

MAINE STATE LEGISLATURE

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123rd Legislature
Legislative Council Meeting
Review of Legislative Study Proposals
April 14, 2008

Requirements Relevant to Studies in the First Regular Session

Under the terms of the Joint Rules of the 123rd 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 123rd Legislature. Joint Rules and the related council policy specify the manner of appointment, selection of chair, compensation of members, report date and other relevants as part of study legislation. Copies of the Joint Rule and the adopted policy are attached.

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. A 2/3rds majority is required to authorize any study reporting to a subsequent Legislature.
- 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 and its staff. 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 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 authorized by law or joint order, joint standing committees may not meet during the interim for any purpose without the prior written approval of the presiding officers. Committees wishing to meet must submit a written request to meet to the presiding officers indicating the number of meetings requested, the purpose of the meetings and the date of the meeting. Committee clerks will not be authorized to be recalled for work for interim committee meetings or study committee meetings.

**JOINT RULE 353
LEGISLATIVE STUDIES**

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 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 pro tem 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.



SEN. BETH EDMONDS
CHAIR

REP. GLENN A. CUMMINGS
VICE-CHAIR

123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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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 2/3rd 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 24th 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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**Proposed Legislative Studies
And
Related Materials**

Listing of Proposed Studies		Page
POLICY AREA:	Agriculture, Conservation & Forestry	
LD 1684	Committee to Study the Protection of Farms and Farmland	18-16
LD 2245	Agriculture Committee Review of the Recommendations of the Agricultural Creative Economy Study	18-25
POLICY AREA:	Criminal Justice and Public Safety	
JSO HP 1665	Criminal Justice Committee Review of Sex Offender Registration Laws	18-31
POLICY AREA:	Education and Cultural Affairs	
LD 2131	Legislative Youth Advisory Council	18-33
LD 2303	Commission to Study Alternative Education Programs	18-35
POLICY AREA:	Health and Human Services	
LD 1110	Maine Council on Poverty and Economic Security	18-44
LD 2052	Blue Ribbon Commission to Study Long-term Home-based and Community-based Care	18-49
LD 2311	Maine Children's Growth Council	18-53

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LD

LD/Paper	Emet?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
1 LD1684 Pg. 18-16	Y	Committee to Study the Protection of Farms and Farmland	ACF	Develop policy initiatives to protect working farms from the impact of development and to maintain a base of commercially viable agricultural land.	11 / 6	Upon completion of appointment of all members	November 5, 2008: ACF Committee	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY09 \$4,270.00 Source: OSR 4 meetings budgeted. If sufficient outside funding is not received by 8/1/08 to fully fund all costs of the commission, no meetings are authorized and no expenses may be incurred or reimbursed.	Legislative Council	Passed in the House; placed on the Study Table in the Senate
2 LD2245 Pg. 18-25	Y	Agriculture Committee Review of the Recommendations of the Agricultural Creative Economy Study	ACF	Evaluate the merits of the recommendations and the resources needed for implementing each recommendation.	13 / 13			Legislative per diem and expenses Fiscal Costs: FY09 \$4,875.00 Source: GF 3 meetings budgeted	OPLA	Passed in the House; placed on the Study Table in the Senate

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LD

Lb/Paper	Emer?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
3 HP1665 JSO	N	Criminal Justice Committee Study of Sex Offender Registration Laws	CRJ	Study issues related to sex offender registration laws.	13 / 13	No later than June 15, 2008	November 5, 2008: First Regular Session of the 124th Legislature	Legislative per diem and expenses Fiscal Costs: FY09 \$7,250.00 Source: GF 4 meetings specified in Joint Order.	Legislative Council	Passed in the House and Senate
Pg. 18-31										
4 LD2131	N	Legislative Youth Advisory Council	EDU	Advise the Legislature on matters related to youth.	20 / 4	on-going commission	First business day in February of each even-numbered year: Legislative Council	Legislative per diem and expenses; youth members may receive expenses Fiscal Costs: FY09 \$0.00 Source: Allows the LYAC to meet more than 6 times per year if sufficient budgeted resources remain. Also, availability of staff resources during certain periods needs to be considered.	Legislative Council	Passed in the House; placed on the Study Table in the Senate
Pg. 18-33										

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LD

Lb/Paper	Emer?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
5 LD2303 Pg. 18-35	N	Commission to Study Alternative Education Programs	EDU	Review issues related to alternative education programs.	13 / 7	Within 15 days following completion of all appointments	November 5, 2008: Education Committee	Legislative per diem and expenses Fiscal Costs: FY09 \$4,490.00 Source: GF 4 meetings budgeted.	Legislative Council	Passed in the House; placed on the Study Table in the Senate
6 LD1110 Pg. 18-44	N	Maine Council on Poverty and Economic Security	HHS	Advise the Governor and Legislature on approaches to end poverty and provide economic security to those who are poor that live in Maine.	21 / 6	On-going Title 5 Commission	Annually by February 15: Governor Annually by February 15: Legislature	Legislative per diem; public members may receive per diem and expenses Fiscal Costs: FY09 \$2,520.00 Source: OSR 4 meetings budgeted. Ongoing costs beginning in FY 09. Contingent on the receipt of outside funds. Budget reflects per diem and expenses for legislative members only.	DHHS	Passed in the House; placed on the Study Table in the Senate

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LD

Lb/Paper	Emer?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
7 LD2052 Pg. 18-49	Y	Blue Ribbon Commission to Study Long-term Home-based and Community-based Care	HHS	Examine and make recommendations on the development of choices to meet unmet needs and financing options to ensure access to and affordability of long-term home-based and community-based care.	10 / 5	Within 15 days following completion of appointment of members	December 15, 2008: First Regular Session of the 124th Legislature	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY09 \$3,650.00 Source: OSR 4 meetings budgeted. If sufficient outside funding has not been received by 10/1/08 to fully fund the costs of the commission, no meetings are authorized and no expenses may be incurred or reimbursed.	Legislative Council	Passed in the House; placed on the Study Table in the Senate

Sort Fields: Policy Area LD

Pg.
18-53

\$0.00

OSR \$12,960.00

\$29,575.00

ACF

LD 1684

**Committee to Study the Protection of
Farms and Farmland**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHT

S.P. 591 - L.D. 1684

An Act To Create the Maine Agriculture Protection Act

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

Whereas, maintaining a base of commercially viable agricultural land is vital to rural communities and the State's economy; and

Whereas, thoughtful policies are needed to address the impact of development on working farms and farmland; and

Whereas, convening a commission for this purpose as soon as possible will allow more time for thoughtful examination of the issues; and

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

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

Sec. 1. 7 MRSA §52, sub-§3, as enacted by PL 1989, c. 478, §1, is amended to read:

3. Commercial farming. "Commercial farming" means the production of any "farm product," ~~as defined by Title 17, section 2805,~~ with the intent that that farm product be sold or otherwise disposed of to generate income.

Sec. 2. 7 MRSA §52, sub-§3-A is enacted to read:

3-A. Farm product. "Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, grains and food crops, dairy products, poultry and poultry products, bees, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products.

Sec. 3. 7 MRSA c. 6 is enacted to read:

CHAPTER 6

MAINE AGRICULTURE PROTECTION ACT

§151. Short title

This Act may be known and cited as "the Maine Agriculture Protection Act."

§152. Definitions

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

1. Agricultural composting operation. "Agricultural composting operation" means composting that takes place on a farm. "Agricultural composting operation" does not include an operation that involves nonorganic municipal solid waste or that composts municipal sludge, septage, industrial solid waste or industrial sludge. "Agricultural composting operation" does not include an operation that composts materials with a moderate or high risk of contamination from heavy metals, volatile and semivolatile organic compounds, polychlorinated biphenyls or dioxin.

2. Agricultural products. "Agricultural products" means those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bees' products, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. "Agricultural products" does not include trees grown and harvested for forest products.

3. Agricultural support services. "Agricultural support services" means the aerial or surface application of seed, fertilizer, pesticides or soil amendments and custom harvesting.

4. Composting. "Composting" means the controlled aerobic decomposition of organic materials to produce a soil-like product beneficial to plant growth and suitable for agronomic use.

5. Farm. "Farm" means the land, plants, animals, buildings, structures, ponds and machinery used in the commercial production of agricultural products.

