

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2254

S.P. 885

In Senate, February 1, 1990

Reported by Senator BOST of Penobscot for the Special Commission to Study the Organization of the State's Cultural Agencies pursuant to Public Law 1989, chapter 501.

Reference to the Committee on State and Local Government suggested and ordered printed pursuant to Joint Rule 18.

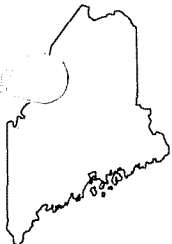
A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Implement the Recommendations of the Special Commission to Study
the Organization of the State's Cultural Agencies.



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

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PART A

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Sec. A-1. 1 MRSA §116, as enacted by PL 1975, c. 642, is amended to read:

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§116. Statehood Day

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12 March 15th of each year shall be designated as Statehood Day, and the Governor shall annually issue a proclamation inviting and urging the people of the State of Maine to observe the day in schools and other suitable places with appropriate ceremony and activity. Statehood Day shall commemorate the admission of Maine as a state into the United States of America and the ideals and wisdom of those men and women who have formed Maine's history and traditions. The Department of ~~Educational--and Cultural--Services~~ Education shall make appropriate information available to the people and the schools within the limits of its budget.

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Sec. A-2. 1 MRSA §122, first ¶, as enacted by PL 1983, c. 719, §1, is amended to read:

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The Governor shall annually issue a proclamation setting aside that week containing International Women's Day, March 8th, as National Women's History Week. The proclamation shall invite and urge the people of the State to observe the week in schools and other suitable places with appropriate ceremony and study with an emphasis on the historical accomplishments of Maine women. The Department of ~~Educational--and Cultural--Services~~ Education and the Maine Commission for Women shall make appropriate information available to the people and the schools within the limits of their budgets.

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Sec. A-3. 1 MRSA §124, as enacted by PL 1985, c. 31, §1, is amended to read:

§124. Maine Business Women's Week

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The Governor shall annually issue a proclamation setting aside the 3rd full week in October as Maine Business Women's Week. The proclamation shall invite and urge the people of the State to observe the week in schools and other suitable places with appropriate ceremony and study. The Department of ~~Educational--and Cultural--Services~~ Education and the Maine Commission for Women may make appropriate information available to the people and the schools within the limits of their budgets.

2 **Sec. A-4. 1 MRSA §126**, as enacted by PL 1987, c. 82, is
amended to read:

4 **§126. Samantha Smith Day**

6 The first Monday in June of each year is designated as
Samantha Smith Day, in memory of Samantha Smith whose birthday
8 was June 29th. The Governor shall issue annually a proclamation
inviting and urging the people of this State to observe the day
10 in schools and other suitable places with appropriate ceremony
and activity. Samantha Smith Day shall commemorate and honor
12 Samantha Smith whose vision and inspiring message for peace and
brotherhood opened the door to greater understanding and
14 friendship among nations of the world. The Department of
~~Educational---and---Cultural---Services~~ Education shall make
16 appropriate information available to the people and the schools
within the limits of its budget.

18 **Sec. A-5. 1 MRSA §127, first ¶**, as enacted by PL 1987, c. 140,
20 §1, is amended to read:

22 The Governor shall annually issue a proclamation setting
aside May 22nd as Maine Merchant Marine Day. The proclamation
24 shall invite and urge the people of the State to observe the day
in schools and other suitable places with appropriate ceremony
26 and study. The Maine Maritime Academy and the Department of
~~Educational---and---Cultural---Services~~ Education may make appropriate
28 information available to the people and the schools within the
limits of their budgets.

30 **Sec. A-6. 1 MRSA §129, 2nd ¶**, as enacted by PL 1987, c. 610,
32 is amended to read:

34 The Department of ~~Educational---and---Cultural---Services~~
Education shall make appropriate information available to the
36 people and schools within the limits of its budget.

38 **Sec. A-7. 1 MRSA §130, 2nd ¶**, as enacted by PL 1987, c. 610,
is amended to read:

40 The Department of ~~Educational---and---Cultural---Services~~
42 Education shall make appropriate information available to the
people and schools within the limits of its budget.

44 **Sec. A-8. 2 MRSA §6, sub-§1**, as amended by PL 1987, c. 534,
46 Pt. A, §§1 and 19, is further amended to read:

48 **1. Range 91.** The salaries of the following state officials
and employees shall be within salary range 91:

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2 Commissioner of Transportation;
4 Commissioner of Conservation;
6 Commissioner of Finance;
8 Commissioner of Administration;
10 Commissioner of ~~Educational and Cultural Services~~ Education;
12 Commissioner of Environmental Protection;
14 Commissioner of Human Services;
16 Commissioner of Mental Health and Mental Retardation;
18 Commissioner of Public Safety;
20 Commissioner of Professional and Financial Regulation;
22 Commissioner of Labor;
24 Commissioner of Agriculture, Food and Rural Resources;
26 Commissioner of Inland Fisheries and Wildlife;
28 Commissioner of Marine Resources;
30 Commissioner of Corrections; and
32 Commissioner of Economic and Community Development.

34 **Sec. A-9. 2 MRSA §6, sub-§4**, as repealed and replaced by PL
the following enacted in its place:

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38 4. **Range 88.** The salaries of the following state officials
and employees shall be within salary range 88:

- 40 State Purchasing Agent;
- 42 Director, Arts Commission;
- 44 Director, State Museum Commission;
- 46 Director, Bureau of Parks and Recreation;
- 48 State Director of Alcoholic Beverages;
- 50 Director of Public Lands;

2 State Librarian;
4 Director of Employee Relations;
6 Director, Bureau of Air Quality Control;
8 Director, Bureau of Land Quality Control;
10 Director, Bureau of Water Quality Control;
12 Director, Bureau of Oil and Hazardous Materials Control;
14 Director, Bureau of Solid Waste Management;
16 Director, Bureau of Administration;
18 Director, Office of Planning;
20 Director, Office of Waste Reduction and Recycling; and
22 Director, Office of Siting and Disposal Operations.

24 Sec. A-10. 2 MRSA §6, sub-§6, as amended by PL 1987, c. 634,
26 §1, is further amended to read:

28 6. Range 85. The salaries of the following state officials
and employees shall be within salary range 85:

30 Director of Veterans' Services;
32 Director of Civil Emergency Preparedness;
34 Executive Director, Historic Preservation Commission;
36 Members, Maine Unemployment Insurance Commission; and
38 Director of Military Bureau.

40 Sec. A-11. 5 MRSA §139, first ¶, as amended by PL 1987, c. 247,
42 §3, is further amended to read:

44 The Treasurer of State, with the approval of the
46 Commissioner of Finance, the Bank Superintendent and the
48 Commissioner of Educational--and--Cultural--Services Education,
shall invest and reinvest the principal of all funds derived or
that may be derived from the sale and lease of lands reserved for
public uses in accordance with the laws of the State governing
the investment of funds of savings banks, as enumerated in Title
50 9-B, except as provided in chapter 161.

2 **Sec. A-12. 5 MRSA §139, 2nd ¶**, as amended by PL 1985, c. 785,
Pt. A, §11, is further amended to read:

4
6 The Treasurer of State, with the approval of the
Commissioner of Finance, the Bank Superintendent and the
Commissioner of ~~Educati~~Education,
8 shall have the power to enter into a contract or agreement
approved by the Governor with any national bank, trust company or
10 safe deposit company located in New England or New York City for
custodial care and servicing of the securities belonging to any
12 trust fund created from funds derived or that may be derived from
the sale and lease of lands reserved for public uses. Such
14 services shall consist of the safekeeping of those securities,
collection of interest and dividends, periodical checks of the
16 portfolio deposited for safekeeping to determine all calls for
redemption, in whole or in part, of any bonds owned by such
18 funds, and any other fiscal service which is normally covered in
a custodial contract or agreement. In performing services under
20 any such contract or agreement, the contracting bank shall have
all of the powers and duties prescribed for trust companies by
22 Title 9-B, section 623.

24 **Sec. A-13. 5 MRSA §139, last ¶**, as amended by PL 1985, c. 785,
Pt. A, §12, is further amended to read:

26
28 The Treasurer of State shall be empowered to withdraw or
deposit securities from or with the custodian as circumstances
may require, all withdrawal orders or delivery instructions to
30 bear the approval in writing of the Bank Superintendent and that
of either or both the Commissioner of ~~Educati~~Education and the Commissioner of Finance.

34 **Sec. A-14. 5 MRSA §937, sub-§1**, as amended by PL 1989, c. 414,
§§1 and 2, is further amended to read:

36
38 **1. Major policy-influencing positions.** The following
positions are major policy-influencing positions within the
Department of ~~Educati~~Education.
40 Notwithstanding any other provision of law, these positions and
their successor positions shall be subject to this chapter:

- 42 A. Assistant to the Commissioner;
- 44 B. Deputy Commissioner;
- 46 C. Associate Commissioner, Bureau of School Management;
- 48 D. Associate Commissioner, Bureau of Instruction;
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2 E. Associate Commissioner, Bureau of Adult and Secondary
Vocational Education;

4 F. Director, Planning and Management Information;

6 G. Federal and State Education Program Coordinator; and

8 H. Executive Director, Interdepartmental Council, with the
10 approval of the other commissioners of the Interdepartmental
Council.

12 **Sec. A-15. 5 MRSA §1507, sub-§5-A**, as amended by PL 1989, c.
14 443, §9, is further amended to read:

16 5-A. **Job development training.** The Governor may allocate
18 funds from such account in amounts not to exceed in total the sum
20 of \$1,000,000 to provide funds for any unusual, unforeseen or
22 extraordinary needs for state assistance in creating jobs by
24 assisting in meeting the training requirements of labor intensive
new or expanding industries. Allocations for this purpose may be
made from this fund by the Governor only upon the written request
of the Commissioner of Labor and the Commissioner of Economic and
Community Development and after consultation with the State
Budget Officer. The commissioners' request to the Governor shall
be formulated subsequent to their consultation with the
26 Commissioner of ~~Educational and Cultural Services~~ Education, the
Executive Director of the Maine Technical College System and the
28 director of the appropriate service delivery area as defined by
the Job Training Partnership Act.

30 **Sec. A-16. 5 MRSA §1653, sub-§4**, as enacted by PL 1983, c.
32 716, §2, is amended to read:

34 4. **Department.** "Department" means the Department of
36 ~~Educational and Cultural Services~~ Education, the Department of
Human Services, the Department of Mental Health and Mental
Retardation and the Department of Corrections; the Division of
38 Community Services of the Executive Department; the Criminal
Justice Planning and Assistance Agency of the Executive
40 Department; or the Department of Transportation; and may mean
such other administrative units of State Government as are
42 defined from time to time by the commissioner, except that the
Maine Health Care Finance Commission shall not be defined as
44 "department" for the purposes of this chapter.

46 **Sec. A-17. 5 MRSA §1743-A**, as amended by PL 1989, c. 483,
48 Pt. A, §17, is further amended to read:

50 **§1743-A. Competitive bids; advertisement**

Any contract for the construction, major alteration or

2 repair of school buildings involving a total cost in excess of
3 \$100,000, except contracts for professional, architectural and
4 engineering services, shall be awarded by competitive bids. The
5 school district directors, school committee, building committee
6 or whatever agency has responsibility for the construction, major
7 alteration or repair shall, after consultation with the Director
8 of the Bureau of Public Improvements, seek sealed proposals.
9 Sealed proposals shall be addressed to the responsible agency and
10 shall remain sealed until publicly opened in the presence of the
11 responsible agency or a committee thereof at such time as the
12 responsible agency may direct. Competitive bids may be waived in
13 individual cases involving unusual circumstances with the written
14 approval of the Director of the Bureau of Public Improvements and
the Commissioner of ~~Educational--and--Cultural--Services~~ Education.

16 **Sec. A-18. 5 MRSAs §§4603 and 4604**, as enacted by PL 1983, c.
17 578, §3, are amended to read:

18 **§4603. Rulemaking**

20 The Commissioner of ~~Educational--and--Cultural--Services~~
21 Education shall have joint rule-making authority with the
22 commission to effectuate this subchapter.

24 **§4604. Enforcement**

26 The Commissioner of ~~Educational--and--Cultural--Services~~
27 Education, or his a designee, may participate in predetermination
28 resolution and conciliation efforts of the commission as follows:

30 **1. Notification of results of preliminary investigations.**
31 The Commissioner of ~~Educational--and--Cultural--Services~~ Education
32 shall be informed of the results of preliminary investigations
33 into complaints of unlawful educational discrimination concerning
34 public schools and programs and private schools approved for
35 tuition purposes.

38 **2. Notification of findings of unlawful educational
39 discrimination; informal conciliation efforts.** The Commissioner
40 of ~~Educational--and--Cultural--Services~~ Education shall be informed
41 of any finding that unlawful educational discrimination has
42 occurred in a public school or program or a private school or
43 program approved for tuition purposes. The commissioner may
44 participate in informal conciliation efforts made pursuant to
45 section 4612, subsection 3 and shall, upon request, have access
46 to all information concerning these conciliation efforts.

48 **Sec. A-19. 5 MRSAs §8002, sub-§2**, as amended by PL 1989, c.
49 443, §13, is further amended to read:

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2 **2. Agency.** "Agency" means any body of State Government
4 authorized by law to adopt rules, to issue licenses or to take
6 final action in adjudicatory proceedings, including, but not
8 limited to, every authority, board, bureau, commission,
10 department or officer of the State Government so authorized; but
12 the term shall not include the Legislature, Governor, courts,
University of Maine System, Maine Maritime Academy, technical
colleges, the Commissioner of ~~Educational--and--Cultural--Services~~
Education for schools of the unorganized territory, school
administrative units, special purpose districts or
municipalities, counties or other political subdivisions of the
State.

14 **Sec. A-20. 5 MRSA §13075, sub-§6,** as enacted by PL 1987, c.
16 855, §1, is amended to read:

18 **6. Coordination.** The department shall coordinate the
20 grants made under this article with all other community
22 assistance grants administered by the department and with other
24 state assistance programs designed to accomplish similar
objectives, including those administered by the Department of
~~Educational--and--Cultural--Services~~ Education, the Department of
Transportation and the Department of Environmental Protection.

26 **Sec. A-21. 5 MRSA §13092-A, sub-§2,** as enacted by PL 1989, c.
28 553, §1, is amended to read:

30 **2. Review council.** The Director of the Office of Tourism
32 shall consult with the Historic Preservation Commission ~~of--the~~
34 ~~Department--of--Educational--and--Cultural--Services~~ and the
36 Department of Transportation on the marker program. Before
erecting any marker, the director shall secure the Historic
Preservation Commission's approval of the marker, its location
and its wording. The Historic Preservation Commission shall
investigate as needed to obtain information on the event to be
commemorated and on the appropriate location for the marker,
including consulting historians and holding public hearings.

38 **Sec. A-22. 5 MRSA §13093, sub-§1,** as amended by PL 1989, c.
40 503, Pt. B, §30, is further amended to read:

42 **1. Maine Tourism Commission.** The Maine Tourism Commission,
44 established by section 12004-I, subsection 87, shall assist,
46 advise and recommend the operation of the Office of Tourism. It
shall consist of 9 members of major tourism trade associations
and 8 public members who shall represent their respective regions
and who are experienced in the field or who have demonstrated a
concern for the travel industry. The terms of the members shall
be for 4 years each; except that, for the members first
48 appointed, 4 members shall be appointed for terms of 4 years, 4
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2 members for terms of 3 years, 4 members for terms of 2 years and
3 5 members for terms of one year. The members shall be appointed
4 by the Governor, who shall fill any vacancy in the membership for
5 the unexpired term. The commissioner, director or his designee
6 of the following state departments or offices shall serve as ex
7 officio, nonvoting members of the commission: Department of
8 Economic and Community Development; State Planning Office;
9 Department of Conservation; Department of Transportation;
10 Department of Inland Fisheries and Wildlife; Department of
11 Agriculture, Food and Rural Resources; Department of ~~Educational~~
12 ~~and Cultural Services~~ Education; Bureau of Public Improvements;
13 and Canadian Affairs Coordinator. A chair and vice-chair shall
14 be elected annually from the appointed membership.

15 **Sec. A-23. 5 MRSA §15138, first ¶,** as amended by PL 1989, c.
16 443, §15, is further amended to read:

17 Agencies of State Government shall cooperate to assess the
18 needs of zones and provide appropriate assistance to these
19 zones. There shall be a committee composed of, at a minimum, the
20 Commissioner of Economic and Community Development, Director of
21 the State Planning Office, Commissioner of Transportation,
22 Commissioner of Labor, Commissioner of ~~Educational and Cultural~~
23 ~~Services~~ Education, Executive Director of the Maine Technical
24 College System, Chief Executive Officer of the Finance Authority
25 of Maine and the Director of the Maine State Housing Authority.
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27 **Sec. A-24. 5 MRSA §17001, sub-§42, ¶A,** as enacted by PL 1989,
28 c. 550, §2, is amended to read:

29 A. Any employee of a public school who fills any position
30 which the Department of ~~Educational and Cultural Services~~
31 Education requires be filled by a person who holds the
32 appropriate certification or license required for that
33 position and:

34 (1) Holds appropriate certification from the
35 Department of ~~Educational and Cultural Services~~
36 Education; or

37 (2) Holds an appropriate license issued to a
38 professional employee by a licensing agency of the
39 State;

40 **Sec. A-25. 5 MRSA §17762, sub-§1,** as enacted by PL 1985, c.
41 801, §§5 and 7, is amended to read:

42 1. **Service credit allowed.** A teacher who teaches a full
43 accredited year in an adult education program accepted and
44 approved by the Commissioner of ~~Educational and Cultural Services~~

2 Education is entitled to not more than 1/2 year's service credit
for each full accredited year taught.

4 **Sec. A-26. 5 MRSA §17763, sub-§1, ¶A**, as enacted by PL 1985,
6 c. 801, §§5 and 7, is amended to read:

8 A. The teacher must have taught in a school approved by the
Department of ~~Educational-and-Cultural-Services~~ Education or
10 the education department of another state while holding an
appropriate teaching certificate.

