

# MAINE STATE LEGISLATURE

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



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

FIRST REGULAR SESSION

---

---

ONE HUNDRED AND TENTH LEGISLATURE

---

---

**Legislative Document**

**No. 256**

H. P. 219

House of Representatives, January 14, 1981

Referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Rolde of York.

---

---

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

---

**AN ACT to Promote Alcohol and Drug Abuse Education and Rehabilitation.**

---

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

Sec. 1. 20 MRSA c. 109, sub-c. VII is enacted to read:

**SUBCHAPTER VII**

**PRIMARY PREVENTION THROUGH EDUCATION**

**§ 1201. Purpose**

1. **Legislature recognition.** The Legislature recognizes that alcohol and drug use and abuse are viewed as complex human behavior. It is the intent and purpose of the Legislature by this subchapter to provide for the establishment of a comprehensive statewide program on primary prevention of alcohol and drug abuse to be offered in public elementary and secondary schools and teacher education institutions. Instruction would be concentrated on the causal approach to human behavioral problems and on a developmental approach to learning and directed at the following tasks for students:

- A. Developing self-identity, self-acceptance and feelings of adequacy;
- B. Learning to be competent, to achieve, to think of oneself as capable of mastery;
- C. Learning to develop mutuality, becoming more effective in peer relationships;

D. Learning to make value judgments and choices and to accept the consequences of one's choices;

E. Developing an understanding of the important aspect of human motives and behavior with emphasis on the behavior under consideration, e.g., alcohol abuse behavior;

F. Understanding of the nature of frustrations and various possible procedures for handling them constructively;

G. Understanding of the decision-making process in terms of various courses of action on human development; and

H. Learning that no behavior persists which does not serve some function, real or imagined; that all behavior is determined by a combination and interaction of physiological, psychological, social and cultural forces; and that both the functions which behavior serves and the pattern of forces that shape or sustain that behavior range from individual to individual and from group to group.

2. Identification and prevention. While the primary focus of this program is the prevention of alcohol and other substance abuse behavioral patterns, it is important to recognize that this methodology provides teachers with tools to identify and prevent other forms of self-destructive behavior, such as dropping out, delinquency, suicide and truancy.

3. Primary direction. As the educational facilities of the State are best equipped to plan an organized program of primary prevention, the Legislature intends that school districts and the teacher education institutions of Maine, with the direction of the Department of Educational and Cultural Services, provide the primary impetus and direction in carrying out this subchapter.

#### § 1202. Duties of school committees and directors

1. Organization and development. School committees and school directors of the several administrative units of the State shall make provision for the organization and development of adequate primary prevention programs, stressing the causal approach of human behavior and its relationship to alcohol and drug use and abuse and other forms of socially disruptive or potentially self-destructive human behavior. The school committees and directors shall teach these subjects to all pupils in kindergarten through 12th grade. The commissioner shall prepare courses of study, plans, lessons and instruction of these subjects and require that they be taught to students in the teacher education institutions of the State.

2. Instruction. Instruction in these subjects shall, to the extent possible, include the following:

A. Sequential instruction in kindergarten and grades 1 through 12;

B. In-service training for school personnel and teacher training institution personnel;

C. Instructional materials for pupils and teachers;

D. Identification and reporting of promising programs of instruction and counseling; and

E. Promotion of effective liaison between school and community involving parents, pupils, community health agencies, law enforcement agencies and other concerned community groups.

§ 1203. Duties of Department of Educational and Cultural Services

The Department of Educational and Cultural Services shall:

1. Curriculum guidelines. Develop curriculum guidelines for the public schools and the teacher education institutions on the causal approach to primary prevention of alcohol, drug abuse and other forms of socially disruptive or potentially self-destructive human behavior;

2. Teaching methods. Identify innovative teaching methods for the instruction of the causal approach to human behavior;

3. Evaluation. Develop methods of evaluating the effectiveness of the instruction;

4. Assistance to school districts. Assist school districts in conducting teacher training programs of primary prevention;

5. Assistance to teacher training institutions. Assist teacher training institutions in development of courses on primary prevention;

6. Pilot projects. Administer pilot projects on primary prevention and conduct teacher training as may be directed by statute and funded by appropriation;

7. Reports. Provide annual reports of its activities and findings regarding effective programs of primary prevention to the Office of Alcoholism and Drug Abuse Prevention, the Legislature, local school districts and appropriate agencies and organizations;

8. Training programs. Develop and establish primary prevention training programs for public school teachers and administrators to provide training at the local district level.

9. Adult education. Assist in the development of adult education programs which will include parents, students, community health agencies, law enforcement agencies and other community groups; and

10. Rules. Prescribe such rules and regulations as may be necessary to successfully carry out this program.

§ 1204. Training programs

1. Regional program. Regional training programs for school district teams of

teachers, administrators, counselors, youth and community representatives shall be made available to every district under criteria developed by the Department of Educational and Cultural Services. Training sites shall be situated in a minimum of 5 locations throughout Maine for the convenience and economy of attending personnel.

2. Salary and expenses for attending. All certificated teaching or administrative personnel attending a training program shall receive their regular salary for the time covered by this attendance and shall also receive necessary traveling expenses, not exceeding the amount per mile allowed state employees. These expenses shall be paid by the school district in which they are employed. When the training is held during the time that the certificated personnel are employed in teaching, their regular pay may not be diminished by reason of their attendance.

3. Closing schools. To eliminate cost of teacher substitutes during the scheduled training periods, local boards of education may close the local schools for the training and follow-up periods, without penalty, for a maximum of 10 school days. Where possible, local authorized in-service days shall be utilized or other plans convenient to the local schools may be made.

