shall serve as cochair.

5. Cooperation with Department of Education. The council shall work cooperatively with the Department of Education on the integration of council experience into the learning results standards in student service and career preparation.

6. Priorities. The council shall set priorities and shall determine the function of subcommittees, standards of conduct, process, procedures and the use of technology to convene meetings. Council members shall review and consider the procedures and rules used by the Legislature as they may be appropriate for use as models for the council.

7. Communication. The council may provide testimony on legislation pending before the Legislature.

8. Compensation. Members of the council who are Legislators are entitled to the legislative per diem and to reimbursement of reasonable expenses incurred in order to serve on the council as provided in Title 5, section 12004-I, subsection 54-C. All other members who are not otherwise reimbursed for their service on the council are entitled to compensation for reasonable expenses incurred in order to serve on the council as provided in Title 5, section 12004-I, subsection 54-C.

9. Freedom of access. Meetings of the council are public meetings and all records of the council are public records as defined by Title 1, section 402, subsection 3.

10. Staff. The Office of Policy and Legal Analysis and the Edmund S. Muskie School of Public Service shall provide staff assistance to the council.

**Sec. PPPP-2. 5 MRSA §12004-I, sub-§54-C is enacted to read:**

<u>54-C.</u>	<u>Legislative</u>	<u>Legislative</u>	<u>3 MRSA</u>
<u>Legislature Youth</u>	<u>Advisory</u>	<u>Per Diem</u>	<u>§168-A</u>
<u>Council</u>	<u>and</u>	<u>Expenses for</u>	
		<u>Legislators</u>	
		<u>and</u>	
		<u>Expenses</u>	
		<u>Only for</u>	
		<u>Certain</u>	
		<u>Members</u>	

**Sec. PPPP-3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Part.

2002-03

LEGISLATURE

**Legislature**

Personal Services \$11,660  
All Other 36,200

Provides funds for the per diem and expenses of legislative members and other eligible members of the Legislative Youth Advisory Council, to hold public hearings, to hold an annual seminar and for printing and miscellaneous costs.

**LEGISLATURE****TOTAL \$47,860**

**Sec. PPPP-4. Effective date.** This Part takes effect July 1, 2002.

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# PUBLIC LAWS OF MAINE

## First Regular Session of the 121st

---

### CHAPTER 481 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 ~~1-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 coincides~~ 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 ~~1-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

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.

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

Effective June 23, 2003.

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# PUBLIC LAWS

## First Special Session of the 122nd

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### CHAPTER 414 H.P. 1056 - L.D. 1511

#### An Act Regarding the Budget Process for the Legislative Youth Advisory Council

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

**Sec. 1. 3 MRSA §168-A, sub-§10**, as amended by PL 2003, c. 20, Pt. F, §3, is further amended to read:

**10. Staff.** ~~The Edmund S. Muskie School of Public Service~~ Legislative Council shall provide ~~funding and~~ staff assistance to the council from within its existing budgeted resources or from any grants received by the ~~school~~ Legislative Council for that purpose. ~~The Office of Policy and Legal Analysis staff assigned by the Legislative Council~~ shall draft all legislation submitted to the Legislature by the council. Legislative Council staffing may be curtailed during periods when the Legislature is in regular or special session.

**Sec. 2. 3 MRSA §168-A, sub-§11** is enacted to read:

**11. Funding.** The Legislative Council may seek outside funds to fund costs of the council. Contributions to support the work of the youth council may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied or who would in any way compromise the work of the council. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council or its designee in the manner prescribed by the Legislative Council that the person has no pecuniary or other vested interest in the outcome of the work of the council. All contributions are subject to approval by the Legislative Council or its designee. The Executive Director of the Legislative Council administers any funds received by the youth council. The executive director shall notify the chairs of the youth council of the status of the funding on or before December 1st annually and what funding is available for the immediately following calendar year.

**Sec. 3. Budget.** The Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, shall work with the Executive Director of the Legislative Council to develop a budget for the youth council. The budget must be submitted to the Executive Director of the Legislative Council within 60 days of the effective date of this Act. The Legislative Council shall pay reasonable expenses of members who are Legislators to attend authorized meetings of the youth council. All other expenses must be paid for from the youth council's budget. The youth council may not incur any expense that would cause the youth council to exceed its budgeted resources.

**Sec. 4. Transfer; Other Special Revenue Funds savings; authorization.** The Department of Education shall transfer \$30,000 by October 1, 2005 from funds that support the Task Force on Citizenship Education established pursuant to Resolve 2003, chapter 143 to the Legislature to provide funding for the Legislative Youth Advisory Council. The Legislative Council is authorized to allocate these funds to support the operations of the Legislative Youth Advisory Council.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

#### LEGISLATURE

Legislature 0081

Initiative: Provides funds to pay for staffing and other expenses incurred in support of the Legislative Youth Advisory Council.

#### OTHER SPECIAL REVENUE

FUNDS 2005-06 2006-07

All Other \$30,000 \$0

SPECIAL REVENUE  
FUNDS TOTAL \$30,000 \$0

Effective September 17, 2005.