12 **Sec. A-27. 5 MRSA §18362, sub-§1, ¶A**, as enacted by PL 1989,
14 c. 78, §4, is amended to read:

16 A. The member must have taught in a school approved by the
Department of ~~Educational-and-Cultural-Services~~ Education or
18 the education department of another state while holding an
appropriate teaching certificate.

20 **Sec. A-28. 5 MRSA §19205, sub-§1**, as amended by PL 1989, c.
22 502, Pt. A, §22, is further amended to read:

24 **1. Policy; services.** It shall be the policy of the State
to provide to persons who test positive for HIV or have been
26 diagnosed as having AIDS or AIDS-Related Complex services of
departments and agencies, including, but not limited to, the
Department of ~~Educational-and-Cultural-Services~~ Education, the
28 Department of Mental Health and Retardation, the Department of
Human Services and the Department of Corrections.

30 **Sec. A-29. 7 MRSA §1-B, last ¶**, as enacted by PL 1983, c. 532,
32 §1, is amended to read:

34 The Legislature further finds the preservation of rural life
and values in the State to be the joint responsibility of all
36 public agencies, local, state and federal, whose policies and
programs substantially impact the economy and general welfare of
38 people who reside in rural Maine, such as the development and
implementation of programs which assist in the maintenance of
40 family farms, provide specialized opportunities for education and
technical training and improve health and nutrition. The state
42 agencies in addition to the department include, but are not
limited to, the Department of ~~Educational-and-Cultural-Services~~
44 Education, Department of Human Services, Department of Labor, the
Department of Conservation and the Division of Community Services
46 of the Executive Department.

48 **Sec. A-30. 7 MRSA §214, sub-§3**, as enacted by PL 1985, c. 271,
50 §2, is amended to read:

2 3. **Advisory committee.** The State Purchasing Agent or his a
3 designee shall establish an advisory committee to discuss
4 possibilities and review proposals for expanding purchases of
5 local foodstuffs. At least one representative from the following
6 state agencies shall be invited to serve on this advisory
7 committee: The Department of Agriculture, Food and Rural
8 Resources; the Department of Corrections; the Department of
9 ~~Educational--and--Cultural--Services~~ Education; the Department of
10 Human Services; the Department of Marine Resources; and the
11 Division of Community Services. Representation from other state
12 agencies, local institutions or from the private sector shall be
13 chosen by the State Purchasing Agent who shall serve as chairman
14 of the advisory committee.

15 Sec. A-31. 7 MRSA §215, sub-§2, as enacted by PL 1983, c. 608,
16 §2, is amended to read:

17 2. **Coordination of development of quality standards.** The
18 Bureau of Purchases will coordinate the development of quality
19 standards with state institutions and the Department of
20 ~~Educational--and--Cultural--Services~~ Education. The coordinator
21 will collaborate with the ~~state-purchasing-agent~~ State Purchasing
22 Agent in assisting state and school purchasers in formulating
23 consistent, although not necessarily uniform, quality standards.
24 In the event there are differences of opinion about the quality
25 of foodstuffs supplied institutions or schools, final authority
26 for resolution rests with the ~~state--purchasing--agent~~ State
27 Purchasing Agent.

28 Sec. A-32. 7 MRSA §222, sub-§4, as enacted by PL 1987, c. 520,
29 is amended to read:

30 4. **Cooperation.** Cooperate with appropriate local, state
31 and federal agencies and institutions and with farm organizations
32 and interested individuals, including the Department of
33 ~~Educational--and--Cultural--Services~~ Education, the Department of
34 Labor, the University of Maine and the Cooperative Extension
35 Service, in carrying out this chapter.

36 Sec. A-33. 7 MRSA §241, sub-§§2 and 3, as enacted by PL 1989,
37 c. 194, are amended to read:

38 2. **Agricultural literacy.** Cooperate with the Department of
39 ~~Educational---and---Cultural---Services~~ Education to develop
40 instructional materials, train teachers and teacher trainers and
41 otherwise complete actions for utilizing agriculture as an
42 exciting medium for educating students both about society and the
43 natural world, while increasing their literacy by infusing basic
44 agricultural concepts such as agriculture and economics, the
45 dynamics of world hunger, agriculture and history within present
46 subjects taught in Maine schools.

2 **3. Cooperation.** Cooperate with appropriate local, state,
4 and federal agencies and institutions, educational and farm
5 organizations and interested individuals, including the Maine Ag
6 in the Classroom Association, the Department of ~~Educational-and~~
~~Cultural-Services~~ Education and the Cooperative Extension Service
7 in carrying out this chapter.

8
9 **Sec. A-34. 7 MRSA §3971, sub-§4,** as enacted by PL 1987, c.
10 383, §3, is amended to read:

11 **4. Enforcement.** The board shall enforce this section in
12 consultation with the Commissioner of ~~Educational-and-Cultural~~
13 ~~Services~~ Education.

14
15 **Sec. A-35. 9 MRSA §5006, sub-§1, ¶E,** as amended by PL 1977, c.
16 654, §6, is further amended to read:

17 E. Educational institutions, the curriculums of which in
18 whole or in part are registered or approved by the
19 Department of ~~Educational-and-Cultural-Services~~ Education,
20 either directly or by acceptance of accreditation by an
21 accrediting body recognized by the Department of ~~Educational~~
22 ~~and-Cultural-Services~~ Education, and organizations operated
23 by the student bodies of such institutions; and

24
25 **Sec. A-36. 10 MRSA §918, sub-§3,** as repealed and replaced by
26 PL 1987, c. 402, Pt. A, §88, is amended to read:

27 **3. Ex officio corporators.** Ex officio corporators shall
28 consist of the heads of the major state departments and agencies
29 and the Chancellor of the University of Maine System. State
30 department and agency heads shall include the following:

31 Treasurer of State;

32 Director of the State Planning Office;

33 Director of the State Development Office;

34 Commissioner of Agriculture, Food and Rural Resources;

35 Commissioner of ~~Business,--Occupational-and~~ Professional and
36 Financial Regulation;

37 Commissioner of Conservation;

38 Commissioner of ~~Educational-and-Cultural-Services~~ Education;

39 Commissioner of Environmental Protection;

2 Commissioner of Finance;
4 Commissioner of Administration;
6 Commissioner of Human Services;
8 Commissioner of Inland Fisheries and Wildlife;
10 Commissioner of Labor;
12 Commissioner of Marine Resources;
14 Commissioner of Mental Health and Mental Retardation;
16 Commissioner of Transportation;
18 Chief Executive Officer of the Finance Authority of Maine;
20 Executive Director of the Maine Municipal Bond Bank; and
22 Executive Director of the Maine State Housing Authority.

24 **Sec. A-37. 10 MRSA §1016, sub-§1**, as enacted by PL 1989, c.
26 598, §8, is amended to read:

28 1. **Membership of board.** The Higher Education Students
30 Financial Assistance Board shall consist of 7 voting members.
32 One member shall be the Commissioner of ~~Educational and Cultural~~
34 ~~Services~~ Education or the commissioner's designee who shall be a
36 person in a major policy-influencing position. Six members shall
be appointed by the Governor subject to review by the joint
standing committee of the Legislature having jurisdiction over
educational matters and subject to confirmation by the
Legislature. The gubernatorial appointees shall consist of the
following.

38 A. One member shall be a trustee, director, officer or
40 employee of an institution of higher education in the State.

42 B. One member shall be a member of a statewide organization
44 representing the chief executive officers of public and
private post-secondary institutions in the State.

46 C. One member shall be a student financial aid
administrator at a post-secondary institution in the State.

48 D. One member shall be a guidance counselor at a high
50 school in the State.

2 E. One member shall be a representative of a state
financial institution that is active in student lending.

4 F. One member shall represent the interests of students,
parents and other members of the public who use the programs.

6
8 With respect to the appointees specified in paragraphs A and B,
one shall be from an institution not owned or operated by the
State or any of its political subdivisions and one shall be from
10 a public institution of post-secondary education.

12 **Sec. A-38. 12 MRSA §588, sub-§3**, as as amended by PL 1989, c.
6; c. 9, §2; c. 104, Pt. C, §§8 and 10, is further amended to
14 read:

16 **3. Income from camps; payment for school support.**
Notwithstanding subsections 1 and 2, 75% of any income from
18 residential leasehold camps, excluding any income or proceeds
from the sale, exchange or relocation of any of these camps under
20 section 590, and 25% of any other income arising from activities
under section 585, subsection 4, on public reserved lands located
22 in townships or tracts organized into plantations as of March 1,
1974, shall be held by the Treasurer of State in the Organized
24 Townships Fund. The Treasurer of State shall pay annually the
income from that portion of the fund belonging to each such
26 plantation to the treasurer of the plantation to be applied
toward the support of schools according to the number of students
28 in each school. The Treasurer of State shall compute this income
on January 1st of each year. The Commissioner of ~~Educational and~~
30 ~~Cultural Services~~ Education shall file in the office of the State
Controller a list of these plantations with the amount due for
32 income for the preceding year according to a record of those
amounts to be furnished to the commissioner by the Treasurer of
34 State. The Commissioner of ~~Educational and Cultural Services~~
Education must be satisfied that the plantations are organized,
36 that schools have been established in the plantations according
to law, that assessors are sworn and qualified and that the
38 treasurers of the plantations have given bonds as required by
law. The State Controller shall insert the name and amount due
40 the plantations in one of the first warrants drawn in that year.

42 A. The amount due Lakeville Plantation, Penobscot County,
annually under this section shall be expended in accordance
44 with this section. Any excess shall be ~~used~~, under the
supervision and direction of the superintending school
46 committee of Lakeville Plantation, be used to establish
scholarship aid for students of Lakeville Plantation to
48 receive post high school education.

2 Sec. A-39. 12 MRSA §7313-A, as enacted by PL 1989, c. 53,
3 §3, is amended to read:

4 **§7313-A. Approved curriculum for licensed Maine guides**

6 By March 1, 1990, the commissioner shall approve a
7 curriculum designed to prepare persons for the guide
8 examinations. This curriculum shall cover practical skills,
9 fisheries and wildlife laws and other aspects important for the
10 guiding profession. The commissioner shall convene an ad hoc
11 advisory board, as defined under Title 5, section 12008, to
12 develop the curriculum. Nonagency members shall be compensated
13 according to Title 5, chapter 379. The commissioner also shall
14 consult with the Department of ~~Educational and Cultural Services~~
15 Education in developing the curriculum.

16 Sec. A-40. 12 MRSA §8611, sub-§2, ¶A, as enacted by PL 1989,
17 c. 555, §8, is amended to read:

18 A. Work with the Department of ~~Educational and Cultural~~
19 ~~Services~~ Education and organizations to integrate forestry
20 and forest science programs into the science curricula in
21 public schools; and

22 Sec. A-41. 15 MRSA §3601, sub-§5, as amended by PL 1981, c.
23 493, §101, is further amended to read:

24 5. **Contacts with state agencies.** The committee shall,
25 during the course of its existence, make direct contact for the
26 purposes of obtaining information or for review of such
27 recommendations as it proposes, with the Departments of Human
28 Services, Mental Health and Mental Retardation, Education and
29 ~~Cultural Services~~, the Criminal Law Advisory Commission and with
30 any other organization or committee whose affairs pertain to the
31 juvenile justice system. These state agencies shall cooperate in
32 the provision of all reasonable information and data necessary to
33 carry out the functions given the committee.

34 Sec. A-42. 20 MRSA §3459, 3rd ¶, as amended by PL 1975, c.
35 272, §10, is further amended to read:

36 On any eligible project heretofore or hereafter approved by
37 the Commissioner of ~~Educational and Cultural Services~~ Education,
38 a School Administrative District to which this section is
39 applicable shall be reimbursed the eligible amount of its major
40 capital outlay expenditure upon filing the necessary reports with
41 the commissioner and submitting proof that the project has been
42 completed in accordance with approved plans, provided that the
43 amount of such reimbursement shall not be less than the
44 percentage of the actual major capital outlay expenditure for the
45

2 project applicable to the district at the time the voters of the
district authorized the school directors to borrow in
anticipation of state aid for school construction.

4
6 **Sec. A-43. 20 MRSA §3459, 4th ¶**, as amended by PL 1971, c.
610, §22, is further amended to read:

8 Not later than 90 days following the filing of a full report
of capital expenditures of said project with the commissioner and
10 the submission of proof showing that the project has been
completed in accordance with approved plans, the commissioner
12 shall notify the school directors if funds are not then available
from which to pay all or any specified portion of the total
14 amount of state aid to which the district is entitled for the
project. Upon receipt of such notification, the school directors
16 may issue bonds or notes of the district pursuant to this section
in order to fund temporary notes or renewal notes issued in
18 anticipation of such state aid or as otherwise may be required to
complete the financing of the project not exceeding the total
20 amount of such state aid to which the district is entitled for
the project as certified by the commissioner, less the amount of
22 such state aid paid or certified to be available for payment to
the district. Any such bonds or notes shall be issued not earlier
24 than simultaneously with the issuance of bonds or notes of the
same district required to complete the permanent financing of the
26 same school project or projects. The first installment of such
bonds or notes shall be payable not later than 2 years after the
28 date of issue and the last installment shall be payable not later
than 25 years from such date, provided, that the maturity
30 schedule for such bonds or notes shall first be approved by the
~~Commissioner of Educational and Cultural Services~~ Education. Said
32 bonds or notes shall be legal obligations of the district and may
be issued notwithstanding any debt limitation otherwise
34 applicable to the district, but shall thereafter be considered in
computing the borrowing capacity of the district. Except as
36 otherwise provided, said bonds or notes shall be issued in
accordance with the applicable provisions of section 304. If
38 bonds or notes of the district are issued pursuant to this
paragraph, the district shall be reimbursed in each year during
40 which such bonds or notes are outstanding, out of moneys
appropriated for this purpose, an amount equal to its annual
42 payments of principal and interest on such bonds or notes, which
amounts shall be the only state aid for school construction
44 purposes paid or to be paid to the district for said school
project or projects, except for any sums which may be paid or
46 payable pursuant to the last 2 sentences of the first paragraph
of section 3457 on account of sums contributed by the district
48 for the project or projects, and except for sums paid to the
district or certified by the commissioner to be available for
50 payment under this section.

2 **Sec. A-44. 20 MRSA §3460, 6th ¶** is amended to read:

4 The eligible unit shall submit to the Commissioner of
6 ~~Educational and Cultural Services~~ Education a schedule showing
8 estimates of monthly cash disbursements to be made by the unit
10 for project expenditures. Based upon the estimate of cash
12 requirements, the commissioner, on or about the first of each
14 month, shall pay an amount equal to the state's participation in
16 the estimated project expenditures for that month, which monthly
18 payments shall be continued until the total of all assistance
20 paid equals 95% of the estimated state aid on the project.

22 **Sec. A-45. 20-A MRSA §1, sub-§§4 and 7**, as enacted by PL 1981,
24 c. 693, §§5 and 8, are amended to read:

26 **4. Commissioner.** "Commissioner" means the Commissioner of
28 ~~Educational and Cultural Services~~ Education or the commissioner's
30 designee.

32 **7. Department.** "Department" means the Department of
34 ~~Educational and Cultural Services~~ Education.

36 **Sec. A-46. 20-A MRSA §2102, sub-§4**, as enacted by PL 1987, c.
38 135, §2, is amended to read:

40 **4. Borrowing.** Notwithstanding any provision of a union
42 school agreement to the contrary, each municipality participating
44 in a union school construction project shall pay the percentage
46 of the cost of the project which corresponds to that
48 municipality's percentage of union school operating costs in the
 year in which the project receives concept approval; be entitled
 to the debt service allocation attributable to the bonds or notes
 which that municipality has issued for the project; and own, as a
 tenant in common with the other participating municipalities, the
 percentage of the buildings and real property constructed or
 acquired in conjunction with the project which corresponds to
 that municipality's percentage of the original cost of the
 project. A referendum vote shall be conducted by each
 municipality to authorize the issuance of its percentage of the
 bonds or notes for a school construction project for a union
 school in accordance with section 15904, subsection 1. Subject
 to the requirements of chapter 609, each municipality which is a
 party to a union school agreement may issue bonds or notes
 pursuant to Title 30, sections 5152 and 5153 for school
 construction purposes to finance its percentage share of the cost
 of a school construction project for a union school. In the event
 that a union school agreement is terminated, no provision of the
 termination formula or agreement nor the decision of the

2 Commissioner of ~~Educational--and--Cultural--Services~~ Education
regarding termination may impair the obligations of the
4 municipalities to their bond holders.

6 **Sec. A-47. 20-A MRSA §2907, sub-§1, ¶F**, as enacted by PL 1987,
c. 250, is amended to read:

8 F. An instructional staff certified by the Department of
9 ~~Educational---and---Cultural---Services~~ Education where
10 appropriate and endorsement by professional boards in areas
11 where the State does not have certification standards or
12 professional standards agreed upon by the department and the
13 respective institution;

14 **Sec. A-48. 20-A MRSA §3604, sub-§1**, as enacted by PL 1981, c.
15 693, §§5 and 8, is amended to read:

18 1. **Commissioner.** "Commissioner" shall refer to the
19 Commissioner of ~~Educational-and-Cultural-Services~~ Education.

