

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1959

H. P. 1800

House of Representatives, January 19, 1976

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

EDWIN H. PERT, Clerk

Presented by Mr. Silverman of Calais.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT Providing for a Comprehensive State-wide Program of Primary Prevention of Alcohol and Drug Abuse and other Forms of Socially Disruptive and Potentially Self-destructive Human Behavior.

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

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

SUBCHAPTER VI

PRIMARY PREVENTION THROUGH EDUCATION

§ 1181. Purpose

The Legislature recognizes that alcohol and drug use and abuse are viewed as complex human behavior. Therefore, it is the intent and purpose of the Legislature by this subchapter to provide for the establishment in public elementary and secondary schools and teachers education institutions of a comprehensive state-wide program on primary prevention of alcohol and drug abuse, whereby instruction is concentrated on the causal approach to human behavioral problems and on a developmental approach to learning and directed at the following tasks for students:

1. Self-identity. Developing self-identity, self-acceptance and feelings of adequacy;
2. Competency. Learning to be competent, to achieve, to think of one-self as capable of mastery;
3. Mutuality. Learning to develop mutuality, becoming more effective in peer relationships;

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

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

6. Handling frustrations. An understanding of the nature of frustrations and various possible procedures for handling them constructively;

7. Decision making. An understanding of the decision-making process in terms of various courses of action on human development;

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

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

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

§ 1182. Powers and duties of school committees

It shall be the duty of the superintending school committees or school directors of the several administrative units of the State to make provision for the organization and development of adequate primary prevention programs, stressing the causal approach of human behavior and its relationship to alcohol and drug use and abuse and other forms of socially disruptive or potentially self-destructive human behavior. These subjects shall be taught to all pupils in kindergarten through the 12th grade. There shall be courses of instruction in these subjects for students in the teacher education institutions of the State, in accordance with guidelines for courses of study, plans, lessons and instruction prepared by the commissioner.

Such instruction shall, to the extent possible, include the following:

1. Instruction. Sequential instruction in kindergarten and grades 1 through 12;
2. Training. In-service training for school personnel and teacher training institution personnel;
3. Materials. Instructional materials for pupils and teachers;

4. Programs. Identification and reporting of promising programs of instruction and counseling;

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

§ 1183. Powers and duties of the Department of Educational and Cultural Services

The Department of Educational and Cultural Services shall have the following powers and duties:

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

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

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

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

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

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

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

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

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

The commissioner shall prescribe such rules and regulations as may be necessary to successfully carry out this program.

§ 1184. Training programs

Regional training programs for school district teams of teachers, administrators, counselors, youth and community representatives shall be made available to every district under criteria developed by the Department of

Educational and Cultural Services. Training sites will be situated in a minimum of 5 locations throughout Maine for the convenience and economy of attending personnel.

1. Salary and expenses for attending. All certificated teaching or administrative personnel attending a training program shall receive their regular salary for the time covered by this attendance and shall also receive necessary traveling expenses, not exceeding the amount per mile allowed state employees. Such expenses will be paid by the school district in which they are employed.

A. When the training is held during the time that the certificated personnel are employed in teaching, their regular pay shall not be diminished by reason of their attendance.

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

3. Training requirements.

A. An average minimum of 10 teachers, administrators and counselors shall be trained from each of the 720 elementary schools of Maine.

B. An average minimum of 12 teachers, administrators and counselors shall be trained from each of the 141 secondary schools of Maine.

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

D. Training for elementary and secondary public school personnel and teacher education colleges will be implemented during the 1976-77 school year and will continue through the school years of 1977-78, 1978-79 and 1979-80.

E. Follow-up studies, technical assistance to local education agencies and research and evaluation will continue through the fiscal year ending June 30, 1981.

§ 1185. Accreditation of teacher education institutions

After January 1, 1978, the State Board of Education shall not accredit any teacher education institution for teacher education purposes unless it offers courses for prospective teachers on the causal approach to alcohol and drug abuse behavior. Such courses shall be in accordance with guidelines for courses of study, plans, lessons and instruction prepared by the commissioner. The State Board of Education shall continually reevaluate approved teacher training institutions to insure that programs are in conformance with the intent of this section.

§ 1186. District policy

The governing board of each district shall adopt a policy regarding its primary prevention program by resolution, in accordance with guidelines

approved by the Department of Educational and Cultural Services. Such policy shall specify, among other things: The curriculum to be utilized, provisions for in-service training and curriculum assistance to teachers, minimum qualifications necessary for the certificated teachers assigned to teach the programs of primary prevention and the establishment of an incidence record-keeping system on problems related to alcohol and drug abuse, so that accurate statistics can be developed on a state-wide basis. In no instance shall names of persons be recorded for such reports, studies or other such reviews.

§ 1187. Other moneys

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

§ 1188. Abuse Education Fund

1. Abuse Education Fund. A special revenue fund shall be created by the Treasurer of State to be known as the "Abuse Education Fund." One cent per gallon of the tax on malt liquor and table wine collected by the State Liquor Commission shall be remitted to the Treasurer of State, who shall deposit those moneys in the Abuse Education Fund. Such Fund shall not lapse from year to year, but shall remain a continuing carrying account to be used for the purposes for which it was created.