6. Farm operation. "Farm operation" means a condition or activity that occurs on a farm in connection with the commercial production of agricultural products and includes, but is not limited to, operations giving rise to noise, odors, dust, insects and fumes; operation of machinery and irrigation pumps; disposal of manure; agricultural support services; and the employment and use of labor.

§153. Farm; farm operation or agricultural composting operation not a nuisance

A farm, farm operation or agricultural composting operation may not be considered a public or private nuisance under Title 17, chapter 91 if the farm, farm operation or

agricultural composting operation alleged to be a nuisance is in compliance with applicable state and federal laws, rules and regulations and:

1. Farm; farm operation; agricultural composting operation. The farm, farm operation or agricultural composting operation conforms to best management practices, as determined by the commissioner in accordance with Title 5, chapter 375;

2. Storage or use of farm nutrients; complaints. For complaints regarding the storage or use of farm nutrients as defined in section 4201, subsection 4, the farm, farm operation or agricultural composting operation has implemented a nutrient management plan developed in accordance with section 4204 and operation of the farm, farm operation or agricultural composting operation is consistent with the nutrient management plan; or

3. Change in land use; occupancy of land. The farm, farm operation or agricultural composting operation existed before a change in the land use or occupancy of land within one mile of the boundaries of the farm, farm operation or agricultural composting operation as long as, before the change in land use or occupancy, the farm, farm operation or agricultural composting operation would not have been considered a nuisance. This subsection does not apply to a farm, farm operation or agricultural composting operation that materially changes the conditions or nature of the farm, farm operation or agricultural composting operation after a change in the land use or occupancy of land within one mile of the boundaries of the farm, farm operation or agricultural composting operation. Nothing in this subsection affects the applicability of any of the other provisions of this chapter.

§154. Violation of municipal ordinances

A method of operation used by a farm or farm operation located in an area where agricultural activities are permitted may not be considered a violation of a municipal ordinance if the method of operation constitutes best management practices as determined by the commissioner in accordance with section 153, subsection 1.

§155. Application; municipal ordinances

This chapter does not affect the application of state and federal laws. A municipality must provide the commissioner with a copy of any proposed ordinance that affects farm operations. The clerk of the municipality or a municipal official designated by the clerk shall submit a copy of the proposed ordinance to the commissioner at least 90 days prior to the meeting of the legislative body or public hearing at which adoption of the ordinance will be considered. The commissioner shall review the proposed ordinance and advise the municipality as to whether the proposed ordinance restricts or prohibits the use of best management practices. This section does not affect municipal authority to enact ordinances.

§156. Complaint resolution

The commissioner shall investigate all complaints involving a farm, farm operation or agricultural composting operation, including, but not limited to, complaints involving the use of waste products, groundwater and surface water pollution and insect

infestations. In cases of insect infestations not arising from agricultural activities, when the State Entomologist believes that the infestation is a public nuisance and is able to identify the source or sources of the infestation, the commissioner shall refer the matter to the Department of the Attorney General. If the commissioner finds upon investigation that the person responsible for the farm, farm operation or agricultural composting operation is using best management practices, the commissioner shall notify that person and the complainant of this finding in writing. Notwithstanding section 153, subsection 3, if the commissioner identifies the source or sources of the problem and finds that the problem is caused by the use of other than best management practices, the commissioner shall:

1. **Changes.** Determine the changes needed in the farm, farm operation or agricultural composting operation to comply with best management practices and prescribe site-specific best management practices for that farm, farm operation or agricultural composting operation;

2. **Advise person responsible.** Advise the person responsible for the farm, farm operation or agricultural composting operation of the changes, as determined in subsection 1, that are necessary to conform with best management practices and determine subsequently if those changes are implemented; and

3. **Findings.** Give the findings of the initial investigation and subsequent investigations and any determination of compliance to the complainant and person responsible.

§157. Good faith

The Maine Rules of Civil Procedure, Rule 11 applies in any private action filed against the owner or operator of a farm, farm operation or agricultural composting operation in which it is alleged that the farm, farm operation or agricultural composting operation constitutes a nuisance if it is determined that the action was not brought in good faith and was frivolous or intended for harassment only.

§158. Failure to adopt best management practices

If the person responsible for a farm, farm operation or agricultural composting operation does not apply best management practices as required by the commissioner, the commissioner shall send a written report to an appropriate agency if a federal or state law has been violated and to the Attorney General. The Attorney General may institute an action to abate a nuisance or to enforce the provisions of this chapter or any other applicable state law, and the court may order the abatement with costs as provided under Title 17, section 2702, such injunctive relief as provided in this section or by other applicable law, or that a civil violation has been committed. Failure to apply best management practices in accordance with this chapter constitutes a separate civil violation for which a fine of up to \$1,000, together with an additional fine of up to \$250 per day for every day that the violation continues, may be adjudged.

§159. Agricultural Complaint Response Fund

There is established the nonlapsing Agricultural Complaint Response Fund. The commissioner may accept from any source funds designated to be placed in the fund. The commissioner may authorize expenses from the fund as necessary to investigate complaints involving a farm, farm operation or agricultural composting operation and to abate conditions potentially resulting from farms, farm operations or agricultural composting operations.

§160. Educational outreach

The commissioner shall conduct an educational outreach program for the agricultural community to increase awareness of the provisions of this chapter and the best management practices of the department. The commissioner shall inform the public about the provisions of this chapter, the complaint resolution process adopted by the department and state policy with respect to preservation and protection of agricultural and natural resources.

§161. Rules

The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act to interpret and implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. 7 MRSA §4203, sub-§1, ¶C, as enacted by PL 2003, c. 283, §2, is amended to read:

C. When an aggrieved party within 30 days of the commissioner's decision appeals a decision of the commissioner regarding site-specific best management practices prescribed for a farm or other issue governed under section 156 or Title 17, section 2701-B or 2805, the board shall hold a hearing in accordance with Title 5, chapter 375, subchapter 4. The board may affirm, amend or reverse a decision made by the commissioner. The board's decision is a final agency action. The board may also conduct an information-gathering meeting at the request of the department or any party with a legitimate interest to facilitate the complaint resolution process under section 156 or Title 17, section 2701-B or 2805.

Sec. 5. 7 MRSA §4203, sub-§2-A, as enacted by PL 2003, c. 283, §3, is amended to read:

2-A. Temporary membership. When the subject matter of an appeal or complaint resolution process under this section is other than manure or nutrient management, the commissioner may appoint up to 3 temporary board members for the purpose of hearing an appeal, conducting an information-gathering meeting or facilitating the complaint resolution process under Title 17, section 2805 156. At least one temporary member must have expertise with the subject matter of the complaint or problem and one temporary member must represent the agricultural sector involved. The terms for temporary members expire when the board determines that it has taken final action on the appeal or complaint resolution process.

Sec. 6. 12 MRSA §6-A, sub-§2, as enacted by PL 1989, c. 478, §2, is amended to read:

2. Crop-producing. Includes only land where agricultural chemicals, as defined in Title 7, section 52, were used in the production of farm products, as defined in Title 47 7, section ~~2805~~ 52, subsection 3-A, in 3 or more of the previous 6 calendar years; and

Sec. 7. 17 MRSA §2805, as amended by PL 2005, c. 638, §1, is repealed.

Sec. 8. 36 MRSA §2013, sub-§1, ¶A, as repealed and replaced by PL 2007, c. 466, Pt. A, §60, is amended to read:

A. "Commercial agricultural production" means commercial production of crops for human and animal consumption, including the commercial production of sod, an agricultural composting operation as defined in Title 47 7, section ~~2805~~ 152, subsection 1, the commercial production of seed to be used primarily to raise crops for nourishment of humans or animals and the production of livestock, including the removal and storage of manure from that livestock.

Sec. 9. 37-B MRSA §801, sub-§4, ¶B, as enacted by PL 1989, c. 464, §3, is amended to read:

B. Owners and operators of commercial agricultural operations ~~shall be~~ are exempt from the fee requirements under this section for registering agricultural facilities and for hazardous materials used in the commercial production of ~~farm~~ agricultural products as defined in Title 47 7, section ~~2805~~ 152, subsection 1, paragraph C 2. ~~Farm~~ Agricultural product processing facilities are not exempt from the fee requirements. For the purposes of this section, "processing" ~~shall~~ does not include the packaging of raw commodities or ~~farm~~ agricultural products for resale.