20 **Sec. A-49. 20-A MRSA §6401, sub-§2, ¶I**, as enacted by PL 1981,
21 c. 693, §§5 and 8, is amended to read:

24 I. To assist in establishing communication between the
25 Department of Human Services and the Department of
26 ~~Educational--and--Cultural--Services~~ Education and to seek
27 input from local school nursing personnel in formulating
28 guidelines for services to students;

30 **Sec. A-50. 20-A MRSA §6452, sub-§2, ¶B**, as enacted by PL 1981,
31 c. 693, §§ 5 and 8, is amended to read:

32 B. The Commissioner of Human Services shall, after
33 consultation with the Commissioner of ~~Educational--and~~
34 ~~Cultural--Services~~ Education and the Bureau of Health,
35 promulgate rules in accordance with section 3, for the
36 screening test and shall furnish the rules to the
37 administrative officers of the school administrative units.
38 These rules shall include the frequency of the tests, the
39 manner in which the schools or their agents conduct the
40 tests, the qualifications of personnel conducting the
41 screening, the method by which prior notice of the screening
42 or the notice of any defect or possible defect detected
43 shall be sent to the parent or guardian of the student and
44 that the notation of the screening and any follow-up
45 activity shall be kept with the student's school health
46 records.

48 **Sec. A-51. 20-A MRSA §6605, sub-§4**, as enacted by PL 1987, c.
49 395, Pt. A, §70, is amended to read:

2 4. ~~Information collection and sharing.~~ The Department of
3 ~~Educational--and--Cultural--Services~~ Education shall be authorized
4 to gather information about substance abuse prevention and
5 intervention programs initiated by state or federal agencies
6 whose efforts are directed toward private and public schools of
7 the State, for the purpose of sharing that information with
8 school administrative units.

10 Sec. A-52. 20-A MRSA §7702, sub-§§4, 5, 7 and 8, as enacted by
11 PL 1989, c. 499, §2, are amended to read:

12 4. ~~Commissioner.~~ "Commissioner" means the Commissioner of
13 ~~Educational--and--Cultural--Services~~ Education.

14 5. ~~Commissioners.~~ "Commissioners" means the Commissioner
15 of ~~Educational--and--Cultural--Services~~ Education, the Commissioner
16 of Human Services, the Commissioner of Mental Health and Mental
17 Retardation and the Commissioner of Corrections.

18 7. ~~Department.~~ "Department" means the Department of
19 ~~Educational--and--Cultural--Services~~ Education.

20 8. ~~Departments.~~ "Departments" means 2 or more of the
21 participating state agencies, the Department of ~~Educational--and--~~
22 ~~Cultural--Services~~ Education, the Department of Human Services,
23 the Department of Mental Health and Mental Retardation and the
24 Department of Corrections.

25 Sec. A-53. 20-A MRSA §7704, sub-§1, ¶B, as enacted by PL 1989,
26 c. 499, §4, is amended to read:

27 B. State agency members, appointed by the commissioners,
28 shall make up the rest of the membership. An equal number
29 of members shall be maintained by the Department of Human
30 Services, the Department of ~~Educational--and--Cultural~~
31 ~~Services~~ Education and the Department of Mental Health and
32 Mental Retardation. Additional members may be appointed
33 from other state agencies as appropriate and timely.

34 An agency member appointed may serve for a term of up to 3
35 years expiring July 1, or until the person terminates
36 employment or membership with the agency or group
37 represented.

38 Sec. A-54. 20-A MRSA §7801, sub-§1, as enacted by PL 1985, c.
39 768, §1, is amended to read:

40 1. ~~Coordination.~~ Coordinating existing programs presently
41 provided for these youths by the Department of Human Services,
42

2 the Department of Mental Health and Mental Retardation, the
3 Department of ~~Educational--and--Cultural--Services~~ Education and
4 other public and private agencies;

6 **Sec. A-55. 20-A MRSA §7803, first ¶**, as enacted by PL 1985, c.
7 768, §1, is amended to read:

8 An Interdepartmental Coordinating Committee for Handicapped
9 Youth in Transition pursuant to Title 5, chapter 379,
10 representing the Department of ~~Educational--and--Cultural--Services~~
11 Education, the Department of Human Services, the Department of
12 Mental Health and Mental Retardation and the public, shall be
13 appointed by the 3 commissioners to work with the department to
14 establish guidelines, including continuation applications, to
15 monitor grants and to evaluate the performance of programs
16 developed through the grants.

18 **Sec. A-56. 20-A MRSA §7805**, as amended by PL 1987, c. 395,
19 Pt. A, §78, is further amended to read:

20 **§7805. Transitional services coordinator**

22 The position of transitional services coordinator to the
23 Department of ~~Educational--and--Cultural--Services~~ Education,
24 Division of Special Education shall be established to coordinate
25 the department's activities and involving the Bureau of Adult and
26 Secondary Vocational Education regarding the coordinated delivery
27 system for handicapped youths in transition from school to
28 community. This coordinator will also serve as staff to the
29 committee as established in section 7803.

32 **Sec. A-57. 20-A MRSA §8451, sub-§5, ¶¶C and D**, as repealed and
33 replaced by PL 1989, c. 540, §4, are amended to read:

34 C. In the event that School Administrative District No. 27,
35 School Administrative District No. 33 and Madawaska School
36 Department enter into a cooperative agreement pursuant to
37 section 8401, not later than June 30, 1989, the school
38 boards of the 3 participating units shall, in conjunction
39 with the advisory committee, develop and submit a plan to
40 the Commissioner of ~~Educational--and--Cultural--Services~~
41 Education for delivery of secondary vocational services
42 within the 3 participating units. The plan shall include:

44 (1) A proposal for the construction of a new
45 vocational center in School Administrative District No.
46 33;

48 (2) Provisions for assignment without loss of salary
49 of all continuing contract vocational teachers employed
50

2 by School Administrative District No. 27 and Madawaska
3 School Department to School Administrative District No.
4 33 if a new vocational center in School Administrative
5 District No. 33 becomes operational;

6 (3) Assurances that all 3 participating administrative
7 units and School Administrative District No. 10 on a
8 tuition basis, shall have access to programs at the new
9 vocational center in proportion to the number of high
10 school juniors and seniors in each administrative unit.

11 D. The plan developed under paragraph C shall be submitted
12 to the Commissioner of ~~Educational--and--Cultural--Services~~
13 Education for approval. The commissioner may make necessary
14 recommendations to the participating units to assist in the
15 implementation of the plan for the school year 1991-92. The
16 plan shall be approved by the commissioner by August 30,
17 1989.

18
19 **Sec. A-58. 20-A MRSA §9511, sub-§3, as enacted by PL 1987, c.**
20 **735, §12, is amended to read:**

21
22 **3. Transition clause.** The present position of Education
23 Specialist II; in the Department of ~~Educational--and--Cultural--~~
24 ~~Services~~ Education, which serves as Executive Director of the
25 Maine Conservation School shall be transferred to the Maine
26 Conservation School and the incumbent shall, notwithstanding
27 section 1, continue to be an employee of the State, but shall
28 serve at the pleasure of the board and not be subject to the
29 Civil Service Law.

30
31 When the individual presently holding this position terminates
32 employment, this state position shall be abolished.

33
34 **Sec. A-59. 20-A MRSA §10201, as amended by PL 1989, c. 443,**
35 **§25, is further amended to read:**

36
37 **§10201. Establishment**

38
39 The Energy Testing Laboratory of Maine, referred to in this
40 chapter as "ETLM," is established at Southern Maine Technical
41 College, referred to in this chapter as "SMTC," within the
42 Department of ~~Educational--and--Cultural--Services~~ Education.

43
44 **Sec. A-60. 20-A MRSA §11805, sub-§3, ¶A, as enacted by PL**
45 **1981, c. 693, §§5 and 8, is amended to read:**

46
47 A. The Department of ~~Educational--and--Cultural--Services~~
48 Education may expend the money appropriated by the
49 Legislature, for the purchase of positions at accredited
50 medical schools to purchase:

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(1) Up to 18 positions each year, to a total of 72 positions, at accredited schools of allopathic medicine;

(2) Up to 2 positions each year, to a total of 8 positions, at accredited schools of dentistry;

(3) Up to 2 positions each year, to a total of 8 positions, at accredited schools of veterinary medicine; and

(4) Up to one position each year, to a total of 4 positions, at accredited schools of optometry.

Sec. A-61. 20-A MRSA §11810, as enacted by PL 1985, c. 455, §§10 and 11, is amended to read:

§11810. Rules

The Commissioner of ~~Educational--and--Cultural--Services~~ Education shall establish all rules necessary to carry out the purposes of this chapter, except that the Commissioner of Human Services shall develop rules for determining underserved areas for the practice of allopathic medicine, dentistry and optometry and the Commissioner of Agriculture, Food and Rural Resources shall develop rules for the determination of underserved areas for the practice of veterinary medicine. The rules authorized by this section shall be adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II.

Sec. A-62. 20-A MRSA §12005, sub-§1, as amended by PL 1985, c. 756, §1, is further amended to read:

1. **Agreement.** Any osteopathic loan student commencing professional education on or after July 1, 1981, shall, as a condition precedent to receiving the loan, enter into an agreement with the Commissioner of ~~Educational--and--Cultural--Services~~ Education stating that, following completion of professional education, including internship, residency, fellowship, obligated public health service or obligated national service, the student shall pay the State an amount of money equal to the loan received.

Sec. A-63. 20-A MRSA §12006, as enacted by PL 1985, c. 756, §4, is amended to read:

§12006. Rules

The Commissioner of ~~Educational--and--Cultural--Services~~

2 Education shall establish rules necessary to carry out the
4 purposes of this chapter, except that the Commissioner of Human
 Services shall develop rules for determining underserved areas
 for the practice of osteopathic medicine.

6 **Sec. A-64. 20-A MRSA §12554, sub-§1**, as enacted by PL 1985, c.
 472, is amended to read:

8 1. **Application.** A person desiring tuition waiver under
10 this chapter may apply to the Department of ~~Educational--and--~~
 ~~Cultural--Services~~ Education for determination of eligibility.
12 Application shall be on forms and in a manner prescribed by rule
 of the department.

14 **Sec. A-65. 20-A MRSA §12658, sub-§2**, as enacted by PL 1989, c.
16 579, §2, is amended to read:

18 2. **Membership.** The advisory board shall consist of 10
20 members, including: the Commissioner of ~~Educational--and--Cultural~~
 ~~Services~~ Education or the commissioner's designee, the Director
22 of Health Planning and Development or the director's designee,
 the Commissioner of Labor or the commissioner's designee, the
24 Director of the State Planning Office or the director's designee,
 a member of the Maine Health Policy Advisory Council appointed by
26 its chair, 2 representatives of the nursing profession appointed
 by the Governor, 2 representatives of other allied health
28 professions appointed by the Governor and one consumer appointed
 by the Governor.

30 **Sec. A-66. 20-A MRSA §12704, sub-§2, ¶¶B and C**, as enacted by
 PL 1985, c. 695, §11, are amended to read:

32 B. The adult, continuing and community education programs
34 overseen by the Department of ~~Educational--and--Cultural~~
 ~~Services~~ Education, Division of Adult and Community
36 Education, or its successor;

38 C. The secondary occupational and vocational education
40 programs overseen by the Department of ~~Educational--and~~
 ~~Cultural---Services~~ Education, Division of Secondary
42 Vocational Education, or its successor;

44 **Sec. A-67. 20-A MRSA §12705, sub-§1, ¶D**, as amended by PL
 1987, c. 693, is further amended to read:

46 D. The Commissioner of ~~Educational--and--Cultural--Services~~
 Education, or the commissioner's successor, who shall serve
48 ex officio;

2 **Sec. A-68. 20-A MRSA §12709, sub-§11**, as amended by PL 1987,
c. 402, Pt. A, §128, is further amended to read:

4 **11. Interagency cooperation and communication.** To promote
cooperation and communication with the Department of ~~Educational~~
6 ~~and Cultural Services~~ Education and the Bureau of Employment and
Training Programs, or their successors, with the University of
8 Maine System and with other public and private educational and
training institutions;

10 **Sec. A-69. 20-A MRSA §13015, sub-§3, ¶A**, as enacted by PL
12 1983, c. 845, §4, is amended to read:

14 A. A majority of classroom teachers, including a master
teacher, if available, and other personnel such as
16 administrators, personnel from the Department of ~~Educational~~
~~and Cultural Services~~ Education or institutions of higher
18 education and other outside consultants as the commissioner
may approve. For the purposes of this paragraph, the state
20 board shall establish by rule the definition of classroom
teacher;

22 **Sec. A-70. 20-A MRSA §13033**, as enacted by PL 1983, c. 859,
24 Pt. I, §§2 and 3, is amended to read:

26 **§13033. Transitional period and study**

28 The Department of ~~Educational---and---Cultural---Services~~
Education shall conduct a study during the first 3 years of the
30 program in order to validate the use of a nationally accepted
teacher examination or a state created teacher examination to be
32 authorized by the State Board of Education and the commissioner
in accordance with the procedures required under the Maine
34 Administrative Procedure Act, Title 5, chapter 375. The study
shall be used to establish the minimum score requirements which
36 an applicant shall attain to qualify for a provisional teacher
certificate and shall also provide statewide information on the
38 qualifications of applicants for provisional certificates.

40 **Sec. A-71. 20-A MRSA §13502, sub-§2**, as enacted by PL 1983, c.
42 859, Pt. J, §§2 and 7, is amended to read:

44 **2. Teacher.** "Teacher" means a person certified by the
Department of ~~Educational and Cultural Services~~ Education who is
46 an employee of a public school, an eligible private school or a
state operated school including elementary and secondary teacher,
specialized subject teacher, vocational-industrial teacher as
48 defined in the certification rules of the -State Board of
Education. "Teacher" includes, by position title, only the
50 following:

- 2 A. Classroom teacher;
- 4 B. Itinerant teacher;
- 6 C. Guidance counselor;
- 8 D. Librarian-media specialist;
- 10 E. Special education teacher;
- 12 F. Special teacher of reading; and
- 14 G. Speech clinician-teacher.

16 **Sec. A-72. 20-A MRSA §13952**, as enacted by PL 1981, c. 693,
18 §§5 and 8, is amended to read:

20 **§13952. True copies files**

22 True copies of all contracts made on behalf of this State
24 pursuant to the agreement shall be kept on file in the office of
26 the Commissioner of ~~Educational--and--Cultural--Services~~ Education
and in the office of the Secretary of State. The Commissioner of
~~Educational--and--Cultural--Services~~ Education shall publish all
such contracts in convenient form.

28 **Sec. A-73. 20-A MRSA §15613, sub-§14**, as enacted by PL 1989,
30 c. 560, is amended to read:

32 **14. Hazardous chemicals.** The Commissioner of ~~Educational~~
~~and--Cultural--Services~~ Education shall establish rules governing
34 the purchase and storage of hazardous chemicals in schools.
These rules shall be established prior to January 1, 1990.

36 **Sec. A-74. 20-A MRSA §17101**, as enacted by PL 1983, c. 859,
38 Pt. E, §§1 and 2, is amended to read:

40 **§17101. Intent**

42 The intent of this chapter is to promote creative
44 improvement in the schools of the State. The Commissioner of
~~Educational--and--Cultural--Services~~ Education shall promote
46 innovative projects by means of grants to teachers, school
administrative units or private schools approved for tuition
48 purposes. It is not the intent of this chapter to provide funds
for programs or services normally provided by those school
50 systems. Project dissemination will be accomplished through the
department through instructional support group staff. The use of
state, regional and national diffusion networks will be
encouraged.

2 **Sec. A-75. 22 MRSA §1963, sub-§1, ¶C**, as enacted by PL 1977,
c. 516, is amended to read:

4 C. School health screening to be done in cooperation with
6 the Department of ~~Educational---and---Cultural---Services~~
Education;

8 **Sec. A-76. 22 MRSA §2054, sub-§1**, as amended by PL 1987,
10 c.403, §4, is further amended to read:

12 1. **Authority.** The "Maine Health and Higher Educational
14 Facilities Authority," established by Title 5, chapter 379, is
constituted a public body corporate and politic and an
instrumentality of the State, and the exercise by the authority
16 of the powers conferred by this chapter shall be deemed and held
to be the performance of an essential public function. The
18 authority shall consist of 12 members, one of whom shall be the
Bank Superintendent, ex officio, one of whom shall be the
20 Commissioner of Human Services, ex officio, one of whom shall be
the Commissioner of ~~Educational---and---Cultural---Services~~ Education,
22 ex officio, one of whom shall be the Treasurer of State, ex
officio, and 8 of whom shall be residents of the State appointed
24 by the Governor, not more than 4 of such appointed members to be
members of the same political party. Three of the appointed
26 members shall be trustees, directors, officers or employees of
hospitals and one of such appointed members shall be a person
28 having a favorable reputation for skill, knowledge and experience
in state and municipal finance, either as a partner, officer or
30 employee of an investment banking firm which originates and
purchases state and municipal securities, or as an officer or
32 employee of an insurance company or bank whose duties relate to
the purchase of state and municipal securities as an investment
34 and to the management and control of a state and municipal
securities portfolio. Of the 3 members first appointed who are
36 trustees, directors, officers or employees of hospitals, one
shall serve for 2 years, one for 3 years and one for 4 years. Of
38 the 5 remaining members initially appointed, one shall serve for
one year, one for 2 years, one for 3 years, one for 4 years and
40 one for 5 years. For the 2 members whose terms expire in 1980 and
1981, the Governor shall appoint as successors, for terms of 5
42 years each, persons who are trustees, members of a corporation or
board of governors, officers or employees of institutions for
44 higher education. Annually, the Governor shall appoint, for a
term of 5 years, a successor to the member whose term expires.
46 Members shall continue in office until their successors have been
appointed and qualified. The Governor shall fill any vacancy for
48 the unexpired terms. A member of the authority shall be eligible
for reappointment. Any non-ex officio member of the authority may
50 be removed by the Governor, after hearing, for misfeasance,

malfeasance or willful neglect of duty. Each member of the
2 authority before entering upon his duties shall take and
subscribe the oath or affirmation required by the Constitution of
4 Maine, Article IX. A record of each such oath shall be filed in
the office of the Secretary of State. The Bank Superintendent,
6 the Treasurer of State, the Commissioner of Human Services and
the Commissioner of ~~Educational--and--Cultural--Services~~ Education
8 may designate their deputies to represent them with full
authority and power to act and vote in their behalf or, in the
10 case of the Bank Superintendent, the Commissioner of Human
Services and the Commissioner of ~~Educational--and--Cultural--~~
12 ~~Services~~ Education, any member of their staffs to represent them
as members at meetings of the authority with full power to act
14 and, in the case of the Bank Superintendent, the Commissioner of
Human Services and the Commissioner of ~~Educational--and--Cultural--~~
16 ~~Services~~ Education, to vote in their behalf.