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## CHAPTER 616

S.P. 856 - L.D. 2114

An Act To Implement Organizational Improvements to the  
Legislative Youth Advisory Council

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

## PART A

Sec. A-1. 3 MRSA §168-A, sub-§12 is enacted to read:

12. Solicitation of funds prohibited without prior written approval. No public or private entity may solicit or receive funds from any source on behalf of or for the benefit of the council without prior written approval of the Legislative Council or its executive director. All such funds, if approved and when received by the requesting entity, must be immediately transferred in full to the Legislature and reserved by the Legislature for use by the council.

Sec. A-2. PL 2005, c. 414, §§3 to 5 are repealed.

Sec. A-3. Commissioner of Education to fund 2 public forums of the Legislative Youth Advisory Council during fiscal year 2006-07. The Commissioner of Education shall use funds received by the Department of Education to support the Task Force on Citizenship Education, established pursuant to Resolve 2003, chapter 143, to pay all costs associated with 2 statewide public forums to be held by the Legislative Youth Advisory Council established in the Maine Revised Statute, Title 3, section 168-A. Furthermore, the department shall reimburse the Legislature for Legislator expenses incurred in participating in the public forums. At the conclusion of the forums and payment of related costs, the department shall provide the Executive Director of the Legislative Council with a detailed financial accounting for all expenses incurred for each public forum, including the sources of the funding.

The 2 public forums must be held between July 1, 2006 and November 30, 2006, in high schools north and south of Augusta and must be for the purpose of soliciting input, suggestions and ideas for enhanced civic education in the State's secondary school system. The commissioner shall provide at least one staff person to attend each public forum and prepare written summaries of the meetings. The Legislative Council shall also provide a staff person to attend each public forum. These 2 public forums of the Legislative Youth Advisory Council constitute 2 of the 6

annual meetings of the council authorized under the Maine Revised Statutes, Title 3, section 168-A, subsection 1. The Legislative Youth Advisory Council must include a summary of those public forums, along with any recommendations resulting from those forums, in a report submitted to the Legislative Council by January 15, 2007.

Completion of the 2 public forums required under this section and full payment by the department of all associated costs constitutes fulfillment of the duties of the department and the Legislative Youth Advisory Council pertaining to public forums required under Resolve 2003, chapter 143, Part A, sections 2 and 3.

## PART B

**Sec. B-1. 3 MRSA §168-A, sub-§1, ¶E,** as amended by PL 2003, c. 20, Pt. F, §2, is further amended to read:

E. Report ~~annually~~ biennially to the Legislature Legislative Council on its activities by ~~February 15th of each year~~ December 1st preceding each second regular session of the Legislature. The council may submit proposed legislation as part of its report to the Legislature Legislative Council to implement its recommendations.

**Sec. B-2. 3 MRSA §168-A, sub-§3,** as amended by PL 2003, c. 481, §1 and c. 689, Pt. B, §6, is repealed and the following enacted in its place:

**3. Membership.** The council consists of 20 voting members who are Maine residents and appointed in accordance with this subsection. In appointing members, the appointing authorities shall consider geographic distribution. All youth and legislative appointments must be made within 60 days after the convening of each new Legislature. All appointments are for the duration of the legislative term for which the members are appointed and expire upon the convening of the next Legislature. The appointing authorities shall select youth members from youths recommended by principals, guidance counselors or administrative heads of secondary or postsecondary school systems, representatives of equivalent instruction programs or other organizations having an interest in youth activities. Members may be reappointed to subsequent terms on the council as long as they are eligible at the time of their reappointment.

A. The President of the Senate shall appoint the following 10 members:

(1) Seven youths who have attained 16 years of age and who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma, enrolled in equivalent instruction programs under Title 20-A, chapter 211, subchapter 1-A or enrolled at

postsecondary educational institutions located in the State;

(2) One youth who has attained 16 years of age and is enrolled in an equivalent instruction program under Title 20-A, chapter 211, subchapter 1-A; and

(3) Two members of the Senate.

B. The Speaker of the House shall appoint the following 10 members:

(1) Seven youths who have attained 16 years of age and who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma, enrolled in equivalent instruction programs under Title 20-A, chapter 211, subchapter 1-A or enrolled at postsecondary educational institutions located in the State;

(2) One youth who has attained 16 years of age and who is enrolled in an equivalent instruction program under Title 20-A, chapter 211, subchapter 1-A; and

(3) Two members of the House of Representatives.

**Sec. B-3. 3 MRSA §168-A, sub-§4,** as repealed and replaced by PL 2003, c. 481, §2, is amended to read:

**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 that biennium.

**Sec. B-4. 3 MRSA §168-A, sub-§5,** as enacted by PL 2001, c. 439, Pt. PPPP, §1 and affected by §4, is amended to read:

**5. Integration with learning results.** The Department of Education may seek the cooperation of the council shall work cooperatively with the Department of Education on the integration of council experience into the learning results standards in student service and career preparation.

**Sec. B-5. Transition provisions; youth appointments.** Notwithstanding the provision of the Maine Revised Statutes, Title 3, section 168-A, subsection 3, youth members of the Legislative Youth Advisory Council established in the Maine Revised Statutes, Title 3, section 168-A who are appointed to the council prior to the effective date of this Act for a term of 2 years may serve for the entire period of that 2-year appointment.