Sec. 10. 38 MRSA §480-Y, sub-§2, ¶A, as enacted by PL 1995, c. 659, §1, is amended to read:

A. The farm must have an irrigation management plan, referred to in this section as the "irrigation plan." The irrigation plan must identify the total number of irrigated acres on the farm or on a specified management unit, the amount of water needed, the potential sources of water for irrigating the field and the water management practices that will be used to ensure that the amount of water used for crop irrigation will be kept to a minimum. For the purposes of this subsection, "farm" has the same meaning as in Title 47 7, section ~~2805~~ 152, subsection 5.

Sec. 11. Commission to Study the Protection of Farms and Farmland established. The Commission to Study the Protection of Farms and Farmland, referred to in this section as "the commission," is established.

1. Membership. The commission consists of 11 members, appointed as follows:

A. Two members of the Senate, one member from the party holding the largest number of seats and one member from the party holding the 2nd largest 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;

B. Four members of the House of Representatives, at least one member from the party holding the largest number of seats and at least one member from the party holding the 2nd largest 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;

C. One member with expertise in land use policy and knowledge of farmland preservation programs appointed by the President of the Senate;

D. One member with expertise in tax policy appointed by the President of the Senate;

E. Two members recommended by a council representing diverse agricultural producer associations and appointed by the Speaker of the House; and

F. One member representing municipal interests appointed by the Speaker of the House.

2. 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.

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

4. Duties. The commission shall develop policy initiatives to protect working farms from the impact of development and to maintain a base of commercially viable agricultural land for Maine's future. Towards this end, the commission shall:

A. Develop a system to classify farmland that is viable for agricultural production and establish statewide criteria for identifying farmland that warrants the highest order of protection;

B. Explore options and develop a proposal for designating agriculture protection areas. In exploring options, the commission shall review provisions establishing agricultural protection zones or districts in other states;

C. Review eligibility criteria and participation by farmers in Maine's current use property tax programs and develop recommendations regarding tax policy; and

D. Consider requiring an assessment of potential impacts on agricultural land prior to a governmental action such as a permitting decision or commencement of a public works project.

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

6. Report. No later than November 5, 2008, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over agricultural matters. Upon receipt of the report, the joint standing committee of the Legislature having jurisdiction over agricultural matters may introduce legislation related to the protection of farmland to the First Regular Session of the 124th Legislature.

7. Commission budget. 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 August 1, 2008 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.

Sec. 12. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Provides funds for the per diem and general operating expenses of the Commission to Study the Protection of Farms and Farmland.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$0	\$1,320
All Other	\$0	\$2,950
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$4,270

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

ACF

LD 2245

**Agriculture Committee Review of the
Recommendations of the Agricultural
Creative Economy Study**

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHT

—
H.P. 1606 - L.D. 2245

An Act To Promote the Agricultural Economy

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

Whereas, statutory changes are needed to maximize the use of programs to assist Maine farmers with business planning and financing implementation of business plans; and

Whereas, increased profitability of farms and reduced administrative burdens on state agencies are in the best interest of the State; 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. 7 MRSA §317, as enacted by PL 1999, c. 763, §1, is amended to read:

§317. Maine Farms for the Future Program

The Maine Farms for the Future Program, referred to in this chapter as the "program," is created. The program is administered by the department, either directly or by contract with a suitable organization. The program provides a selected farm with assistance in developing a detailed business plan that involves changes in the farm's operation to increase the vitality of the farm and investment money to help implement the plan. Participants in the program are eligible to apply for reduced-interest loans from the Agricultural Marketing Loan Fund established under Title 10, section 1023-J and administered under section 435. The department shall organize a review panel, referred to in this chapter as the "panel," to evaluate and approve applications for participation in the program and for investment support.

Sec. 2. 7 MRSA §318, sub-§1, as enacted by PL 1999, c. 763, §1, is amended to read:

1. Eligibility. ~~An applicant must own at least 5 acres of land in agricultural use and a farm that has been producing agricultural products commercially in the State for at least 2 years at the time of application. The applicant must submit an application to the department to be eligible for participation in the program pursuant to procedures developed by the department.~~

Sec. 3. 7 MRSA §318, sub-§3, as enacted by PL 1999, c. 763, §1, is amended to read:

3. Services package; reimbursement. Once an applicant is selected to participate in the program, the department shall assist the selected farm in assembling a services package to develop the business plan within ~~one year~~ 18 months of the selection. These services ~~may~~ must include:

A. ~~Outside financial~~ experts to provide services such as analyzing production practices and markets or developing financial data; and

B. ~~Instruction~~ Department-approved instruction or classroom training in economics and business planning for the owner or operator of the farm.

A services package must be approved by the department before it is implemented. The department shall pay for outside services contracted as part of an approved services package. The department may not pay more than \$10,000 for outside services contracted as part of the services package to a selected farm. ~~Payment of more than \$5,000 requires the approval of the commissioner.~~ The department shall keep an accounting of the services provided to a selected farm as part of the services package.

Sec. 4. 7 MRSA §319, as amended by PL 2003, c. 167, §§3 and 4, is further amended to read:

§319. Investment support

1. Eligibility. A selected farm that has completed a business plan pursuant to section 318 is eligible to apply for funding to implement the plan. The applicant may apply for a reduced-interest loan from the Agricultural Marketing Loan Fund under chapter 101, subchapter 1-D and for a grant in exchange for a farmland protection agreement under subsection 4. A farmer requesting a grant in exchange for a farmland protection agreement must own at least 5 acres of land in agricultural use at the time of application.

2. Award of grants. The panel shall develop a competitive process to determine the farms that receive ~~funds~~ grants to implement a business plan in exchange for a farmland protection agreement under subsection 4 and farms that are eligible to apply for a reduced-interest loan under section 435, subsection 3-A. This determination must be based upon selection criteria developed by the department including:

A. The viability of the business plan;

B. The degree of threat to the continuation of agricultural use of the land due to factors such as the financial capacity and current farm management practices of the applicant; and

- C. The degree to which the business plan would accomplish broader objectives such as the protection of water resources, wildlife habitat, open space and scenic and cultural amenities.

When possible, the panel shall award grants to applicants representing diverse agricultural enterprises and geographic areas of the State.

3. Uses and limitations of funding. Any funds provided by the department pursuant to this section must be used to implement the business plan either in the plan's original form or in a subsequent amended version that has been approved by the department. The For a farm applying for and receiving a loan from the Agricultural Marketing Loan Fund, the loan requirements and limitations under chapter 101, subchapter 1-D and Title 10, section 1023-J apply. For a farm receiving a grant, the department may provide a selected farm with funds to implement the business plan in an amount not to exceed the lesser of \$25,000 or 25% of the total investments identified by the business plan, whichever is less.

4. Farmland protection agreement. A selected farm selected to receive a grant under subsection 2 must enter into a 5-year 7-year farmland protection agreement with the department before the department provides investment support pursuant to this section. The agreement must provide that the farm will protect the land in agricultural use from nonagricultural development for the period of the agreement. A selected farm may terminate the farmland protection agreement at any time if the farm repays the department for any funds provided to the farm by the department pursuant to this section.

5. Review of business plan. The department shall arrange to review the business plan for a farm selected to receive a grant under subsection 2 within 2 years of the date the grant is awarded.

Sec. 5. 7 MRSA §320, sub-§1, as enacted by PL 1999, c. 763, §1, is amended to read:

1. Duties. The department shall ensure that the following duties are performed:

- A. Promoting the program to farms in the State;
- B. Organizing and overseeing the panel;
- C. Developing criteria to select participants for the program and recipients of investment support;
- D. Compiling a list of outside service providers;
- E. Administering the disbursement of investment support; and
- F. Executing and enforcing ~~first and 2nd~~ farmland protection agreements; and
- G. ~~Evaluating and reporting annually by March 15th to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the impact and effectiveness of the program.~~

Sec. 6. 7 MRSA §320, sub-§3, as enacted by PL 1999, c. 763, §1, is amended to read:

3. Administration by other than department. The department shall may contract the administration of this program to a suitable organization selected through a competitive process developed by the department. ~~The organization selected must provide a match of a minimum of \$200,000 nonstate funds.~~ The contracting organization is responsible for performing all duties set forth in subsection 1, except that it is solely the department's responsibility to perform the duty set forth in subsection 1, paragraph F. Whether the program is administered by the department or an organization under contract with the department, a minimum of 40% of the total annual state funding for the program must be reserved for grants awarded under section 319. Funds appropriated to the program may not lapse but must be carried forward.