18 **Sec. A-77. 22 MRSA §2095, sub-§4**, as enacted by P&SL 1975, c.
90, Section A, is amended to read:

20 **4. Technical assistance and consultation to schools.**
22 Provide technical assistance and consultation to schools and to
the Department of ~~Educational--and--Cultural--Services~~ Education for
24 the purposes of introducing into Maine schools dental health
education programs. i

26 **Sec. A-78. 22 MRSA §3105, first ¶**, as amended by PL 1977, c.
28 78, §149, is further amended to read:

30 The department, under the direction of the Governor, may
establish, conduct and maintain rehabilitation work as part of
32 its program of aid and assistance. Such rehabilitation work shall
be in cooperation with vocational education, as provided by Title
34 20, chapter 307 in the Department of ~~Educational--and--Cultural--~~
~~Services~~ Education.

36 **Sec. A-79. 22 MRSA §3174-D**, as repealed and replaced by PL
38 1989, c. 502, Pt. A, §70, is amended to read:

40 **§3174-D. Medicaid coverage for services provided by the Governor**
Baxter School for the Deaf

42 The Department of Human Services may administer a program of
44 Medicaid coverage for speech and hearing services, psychological
services, occupational therapy and any other services provided by
46 the Governor Baxter School for the Deaf which qualify for
reimbursement under the United States Social Security Act, Title
48 XIX. The Department of ~~Educational--and--Cultural--~~
~~Services~~ Education shall have fiscal responsibility for providing the
50 State's match for federal revenues acquired under this section.

2 An amount equal to the Medicaid reimbursement shall be deposited
3 into the General Fund undedicated revenue from the Governor
4 Baxter School for the Deaf General Fund appropriation.

6 **Sec. A-80. 22 MRSA §3553, sub-§7-A**, as enacted by PL 1983, c.
7 539, §3, is amended to read:

8 **7-A. Report to departments.** Prepare periodic reports to
9 the Department of Corrections, Department of ~~Educational--and~~
10 ~~Cultural--Services~~ Education, Department of Mental Health and
11 Mental Retardation and the Department of Human Services regarding
12 actions taken under section 3558.

14 **Sec. A-81. 22 MRSA §3571, sub-§3**, as enacted by PL 1985, c.
15 484, is amended to read:

16 **3. Preschool coordination projects; Department of**
17 **Education.** The Department of ~~Educational--and--Cultural--Services~~
18 Education through the preschool coordination projects shall
19 assure the provision of comprehensive developmental services,
20 including physical therapy, speech and language therapy and
21 occupational therapy to preschool handicapped or delayed
22 children. To the maximum extent possible, these programs shall
23 make use of existing 3rd party payors and coordinate services
24 with local resources. In instances where needed services are not
25 available, the department shall use authorized funds to enable
26 preschool coordination projects to work with local providers,
27 including public and private agencies and school units to develop
28 new or expand existing service to meet these needs.

30 In addition, the Department of ~~Educational--and--Cultural--Services~~
31 Education shall assure ensure that comprehensive health
32 educational programs are available in state schools and that
33 teacher training programs in the State include preparation in
34 conduct of health educational programs.

36 **Sec. A-82. 22 MRSA §3573**, as enacted by PL 1985, c. 484, is
37 amended to read:

40 **§3573. Reporting**

42 The Department of Human Services, Department of Mental
43 Health and Mental Retardation and Department of ~~Educational--and~~
44 ~~Cultural--Services~~ Education shall by January of each year submit
45 a joint report to the joint standing committee of the Legislature
46 having jurisdiction over human resources regarding the prevention
47 activities conducted over the past fiscal year, plans for the
48 succeeding year and a report on the incidence rate of births of
49 developmentally disabled children in the State.

50

2 **Sec. A-83. 22 MRSA §3723, sub-§6**, as enacted by PL 1987, c.
402, Pt. A, §142, is amended to read:

4 **6. Advice and consultation.** The Commissioner of
6 Corrections, the Commissioner of ~~Educational--and--Cultural~~
7 ~~Services~~ Education, the Commissioner of Human Services, the
8 Commissioner of Mental Health and Mental Retardation and the
9 Commissioner of Public Safety shall, upon request, provide the
10 board with technical information and advice.

12 **Sec. A-84. 22 MRSA §3773, sub-§1**, as amended by PL 1989, c.
503, Pt. B, §91, is further amended to read:

14 **§3773. Maine Aid to Families with Dependent Children**
15 **Coordinating Committee**

16 **1. Committee established.** The Maine Aid to Families with
17 Dependent Children Coordinating Committee established by Title 5,
18 section 12004-I, subsection 35, shall consist of the Commissioner
19 of Human Services, the Commissioner of Labor and the Commissioner
20 of ~~Educational--and--Cultural--Services~~ Education or their designees.

22 **Sec. A-85. 22 MRSA §3774, sub-§2**, as amended by PL 1983, c.
23 730, §6, is further amended to read:

24 **2. Purposes.** The purpose of the advisory council shall be
25 to advise the Commissioner of Human Services, Commissioner of
26 Labor and Commissioner of ~~Educational--and--Cultural--Services~~
27 Education as they carry out the purposes of this chapter.

28 **Sec. A-86. 22 MRSA §3776, sub-§1**, as amended by PL 1983, c.
29 730, §7, is further amended to read:

30 **1. Authorization.** The Department of Human Services is
31 authorized to administer and operate, in cooperation with the
32 Department of Labor and the Department of ~~Educational--and~~
33 ~~Cultural--Services~~ Education, the Welfare Employment, Education
34 and Training Program, in accordance with federal law, any
35 amendments and additions thereto, and any regulations promulgated
36 under those laws.

37 **Sec. A-87. 22 MRSA §3776, sub-§3, ¶A**, as amended by PL 1983,
38 c. 730, §7, is further amended to read:

39 **A.** The assessment procedure for each registrant shall be
40 accomplished through direct personal contact with staff of
41 the Welfare Employment, Education and Training Program. The
42 staff shall be advised by the Department of ~~Educational--and~~

2 ~~Cultural-Services~~ Education of all available education and
4 training opportunities, and shall make that information
available to each registrant during the assessment process.

6 **Sec. A-88. 22 MRSA §3776, sub-§4**, as amended by PL 1981, c.
617, §4, is further amended to read:

8 **4. Employability plan.** There shall be an employability
10 plan that sets forth the registrant's occupational goal, and the
manpower and supportive services necessary to reach that goal.
12 The plan shall be designed to lead to employment and ultimately
to self support. The registrant shall participate fully in the
14 development of the plan. Resources of the Department of Human
Services, Department of Labor and the Department of ~~Educational~~
~~and-Cultural--Services~~ Education shall be utilized in the
16 development and goals of the plan.

18 **Sec. A-89. 22 MRSA §4008, sub-§3, ¶F**, as amended by PL 1989,
c. 483, Pt. A, §33, is further amended to read:

20 F. When the information concerns teachers and other
22 professional personnel issued certificates under Title 20-A,
persons employed by schools approved pursuant to Title 20-A
24 or any employees of schools operated by the Department of
~~Educational-and-Cultural-Services~~ Education, the information
26 shall be disclosed to the Commissioner of ~~Educational-and-~~
~~Cultural-Services~~ Education.

28 **Sec. A-90. 22 MRSA §4088, sub-§1, ¶D**, as enacted by PL 1989,
30 c. 400, §9, is amended to read:

32 D. "Out-of-home abuse and neglect" means abuse and neglect
34 of a child which occurs in a facility or by a person subject
to licensure or inspection by this department, the
36 Department of ~~Educational-and-Cultural-Services~~ Education,
the Department of Corrections and the Department of Mental
38 Health and Mental Retardation or in a facility operated by
these departments.

40 **Sec. A-91. 22 MRSA §4088, sub-§3, ¶H**, as enacted by PL 1989,
c. 400, §9, is amended to read:

42 H. With respect to reports described in paragraph G, may,
44 on its own initiative or upon request of another department
or agency charged with the responsibility to investigate,
46 participate in the out-of-home abuse and neglect
investigation of persons or facilities subject to licensure
48 or operated by the Department of ~~Educational-and-Cultural~~
~~Services~~ Education, the Department of Corrections or the
50 Department of Mental Health and Mental Retardation;

2 **Sec. A-92. 22 MRSA §7131, sub-§2, ¶B,** as enacted by PL 1983,
c. 464, §19, is amended to read:

4 B. The Commissioner of ~~Educational--and--Cultural--Services~~
6 Education;

8 **Sec. A-93. 22 MRSA §7132, sub-§2,** as amended by PL 1987, c.
10 735, §35, is further amended to read:

12 2. **Planning.** The planning committee shall supervise the
14 planning of drug abuse activities by the Department of
16 Corrections, the Department of ~~Educational--and--Cultural--Services~~
Education, the Department of Human Services and the Department of
Mental Health and Mental Retardation and shall prepare and submit
to the Legislature the following documents:

18 A. By January 15, 1984, and each year thereafter, a report
20 containing an evaluation of the past year's progress toward
22 obtaining established goals and objectives and the planning
committee's recommendations regarding funding for the
coming fiscal year;

24 B. By January 15, 1985, and biennially thereafter, a
26 comprehensive plan containing statements of measurable goals
to be accomplished during the coming biennium and
28 establishing performance indicators by which progress toward
accomplishing those goals will be measured; and

30 C. By January 15, 1987, and every 4th year thereafter, an
32 assessment of the costs related to drug abuse in the State
and the needs for various types of services within the
34 State, including geographical disparities in needs and the
needs of special populations of drug abusers.

36 **Sec. A-94. 22 MRSA §7703, sub-§4, ¶G,** as enacted by PL 1983,
c. 691, §2, is amended to read:

38 G. The Commissioner of ~~Educational--and--Cultural--Services~~
40 Education, when the information concerns teachers and other
42 professional personnel issued certificates under Title 20-A.

44 **Sec. A-95. 22 MRSA §8104, sub-§1,** as amended by PL 1981, c.
46 493, §2, is further amended to read:

48 I. **Interagency licensing method.** The Commissioners of the
Departments of ~~Educational--and--Cultural--Services~~ Education, Human
Services and Mental Health and Mental Retardation, or their
designees, shall jointly establish a method for interagency

2 licensing of residential child care facilities subject wholly or
partly to licensing by at least 2 of the departments. The method
shall provide for the following:

- 4
- 6 A. Development of common licensing rules;
 - 8 B. Periodic review of licensing rules;
 - 10 C. Delegation of departmental responsibilities; and
 - 12 D. Determination of licensing fees.

14 **Sec. A-96. 22 MRSA §8151**, as enacted by PL 1985, c. 274, §2,
is amended to read:

16 **§8151. Interdepartmental committee created**

18 There is established an interdepartmental committee known as
the Children's Residential Treatment Committee, to jointly
20 develop and coordinate the State's role in contracting for the
placement and treatment of children in residential treatment
22 centers. The committee shall be composed of the Commissioner of
~~Educational-and-Cultural-Services~~ Education; the Commissioner of
24 Human Services; the Commissioner of Mental Health and Mental
Retardation; and the Commissioner of Corrections, or their
26 designees.

28 **Sec. A-97. 22 MRSA §8301**, as amended by PL 1981, c. 309, §2,
is further amended to read:

30 **§8301. Definition of day care facility**

32 As used in this subtitle, the term "day care facility" shall
34 mean means a house or other place in which a person or
combination of persons maintains or otherwise carries out a
36 regular program, for consideration, for any part of a day
providing care and protection for 3 or more children under the
38 age of 16.

40 The term does not include any facility operated as a nursery
school, home day care for which the person or combination of
42 persons does not receive any federal or state funds, a summer
camp established solely for recreational and educational
44 purposes, or a formal public or private school in the nature of a
kindergarten or elementary or secondary school approved by the
46 Commissioner of ~~Educational-and-Cultural-Services~~ Education in
accordance with Title 20, section 911. Providers of home day care
48 who do not receive federal or state funds may choose to be
licensed, under rules promulgated by the department according to
50 section 8302; if they do not, they shall be registered in
accordance with section 8305.

2 Sec. A-98. 22 MRSA §8401, as enacted by PL 1975, c. 709, §2,
is amended to read:

4 **§8401. Definitions**

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

10 1. ~~Children. As used in this chapter, the word "children"~~
shall mean "Children" means persons 7 years of age and under who
12 are not related by blood or marriage to or who have not been
legally adopted by the licensee or administrator of the nursery
14 school which the children attend.

16 2. ~~Nursery school. As used in this chapter, the term~~
~~"nursery school" shall mean~~ "Nursery school" means a house or
18 other place in which a person or combination of persons maintains
or otherwise carries out for consideration during the day a
20 regular program which provides care for 3 or more children,
provided that:

22 A. No session conducted for the children is longer than 3
24 1/2 hours in length;

26 B. No more than 2 sessions are conducted per day;

28 C. Each child in attendance at the nursery school attends
only one session per day; and

30 D. No hot meal is served to the children.

32 This term does not include any facility operated as a day care
34 center, a summer camp established solely for recreational and
educational purposes or a public or private school in the nature
36 of a kindergarten approved by the Commissioner of ~~Educational and~~
~~Cultural Services~~ Education, in accordance with Title 20, section
38 911.

40 Sec. A-99. 24-A MRSA §4502, sub-§§1 and 2, as amended by PL
1973, c. 571, §57, are further amended to read:

42 1. In order to extend to the employees of any school
44 administrative unit, school or educational institution located in
the State of ~~Maine~~ and to certified employees of the ~~Maine State~~
46 Department of ~~Educational and Cultural Services~~ Education the
benefits of tax sheltered annuities available under the Internal
48 Revenue Code, it is declared to be the policy of the Legislature
that any such school administrative unit, school, institution or
50 the Department of ~~Educational and Cultural Services~~ Education may

2 contract with any insurer authorized to contract such business
3 within the State to provide one or more individual or group
4 annuities for the pensioning of any employees of such unit,
5 school, institution or Department of ~~Educational--and--Cultural~~
6 ~~Services~~ Education and for such purposes may agree to pay part or
7 all of the premiums or charges for carrying such contracts, raise
8 money by taxation therefor where otherwise lawful and appropriate
9 out of its treasury money necessary to pay such premiums or
10 charges or portions thereof.

11
12 2. It is the intent of the Legislature that employees of
13 any school administrative unit, school, educational institution
14 or Department of ~~Educational--and--Cultural--Services~~ Education
15 located in the State of ~~Maine~~ shall be extended the opportunity
16 to share in the benefits of tax sheltered annuities and all laws
17 and regulations of the State of ~~Maine~~ shall be construed
18 liberally to enable such employees to come within the Internal
19 Revenue Code, section 403(b) without loss to themselves, or to
20 the school administrative unit, school, educational institution
21 or Department of ~~Educational--and--Cultural--Services~~ Education to
22 which they belong, of any benefits, subsidies or opportunities
23 therefor that they might otherwise be entitled to under the laws
24 of the State of Maine.

25 **Sec. A-100. 25 MRSA §2703, sub-§1**, as repealed and replaced by
26 PL 1981, c. 334, §7, is amended to read:

27 1. **State.** Where state funds are used, including for space
28 in buildings rented or leased by the State pursuant to agreements
29 concluded with effective dates of January 1, 1982, or later, the
30 Director of Public Improvements; except in respect to elementary
31 and secondary school buildings, it shall be the Commissioner of
32 ~~Educational--and--Cultural--Services~~ Education;

33
34 **Sec. A-101. 25 MRSA §2902, sub-§4**, as amended by PL 1989, c.
35 503, Pt. B, §106, is further amended to read:

36
37 4. **Maine Highway Safety Commission.** The Maine Highway
38 Safety Commission, as authorized by Title 5, section 12004-I,
39 subsection 83, shall be under the direction of the Commissioner
40 of Public Safety and advisory to the Governor. The commission
41 shall consist of not more than 25 members selected by the
42 Governor from state, civic and industrial organizations and
43 individuals with interests relating to highway safety. The
44 Commissioner of Public Safety, the Commissioner of
45 Transportation, the Commissioner of Human Services and the
46 Commissioner of ~~Educational--and--Cultural--Services~~ Education, the
47 Secretary of State and the Attorney General shall serve as ex
48 officio members. The ex officio members shall appoint persons in
49 major policy-influencing positions as their designees to
50

2 represent them at meetings of the commission with voting
3 privileges. The commission members shall serve at the pleasure
4 of the Governor and shall be compensated in accordance with Title
5, chapter 379. The commission shall stimulate active support
6 for highway safety measures and programs and shall advise the
7 Department of Public Safety regarding these issues. The
8 commission shall annually report its findings and
9 recommendations, including any necessary implementing
10 legislation, to the Governor and to the joint standing committee
11 of the Legislature having jurisdiction over state and local
12 government; and

13 Sec. A-102. 26 MRSA §774, last ¶, as amended by PL 1979, c.
14 468, §3, is further amended to read:

15 Work performed in the planting, cultivating or harvesting of
16 field crops or other agricultural employment not in direct
17 contact with hazardous machinery or hazardous substances, or any
18 occupation that does not offer continuous, year-round employment
19 shall be exempt from this section, provided a minor under 16
20 years of age has been excused by the local superintendent of
21 schools in accordance with the policy established by the
22 Commissioner of ~~Educational and Cultural Services~~ Education and
23 the Director of the Bureau of Labor.