2. Loan. In fiscal year 1976-77 the Abuse Education Fund shall be initially funded by an appropriation from the General Fund of \$304,000. Such appropriation shall be returned to the General Fund as soon as possible, consistent with the use of the Abuse Education Fund for the purposes of this subchapter. Such repayment shall be completed before June 30, 1980.

3. Expenses. Out of the Abuse Education Fund, the Treasurer of State shall pay, in accordance with a budget submitted each year by the Commissioner of Educational and Cultural Services, the expenses required under this subchapter. Included in the commissioner's budget shall be provisions to repay to the General Fund the appropriation provided under subsection 2.

Sec. 2. 28 MRSA § 452, 2nd sentence is amended to read:

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

Sec. 3. 28 MRSA § 452, 2nd ¶, 1st sentence, as enacted by PL 1969, c. 360, § 15, is amended to read:

There shall be levied and imposed an excise tax of ~~30c~~ 31c per gallon or fraction or multiple thereof, on all table wine containing 14% or less alcohol by volume imported into this State; except the excise tax shall be 20c per gallon or fraction or multiple thereof on all still wine containing 14% or less alcohol by volume which is manufactured or bottled in this State; and an excise tax of \$1 per gallon or multiple or fraction thereof on all sparkling wines manufactured in or imported into this State.

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

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

Sec. 5. Appropriation. There is appropriated from the General Fund to the Abuse Education Fund the sum of \$304,000, to carry out the purposes of this Act. Before June 30, 1980 there shall be returned to the General Fund the sum of \$304,000. The breakdown shall be as follows:

	1976-77
EDUCATIONAL AND CULTURAL SERVICES,	
DEPARTMENT OF	
Abuse Education Fund	
All Other	\$304,000

FISCAL NOTE

The increase in excise taxes on wine and malt liquor should produce an annual revenue to the Abuse Education Fund in excess of \$304,000. The loan from the General Fund will provide initial funding for the 1976-77 fiscal year operations. This loan will be repaid from the revenues to the Abuse Education Fund. The estimated expenses of this Act are broken down as follows:

	1976-77	1976-78	1978-79	1979-80	1980-81
Personal Services	\$100,015	\$108,016	\$116,657	\$125,990	\$ 49,554
All Other	203,930	193,193	153,225	20,227	74,500
	\$303,945	\$301,209	\$269,882	\$146,217	\$124,054

This estimation is based on the following staffing level:

One coordinator of research and evaluation, full time, permanent classification and authorized at Range 23; one supervisor of regional coordinators, full time, permanent classification, authorized at Range 22; one clerk typist III, full time permanent classification, authorized at Range 7; 5 regional organization and follow-up coordinators, full time, limited period classification, authorized at Range 21.

STATEMENT OF FACT

The Legislature recognizes that the State of Maine is number 15 among the 50 states in the problem of alcoholism. It recognizes that the legal drinking age in Maine is now 18 and that beer and wine is sold in many Maine communities on Sundays. It realizes that statistics show that one out of 20

youths who drink will become problem drinkers; that one out of 15 adults who drink are problem drinkers and that 50% of all fatal traffic accidents relate to alcohol abuse. It is aware that a recent survey of secondary principals in Maine revealed a relationship between drinking, truancy, vandalism, and dropouts and that there is no uniform concerted effort in the schools of Maine for dealing with primary prevention of alcohol, drugs or other related socially disruptive and potentially self-destructive human behavior.

Further, the Legislature is aware that numerous studies show that excessive drinking causes a myriad of social, family and vocational problems. It is aware of the increasing public concern being expressed for the problem from the churches, State and national orders of Jaycees, etc. It is aware that Title 22, chapter 1601 mandates an education prevention approach to alcoholism and drug abuse and is without sufficient appropriation for that purpose even though 25,000,000 gallons of beer and 10,000,000 gallons of table wine are sold each year in Maine. Appropriations required for treatment and rehabilitation are steadily increasing and statistics reveal less than a 3% success in the cure rate.

The Legislature recognizes the need for a concentrated state-wide program that will reach each and every school in Maine. It is aware that traditional educational approaches have proven to increase rather than reduce incidence of experimentation and that programs directed at understanding the causes of human behavior, such as the Drug, Alcohol, Tobacco and Human Behavior Curriculum, a scientifically researched and designed curriculum, have demonstrated effectiveness in alcohol and drug abuse prevention.

The present educational system in the State of Maine must recognize the increasingly pressing need to educate our 250,000 grade school and high school students in the field of primary prevention of alcohol, drug abuse and other forms of socially destructive and potentially self-destructive human behavior. This bill creates an essential program to give our Maine students an opportunity for education in this field of current problems which could presently and in the future affect their way of life.

Therefore, the 107th Legislature authorizes a program of primary prevention to be designed and implemented for all public schools and teacher education colleges of Maine, as set forth in this Act, and for the program to be funded from a tax on the sale of beer and wine in Maine.