Sec. 7. 7 MRSA §320, sub-§4, as enacted by PL 1999, c. 763, §1, is repealed.

Sec. 8. 7 MRSA §320, sub-§6 is enacted to read:

6. Reporting. The commissioner shall submit an annual report on or before March 1st of each year to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The report must include a summary of grants made under section 319 during the previous calendar year. The report must address the effectiveness of the program. Effectiveness measures may include, but are not limited to, evaluation of the number of companies retained, expanded or created; the increase in the number of jobs created or retained; any increased business revenues and new capital raised; improved wages paid to employees; and any new capital investment and increase in profitability.

Sec. 9. 7 MRSA §434, sub-§2, as enacted by PL 1999, c. 769, §4, is repealed.

Sec. 10. 7 MRSA §435, sub-§2, ¶C, as enacted by PL 1995, c. 658, §1, is amended to read:

C. An agricultural marketing loan must be at the interest rate established pursuant to subsection 3 or 3-A.

Sec. 11. 7 MRSA §435, sub-§2, ¶G, as enacted by PL 1999, c. 593, §1, is repealed.

Sec. 12. 7 MRSA §435, sub-§3, as amended by PL 2001, c. 152, §2, is further amended to read:

3. Interest rate. The Except as provided in subsection 3-A, the interest rate for loans is 5% per year.

Sec. 13. 7 MRSA §435, sub-§3-A is enacted to read:

3-A. Loans for participants in the Maine Farms for the Future Program. The interest rate for loans for capital improvements identified in a business plan developed under section 318 for a farm determined eligible under section 319 is 2% per year.

Sec. 14. 7 MRSA §435, sub-§5, as enacted by PL 2001, c. 152, §3, is amended to read:

5. Report. The commissioner shall submit an annual report on or before March 1st of each year to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The report must include a summary of loans made under this section during the previous calendar year and loans outstanding categorized by the types of agricultural enterprises receiving the loans. The report must address the effectiveness of the program. Effectiveness measures may include, but are not limited to, evaluation of the number of companies retained, expanded or created; the increase in the number of jobs created or retained; any increased business revenues and new capital raised; improved wages paid to employees; and any new capital investment and increase in profitability.

Sec. 15. 7 MRSA §436, as amended by PL 2003, c. 120, §1, is further amended to read:

§436. Grants for technical assistance and research

The commissioner may use all or a portion of the accrued interest in the cash balance of the Agricultural Marketing Loan Fund and all or a portion of loan repayments for grants for technical assistance and the agricultural development grant program in chapter 10. The commissioner may expend grant dollars designated to an applicant in one fiscal year during the following any of the 3 fiscal year years following designation.

Sec. 16. 7 MRSA §436-A, as enacted by PL 1999, c. 769, §6, is repealed.

Sec. 17. Joint Standing Committee on Agriculture, Conservation and Forestry to continue review of the recommendations of the agricultural creative economy study. The Joint Standing Committee on Agriculture, Conservation and Forestry shall use meetings authorized during the legislative interim preceding the convening of the 124th Legislature to discuss the recommendations included in the report of the Department of Agriculture, Food and Rural Resources entitled "The Agricultural Creative Economy: Needs, Opportunities, and Market Analysis" and not addressed in this Act. The report was presented to the committee in January 2008 in response to Resolve 2007, chapter 13.

The committee shall evaluate the merits of the recommendations and the resources needed for implementing each. The committee shall develop any legislation necessary to implement the report's recommendations relating to development, assistance and labor recruitment and training for agricultural businesses and the promotion and marketing of agricultural products.

Sec. 18. Legislation authorized. The joint standing committee of the Legislature having jurisdiction over agricultural matters may submit legislation to the First Regular Session of the 124th Legislature regarding agricultural business development and assistance, labor needs and the promotion of agricultural products.

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

CRJ

JSO HP 1665

**Criminal Justice Committee Review of
Sex Offender Registration Laws**

ORDERS

(4-1) On motion of Representative GERZOSKY of Brunswick, the following Joint Order: (H.P. 1665)

ORDERED, the Senate concurring, that the Joint Standing Committee on Criminal Justice and Public Safety, referred to in this order as "the committee," shall meet to study issues related to sex offender registration laws as follows.

1. Convening of committee; meetings. The chairs of the committee shall call and convene the first meeting of the committee, which must be no later than June 15, 2008. The committee may meet 4 times.

2. Duties. The committee's duties include:

- A. Using other states' models for tiered systems based on risk and other examples of sex offender classification and assessment and creating a system of classification based on risk to be applied to each person required to register under the Sex Offender Registration and Notification Act of 1999 in order to classify registrants based on their risk of reoffending and the degree of likelihood that they pose a danger to the community;
- B. Creating processes to apply the risk assessment and evaluate its use so that due process concerns are met and each risk assessment analysis provides useful information to those in the criminal justice system and others who receive that information; and
- C. Reviewing the current list of registerable sex offenses and determining if changes to the current Maine sex offender registry and to the Maine sex offender registry website should be made.

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

4. Compensation. Pursuant to Joint Rule 353, 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.

EDU

LD 2131

Legislative Youth Advisory Council

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHT

H.P. 1510 - L.D. 2131

**An Act To Implement the Recommendations of the Legislative Youth
Advisory Council with Respect to Educational and Organizational Matters**

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

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

D. ~~Meet~~ Except as provided in this paragraph, meet at least 3 times but not more than 6 times per year, including not more than 2 public hearings on issues of importance to youth. The council may meet more than 6 times in a year if the Executive Director of the Legislative Council determines that sufficient budgeted resources remain after paying all costs associated with the initial 6 meetings to pay any additional costs associated with any additional meetings; and

Sec. 2. 3 MRSA §168-A, sub-§1, ¶E, as amended by PL 2005, c. 616, Pt. B, §1, is further amended to read:

E. Report biennially to the Legislative Council on its activities by ~~December 1st preceding each second regular session of the Legislature~~ the first business day in February of each even-numbered year. The council may submit proposed legislation as part of its report to the Legislative Council to implement its recommendations.

Sec. 3. Cocurricular honor contracts. A school board, as defined in the Maine Revised Statutes, Title 20-A, section 1, subsection 28, may elect to adopt a cocurricular honor contract that may specify the types of behavior covered by the contract, the extent to which the contract covers the behavior of a student while off school grounds at other than school-sponsored activities, the standards or process to be used to determine if a student has violated the contract and standards to ensure that the contract, if adopted by the board, will be enforced consistently and fairly.

EDU

LD 2303

**Commission to Study Alternative
Education Programs**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHT

H.P. 1661 - L.D. 2303

An Act To Implement the Recommendations of the Alternative Education
Programs Committee

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

Sec. 1. 20-A MRSA §1, sub-§1-B is enacted to read:

1-B. Alternative education program. "Alternative education program" means a program in which the primary purpose is to provide at-risk students with curricula and assessment in a setting designed to effectively meet the student's academic, social and relational needs.

Sec. 2. 20-A MRSA §1, sub-§1-C is enacted to read:

1-C. Alternative learning. "Alternative learning" means an educational option that a public school or publicly supported program offers at-risk students by offering some combination of the following: alternative education programs; small class size; flexible scheduling; relevant alternative curricula and assessment; mentoring adults; skilled teachers; a focus on social, emotional and relationship skills; collaboration among home, school and social service agencies; and any other measures designed to accommodate the needs of at-risk students.

Sec. 3. 20-A MRSA §1, sub-§2-A is enacted to read:

2-A. At-risk student. "At-risk student" means a student who:

A. Is not meeting the requirements for promotion to the next grade level or graduation from high school;

B. Is at risk for dropping out of school;

C. Is habitually truant; or

D. Is economically disadvantaged as signified by qualification for the National School Lunch Program under 7 Code of Federal Regulations, Part 210 (2007).

Sec. 4. 20-A MRSA §3271, sub-§2, ¶B, as enacted by PL 1985, c. 490, §8, is amended to read:

B. The person obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner.

Sec. 5. 20-A MRSA §3271, sub-§3, as enacted by PL 1985, c. 490, §8, is amended to read:

3. Exceptions. Attendance at school or an alternative education program ~~shall~~ is not be required of the following:

A. A person who has graduated from high school before ~~his~~ the person's 17th birthday;

B. A person who is at least 15 years old, has completed the 9th grade and has permission to leave school to participate in a suitable program of training or combined work and study from a parent and the commissioner; and

C. A person who has been adjudged an habitual truant and has been excused from attendance pursuant to procedures established by the commissioner.