24 Sec. A-103. 26 MRSA §775, last ¶, as amended by PL 1975, c. 59,
25 §3, is further amended to read:

26 The person authorized to issue a work permit shall not issue
27 such permit until such child has furnished such issuing officer a
28 certificate signed by the principal of the school last attended
29 showing that the child can read and write correctly simple
30 sentences in the English language and that he the child has
31 satisfactorily completed the studies covered in the grades of the
32 elementary public schools or their equivalent; in case such
33 certificate cannot be obtained, then the officer issuing the work
34 permit shall examine such child to determine whether he ~~can meet~~
35 the child meets the educational standard specified and shall file
36 in his the officer's office a statement setting forth the result
37 of such examination; nor until he the officer has received,
38 examined, approved and filed satisfactory evidence of age. Such
39 evidence shall consist of a certified copy of the town clerk's
40 record of the birth of such child, or a certified copy of his the
41 child's baptismal record, showing the date of his birth and place
42 of baptism or a passport showing the date of birth. In the event
43 of the minor being unable to produce the evidence mentioned, and
44 the person authorized to issue the work permit being satisfied of
45 that fact, the said work permit may be issued on other
46 documentary evidence of age satisfactory to the person authorized
47 to issue the work permit, provided such documentary evidence has
48
49
50

2 been approved by the director. The superintendent of schools, or
4 the person authorized to issue such work permit may require, in
6 doubtful cases, a certificate signed by a physician appointed by
8 the school board, stating that such child has been examined by
10 him and, in his that physician's opinion, has reached the normal
12 development of a child of its the same age and is in sufficiently
14 sound health and physically able to perform the work which he the
16 child intends to do. A child between the ages of 15 and 17 years
18 who, because of subnormal mental capacity, is unable to
20 successfully pass the tests necessary to allow a regular work
permit to be issued may, under conditions deemed proper, receive
a work permit issued jointly by the Commissioner of Educational
and-Cultural-Services Education and the Director of the Bureau of
Labor, such persons to be employed in nonhazardous occupations.
The state factory inspector, his the inspector's deputy or agent
may require a similar certificate in doubtful cases of the minors
employed under a work permit. No person shall issue such permit
to any minor then in or about to enter his that person's
employment or the employment of the firm or corporation of which
he that person is a member, stockholder, officer or employee.

22 **Sec. A-104. 26 MRSA §1002, sub-§5,** as amended by PL 1989, c.
483, Pt. A, §44, is further amended to read:

24
26 **5. Cooperate with others.** Cooperate with the Department of
28 Educational--and--Cultural--Services Education, the Board of
30 Trustees of the Maine Vocational-Technical-Institute Technical
College System and the local school authorities in the
organization and establishment of classes of related and
supplemental instruction for apprentices employed under approved
agreements;

32
34 **Sec. A-105. 26 MRSA §1005-A,** as enacted by PL 1989, c. 483,
Pt. A, §46, is amended to read:

36 **§1005-A. Preapprenticeship training**

38 The State Apprenticeship and Training Council shall assist
40 the Department of Educational--and--Cultural--Services Education,
42 the State's vocational-technical--institutes technical colleges
and other groups which may wish to establish preapprenticeship
44 training programs, in developing training courses, the successful
46 completion of which will enable a participant to meet the
qualifying standards for the apprenticeship or apprenticeships
for which the participant has expressed a serious interest. All
preapprenticeship training programs are subject to approval by
the council.

48

2 Sec. A-106. 26 MRSA §1452, as amended by PL 1989, c. 443,
§78, is further amended to read:

4 **§1452. Maine Occupational Information Coordinating Committee**

6 The Maine Occupational Information Coordinating Committee,
7 as established by Title 5, chapter 379, shall support the
8 development, maintenance and operation of the Comprehensive
9 Career, Occupational and Economic Data-based System and foster
10 communication and coordination of education, employment and
11 training programs through the use of the system. The committee
12 shall consist of the Commissioner of Labor, Commissioner of Human
13 Services, Commissioner of ~~Educational--and--Cultural--Services~~
14 Education, Commissioner of Economic and Community Development,
15 Director of the State Planning Office and the chairs of the Maine
16 Human Resource Development Council, the State Board of Education
17 and the Board of Trustees of the Maine Technical College System.
18 The Commissioner of Labor and the Commissioner of ~~Educational--and~~
19 ~~Cultural--Services~~ Education may serve as the representatives of
20 the chairs of the Maine Human Resource Development Council and
21 the State Board of Education, respectively, upon the agreement of
22 that designation by the Maine Human Resource Development Council
23 and the State Board of Education. The Commissioner of Labor
24 shall be the chairman chair of the committee, with the Department
25 of Labor serving as the fiscal agent for the committee.

26 Sec. A-107. 26 MRSA §2155, sub-§2, as enacted by PL 1987, c.
27 777, §3, is amended to read:

28 2. **Certification.** Participants who complete training under
29 this section shall receive a statewide certificate granted by the
30 Department of ~~Educational--and--Cultural--Services~~ Education with a
31 curriculum approved pursuant to Title 32, section 2102,
32 subsection 8.

33 Sec. A-108. 27 MRSA §38, as amended by PL 1981, c. 464, §28,
34 is further amended to read:

35 **§38. Compliance with federal law**

36 The State Librarian, with the approval of the Governor, may
37 make any regulations necessary to enable the State to comply with
38 any law of the United States, heretofore or hereafter enacted,
39 intended to promote public library services. The Maine State
40 Library Bureau is the sole agency authorized to develop, submit
41 and administer or supervise the administration of any state plan
42 required under such law. The Treasurer of State shall be
43 custodian of any money that may be allotted by the Federal
44 Government for general public library services.

2 **Sec. A-109. 27 MRSA §39, sub-§§1 and 2, as enacted by PL 1987,**
c. 462, are amended to read:

4 **1. Statement of policy.** The Legislature declares that it
is the policy of the State that cooperation among Maine libraries
6 of all types should be fostered and encouraged. The sharing of
library holdings enriches the economic, educational and cultural
8 life of each Maine community. Citizen access to materials
purchased with public dollars requires that materials be
10 identifiable by title and physical location. It is in the public
interest that the Maine State Library Bureau promote and assist
12 access by recording the holdings of Maine libraries in a form
accessible by modern information technology. In this way, the
14 educational and informational resources of the State will be
available to every citizen.

16 **2. Legislative intent.** Recognizing the value of broad
18 citizen access to library materials and recognizing that
automated records are essential to the use of technology, the
20 State assigns to the Maine State Library Bureau the
responsibility of collecting the holding records of libraries
22 throughout Maine and making them accessible in machine-readable
form. It is the State's intent that these records be shared with
24 any citizen or library on request. It is the intent of the
Legislature to provide the Maine State Library Bureau with the
26 resources necessary to carry out this section.

28 **Sec. A-110. 27 MRSA §371, last ¶,** as repealed and replaced by
PL 1981, c. 55, §2, is amended to read:

30 The State Museum Bureau is best qualified to assume that
32 trusteeship by virtue of the fact that its facilities are
intended to function primarily for the purpose of preserving and
34 interpreting artifacts, specimens and materials as defined within
this subchapter.

36 **Sec. A-111. 27 MRSA §372, sub-§§1 and 2, as enacted by PL 1981,**
38 c. 55, §3, are amended to read:

40 **1. Transference of custody.** The several departments of the
State are authorized to transfer any archaeological objects,
42 materials or specimens in their possession to the custody and
trusteeship of the State Museum Bureau.

44 **2. Museum responsibility.** The State designates the State
46 Museum Bureau to hold title, as trustee for the State, to all
archaeological objects, materials and specimens found on, in or
48 beneath state-controlled lands. The State charges the State
Museum Bureau with the responsibility of protecting, preserving
50 and interpreting such objects, materials and specimens as may be

2 placed under its trusteeship; preventing their defacement,
4 damage, destruction or unauthorized removal; and ensuring their
continued availability for scientific study by qualified persons,
agencies or institutions.

6 Sec. A-112. 27 MRSA §373-A, sub-§6, as enacted by PL 1981, c.
8 55, §5, is amended to read:

10 6. Permittors. "Permittors" means the Director of the
12 Maine Historic Preservation Commission and the Director of the
14 State Museum Bureau as well as the director of any state
department administering state-controlled lands, acting in
concert in the review, approval and granting of permits.

16 Sec. A-113. 27 MRSA §374, sub-§2, ¶C, as enacted by PL 1981,
c. 55, §6, is amended to read:

18 C. The permit to excavate shall be cosigned by the Director
20 of the Maine Historic Preservation Commission and the
22 Director of the State Museum Bureau, except for
state-controlled lands where the permit also shall be
24 cosigned by the director of the agency with primary
jurisdiction.

26 Sec. A-114. 27 MRSA §376, sub-§§2 and 4, as enacted by PL 1981,
c. 55, §7, are amended to read:

28 2. Sale of artifacts. Attempts to sell, offers of sale and
30 sale of artifacts, objects or specimens, excavated after the
effective date of this Act, whether excavated lawfully or
32 unlawfully from a site, without the written permission of the
permit grantors or the Director of the Maine Historic
34 Preservation Commission and the Director of the State Museum
Bureau, shall-be are punishable by a civil penalty not greater
36 than twice the price for which artifacts, objects of specimens
are sold or offered for sale.

38 4. Artifact ownership. Artifacts, objects, materials and
40 specimens recovered from sites on state-controlled land are the
property of the State Museum Bureau. Artifacts, objects,
42 specimens or materials originating from a site on other than
state-controlled land are the property of the landowner and shall
44 be deposited with a suitable repository as designated by the
landowner in the preservation agreement, or the permit.

46 Sec. A-115. 27 MRSA §377, as amended by PL 1985, c. 779, §74,
48 is further amended to read:

2 **§377. Protection of site location information**

4 In order to protect the site from unlawful excavation or
6 harm, any information on the location or other attributes of any
8 site in the possession of the Maine Historic Preservation
10 Commission, the State Museum Bureau, the Bureau of Parks and
12 Recreation, other state agencies or the University of Maine
14 System may be deemed by the Maine Historic Preservation
16 Commission or State Museum Bureau to be confidential and exempt
 from Title 1, chapter 13. Such data shall be made available for
 the purpose of archaeological research. The directors of the
 Maine Historic Preservation Commission and the State Museum
 Bureau shall jointly adopt rules establishing standards and
 procedures for obtaining the data, and may impose reasonable
 requirements on its use, including requirements of
 confidentiality.

18 **Sec. A-116. 28-A MRSA §1704, sub-§2, as enacted by PL 1987, c.**
20 **45, Pt. A, §4, is amended to read:**

22 **2. Commissioners' reports.** The Commissioner of
24 Corrections, the Commissioner of ~~Educational--and--Cultural~~
26 Services Education, the Commissioner of Human Services and the
28 Commissioner of Mental Health and Mental Retardation, through the
30 Alcohol and Drug Abuse Planning Committee established in Title
32 22, chapter 1601, subchapter V, shall prepare and submit the
 reports specified in that subchapter. Other governmental
 departments and nongovernmental organizations may be consulted in
 the preparation of these reports. The planning committee may
 hold hearings, solicit and receive proposals or take any other
 action it considers necessary and appropriate in order to prepare
 its reports.

34 **Sec. A-117. 28-A MRSA §2519, sub-§2, ¶E, as enacted by PL**
36 **1987, c. 45, Pt. A, §4, is amended to read:**

38 **E.** A representative of the Department of ~~Educational--and--~~
 Cultural-Services Education;

40 **Sec. A-118. 29 MRSA §532, first ¶, as amended by PL 1989, c.**
42 **513, §1, is further amended to read:**

44 Any person who is at least 15 years of age and has completed
46 a course in driver education as provided in section 583 may apply
48 to the Secretary of State for an instruction permit. The
50 Secretary of State may, in the Secretary of State's discretion,
 after an applicant has successfully passed all parts of an
 examination other than the driving test, issue to the applicant
 an instruction permit which shall entitle the applicant, while
 having the permit in the applicant's immediate possession, to

2 drive a motor vehicle upon the public highways for a period of 18
4 months when accompanied by a licensed operator who has at least
6 one year of driving experience and is at least 18 years of age
8 and who is occupying a seat beside the driver, except in the
10 event the permittee is operating a motorcycle or motor driven
12 cycle. If any such licensed operator, while accompanying an
14 applicant and occupying a seat beside the driver while the
16 vehicle is being operated on a public way, has impaired mental or
18 physical functioning as a result of the use of intoxicating
20 liquor or drugs, that licensed operator is guilty of a Class E
22 crime. The Secretary of State may, in the Secretary of State's
discretion, issue a restricted instruction permit effective for a
school year or for a restricted period to an applicant who is
enrolled in a driver education program which includes practice
driving. That instruction permit shall only be valid when the
applicant is accompanied by an instructor approved by the
Commissioner of ~~Educational and Cultural Services~~ Education or a
commercial driver education instructor licensed by the Department
of Professional and Financial Regulation, Board of Commercial
Driver Education. Any person who has not held a Maine operator's
license during one of the 3 preceding years may apply for an
instruction permit.

24 Sec. A-119. 29 MRSA §538-A, sub-§1, as enacted by PL 1989, c.
26 513, §4, is amended to read:

28 1. Educational need. A person qualifies for a special
30 restricted license based on educational need by filing a
32 notarized signed application including: a statement from the
34 applicant and the applicant's parent or guardian that no readily
36 available alternative means of transportation exists and that use
38 of a motor vehicle is necessary for transportation to and from a
public secondary school, a private secondary school approved for
attendance purposes by the Commissioner of ~~Educational and~~
Cultural Services Education, a vocational center or a vocational
region which the applicant is attending; a verification of school
attendance; and the lack of a readily available alternative means
of transportation by the principal of the school.

40 Notwithstanding the first paragraph of this section, a person
42 between the ages of 16 and 17 is not required to complete a
44 driver education course in order to qualify for a restricted
license based on educational need.

46 A special restricted license issued under this subsection only
48 authorizes the holder to operate a motor vehicle between the
holder's residence and school.

2 **Sec. A-120. 29 MRSA §583-A, last ¶**, as amended by PL 1989, c.
179, c. §5, is further amended to read:

4 Any person between the ages of 16 and 21 years, who
6 satisfies the Secretary of State that no readily available means
of transportation exists to and from a public secondary school, a
8 private secondary school approved for attendance purposes by the
Commissioner of ~~Educational--and--Cultural--Services~~ Education, a
10 vocational center or a vocational region which that person is
attending, may be issued, upon passing the motorcycle or motor
12 driven cycle driver's examination as provided in section 581, a
special motorcycle or motor driven cycle permit authorizing that
14 person to drive to and from the school.

16 **Sec. A-121. 29 MRSA §583-B, last ¶**, as amended by PL 1989, c.
179, §6, is further amended to read:

18 An approved motorcycle driver education program may be
20 offered by a public secondary school, a private secondary school
approved for attendance purposes by the Commissioner of
~~Educational--and--Cultural--Services~~ Education, a vocational center
22 or a vocational region and adult education program conducted
pursuant to Title 20-A, chapter 315, as a component of a driver
24 education course approved pursuant to Title 20-A, chapter 316.
Any motorcycle program offered independently of an approved
26 driver education course may not be offered for credit toward a
high school diploma.

28 **Sec. A-122. 29 MRSA §1367-B, sub-§4, ¶A**, as enacted by PL
30 1987, c. 644, §8, is amended to read:

32 A. Lights used on ambulances; fire department vehicles;
34 vehicles operated by city and town fire inspectors; forestry
department vehicles used for forest fire control purposes;
36 and by vehicles operated by chiefs and chief officers, such
as assistant chiefs, deputy chiefs and district chiefs of
38 fire departments, shall emit a red beam of light or a
combination of red and white lights. When authorized by the
40 municipal officers of a municipality and countersigned by
the fire chief, a red blinker or flashing red signal light
42 not more than 5 inches in diameter may be mounted as near as
practicable above the registration plate on the front of a
44 motor vehicle, or mounted on the dashboard so that the light
will be shielded from the driver so as not to interfere with
46 his vision, while operated by a member of a municipal or
volunteer fire department. The light may be displayed, but
48 shall not be in operation, except while the vehicle is in
use for fire or other emergency service. No volunteer or
50 municipal firefighter may operate a red blinker or flashing
red signal light upon a motor vehicle, except while actually

2 enrout~~e~~ to the scene of a fire or other emergency requiring
3 services and unless the operator is an active member of the
4 department. Nothing in this subsection may limit the use of
5 lights showing a red beam of light to the front or rear of
6 school buses, provided those lights are of a type approved
7 by the Commissioner of ~~Educational and Cultural Services~~
8 Education under section 2012; nor may any designation or
9 authorization by the Commissioner of Public Safety be
10 required for the use of emergency lights authorized under
11 this section.