4. Training requirements. The training requirements for programs are as follows:

A. An average minimum of 10 teachers, administrators and counselors shall be trained from each of the elementary schools of Maine;

B. An average minimum of 12 teachers, administrators and counselors shall be trained from each of the secondary schools in Maine;

C. An appropriate number of faculty from the teacher education institutions of Maine shall be trained;

D. Training for elementary and secondary public school personnel and teacher education institutions shall be implemented during the 1981-82 school year and will continue through the school years of 1982-83, 1983-84 and 1984-85; and

E. Follow-up studies, technical assistance to local education agencies and research and evaluation shall continue through the fiscal year ending June 30, 1986.

#### § 1205. Accreditation of teacher education institutions

After January 1, 1983, the State Board of Education shall not accredit any teacher education institution for teacher education purposes unless it offers courses for prospective teachers on the causal approach to alcohol and drug abuse behavior. These courses shall be in accordance with guidelines for courses of study, plans, lessons and instruction prepared by the commissioner. The State Board of Education shall continually reevaluate approved teacher training institutions to insure that programs are in conformance with the intent of this section.

**§ 1206. District policy**

The governing board of each School Administrative District shall adopt a policy regarding its primary prevention program by resolution, in accordance with guidelines approved by the Department of Educational and Cultural Services. This policy shall specify, among other things: The curriculum to be utilized, provisions for in-service training and curriculum assistance to teachers, minimum qualifications necessary for the certificated teachers assigned to teach the programs of primary prevention and the establishment of an incidence record-keeping system on problems related to alcohol and drug abuse, so that accurate statistics can be developed on a statewide basis. In no instance may names of persons be recorded for such reports, studies or other such reviews.

**§ 1207. Other moneys**

Nothing in this subchapter is intended to preclude the use of federal or other moneys for this program. Any other moneys so received shall be credited against the amount to be disbursed from the Abuse Education Fund.

**§ 1208. Abuse Education Fund**

1. **Created.** The Treasurer of State shall create a special revenue fund to be known as the "Abuse Education Fund." The State Liquor Commission shall remit to the Treasurer of State, for deposit into the fund, 1¢ per gallon of the tax on malt liquor and table wine collected by the commission. The Treasurer of State shall deposit into the fund the amount received from the surcharge imposed by Title 36, section 1815. The fund shall continue from year to year as a carrying account to be used for the purpose for which it was created.

2. **Loan.** In fiscal year 1981-82 the Abuse Education Fund shall be initially funded by an appropriation from the General Fund of \$304,000. That appropriation shall be returned to the General Fund as soon as possible, consistent with the use of the Abuse Education Fund for the purposes of this subchapter. The repayment shall be completed before June 30, 1985.

3. **Expenses.** In accordance with a budget submitted each year by the commissioner, the Treasurer of State shall pay the expenses required under this subchapter. The commissioner shall include, in his budget, provisions to repay to the General Fund the appropriation provided under subsection 2.

**Sec. 2.** 28 MRSA § 452, 2nd sentence, as amended by PL 1979, c. 130, § 3, is further amended to read:

A wholesale licensee who imports malt liquor shall pay an excise tax of ~~25¢~~ 26¢ per gallon, or its metric equivalent, and at a like rate for any multiple or fraction thereof.

**Sec. 3.** 28 MRSA § 452, 2nd ¶, first sentence, as amended by PL 1979, c. 130, § 4, is further amended to read:

There shall be levied and imposed an excise tax of ~~30¢~~ 31¢ per gallon, or its

metric equivalent, or fraction or multiple thereof, on all table wine containing 14% or less alcohol by volume imported into this State; except the excise tax shall be 20¢ per gallon, or its metric equivalent, or fraction or multiple thereof on all still wine containing 14% or less alcohol by volume which is manufactured or bottled in this State; and an excise tax of \$1 per gallon, or its metric equivalent, or multiple or fraction thereof on all sparkling wines manufactured in or imported into this State.

**Sec. 4. 28 MRSA § 452, 3rd ¶ is amended to read:**

All money received by the commission under this section shall be forthwith turned over to the Treasurer of State and shall be credited to the General Fund of the State, **except that 1¢ per gallon on malt liquor and 1¢ per gallon on table wine and still wine shall be turned over to the Treasurer of State and shall be credited to the Abuse Education Fund special revenue account.**

**Sec. 5. 36 MRSA § 1815 is enacted to read:**

**§ 1815. Surcharge on cigarette papers**

**In addition to the tax imposed by this chapter, a surcharge of 1¢ is imposed on the retail sale of cigarette rolling papers. Retailers making such sales shall segregate the amount generated by the surcharge according to rules promulgated by the State Tax Assessor. The State Tax Assessor shall turn the amount over to the Treasurer of State for the Abuse Education Fund.**

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

	1981-82
EDUCATIONAL AND CULTURAL SERVICES,	
DEPARTMENT OF	
Abuse Education Fund	
All Other	\$304,000

**STATEMENT OF FACT**

Maine ranks high among the states in the problem of alcoholism. Drinking is responsible for nearly 50% of all fatal traffic accidents, particularly those involving teenagers. There is a noted relationship between alcohol and drug abuse and truancy, vandalism and the high incidence of students dropping out of school.

There is a need for a concentrated statewide program concerning drug and alcohol abuse prevention that will reach each and every school in Maine. This bill provides such a program and funds it through a 1¢ tax on the sale of beer, wine and cigarette rolling papers. An initial appropriation would be paid back as the special fund, created by the tax, builds up.