Sec. 6. 20-A MRSA §4729, as amended by PL 2001, c. 454, §25, is further amended to read:

§4729. Alternative education programs

A school administrative unit may establish one or more alternative education programs that are in alignment with the system of learning results established in section 6209 as alternatives to the regular course of study, including options allowed in sections 5104-A and 8605, to meet the needs of at-risk students.

1. Coordination. These programs shall operate as part of the elementary or secondary school program.

2. Alternative schedules. Alternative education programs may allow students to attend school part-time. Alternative education programs may be scheduled apart from the regular school day.

Sec. 7. 20-A MRSA §5103, sub-§5, as corrected by RR 2001, c. 1, §24, is amended to read:

5. Responsibilities. The following provisions apply to responsibilities of the dropout prevention committee.

A. The dropout prevention committee shall:

(1) Study the problem of dropouts, and habitual truancy and the need for alternative education programs, kindergarten to grade 12;

(2) Make recommendations for addressing the problems; and

(3) Submit a plan of action to the school board, in accordance with section 4502, subsection 5, paragraph L-1.

B. The dropout prevention committee shall consider the following when developing its plan:

- (1) Reasons why students drop out of school;
- (2) Maintenance of continuing contacts with recent dropouts in order to extend opportunities for ~~alternate educational~~ alternative education programs, counseling and referral;
- (3) Education of teachers and administrators about the dropout problem;
- (4) Use of human services programs to help dropouts;
- (5) The school administrative unit's policies on suspension, expulsion and other disciplinary action; and
- (6) Discriminatory practices and attitudes within the school administrative unit.

Sec. 8. 20-A MRSA §5104-A, as enacted by PL 1989, c. 415, §31, is further amended to read:

§5104-A. Alternative education programs outside the school administrative unit

1. Alternative education programs. If the superintendents approve, a school administrative unit may enroll a student in an alternative education program in another school administrative unit or in an approved private alternative education program.

2. Student count. A student properly approved for enrollment under subsection 1 ~~shall~~ must be counted as a 1.0 student on school administrative unit counts for each semester, or its equivalent, of alternative education program.

3. Rules. The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to administer this section.

Sec. 9. 20-A MRSA §5151, as amended by PL 2001, c. 452, §12, is further amended to read:

§5151. Technical assistance for truants, dropout prevention and reintegration and alternative education

The commissioner shall provide technical assistance regarding truancy, dropouts and reintegration and alternative ~~educational~~ education programs. To do this, the commissioner shall employ at least one consultant whose sole responsibility is to cover the area of truancy, dropouts and alternative education.

1. Qualifications. Any consultant must be knowledgeable in the problems of truancy, dropouts and reintegration and policies and programs pertaining to the problems and have this as the consultant's sole responsibility.

2. Duties. The consultant shall:

A. Provide technical assistance to school administrative units and private schools approved for tuition purposes to establish alternative education programs;

- B. Develop screening tools for early identification of potential dropouts;
- C. Act as a clearinghouse for information on alternative education programs in the State, on exemplary programs in other states and on research pertaining to the subject, and promote effective programs;
- D. Function as a liaison among the commissioner, department staff, advisory committee and school administrative units and private schools as it pertains to truants, dropouts and reintegration, alternative education programs, alternative learning and adult education;
- E. Develop model curricula and programs for alternative ~~educational~~ education schools and programs;
- F. Assess and provide for the evaluation of alternative ~~educational~~ education programs consistent with the standards established by the commissioner;
- G. Develop training programs for superintendents, principals and school attendance officers to improve effectiveness in performance of their duties as pertains to truants, dropouts and reintegration and alternative education programs;
- H. Develop and submit a plan on behalf of the commissioner for the joint standing committee of the Legislature having jurisdiction over education and the state board on the prevalence of truancy and dropouts, assess alternative and adult ~~educational~~ education programs and prepare positive strategies to prevent and remedy the problems identified, including reintegration planning for juvenile offenders who have been released from juvenile facilities and are enrolling in schools in the State;
- I. Have the responsibility for preventive programs and alternative education programs;
- J. Collect data on the scope of the dropout and truancy problem in the State;
- K. Evaluate the scope of the problem of dropouts and truants and programs and policies directed to meet it, including reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities and have enrolled in schools in the State;
- L. Provide staff services to the advisory committee; and
- M. Plan and coordinate programs and grant writing to stimulate programs and research on the problem of dropouts, truants, alternative education, alternative learning and adult education.

Sec. 10. 20-A MRSA §5152, sub-§2, as amended by PL 2001, c. 452, §13, is further amended to read:

2. Duties of the advisory committee, as appointed by the commissioner. The advisory committee shall advise the commissioner on the development and implementation of state and local policies and programs that are needed to deal effectively with the incidence of truancy and dropouts in state schools. ~~They~~ The committee should consider ~~their~~ its mandate in a broad context to assess the causes of truancy and dropouts, the effectiveness of alternative education and prevention programs and the social and educational programs or changes needed to encourage students to

remain in school, including reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities in the State and have enrolled in schools in the State.

Sec. 11. 20-A MRSA §5152, sub-§3, as amended by PL 2005, c. 397, Pt. A, §§15 and 16, is further amended to read:

3. Membership. The advisory committee ~~shall~~ must have a broad membership reflecting the range of individuals and public and private institutions ~~which~~ that are involved or interested in the problem and its solution. ~~These shall~~ It must include representation from each of the following:

- A. Teachers;
- B. Elementary school principals;
- C. Secondary school principals;
- D. Guidance counselors;
- E. Adult education teachers with experience in high school completion education;
- F. Superintendents;
- G. Administrators from private schools involved in alternative education programs;
- H. Department of Health and Human Services;
- J. Department of Corrections;
- K. Department of Labor;
- L. A local positive action committee on truancy, dropout and alternative education programs;
- M. Representatives from the business community; and
- N. Other individuals who the commissioner feels will contribute to the development of effective policies and programs.

Two of the representatives in paragraphs A to D ~~shall~~ must be directly involved in alternative education programs. There ~~shall~~ may be no more than 15 members on the committee.

Sec. 12. 20-A MRSA §8402, as amended by PL 2005, c. 2, Pt. D, §25 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

§8402. Programs

A center shall provide programs of career and technical education. Programs of career and technical education are eligible to receive state subsidy pursuant to chapters 606-B and 609. All programs of career and technical education offered by a center must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the

community college or other college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of career and technical education may also include alternative ~~educational~~ education programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A.

Sec. 13. 20-A MRSA §8451-A, as amended by PL 2005, c. 2, Pt. D, §27 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

§8451-A. Programs

A region shall provide programs of career and technical education. Programs of career and technical education are eligible to receive state subsidy pursuant to chapters 606-B and 609. All programs of career and technical education offered by a region must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the community college or college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of career and technical education may also include alternative ~~educational~~ education programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A.

Sec. 14. 20-A MRSA §15002-A, as amended by PL 1989, c. 525, §2, is further amended to read:

§15002-A. Permanent School Fund

The Treasurer of State shall keep a separate account of all money received from sales of lands appropriated for the support of schools or from notes taken therefor and of any other money appropriated for the same purpose. Those sums ~~shall~~ constitute a the Permanent School Fund, which ~~shall~~ must be invested in such securities as are legal investments for savings banks under Title 9. The income from these investments ~~shall~~ must be placed in a dedicated revenue, interest-bearing account and ~~shall~~ must be available to be used ~~as follows for~~:

1. Alternative education, school dropouts and truants. Financing the department's obligation to provide services to encourage the development of alternative ~~educational~~ education programs, including high school completion programs through adult education programs and ~~shall~~ must address other needs of school dropouts and truants as more specifically set forth in sections 5151 to 5153; and

2. Allocation to school units. Allocations to school administrative units for the purpose of surveying school systems and developing school plans. The allocations ~~shall~~ may not in any case exceed the unit's local share percentage determined under ~~section 15609 of the School Finance Act chapter 606-A~~ times the cost of those surveys or plans; and.

Sec. 15. 20-A MRSA §15674, sub-§1, ¶C, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

C. The greater of:

(1) The average of the 2 pupil counts for April 1st and October 1st of the most recent calendar year prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made in accordance with section 5104-A; and

(2) The average of the 6 pupil counts for April 1st and October 1st of the 3 most recent calendar years prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program and counted in accordance with section 5104-A.