12 **Sec. A-123. 29 MRSA §2012, sub-§1, ¶¶D and F, as repealed and**
13 **replaced by PL 1973, c. 780, §4, are amended to read:**

14 D. Shall be equipped with a system of signal lamps that
15 conform to the school bus requirements as approved by the
16 Commissioner of ~~Educational and Cultural Services~~ Education;

17 F. May be equipped with a system of stop arms which shall
18 be operated only in conjunction with the red signal lamps;
19 and

20 **Sec. A-124. 29 MRSA §2013, sub-§1, ¶C, as amended by PL 1989,**
21 **c. 414, §27, is further amended to read:**

22 C. Meet all training and special physical, mental and moral
23 requirements established by the Commissioner of ~~Educational~~
24 ~~and Cultural Services~~ Education and pass an annual physical
25 examination, with the cost of that examination being borne
26 by the employer;

27 **Sec. A-125. 29 MRSA §2014, sub-§1, ¶F, as repealed and**
28 **replaced by PL 1977, c. 532, §2, is amended to read:**

29 F. The seating capacity shall must be displayed on each
30 school bus in a manner prescribed by the Commissioner of
31 ~~Educational and Cultural Services~~ Education.

32 **Sec. A-126. 29 MRSA §2017-A, as enacted by PL 1987, c. 288,**
33 **is amended to read:**

34 **§2017-A. School bus safety and driver training**

35 The Department of ~~Educational and Cultural Services~~
36 Education shall develop, certify and administer regional school
37 bus driver training programs and shall assist school
38 administrative units in school bus safety and driver training.
39 This program shall be administered within available resources.

2 **Sec. A-127. 29 MRSA §2018**, as enacted by PL 1973, c. 780, §4,
is amended to read:

4 **§2018. Rules**

6 The Commissioner of ~~Educational--and--Cultural--Services~~
7 Education shall have authority to promulgate rules and
8 regulations, not inconsistent with this Title, governing school
9 bus construction, equipment and the operation thereof.

10 **Sec. A-128. 30-A MRSA §5042, sub-§1, ¶A**, as enacted by PL
12 1989, c. 601, Pt. B, §4, is amended to read:

14 A. The commissioners or their designees of:

16 (1) The Department of Human Services;

18 (2) The Department of Labor;

20 (3) The Department of Corrections;

22 (4) The Department of ~~Educational--and--Cultural~~
24 Services Education;

26 (5) The Department of Economic and Community
Development; and

28 (6) The Department of Mental Health and Mental
30 Retardation;

32 **Sec. A-129. 30-A MRSA §5703, sub-§2, ¶¶A and B**, as enacted by
PL 1989, c. 381, are amended to read:

34 A. Multiplying the outstanding amount of each issue of debt
36 incurred for school purposes by the municipality in
connection with a project which qualifies for state school
38 construction aid and the percentage of the capital outlay
costs of such project which was applicable to determine the
40 amount of state school construction aid.

42 (1) The certificate of the Commissioner of ~~Educational~~
44 ~~and--Cultural--Services~~ Education that a project
46 qualifies for state school construction aid and as to
the percentage of that aid to which a municipality was
entitled shall be conclusive evidence of the facts
stated therein; or

48 B. For school construction projects approved by the State
50 Board of Education after July 1, 1985, by multiplying the
outstanding amount of each issue of debt incurred for school

2 purposes by the municipality in connection with a project
4 which qualifies for state school construction subsidy under
6 Title 20-A and the state share percentage of operating costs
8 for that municipality as defined in Title 20-A, section
10 15609, subsection 1, paragraph A, subparagraph (1), for the
12 year in which the project received concept approval from the
14 State Board of Education.

16 (1) The certificate of the Commissioner of ~~Educational~~
18 ~~and--Cultural--Services~~ Education that a project
20 qualifies for state school construction aid and as to
22 the state share percentage of operating costs for that
24 municipality as defined in Title 20-A, section 15609,
subsection 1, paragraph A, subparagraph (1), for the
year in which the project received concept approval
shall be conclusive evidence of the facts stated
therein.

26 **Sec. A-130. 30-A MRSA §7205, sub-§2, ¶A,** as enacted by PL
28 1989, c. 216, §2, is amended to read:

30 A. The Commissioner of ~~Educational--and--Cultural--Services~~
32 Education is responsible for implementing this subsection
34 for incorporation in the deorganization procedure.

36 **Sec. A-131. 30-A MRSA §7206, sub-§1, ¶A,** as enacted by PL
38 1989, c. 216, §2, is amended to read:

40 A. The associate commissioner for the Bureau of School
42 Management or the associate commissioner's designee within
44 the Department of ~~Educational--and--Cultural--Services~~
46 Education;

48 **Sec. A-132. 30-A MRSA §7304, sub-§1, ¶A,** as enacted by PL
50 1987, c. 737, Pt. A, §2 and Pt. C, §106; and as amended by PL
1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
amended to read:

A. Subject to the restriction in subparagraph (1), sell or
otherwise dispose of any property which the municipality or
plantation holds title to at the time of deorganization or
may receive title to after deorganization. When disposing
of property, the State Tax Assessor shall ensure that the
interests of the residents of the unorganized territory are
the most important consideration.

(1) In the case of school property, the State Tax
Assessor shall consult with the Commissioner of
~~Educational--and--Cultural--Services~~ Education; and

2 **Sec. A-133. 32 MRSA §301, sub-§2**, as amended by PL 1983, c.
841, §8, is further amended to read:

4 **2. Apprentice or student barber.** "Apprentice barber" means
6 any person who is engaged in learning and acquiring a knowledge
of the practice of barbering under the direction and supervision
8 of a person licensed under this chapter to practice barbering.
"Student barber" means any person who is engaged in learning and
10 acquiring a knowledge of the practice of barbering as a duly
enrolled student in a school of barbering licensed by the
12 Commissioner of ~~Educati~~~~onal--and--Cultural--Services~~ Education.

14 **Sec. A-134. 32 MRSA §303-A, last ¶**, as amended by PL 1987, c.
395, Pt. A, §124, is further amended to read:

16 The board and the Department of ~~Educati~~~~onal--and--Cultural~~
~~Services~~ Education shall make rules for the examination of
18 applicants for licenses as instructors of barbering, in
accordance with the Maine Administrative Procedure Act, Title 5,
20 chapter 375, subchapter II. Examination applications shall be
furnished by the board. The application shall be filed with the
22 secretary of the board and shall be accompanied by an examination
fee. If examination is satisfactory, the applicant shall pay a
24 fee to receive the initial instructor license, which shall be
valid until the next renewal period. The renewal fee for
26 instructor licensure shall be collected by the board.

28 **Sec. A-135. 32 MRSA §401, next to the last ¶**, as amended by PL
1987, c. 395, Pt. A, §132, is further amended to read:

30 Each student upon enrollment in a school of barbering
32 licensed by the Commissioner of ~~Educati~~~~onal--and--Cultural--Services~~
Education shall make written application for a student permit
34 therefor on a form prescribed and supplied by the board. The
application shall contain satisfactory evidence of the
36 qualifications required of the applicant under this chapter and
shall be notarized. The applicant shall pay to the secretary of
38 the board a fee and the permit shall expire with termination or
completion of the school course for which the permit was
40 obtained. No permit may be issued to a person who has not
attained 17 years of age.

42 **Sec. A-136. 32 MRSA §402, sub-§3**, as amended by PL 1983, c.
44 841, §14, is further amended to read:

46 **3. Training.** Who has satisfactorily completed a course of
instruction of 1,500 hours in not less than 9 months in a school
48 of barbering licensed by the Commissioner of ~~Educati~~~~onal--and~~
~~Cultural--Services~~ Education, or in lieu thereof has had a total
50 experience as an apprentice in the practice of barbering of 2,500
hours distributed over a period of at least 18 months; and

2 **Sec. A-137. 32 MRSA §402, 2nd ¶**, as amended by PL 1983, c.
4 841, §15, is further amended to read:

6 Any person licensed as a cosmetologist pursuant to chapter
8 23 and who has satisfactorily completed a course of instruction
10 of at least 500 hours in a school of barbering licensed by the
12 Commissioner of ~~Educational--and--Cultural--Services~~ Education, or
 in lieu thereof has had a total experience as an apprentice in
 the practice of barbering of at least 900 hours, shall be
 entitled to take the examination, upon payment of the fees
 prescribed in this section.

14 **Sec. A-138. 32 MRSA §1100-M, sub-§1, ¶B**, as enacted by PL
16 1983, c. 331, §2, is amended to read:

18 B. Have a high school diploma or its equivalent, as
20 determined by the Department of ~~Educational--and--Cultural~~
 ~~Services~~ Education; and

22 **Sec. A-139. 32 MRSA §1551, sub-§6**, as enacted by PL 1983, c.
24 841, §17, is amended to read:

26 6. **Student cosmetologist.** "Student cosmetologist" means
28 any person who is engaged in learning and acquiring a knowledge
 of the practice of cosmetology as a duly enrolled student in a
 school of cosmetology licensed by the Commissioner of ~~Educational~~
 ~~and--Cultural--Services~~ Education.

30 **Sec. A-140. 32 MRSA §1553-A, last ¶**, as amended by PL 1987, c.
32 395, Pt. A, §147, is further amended to read:

34 The board and the Department of ~~Educational--and--Cultural~~
36 ~~Services~~ Education shall make rules for the examination of
38 applicants for licensure as instructors of cosmetology, in
40 accordance with the Maine Administrative Procedure Act, Title 5,
42 chapter 375, subchapter II. Examination applications shall be
 furnished by the board. The application shall be filed with the
 secretary of the board and shall be accompanied by an examination
 fee which shall include licensure, if examination is
 satisfactory. All licenses as instructors shall expire June 30th
 biennially.

44 **Sec. A-141. 32 MRSA §1652, sub-§3**, as amended by PL 1983, c.
46 841, §21, is further amended to read:

48 3. **Training.** Who has satisfactorily completed a course of
50 instruction of 1,500 hours in not less than 9 months in a school
 of cosmetology licensed by the Commissioner of ~~Educational--and--~~
 ~~Cultural--Services~~ Education, or in lieu thereof has had a total

2 experience in the practice of cosmetology or as an apprentice of
2,500 hours distributed over a period of at least 18 months; and

4 **Sec. A-142. 32 MRSA §1652, 2nd ¶**, as amended by PL 1983, c.
841, §22, is further amended to read:

6 Any person licensed as a barber pursuant to chapter 7 and
8 who has satisfactorily completed a course of instruction of at
10 least 500 hours in a school of cosmetology licensed by the
Commissioner of ~~Educational--and--Cultural--Services~~ Education, or
12 in lieu thereof has had a total experience in the practice of
cosmetology as an apprentice of at least 900 hours, shall be
14 entitled to take the examination upon payment of the fees
prescribed in this section.

16 **Sec. A-143. 32 MRSA §1652-A, sub-§3**, as enacted by PL 1987, c.
677, §3, is amended to read:

18 **3. Training.** Has satisfactorily completed a course of
20 instruction of at least 750 hours in not less than 5 months, in a
school of cosmetology licensed by the Commissioner of ~~Educational~~
22 ~~and--Cultural--Services~~ Education, within the last 3 years from the
date of applying to be examined; and

24 **Sec. A-144. 32 MRSA §1655-A, 2nd ¶**, as amended by PL 1987, c.
395, Pt. A, §163, is further amended to read:

28 To be eligible for a student permit, a student cosmetologist
must be at least 16 years of age and have completed the 10th
30 grade in a secondary school. The application shall include
evidence of the student cosmetologist's enrollment in a school of
32 cosmetology licensed by the Commissioner of ~~Educational--and~~
~~Cultural--Services~~ Education.

34 **Sec. A-145. 32 MRSA §2104, sub-§4**, as enacted by PL 1987, c.
36 195, §4, is amended to read:

38 **4. Approval of nursing assistant training curriculum and**
faculty. An educational institution or health care facility
40 desiring to conduct an educational program for assistants to
nurses to prepare individuals for certification shall apply to
42 the Department of ~~Educational--and--Cultural--Services~~ Education and
submit evidence that it is prepared to:

44 **A.** Carry out the curriculum for the assistants to nurses as
46 prescribed by the State Board of Nursing;

48 **B.** Meet those standards for on-site supervision and
delegation of tasks as established by the State Board of
50 Nursing; and

2 C. Meet those standards for educational programming and
3 faculty as established by the Department of ~~Educational and~~
4 ~~Cultural Services~~ Education. The Department of ~~Educational~~
5 ~~and Cultural Services~~ Education shall issue a notice of
6 approval of the program submitted and the proposed faculty.

7 The Department of ~~Educational and Cultural Services~~ Education
8 shall approve a facility-offered program if the existing
9 educational delivery system cannot respond in 10 working days.
10

11 Sec. A-146. 32 MRSA §2202-A, as enacted by PL 1987, c. 195,
12 §5, is amended to read:

13 **§2202-A. Certificates; nursing assistants**

14 The Department of ~~Educational and Cultural Services~~
15 Education shall issue certificates attesting to the competency of
16 individuals to act as assistants to nurses. The certificate shall
17 indicate the satisfactory completion of a course with a
18 curriculum prescribed by the State Board of Nursing.
19

20 The Department of ~~Educational and Cultural Services~~
21 Education shall maintain a register of names of all individuals
22 certified to act as assistants to nurses.
23

24 Sec. A-147. 32 MRSA §3269, sub-§10, as amended by PL 1981, c.
25 239, is further amended to read:

26 10. Powers. The power to mandate, conduct and operate or
27 contract with other agencies, persons, firms or associations for
28 the conduct and operation of programs of medical education,
29 including statewide programs of health education for the general
30 public and to disburse funds accumulated through the receipt of
31 licensure fees for this purpose, provided that no such funds may
32 be disbursed for this purpose for out-of-state travel, meals or
33 lodging for any physician being educated under this program. The
34 power to conduct and operate or contract with other agencies or
35 nonprofit organizations for the conduct and operation of a
36 program of financial assistance to medical students indicating an
37 intent to engage in family practice in rural Maine, under which
38 program said students may be provided with interest-free grants
39 or interest-bearing loans in an amount not to exceed \$5,000 per
40 student per year on such terms and conditions as the board may
41 determine.
42

43 Notwithstanding any other provision of this subsection, if the
44 board contracts with the Commissioner of ~~Educational and Cultural~~
45 ~~Services~~ Education to provide funds for the costs of any
46 positions for which the State has contracted at the University of
47
48
49
50

2 Vermont College of Medicine, or the Tufts University School of
Medicine, the terms of the contract between the board and the
4 commissioner shall be in accordance with the requirements of
Title 20, chapter 304.

6 **Sec. A-148. 32 MRSA §3840, sub-§§2 and 9,** as repealed and
replaced by PL 1985, c. 763, Pt. A, §84, are amended to read:

8
2. **Purpose.** The purpose of the Joint Committee on
10 Licensure-Certification for School Psychological Service
Providers shall be to coordinate the licensing and certification
12 processes of the Board of Examiners of Psychologists and the
Department of ~~Educational--and--Cultural--Services~~ Education
14 respectively to provide accessible and timely services to meet
the needs of the school systems in the State.

16
9. **Records.** The joint committee shall keep records and
18 minutes of its activities and meetings. The records and minutes
shall be housed by the Department of ~~Educational--and--Cultural~~
20 ~~Services~~ Education or the Department of ~~Business--Occupational~~
and Professional and Financial Regulation and made easily
22 accessible to the public and shall be provided expeditiously upon
request.

24
Sec. A-149. 32 MRSA §5003, sub-§4, as amended by PL 1979, c.
26 118, §2, is further amended to read:

28 4. **The practice of forestry.** "The practice of forestry"
shall mean any professional services relating to forestry
30 requiring the application of forestry principles and techniques.
Such services shall include but not be limited to investigations,
32 consultations, development of forest management plans,
responsible supervision of forest management, forest utilization,
34 forest economics or other forestry activities as carried out in
connection with any public or private lands. Forestry
36 instructional and educational activities conducted by
institutions approved by the Commissioner of ~~Educational--and~~
38 ~~Cultural--Services~~ Education pursuant to the laws of the State and
forestry instructional and educational activities relating to a
40 program of education at an institution licensed or approved by
the State to grant a bachelors or higher degree shall be
42 exempted. The practice of forestry shall not include services
rendered for wages or for salary for the cutting, hauling,
44 handling or processing of forest products, or wages, salary or
payments received for timber stand improvements or other
46 silvicultural activities on the forest lands of the owner
thereof, or on the forest land of another.

48
Sec. A-150. 32 MRSA §6003, sub-§7, as enacted by PL 1975, c.
50 705, §4, is amended to read:

2 7. **Speech pathology aide.** "Speech pathology aide" means an
4 individual who meets minimum qualifications which the board may
6 establish for speech pathology aides, which qualifications shall
8 be less than those established by this chapter as necessary for
10 licensure as a speech pathologist, and less than those
12 established by the Department of ~~Educational--and--Cultural~~
14 ~~Services~~ Education for school personnel, and who works under the
16 supervision of a licensed speech pathologist.

18 **Sec. A-151.** 32 MRSA §6005, sub-§3, as enacted by PL 1975, c.
20 705, §4, is amended to read:

22 3. **Person holding valid and current credential.** A person
24 who holds a valid and current credential as a speech or hearing
26 clinician, issued by the Department of ~~Educational--and--Cultural~~
28 ~~Services~~ Education, from providing such services within a local
30 educational agency, or a person employed as a speech pathologist
32 or audiologist by the Government of the United States, if such
34 person performs speech pathology or audiology services solely
36 within the confines or under the jurisdiction of the organization
38 by which he that person is employed. Such person may, without
40 obtaining a license under this chapter, consult with or
42 disseminate his research findings and other scientific
44 information to speech pathologists and audiologists outside the
46 jurisdiction of the organization by which he that person is
48 employed. Such person may also offer lectures to the public for a
50 fee, monetary or other, without being licensed under this
chapter. Such person may additionally elect to be subject to this
chapter;

Sec. A-152. 32 MRSA §9502, sub-§2, as amended by PL 1989, c.
179, §7, is further amended to read:

 2. **Commercial driver education.** "Commercial driver
education" means any type of instruction or tutoring given any
person in the driving of a motor vehicle or in the preparing of
any person for a driver examination in exchange for remuneration,
except instruction or tutoring in a public secondary school, a
private secondary school approved for attendance purposes by the
Commissioner of ~~Educational--and--Cultural--Services~~ Education, a
vocational center, a vocational region, an adult education
program conducted pursuant to Title 20-A, chapter 315, or a
~~veocational-technical-institute~~ technical college.

Sec. A-153. 32 MRSA §9502, sub-§3, as amended by PL 1989, c.
179, §8, is further amended to read:

 3. **Commercial driver education school.** "Commercial driver
education school" means any person or persons engaged in teaching

2 driver education for remuneration, except a public secondary
3 school, a private secondary school approved for attendance
4 purposes by the Commissioner of ~~Educational--and--Cultural~~
5 ~~Services~~ Education, a vocational center, a vocational region, an
6 adult education program conducted pursuant to Title 20-A, chapter
315, or a ~~veational-technical-institute~~ technical college.

8 **Sec. A-154. 32 MRSA §9601, sub-§3**, as enacted by PL 1989, c.
9 513, §7, is amended to read:

10 **3. Exclusion.** No license under this chapter may be
11 required of a certified teacher conducting a driver education
12 course in a public secondary school, a private secondary school
13 approved for attendance purposes by the Commissioner of
14 ~~Educational--and--Cultural--Services~~ Education, a vocational center
15 or a vocational region.

18 **Sec. A-155. 32 MRSA §9602, sub-§5**, as enacted by PL 1989, c.
19 179, §9, is amended to read:

20 **5. School contracts.** Commercial driver education schools
21 shall remain subject to the requirements of this chapter while
22 providing driver education services pursuant to Title 20-A,
23 chapter 316, on a contract basis to a public secondary school, a
24 private secondary school approved for attendance purposes by the
25 Commissioner of ~~Educational--and--Cultural--Services~~ Education, a
26 vocational center, a vocational region, an adult education
27 program conducted pursuant to Title 20-A, chapter 315, or a
28 ~~veational-technical-institute~~ technical college.

30 **Sec. A-156. 32 MRSA §9855, sub-§1, ¶B**, as enacted by PL 1983,
31 c. 524, is amended to read:

34 B. Have a high school diploma or its equivalent as
35 determined by the Department of ~~Educational--and--Cultural~~
36 ~~Services~~ Education;

38 **Sec. A-157. 32 MRSA §9855, sub-§2, ¶B**, as enacted by PL 1983,
39 c. 524, is amended to read:

40 B. Have a high school diploma or its equivalent as
41 determined by the Department of ~~Educational--and--Cultural~~
42 ~~Services~~ Education;

44 **Sec. A-158. 32 MRSA §9855, sub-§3, ¶B**, as enacted by PL 1983,
45 c. 524, is amended to read:

48 B. Have a high school diploma or its equivalent as
49 determined by the Department of ~~Educational--and--Cultural~~
50 ~~Services~~ Education;

2 Sec. A-159. 32 MRSA §13506, sub-§3, ¶B, as enacted by PL 1987,
c. 395, Pt. A, §212, is amended to read:

4
6 B. This subsection shall not apply with respect to
kick-boxing exhibitions, events, performances or contests
8 in which school pupils or instructors are the only
participants, except that this exemption shall apply only to
10 a performance or exhibition conducted under the direct
supervision and control of the board of directors of a
12 school district, or the person in authority of a teachers'
training school or other institution under the control of
14 the Commissioner of ~~Educational--and--Cultural--Services~~
Education and the State Board of Education or the board,
16 bodies or persons in authority of duly constituted private
or parochial schools, colleges or universities, or schools
for kick-boxing.

18 Sec. A-160. 34-A MRSA §1209, sub-§3, ¶D, as enacted by PL
20 1983, c. 581, §§10 and 59, is amended to read:

22 D. The Commissioner of Corrections, Commissioner of
~~Educational--and--Cultural--Services~~ Education, Commissioner of
24 Human Services, Commissioner of Mental Health and Mental
Retardation and Commissioner of Public Safety are ex
26 officio, voting members of the group.

28 Sec. A-161. 34-A MRSA §3604, sub-§3, ¶B, as enacted by PL
1983, c. 459, §6, is amended to read:

30
32 B. Before employing instructors in vocational education,
the director shall obtain the approval of the Department of
~~Educational--and--Cultural--Services~~ Education.

34 Sec. A-162. 34-A MRSA §7002, sub-§2, ¶A, as enacted by PL
36 1987, c. 198, is amended to read:

38 A. Constitute an interdepartmental coordinating committee
on primary prevention, which shall be chaired by the
40 commissioner or his the commissioner's designee and shall
include representation from the Department of ~~Educational~~
42 ~~and--Cultural--Services~~ Education, Department of Human
Services, Department of Labor, Department of Mental Health
44 and Mental Retardation, Department of Public Safety, the
Juvenile Justice Advisory Group and such other public or
46 private agencies as the commissioner may wish to nominate,
which have responsibilities associated with preventing not
48 only delinquency, but also child abuse, substance abuse,
running away from home, truancy and failing to complete
50 school and other destructive behavior which affects
juveniles. This coordinating committee shall:

- 2 (1) Develop a state primary prevention plan which
4 provides for the use of state resources in ways that
6 will strengthen the commitment of local communities to
8 altering conditions which contribute to delinquency and
10 other destructive behaviors which affect juveniles, so
12 that the burden of state-funded treatment and
14 crisis-responsive service programs will be reduced.
16 The plan shall provide for the coordination and
18 consolidation of the primary prevention planning
20 efforts of each of the state agencies specified in this
22 section. The plan shall set forth quantifiable and
24 time-limited goals, objectives and strategies and shall
include proposals to integrate and build upon
successful primary prevention programs;
- (2) Provide for the evaluation of policies and
programs developed and implemented pursuant to the
plan; and
- (3) Prepare, annually by November 1st, an appraisal of
the State's primary prevention activities during the
previous year and its recommendations for programs and
activities relating to primary prevention.

26 **Sec. A-163. 34-B MRSA §1214, sub-§3,** as repealed and replaced
28 by PL 1989, c. 502, Pt. B, §44, is amended to read:

30 **3. Membership.** The committee shall be composed of 4
32 members: The Commissioner of Corrections; Commissioner of
34 ~~Educational--and--Cultural--Services~~ Education; Commissioner of
Human Services; and Commissioner of Mental Health and Mental
Retardation.

36 **Sec. A-164. 34-B MRSA §3007,** as enacted by PL 1987, c. 783,
§1, is amended to read:

38 **§3007. Teenage Suicide Prevention Program**

40 The bureau shall, in cooperation with the Department of
42 ~~Educational--and--Cultural--Services~~ Education, the Department of
Human Services and the "local action councils" funded in Public
44 Law 1987, chapter 349, Part A under the heading "Human Services,
Department of," develop a teenage suicide prevention strategy and
46 a model suicide prevention program to be presented in the
secondary schools of the State. Development of such a program
48 shall include preparation of relevant educational materials which
shall be distributed in the schools.

2 **Sec. A-165. 34-B MRSA §6202, sub-§4**, as enacted by PL 1985, c.
3 503, §12, is amended to read:

4 **4. Other agencies.** Nothing in this subchapter may be
5 construed to constrain or impair the Department of Corrections,
6 Department of ~~Educational--and--Cultural--Services~~ Education,
7 Department of Human Services or any other state agency in
8 carrying out statutorily mandated responsibilities to children
9 and their families or to alter or diminish any services, benefits
10 or entitlements received by virtue of the statutory
11 responsibilities.

12 **Sec. A-166. 34-B MRSA §6203, sub-§1, ¶D**, as enacted by PL
13 1985, c. 503, §12, is amended to read:

14 **D.** Place a high priority on continued participation with
15 the Department of ~~Educational--and--Cultural--Services~~
16 Education and the Department of Human Services in preventive
17 intervention services to families of children in need of
18 treatment;
19

20 **Sec. A-167. 34-B MRSA §6203, sub-§2, ¶C**, as enacted by PL
21 1985, c. 503, §12, is amended to read:

22 **C.** The plan shall establish a procedure for setting
23 priorities among the various services required by children
24 in need of treatment and their families, in cooperation with
25 other agencies of State Government that provide services to
26 children and families, including, but not limited to, the
27 Department of Corrections, Department of ~~Educational--and~~
28 ~~Cultural--Services~~ Education and Department of Human Services.
29

30 **Sec. A-168. 34-B MRSA §6204, sub-§2-A**, as enacted by PL 1985,
31 c. 777, §2, is amended to read:

32 **2-A. Improvement and expansion of day treatment services**
33 **for emotionally handicapped children.** The bureau shall work
34 cooperatively with the Department of Corrections, Department of
35 ~~Educational--and--Cultural--Services~~ Education and the Department of
36 Human Services to improve and expand day treatment programs for
37 emotionally handicapped school-age children so that they and
38 their families may receive necessary, appropriate and coordinated
39 therapeutic and educational services in home and community
40 settings, reducing the likelihood that out-of-home or residential
41 treatment placements will be required. The Department of Mental
42 Health and Mental Retardation shall license these programs
43 pursuant to sections 3603 and 3606. The Department of ~~Educational~~
44 ~~and--Cultural--Services~~ Education shall approve these programs
45 pursuant to Title 20-A, chapter 206. The 2 departments shall
46 jointly develop standards to ensure a consistent high quality
47 throughout the State.
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- 2 (7) Maine Health Facilities Authority;
- 4 (8) Board of Occupational Therapy Practice;
- 6 (9) Board of Respiratory Care Practitioners; and
- 8 (10) Radiologic Technology Board of Examiners; and
- 10 (11) Maine Library Commission.

12 **Sec. B-2. 5 MRSA §12004-G, sub-§§7-A to 7-E are enacted to**
 14 **read:**

16 7-A. Culture/ Maine State Expenses 27 MRSA §552
History Cultural Only
 18 Affairs
Council

20 7-B. Culture/ Maine Arts Expenses 27 MRSA §401
History Commission Only

22 7-C. Culture/ Maine State Expenses 27 MRSA §82
 24 History Museum Only
Commission

26 7-D. Culture/ Maine Expenses 27 MRSA §501
 28 History Historic Only
Preservation
 30 Commission

32 7-E. Culture/ Maine Expenses 27 MRSA §111
 34 History Library Only
Commission

36 **Sec. B-3. 5 MRSA §12004-G, sub-§§9 and 10, as enacted by PL**
 38 **1987, c. 786, §5, are repealed.**

40 **Sec. B-4. 5 MRSA §12004-I, sub-§§13 and 14, as enacted by PL**
 42 **1987, c. 786, §5, are repealed.**

44 **Sec. B-5. 20-A MRSA §201, first ¶, as enacted by PL 1981, c.**
693, §§5 and 8, is amended to read:

46 The Department of Educational---and---Cultural---Services
Education is established to:

48 **Sec. B-6. 20-A MRSA §201, sub-§2, as enacted by PL 1981, c.**
 50 **693, §§5 and 8, is amended to read:**

2 **2. Interrelation with other programs.** Interrelate public
education with other social, economic, physical and governmental
activities, programs and services; and

4
6 **Sec. B-7. 20-A MRSA §201, sub-§3,** as enacted by PL 1981, c.
693, §§5 and 8, is repealed.

8 **Sec. B-8. 20-A MRSA §201, sub-§4,** as enacted by PL 1981, c.
693, §§5 and 8, is amended to read:

10 **4. Advancement of education.** Encourage and stimulate
12 public interest in the advancement of education; ~~and.~~

14 **Sec. B-9. 20-A MRSA §201, sub-§5,** as enacted by PL 1981, c.
693, §§5 and 8, is repealed.

16 **Sec. B-10. 20-A MRSA §202, sub-§1-A,** as enacted by PL 1985, c.
18 797, §7, is amended to read:

20 **1-A. Commissioner of Education.** The Commissioner of
22 ~~Educational-and-Cultural-Services.~~ Education;

24 **Sec. B-11. 20-A MRSA §202, sub-§§7 and 8,** as amended by PL
1985, c. 763, Pt. A, §74, are repealed.

26 **Sec. B-12. 20-A MRSA §202, sub-§§9, 10 and 12 to 14,** as enacted
by PL 1981, c. 693, §§5 and 8, are repealed.

28 **Sec. B-13. 20-A MRSA §203, sub-§2,** as enacted by PL 1985, c.
30 763, Pt. A, §75, is repealed.

32 **Sec. B-14. 20-A MRSA §256, sub-§3,** as amended by PL 1985, c.
763, Pt. A, §76, is repealed.

34 **Sec. B-15. 27 MRSA §1,** as amended by PL 1985, c. 785, Pt. B,
36 §123, is further amended to read:

38 **§1. Salary; duties**

40 The Maine State Library shall be under the management and
supervision of a the State Librarian as heretofore appointed
42 pursuant to section 112, who shall make such rules and
regulations as are necessary for the proper management of the
44 library and the safety of its contents. The librarian shall
receive such salary as shall be set by the Governor.

46 The librarian may employ, subject to the Civil Service Law
48 and the approval of the ~~Commissioner of Educational and Cultural~~
Services Maine Library Commission, a deputy state librarian, and
50 such assistants as the business of the office may require.

2 Sec. B-16. 27 MRSA §5, as amended by PL 1971, c. 610, §14, is
repealed.

4 Sec. B-17. 27 MRSA §34, as amended by PL 1973, c. 626, §2, is
6 repealed and the following enacted in its place:

8 §34. Library development

10 The Maine State Library shall maintain a school library
12 media section which shall carry on activities in cooperation with
 the Department of Education including:

14 1. Media center standards. Recommending school library
16 media center standards and evaluation of programs;

18 2. Certification of media professionals. Assisting in the
20 certification and recertification of school library media
 professionals;

22 3. Construction and renovation projects. State funded
 school library media center construction and renovation projects;

24 4. Expenditures for school library media programs.
26 Advising the Department of Education with regard to the
 expenditure of state and federal grants for school library media
 programs;

28 5. School approval. Assisting the Department of Education
30 with basic school approvals as it pertains to library instruction;

32 6. School accreditation. Assisting with local school
34 accreditation visits;

36 7. School library staff. Providing leadership in staff
 development and continuing education of school library staff;

38 8. Information for local school systems. Providing
40 educational research and resource information for local school
 systems; and

42 9. Video tape library. Maintaining and providing a video
44 tape library service for use by elementary and secondary
 education.

46 Sec. B-18. 27 MRSA §82, as amended by PL 1989, c. 503, Pt.
48 B, §113, is further amended to read:

2 **§82. Maine State Museum Commission**

4 The Governor shall appoint a the Maine State Museum
6 Commission, as established by Title 5, section 12004-G,
8 subsection 10 7-C, consisting of 15 members especially qualified
10 and interested in the several fields of museum activity. Of
12 those members first appointed, 5 shall be appointed for terms of
14 2 years, 5 for 4 years and 5 for 6 years. Their successors shall
16 be appointed for 6 years. Each member shall serve for the term of
the appointment and thereafter until a successor is appointed and
qualified. The commission shall elect a chair and vice-chair
from its members. In case of the termination of a member's
service during the term, the Governor shall appoint a successor
for the unexpired term. Members shall be compensated according to
the provisions of Title 5, chapter 379.

18 **Sec. B-19. 27 MRSA §83**, as enacted by PL 1965, c. 502, §1, is
amended to read:

20 **§83. Powers and duties of Maine State Museum Commission**

22 The general powers and duties of the commission are:

24 1. **Administration.** To administer this chapter. In
26 administering its provisions, the commission may formulate
policies and exercise general supervision;

28 2. **Prescribe duties of Museum Director.** To prescribe the
duties of the Museum Director;

30 3. **Delegate powers.** To delegate powers to the Museum
32 Director necessary for the administration of this chapter; and

34 4. **Recommendations.** To make recommendations to the
36 Legislature Maine State Cultural Affairs Council for such
legislation as may be necessary to improve the functioning of the
Maine State Museum.

38 **Sec. B-20. 27 MRSA §84-A** is enacted to read:

40 **§84-A. Museum director; appointment**

42 The Director of the Maine State Museum Commission must be
44 qualified by training or by experience in museum work and shall
46 be appointed by the Maine State Museum Commission. The director
48 shall serve for an indefinite term, subject to removal for
cause. Compensation shall be fixed by the Governor.

50 **Sec. B-21. 27 MRSA §85-A, sub-§2**, as enacted by PL 1987, c.
465, §2, is amended to read:

2 2. **Administration.** To administer the office of Museum
3 Director. In exercising his the director's administration, the
4 Museum Director shall promulgate operating policies, establish
5 organizational and operational procedures and exercise
6 supervision of museum activities. He The Museum Director shall
7 employ, subject to the Civil Service Law and the approval of the
8 ~~Commissioner--of--Educational--and--Cultural--Services~~ Maine State
9 Museum Commission, such assistants as may be necessary to carry
10 out the purposes of this chapter. The Museum Director shall adopt
11 a seal for use in the official business of the museum;

12 Sec. B-22. 27 MRSA §85-A, sub-§5, as enacted by PL 1987, c.
13 465, §2, is repealed.

14 Sec. B-23. 27 MRSA §95, sub-§§2 and 3, as enacted by PL 1985,
15 c. 754, §1, are amended to read:

16 2. **Approval of grants.** The ~~commissioner~~ Maine Library
17 Commission shall approve grants with the advice of the State
18 Librarian. ~~All proposals and grants shall be reviewed and have~~
19 ~~the advice of the Maine Library Commission.~~

20 3. **Proposals.** Agencies and libraries applying for grants
21 shall submit project proposals in a form prescribed by the Maine
22 State Library Bureau.