Sec. 16. Commission established. The Commission to Study Alternative Education Programs, referred to in this section as "the commission," is established.

1. Membership. The commission consists of 13 members appointed as follows:

A. Three members of the Senate, appointed by the President of the Senate;

B. Four members of the House of Representatives, appointed by the Speaker of the House;

C. One member from the University of Maine Institute for the Study of Students At Risk, appointed by the President of the Senate;

D. Two members from the advisory committee on truancy, dropouts and alternative education established under the Maine Revised Statutes, Title 20-A, section 5152, appointed by the Speaker of the House;

E. One member from the Department of Education, Office of Truancy, Dropout and Alternative Education, appointed by the President of the Senate;

F. One member from the Alternative Education Association of Maine, appointed by the Speaker of the House; and

G. One member from the Interdepartmental Committee on Transition established pursuant to the Maine Revised Statutes, Title 20-A, section 7803, appointed by the President of the Senate.

In making appointments, the presiding officers shall give preference to Legislators and other persons who served on the Alternative Education Programs Committee established under Resolve 2007, chapter 124.

2. Commission chairs. 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.

3. Appointments; convening of commission. All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been

completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission.

4. Duties. For the purposes of increasing the understanding of alternative learning and support of alternative education programs in Maine, the commission shall:

A. Assist with analysis of the results of the survey on alternative education programs conducted by the Department of Education in the fall of 2007;

B. Review the needs of special at-risk populations such as teen parents and substance abusers;

C. Collect and analyze cost data from several exemplary alternative education programs and develop per student cost estimates for providing effective alternative learning opportunities;

D. Develop approaches to fund alternative education programs; and

E. Evaluate the alignment of regional school units and alternative education programs in terms of geography and need.

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

6. Report. No later than November 5, 2008, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over education matters. Following receipt of the report, the joint standing committee of the Legislature having jurisdiction over education matters is authorized to submit legislation related to alternative education to the First Regular Session of the 124th Legislature.

HHS

LD 1110

**Maine Council on Poverty and
Economic Security**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHT

S.P. 362 - L.D. 1110

An Act To Create the Maine Council on Poverty and Economic Security

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

Sec. 1. 5 MRSA §12004-I, sub-§6-H is enacted to read:

6-H.

Economic
Development

Maine Council on
Poverty and
Economic
Security

Legislative per
diem for
appointed
members plus
expenses

5 MRSA §13171

Sec. 2. 5 MRSA c. 391 is enacted to read:

CHAPTER 391

POVERTY AND ECONOMIC SECURITY

§13171. Maine Council on Poverty and Economic Security

The Maine Council on Poverty and Economic Security, as established in Title 5, section 12004-I, subsection 6-H and referred to in this section as "the council," advises the Governor and the Legislature on approaches that this State can successfully employ to end poverty and provide economic security to those who are poor or near poor in the State and benchmarks to measure the State's progress in reaching those goals. For purposes of this chapter, "poverty" means either having family income below the nonfarm income official poverty line or below the annual basic needs budget as adjusted to family size determined by the Department of Labor under Title 26, section 1405.

1. Membership; terms; meetings. The council consists of 21 appointed, voting members and 5 ex officio, nonvoting members.

A. Voting members of the council are as set out in this paragraph:

(1) Two members of the Senate, who may not be from the same political party, appointed by the President of the Senate;

(2) Four members of the House of Representatives, of whom no more than 2 may be members of the same political party, appointed by the Speaker of the House of Representatives;

(3) One member of the nonprofit community serving individuals living in or near poverty, appointed by the Governor based on recommendations of statewide organizations serving low-income persons;

(4) One member representing faith-based organizations, appointed by the Governor based on recommendations of statewide faith-based organizations;

(5) Two individuals living in or near poverty, one of whom has had experience with homelessness, appointed by the Governor based on recommendations of statewide poverty advocacy organizations;

(6) One representative of an advocacy organization specializing in public policy related to poverty, appointed by the Governor based on recommendations of statewide advocacy organizations;

(7) One person who has experienced poverty who is disabled, appointed by the Governor based on the recommendations of statewide disability organizations;

(8) One representative of children living in or near poverty, appointed by the Governor based on the recommendations of statewide children's advocacy organizations;

(9) Two members representing the business community, appointed by the Governor based on the recommendations of statewide business organizations;

(10) One person who has experienced poverty who is a woman, appointed by the Governor based on the recommendations of statewide women's organizations with expertise in issues related to poverty;

(11) One representative of a statewide organization with expertise in economic policy analysis relating to challenges faced by low-income persons, appointed by the Governor based on the recommendations of statewide organizations with expertise in issues related to poverty;

(12) Two representatives of economic development organizations, appointed by the Governor based on the recommendations of economic development organizations;

(13) One person who has experienced poverty who is elderly, appointed by the Governor based on the recommendations of statewide organizations representing or serving elderly individuals; and

(14) One representative of Native Americans, appointed by the Governor based on the recommendations of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation.

B. The following individuals, or their designees, shall serve on the council as ex officio, nonvoting members: the Director of the State Planning Office within the

Executive Department; the Commissioner of Health and Human Services; the Commissioner of Labor; the Commissioner of Education; and the Director of the Maine State Housing Authority.

C. Members of the council must have experience with issues of poverty and economic insecurity and represent the geographic diversity of the State.

D. Members of the council serve for a term of 3 years except that initial appointments must be for 1, 2 and 3 years in order to provide for staggered terms. At the end of a term an outgoing member serves until a successor has been appointed. A member may not serve more than 2 consecutive terms.

E. The members of the council shall elect a chair from among their members by majority vote at the first meeting of the council. The chair serves for the duration of that member's term unless a majority of the membership elects another chair. At the end of the chair's term as member, the membership shall elect a new chair by majority vote.

2. Duties of council. The council shall:

A. Identify the number of those living at or near the poverty level in the State, and among certain subpopulations, including children, households headed by single females, the elderly, racial minorities and people with disabilities;

B. Identify the risk factors and underlying causes of poverty through consultation with experts, service providers and individuals living in or near poverty and review research literature to identify the best practices for prevention and reduction of poverty;

C. Examine the long-term effects of poverty on individuals, their families and their communities, including the costs of poverty to municipalities, the State and the State's economy;

D. Examine programs that are targeted to assist people living in poverty or near poverty and identify any inadequacies or gaps in such programs;

E. Recommend public policy strategies and procedures for the elimination of poverty in the State;

F. Establish measurable benchmarks for the elimination of poverty in the State by setting percentage reductions in the number of people living in or near poverty in the next 5, 10 and 20 years; and

G. Establish procedures for the operation of the council.

3. Staff assistance. The Department of Health and Human Services shall provide necessary staffing services to the council.

4. Compensation. Legislative members of the council are entitled to receive the legislative per diem described in Title 3, section 2 and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the council. Public members not otherwise compensated by their employers or other entities that they represent are entitled, to the extent that funds are available, 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 council.

5. Outside funding. The council may not accept General Fund funding but may seek outside funding to cover costs of the council.

6. Report. The council shall report to the Governor and the Legislature by February 15th annually on the State's progress in reducing the number of people living in or near poverty and with recommendations, including legislative recommendations, for ensuring that the goal of ending poverty is reached in a timely and effective manner consistent with benchmarks established by the council.

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

LEGISLATURE

Legislature 0081

Initiative: Allocates funds for per diem and expenses for legislative members who will serve as members of the Maine Council on Poverty and Economic Security.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$0	\$1,320
All Other	\$0	\$1,200
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,520

HHS

LD 2052

**Blue Ribbon Commission to Study
Long-term Home-based and
Community-based Care**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHT

H.P. 1436 - L.D. 2052

**Resolve, To Create the Blue Ribbon Commission To Study the Future of
Home-based and Community-based Care**

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

Whereas, work to study the unmet needs and financing options of long-term home-based and community-based care must begin before the end of the legislative session because the State has an increasingly elderly population and there is a shortage of long-term home-based and community-based care workers; 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. Blue Ribbon Commission established. Resolved: That the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 10 members:

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

A. Two members of the Senate, including one member from each of the 2 major political parties; and

B. Three members who are experts in the field of long-term home-based and community-based care financing and service.

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

A. Three members of the House of Representatives, including one member from each of the 2 major political parties; and

B. One member who has been a consumer of long-term home-based and community-based care.

3. One member of the Governor's office designated by the Governor at the Speaker's request; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair 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 30 days following the appointment of all members; and be it further

Sec. 5. Duties. Resolved: That the commission shall examine and make recommendations on the development of choices to meet unmet needs and financing options to ensure access to and affordability of long-term home-based and community-based care. Given that the State has the oldest median age of any state in the nation, the commission shall create a coherent blueprint to ensure the sustainability of long-term home-based and community-based care options that provide choice and quality for the State's elderly and disabled citizens, many of whom are eligible for home-based and community-based care services and are not receiving them, forcing them into more costly institutional care; and be it further

Sec. 6. Staff assistance. Resolved: That, notwithstanding Joint Rule 353, the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Outside funding. Resolved: That the commission shall seek outside funding to fully fund all costs of the commission. If sufficient outside funding has not been received by the commission by October 1, 2008 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

Sec. 8. Report. Resolved: That, notwithstanding Joint Rule 353, no later than December 15, 2008 the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 124th Legislature; and be it further

Sec. 9. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Provides an allocation to the Legislature in fiscal year 2008-09 to fund per diem and other expenses of this study.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$0	\$1,100
All Other	\$0	\$2,550
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$3,650

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

HHS

LD 2311

Maine Children's Growth Council

COPY

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHT

H.P. 1671 - L.D. 2311

An Act To Invest in Maine's Young Children

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

PART A

Sec. A-1. 5 MRSA §12004-J, sub-§16 is enacted to read:

16.

Children

Maine Children's
Growth Council

Legislative Per
Diem and
Expenses for
Legislators and
for certain
members

5 MRSA §24010

Sec. A-2. 5 MRSA Pt. 30 is enacted to read:

PART 30

INVESTMENT IN YOUNG CHILDREN

CHAPTER 621

OFFICE OF THE CHILD ADVOCATE

§24001. Office of the Child Advocate

The Office of the Child Advocate, referred to in this chapter as "the Child Advocate," is established as described in this section to provide ongoing, coordinated advocacy on behalf of young children. For the purposes of this chapter, "young children" means children from birth through 5 years of age.

1. Child Advocate. The Child Advocate shall operate by a competitively awarded contract with a nonprofit organization that the Department of Health and Human Services determines is best able to perform the duties of the office. The Child Advocate shall dedicate its work to ensuring the best possible start in life for young children in the State, setting as priorities:

A. Public policies and partnerships that maximize the cost-effectiveness and efficiency of the State's investment in young children and eliminate duplication of programs, services and administrative structures; and

B. Increased access to high-quality early care and education programs and services that meet the evolving needs of and strengthen the State's children and families.

2. Duties. The duties of the Child Advocate include, but are not limited to:

A. Providing advocacy and representation regarding state policy, administrative structures and service delivery models, identification of unmet needs of children and families and proposals affecting young children, including legislation, agency rules and budget proposals;

B. Researching and undertaking data collection;

C. Reviewing legislative studies and the recommendations of advisory committees related to young children and the Children's Cabinet;

D. Advising the Maine Children's Growth Council, established in section 12004-J, subsection 16, regarding its long-term plan for investment in the healthy development of young children;

E. Creating and updating a business plan for early childhood investment tailored to the specifics of the economy and demographics of the State that builds on an assessment of needs and provides opportunities for public-private partnerships;

F. Serving as an early childhood information clearinghouse for the State; and

G. Documenting and raising public awareness of the connections between economic growth and investment in early care and education.

3. Research and evaluation. The Child Advocate shall provide for ongoing evaluation of the effects of public investment on programs and services to benefit young children and their families through a long-term research program provided through contracted services with an independent entity that matches funding provided by the Child Advocate with funding from other sources in an equal amount. The research program must include:

A. Analysis and statistical estimation of program impacts, quantification of the costs and benefits of public expenditures and documentation of the effects of investments on children, parents, government revenue and expenditures and the economy statewide;

B. A longitudinal database of child and family outcomes and economic and fiscal impact;

C. Regular consultation with the Child Advocate, the Maine Children's Growth Council established in section 12004-J, subsection 16, agencies implementing new programs or investments in young children and their families regarding data collection needs and design and processes to ensure the validity of the research and documentation of program effects; and

D. Submission of reports to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters midway through the contract period and 30 days prior to the end of the contract.

4. Reports. The Child Advocate shall submit an annual report of the activities and accomplishments of the Child Advocate to the Department of Health and Human Services, the Governor and the Legislature by December 15th of each year and may submit other reports the Child Advocate determines to be appropriate.

5. Records. The records of the Child Advocate are public records for the purposes of the State's freedom of access laws.

CHAPTER 623

MAINE CHILDREN'S GROWTH COUNCIL

§24010. Maine Children's Growth Council

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

A. "Council" means the Maine Children's Growth Council established in subsection 2.

B. "Young children" means children from birth through 5 years of age.

2. Establishment. The Maine Children's Growth Council, as established in section 12004-J, subsection 16, is created to develop, maintain and evaluate a plan for sustainable social and financial investment in healthy development of the State's young children and their families.

3. Membership. The council consists of 27 members who must have a strong interest in early childhood and early care and education and must be influential in their communities:

A. Two members of the Senate, one from each of the 2 political parties having the greatest number of members in the Senate, appointed by the President of the Senate;

B. Two members of the House of Representatives, one from each of the 2 political parties having the greatest number of members in the House, appointed by the Speaker of the House;

C. The Governor or the Governor's designee and the Attorney General or the Attorney General's designee;

D. Three parents, at least one of whom has a young child, one each appointed by the Governor, the President of the Senate and the Speaker of the House;

E. Two persons with experience in public funding and philanthropy, appointed by the President of the Senate;

F. One person representing child abuse and neglect prevention, appointed by the Speaker of the House;

G. One person representing postsecondary education, appointed by the Governor;

H. Eight persons representing statewide, membership or constituent organizations that advance the well-being of young children and their families, nominated by their organizations and appointed by the Governor, of whom:

(1) Three must represent statewide organizations or associations involved in early care and education programs, child care centers, Head Start programs, family child care providers, resource development centers, programs for school-age children, child development services, physicians and child advocacy.

(2) One must represent a law enforcement organization involved with children;

(3) One must represent an organization that works on community organization and mobilization;

(4) One must represent public health;

(5) One must represent the Maine Economic Growth Council; and

(6) One must represent a labor organization.

I. One person representing a statewide association of business and industry and one person representing a business roundtable on early childhood investment, appointed by the Governor;

J. One member of the public, appointed by the Governor; and

K. Three ex-officio, nonvoting members: the Commissioner of Education or the commissioner's designee, a Department of Health and Human Services employee who works with early childhood programs including Head Start and a person representing the office within the Department of Health and Human Services that is the fiscal agent for the federal grant program for comprehensive early childhood initiatives.

4. Terms of appointment. Except for ex-officio members, members of the council are appointed for terms of 3 years. Members who are Legislators are appointed for the duration of the legislative terms in which they were appointed. Members who are not Legislators may serve beyond their designated terms until their successors are appointed.

5. Cochairs. The Governor shall appoint cochairs for the council.

6. Quorum; meetings. Thirteen members of the council constitute a quorum. The council may meet as often as necessary but shall meet at least 6 times a year. A meeting may be called by a cochair or by any 5 members.

7. Compensation. Members of the council serve without compensation for their services, except that parents appointed under subsection 3, paragraph D who are not reimbursed by another organization may receive mileage reimbursement and a per diem to cover related costs such as child care, and legislators are entitled to receive the legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and other necessary expenses for attendance at authorized meetings of the council.

8. Staffing; funding. The council may hire staff as necessary for its work and as resources permit. The council may accept grant funding and other funding as may be available for the work of the council. The Department of Health and Human Services shall act as fiscal agent for the council.

9. Logo. The council may develop, adopt and publicize a logo or slogan to identify its work.

§24011. Duties

1. Duties. The duties of the council include, but are not limited to:

A. Reviewing and addressing recommendations of legislative studies and advisory committees regarding young children and the Children's Cabinet;

B. Adopting and updating a long-term plan for investment in the healthy development of young children that will achieve sustainable social and financial investment in the healthy development of young children and their families.

(1) In adopting and updating the plan the council shall consult and coordinate with members of the public, the Children's Cabinet, the Department of Education, the Department of Health and Human Services and advocates, community agencies and providers of early care and education and services to children and their families; monitor and evaluate progress in accomplishing the plan's vision, goals and performance indicators and best practice research; and consider the changing economic and demographic conditions and the effect of investments on economic growth and productivity.

(2) The plan must include strategies:

(a) To create and sustain a unified, statewide early childhood services system that provides essential resources for children, shares common standards for quality, respects the diversity and uniqueness of young children and their families, reflects a commitment to sustainable growth, includes family representation, recognizes the importance of child care in sustaining employment for parents and recognizes the value of new forms of cooperation among government, business and society in achieving the goals of the plan; and

(b) For overall investment and prioritization of early childhood and education programs, services and initiatives and to address workforce education and training issues, utilization of community partners across the state and investments in technology and infrastructure; and

C. Reporting by January 15, 2010 and every 2 years thereafter to the Department of Health and Human Services, the Governor, the Children's Cabinet and the Legislature on the activities and accomplishments of the council and its long-term plan for investment in the healthy development of young children, and issuing such other reports as the council determines to be appropriate.

§24012. Records and meetings

1. Public records and meetings. The records of the council are public records and meetings of the council are public meetings for the purposes of the State's freedom of access laws.

Sec. A-3. Needs assessment; research. The Office of the Child Advocate, established pursuant to the Maine Revised Statutes, Title 5, section 24001, shall enter into a contract with an independent organization to carry out research to evaluate the effect of public investment in programs and services to benefit young children and their families during fiscal year 2009-10.

The Office of the Child Advocate shall complete a comprehensive statewide needs assessment of the early childhood system during state fiscal years 2008-09 and 2009-10 through a contract with an independent organization.

1. At a minimum, the needs assessment must document the supply of and need for early care and education services for children from birth through 5 years of age, identify priorities for addressing unmet needs and document the needs of the child care workforce. The needs assessment must include a direct survey of families with a child under one year of age for the purpose of identifying emerging needs. The needs assessment must require consultation and coordination with state agencies and other entities, including but not limited to the Office of the Child Advocate, the Maine Children's Growth Council, the Children's Cabinet and the Child Care Advisory Council.

2. By December 1, 2009 the needs assessment report must be submitted to the Governor and to the joint standing committee of the Legislature having jurisdiction over health and human services matters, which may submit a bill to the 124th Legislature related to the findings of the needs assessment.

Sec. A-4. Initial appointments to the Maine Children's Growth Council. In making the initial appointments to the Maine Children's Growth Council established pursuant to the Maine Revised Statutes, Title 5, chapter 623, the appointing authorities shall consider for appointment the persons who serve on the Children's Cabinet Task Force on Early Childhood.

PART B

Sec. B-1. 10 MRSA §1026-M, sub-§6, ¶C, as amended by PL 1999, c. 401, Pt. 000, §2, is further amended to read:

C. The authority and each corporation shall establish interest rates, amortization schedules and repayment terms for each borrower, except that loans may not be for a term longer than 20 years and:

(1) Loans to a quality child care project ~~may not~~ must bear a rate of interest ~~that, when added to the commitment fee and administrative and technical assistance cost, is less than 6% or exceeds the prime rate of interest~~ equal to 3%, not including any administrative costs or fees; or

(2) Loans to any other eligible borrower may not bear a rate of interest greater than the prime rate of interest plus 7%.

Sec. B-2. 22 MRSA §262 is enacted to read:

§262. Home visiting

1. Voluntary universal home visiting program. The department, as permitted by the availability of funds, shall offer a voluntary universal home visiting program for new families with children from the prenatal stage of development through 5 years of age, regardless of family income level. The home visiting program must incorporate the following principles:

- A. Healthy and strong parent-child attachment;
- B. Physical and behavioral health of the family;
- C. Reduced incidence of child abuse and neglect;
- D. Positive and creative learning environments for the child;
- E. Effective and positive parenting;
- F. Parental competencies and self-confidence;
- G. Reducing family isolation through community linkages;
- H. School readiness; and
- I. Family self-sufficiency.

Sec. B-3. Public education; simplification of application. The Finance Authority of Maine shall undertake a public education campaign to increase the level of awareness of loans available for improvements to the physical site of child care facilities granted under the Regional Economic Development Revolving Loan Program and shall simplify the application to be submitted by those seeking loans under this program. By January 15, 2009, the Finance Authority of Maine shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters outlining the campaign and the simplification of the application.

Sec. B-4. Quality child care education and scholarship program. The Finance Authority of Maine shall amend rules governing the quality child care education and scholarship program as established by the Maine Revised Statutes, Title 20-A, section 11670 to increase the amount of funding available for scholarships as provided in this Act and the amount distributed per course and to increase the annual maximum disbursement from \$2,000 to \$3,000. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-5. Review of unification of policies governing child care subsidies.

The Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009 regarding the benefits, cost-effectiveness and effect on families of unifying the policies governing child care subsidies granted by Temporary Assistance to Needy Families and the Office of Child Care and Head Start. The report may include recommendations, and legislation if appropriate, that will encourage the use of high-quality child care providers by families receiving these subsidies.

Sec. B-6. Regional collaboration coaches for prekindergarten programs.

The Department of Education, in collaboration with the Department of Health and Human Services, shall employ 4 regionally assigned community collaboration coaches to facilitate the development of locally designed comprehensive quality early childhood systems among prekindergarten programs as recommended by the Commission to Develop a Strategic Priorities Plan for Maine's Young Children established pursuant to Resolve 2007, chapter 136.

Sec. B-7. Appropriations and allocations. The following appropriations and allocations are made.

FINANCE AUTHORITY OF MAINE

FHM - Public Education Campaign N045

Initiative: Allocates ongoing funds beginning in fiscal year 2008-09 for a public education campaign to increase the awareness of loans available for improvements to the physical site of child care facilities granted under the Regional Economic Development Revolving Loan Program.

FUND FOR A HEALTHY MAINE	2007-08	2008-09
All Other	\$0	\$10,000
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$10,000

FHM - Quality Child Care 0952

Initiative: Allocates funds to increase the amount of funding available for the Quality Child Care Education Scholarship Fund.

FUND FOR A HEALTHY MAINE	2007-08	2008-09
All Other	\$0	\$200,000
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$200,000

FINANCE AUTHORITY OF MAINE

DEPARTMENT TOTALS	2007-08	2008-09
FUND FOR A HEALTHY MAINE	\$0	\$210,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$210,000

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

FHM - Head Start 0959

Initiative: Allocates funds to help fund the costs of the establishment of collaboration coaches to facilitate the development of locally designed comprehensive quality early childhood systems among prekindergarten programs.

FUND FOR A HEALTHY MAINE	2007-08	2008-09
All Other	\$0	\$24,500
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$24,500

FHM - Office of the Child Advocate N043

Initiative: Allocates funds for the Office of the Child Advocate to provide ongoing, coordinated advocacy on behalf of young children from birth through 5 years of age.

FUND FOR A HEALTHY MAINE	2007-08	2008-09
All Other	\$0	\$115,000
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$115,000

FHM - Office of the Child Advocate N043

Initiative: Allocates funds for the costs of a comprehensive statewide needs assessment of the early childhood system.

FUND FOR A HEALTHY MAINE	2007-08	2008-09
All Other	\$0	\$70,000
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$70,000

FHM - Office of the Child Advocate N043

Initiative: Allocates funds to purchase economic analysis services for research projects.

FUND FOR A HEALTHY MAINE	2007-08	2008-09
All Other	\$0	\$30,000
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$30,000

Maine Children's Growth Council N044

Initiative: Provides a base allocation in the event that funds are received to fund the work of the Maine Children's Growth Council.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (FORMERLY DHS)
DEPARTMENT TOTALS**

	2007-08	2008-09
FUND FOR A HEALTHY MAINE	\$0	\$239,500
OTHER SPECIAL REVENUE FUNDS	\$0	\$500
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$240,000

LEGISLATURE

Legislature 0081

Initiative: Allocates funds for the per diem and expenses of legislative members of the Maine Children's Growth Council.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$0	\$1,320
All Other	\$0	\$1,200
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,520

LEGISLATURE

DEPARTMENT TOTALS	2007-08	2008-09
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OTHER SPECIAL REVENUE FUNDS	\$0	\$2,520
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$2,520</u>
SECTION TOTALS	2007-08	2008-09
FUND FOR A HEALTHY MAINE	\$0	\$449,500
OTHER SPECIAL REVENUE FUNDS	\$0	\$3,020
SECTION TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$452,520</u>