23 Sec. B-24. 27 MRSA §110, first ¶, as enacted by PL 1973, c.
24 626, §6, is amended to read:

25 In As used in this chapter, unless the context clearly
26 ~~requires a different meaning otherwise indicates~~, the following
27 ~~words shall~~ terms have the following meanings.

28 Sec. B-25. 27 MRSA §110, sub-§§2 and 12, as enacted by PL 1973,
29 c. 626, §6, are amended to read:

30 2. **Area reference and resource center.** "Area reference and
31 resource center" means a large public, school or academic library
32 designated by the ~~Commissioner--of--Educational--and--Cultural--~~
33 ~~Services--and--the~~ State Librarian and receiving state aid for the
34 purpose of making its resources and services available without
35 charge to all residents of the district, of providing
36 supplementary library services to local libraries within the
37 district, of coordinating the services of all local libraries
38 within the district which by contract become part of the library
39 district.

40 12. **Research center.** "Research center" means any library
41 designated as such by the ~~Commissioner--of--Educational--and~~

2 Cultural-Services-and-the State Librarian and receiving state aid
3 for the purposes of making its major research collections, under
4 such rules and regulations as are defined by its governing board
5 and head librarian, available to the residents of the State.

6 **Sec. B-26. 27 MRSA §111, sub-§1**, as amended by PL 1989, c.
7 503, Pt. B, §114, is further amended to read:

8
9 **1. Maine Library Commission.** There shall ~~be~~ is created
10 ~~within the Department of Educational and Cultural Services a~~
11 ~~library commission which shall be designated as the Maine Library~~
12 ~~Commission, as established by Title 5, section 12004-F 12004-G,~~
13 ~~subsection 14 7-E.~~ It shall consist of 15 members appointed by
14 the Governor. The library commission shall be broadly
15 representative of the state's libraries and shall consist of a
16 representative from public, school, academic, special,
17 institutional and handicapped libraries, a trustee
18 representative, one representative from each of the library
19 districts as they are formed and 3 representatives from the State
20 at large of whom one shall be representative of the disadvantaged.

21 The term of each appointed member shall be 5 years or until a
22 successor is appointed and qualified. Of the members first
23 appointed, 3 shall be for one year, 3 for 2 years, 3 for 3 years,
24 3 for 4 years and 3 for 5 years. Subsequent appointments shall
25 be for the full term of 5 years. No members may serve more than 2
26 successive terms. In the case of a vacancy other than the
27 expiration of a term, the appointment of a successor shall be
28 made in like manner for the balance of the term.

29 In addition to the 15 appointed members, the directors of the
30 area reference and resource centers shall serve as permanent,
31 nonvoting ex officio members of the Maine Library Commission.

32 The commission shall meet at least 4 times a year. It shall elect
33 a chair and vice-chair for a term terms of 2 years and frame and
34 modify bylaws for its internal organization and operation. The
35 State Librarian shall serve as secretary to the commission. The
36 members of the commission shall be compensated according to the
37 provisions of Title 5, chapter 379.

38
39 **Sec. B-27. 27 MRSA §112, sub-§§1 to 3**, as enacted by PL 1973,
40 c. 626, §6, are amended to read:

41
42 **1. Appointment of State Librarian.** ~~Give advice and make~~
43 ~~recommendations to the Commissioner of Educational and Cultural~~
44 ~~Services with regard to the appointment of~~ Appoint the State
45 Librarian. The State Librarian must be qualified through
46 training or experience in library work. The State Librarian
47 shall serve for an indefinite term, subject to removal for
48 cause. Compensation shall be fixed by the Governor;
49

2 2. ~~Give advice and make recommendations to the~~
3 ~~Commissioner of Educational and Cultural Services with regard to:~~
4 The Establish the policies and operations of the Maine State
5 Library and the State's library program including minimum
6 standards of library service, the apportionment of state aid to
7 libraries, the designation of library districts and their
8 boundaries, the designation of area reference and resource
9 centers and the designation of research centers after full
10 consideration of the advice of the district council;

12 3. Review. Act, on written request by any interested
13 library, as an appeals board concerning decisions of the
14 ~~commissioner~~ State Librarian regarding the items in subsection 2.
15 The written request for a hearing shall must be filed within 30
16 days from the date of the decision.

18 Sec. B-28. 27 MRSA §112, sub-§4, as enacted by PL 1977, c.
19 125, §2, is amended to read:

20 4. Federal program. Serve as the State Advisory Council on
21 Libraries and in that capacity give advice and make
22 recommendations to the ~~Commissioner of Educational and Cultural~~
23 ~~Services~~ State Librarian with regard to the administration of
24 federal funds, in accordance with the terms thereof, which may
25 now or in the future become available for library purposes.

28 Sec. B-29. 27 MRSA §113, as enacted by PL 1973, c. 626, §6,
29 is repealed and the following enacted in its place:

30 §113. Library districts

31 The Maine Library Commission shall divide the State into as
32 many districts as the commission determines are required and
33 shall establish or modify the geographical boundaries of each
34 district.

38 Sec. B-30. 27 MRSA §115, first ¶, as enacted by PL 1973, c.
39 626, §6, is amended to read:

40 Each district shall be affiliated with an area reference and
41 resource center which shall be designated by the ~~commissioner,~~
42 ~~with the advice of the~~ Maine Library Commission.

44 Sec. B-31. 27 MRSA §115, sub-§1, ¶D, as enacted by PL 1973, c.
45 626, §6, is amended to read:

48 D. Join with the district council in assigning priorities
49 to implement the district plan; and

50

2 **Sec. B-32. 27 MRSA §118**, as enacted by PL 1973, c. 626, §6,
is amended to read:

4 **§118. School libraries and media center**

6 Any school library or media center in a community with no
public library service, or serving communities with no public
8 libraries, which agrees to offer service as a public library, is
entitled to all the benefits accruing to a public library with
10 the approval of the ~~commissiener~~ State Librarian.

12 **Sec. B-33. 27 MRSA §119**, as repealed and replaced by PL 1977,
c. 690, §15, is amended to read:

14 **§119. Distribution of appropriations**

16 ~~The Commissiener of Educational and Cultural Services, with~~
18 ~~the advice of the~~ Maine Library Commission, is authorized to
apportion funds appropriated by the Legislature for the support
20 of regional library systems.

22 **Sec. B-34. 27 MRSA §403-A** is enacted to read:

24 **§403-A. Arts Commission Director; appointment**

26 The Director of the Maine Arts Commission must be qualified
28 by training or experience and must be appointed by the Maine Arts
Commission. The director shall serve for an indefinite term
30 subject to removal for cause. The Governor shall fix the
compensation for this position.

32 **Sec. B-35. 27 MRSA §407**, as amended by PL 1973, c. 625, §185,
is repealed.

34 **Sec. B-36. 27 MRSA §408, sub-§4**, as enacted by PL 1987, c.
36 801, §1, is amended to read:

38 **4. Staffing assistance.** The Maine Arts Commission shall be
responsible for implementing all of the policies and procedures
40 for each award, in conjunction with the ~~effice~~ Office of the
Governor and the Commissioner of ~~Edueatinal--and--Cultural~~
42 ~~Services~~ Education.

44 **Sec. B-37. 27 MRSA §501**, as amended by PL 1989, c. 503, Pt.
B, §116, is further amended to read:

46 **§501. Declaration of policy**

48 The Legislature declares it is the policy of the State that
50 in order to preserve the architectural, historic and

2 environmental heritage of the people of the State, and to develop
and promote the cultural, educational and economic benefits of
4 these resources, the Maine Historic Preservation Commission, as
established by Title 5, section ~~12004-F~~ 12004-G, subsection ~~13~~
7-D, shall work to implement this policy.

6
8 **Sec. B-38. 27 MRSA §502**, as repealed and replaced by PL 1979,
c. 21, is amended to read:

10 **§502. Maine Historic Preservation Commission**

12 There shall ~~be~~ is created within ~~the~~ Department ~~of~~
Educational ~~and~~ Cultural ~~Services~~ ~~a~~ bureau ~~which~~ ~~shall~~ ~~be~~
14 ~~designated~~ ~~as~~ the "Maine Historic Preservation Commission." It
shall consist of 11 members made up as follows: The Commissioner
16 or a representative of the Department of Transportation, and the
Commissioner or a representative of the Department of
18 Conservation, to serve ex officio, 9 representatives from among
the citizens of Maine, one of whom shall be elected ~~chairman~~
20 chair and one of whom shall be elected vice-chair, who are known
for their competence, experience and interest in this field,
22 including at least one prehistoric archaeologist, one historic
archaeologist, one historian, one architectural historian and one
24 architect, to be appointed by the Governor. In making these
appointments, due consideration shall be given to the
26 recommendations made by the representative professional, civic
and educational associations and groups concerned with or engaged
28 in the field of historic preservation.

30 **Sec. B-39. 27 MRSA §505, sub-§1**, as amended by PL 1985, c.
785, Pt. B, §125, is further amended to read:

32
34 1. **Appointment.** The Maine Historic Preservation Commission
may appoint a director, ~~with the approval of the Commissioner of~~
~~Educational and Cultural Services~~, who shall be qualified by
36 special training or experience in the field of historic
preservation and who shall also serve as the State Historic
38 Preservation Officer upon appointment by the Governor and shall
be subject to removal for cause under the Civil Service Law.

40
42 **Sec. B-40. 27 MRSA §505, sub-§2, ¶A**, as enacted by PL 1979, c.
21, is amended to read:

44 A. The Maine Historic Preservation Commission shall be
under the management and supervision of a director who shall
46 make rules and regulations for the proper management of the
bureau, ~~subject to the approval of the Commissioner of~~
48 ~~Educational and Cultural Services~~ commission.

50 **Sec. B-41. 27 MRSA §510**, as repealed and replaced by PL 1979,
c. 21, is repealed.

2 Sec. B-42. 27 MRSA c. 18 is enacted to read:

4 CHAPTER 18

6 MAINE STATE CULTURAL AFFAIRS COUNCIL

8 §551. Definitions

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

14 1. Cultural agencies. "Cultural agencies" means the Maine
16 Arts Commission, the Maine Historic Preservation Commission, the
18 Maine Library Commission, the Maine State Museum Commission and
20 programs of these commissions.

22 2. Directors. "Directors" means the Director of the Maine
24 Arts Commission, the Director of the Maine Historic Preservation
26 Commission, the State Librarian and the Director of the Maine
28 State Museum.

30 §552. Maine State Cultural Affairs Council

32 The Maine State Cultural Affairs Council, as established in
34 Title 5, section 12004-G, subsection 7-A, shall ensure a
36 coordinated, integrated system of cultural resources programs and
38 projects and shall ensure the support of cultural heritage
40 institutions and activities of the State.

42 §553. Membership

44 The Maine State Cultural Affairs Council shall consist of
46 the chair and vice-chair from the Maine Arts Commission, the
48 Maine Historic Preservation Commission, the Maine Library
 Commission and the Maine State Museum Commission. The Governor
 may designate a staff member of the Office of the Governor to
 serve as a nonvoting member. The directors of the 4 cultural
 agencies shall be nonvoting ex officio members of the council.
 The chair shall be elected by and from the membership of the
 council.

§554. Staff

The Maine State Cultural Affairs Council may appoint an
 executive secretary based upon the recommendations of the
 directors. The directors and the personnel of the cultural
 agencies shall also provide staff assistance.

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§555. Duties

The duties and functions of the council are limited to the following:

1. Coordination of budget requests. To receive budget requests from each of the cultural agencies and to coordinate the budget plans for submission to the Bureau of the Budget;

2. Forum for interagency planning. To provide a forum for interagency cooperation and planning;

3. Liaison. To serve as the principal liaison for distribution of agency-wide notices and instructions from other governmental administrative agencies;

4. Prepare annual report. To coordinate the preparation of an annual report and other joint planning documents of the 4 cultural agencies; and

5. Statewide cultural planning. To meet jointly and at least annually with the directors of humanities councils in the State, the Maine State Archives, the State Law Library and others as considered appropriate for the purpose of exchanging information and coordinating statewide cultural planning.

§556. Limitations

The powers of the council do not extend to:

1. Alteration of program. Alteration of any agency program or request except as a conduit for administrative budget instructions;

2. Consolidation. Consolidation or transfer of funds between agencies;

3. Policy setting. Policy setting for any agency or commission; or

4. Additional powers. Any powers not expressly granted.

§557. Annual report

The Maine State Cultural Affairs Council shall annually report to the Governor and the Legislature. The directors shall provide the necessary information and assist the council in the preparation of this report. This report shall include the following:

2 1. Receipts and expenditures. The receipts and
3 expenditures on the accounts of the cultural agencies;

4 2. Acquisitions. The number of acquisitions by the
5 cultural agencies, specifying those obtained by purchase,
6 donation or exchange;

8 3. Program accomplishments. The accomplishments of the
9 programs within the cultural agencies;

10 4. Program needs. The program needs of the cultural
11 agencies; and

14 5. Improvements. Suggestions for improvement of the
15 individual programs within the cultural agencies and for the
16 improvement of delivery of cultural services in the State.

18 **§558. Executive secretary**

20 The executive secretary of the Maine State Cultural Affairs
21 Council shall have the following duties:

22 1. Secretary. To serve as secretary to the council;

24 2. Liaison. To provide liaison among the 4 cultural
25 agencies;

28 3. Budget requests. To prepare coordinated budget requests
29 for review by the council and for submission to the Governor and
30 the Legislature;

32 4. Planning. To assist in the development of comprehensive
33 cooperative long-range plans;

34 5. Annual report. To prepare annual reports with the
35 assistance of the 4 cultural agency directors for the Legislature
36 and the Office of the Governor.

38 6. Record keeping. To maintain records of council
39 activities, initiatives and policies;

42 7. Monitor. To monitor the budget process and report the
43 status of the budget to cultural agencies and members of the
44 council; and

46 8. Additional services. To provide such other cooperative
47 activities and services as council members may need or require.

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Sec. B-43. Transition provisions.

4 1. **Maine State Museum.** The Maine State Museum shall be the
6 successor in every way to the powers, duties and functions of the
8 former Maine State Museum Bureau.

10 2. **Rules, regulations and procedures.** All existing rules,
12 regulations and procedures in effect, in operation or promulgated
14 in or by the Maine State Museum Bureau, or in or by any
16 administrative units or officers thereof, are hereby declared in
18 effect and shall continue in effect until rescinded, revised or
20 amended by the proper authority.

22 3. **Contracts; agreements; compacts.** All existing
24 contracts, agreements and compacts currently in effect in the
26 Maine State Museum Bureau shall continue in effect.

28 4. **Personnel.** Any positions, authorized and allocated
30 subject to the personnel laws, to the former Maine State Museum
32 Bureau shall be transferred to the Maine State Museum and may
34 continue to be authorized.

36 5. **Records, property and equipment.** All records, property
38 and equipment previously belonging to or allocated for the use of
40 the former Maine State Museum Bureau shall become, on the
42 effective date of this Act, part of the property of the Maine
44 State Museum.

46 6. **Forms; licenses; letterheads.** All existing forms,
48 licenses, letterheads and similar items bearing the name "Maine
50 State Museum Bureau" or which make reference thereto may be
utilized by the Maine State Museum until existing supplies of
those items are exhausted.

Sec. B-44. Transition provisions.

1. **Maine Arts Commission.** The Maine Arts Commission shall
be the successor in every way to the powers, duties and functions
of the former Arts Bureau.

2. **Rules, regulations and procedures.** All existing rules,
regulations and procedures in effect, in operation or promulgated
in or by the Arts Bureau, or in or by any administrative units or
officers thereof, are hereby declared in effect and shall
continue in effect until rescinded, revised or amended by the
proper authority.

3. **Contracts; agreements; compacts.** All existing
contracts, agreements and compacts currently in effect in the
Arts Bureau shall continue in effect.

2 **4. Personnel.** Any positions, authorized and allocated
subject to the personnel laws, to the former Arts Bureau shall be
4 transferred to the Maine Arts Commission and may continue to be
authorized.

6
8 **5. Records, property and equipment.** All records, property
and equipment previously belonging to or allocated for the use of
10 the former Arts Bureau shall become, on the effective date of
this Act, part of the property of the Maine Arts Commission.

12 **6. Forms; licenses; letterheads.** All existing forms,
14 licenses, letterheads and similar items bearing the name "Arts
Bureau" or which make reference thereto may be utilized by the
16 Maine Arts Commission until existing supplies of those items are
exhausted.

18 **Sec. B-45. Transition provisions.**

20 **1. Maine State Library.** The Maine State Library shall be
the successor in every way to the powers, duties and functions of
22 the former Maine State Library Bureau.

24 **2. Rules, regulations and procedures.** All existing rules,
regulations and procedures in effect, in operation or promulgated
26 in or by the Maine State Library Bureau, or in or by any
administrative units or officers thereof, are hereby declared in
28 effect and shall continue in effect until rescinded, revised or
amended by the proper authority.

30 **3. Contracts; agreements; compacts.** All existing
32 contracts, agreements and compacts currently in effect in the
Maine State Library Bureau shall continue in effect.

34 **4. Personnel.** Any positions, authorized and allocated
36 subject to the personnel laws, to the former Maine State Library
Bureau shall be transferred to the Maine State Library and may
38 continue to be authorized.

40 **5. Records, property and equipment.** All records, property
and equipment previously belonging to or allocated for the use of
42 the former Maine State Library Bureau shall become, on the
effective date of this Act, part of the property of the Maine
44 State Library.

46 **6. Forms; licenses; letterheads.** All existing forms,
48 licenses, letterheads and similar items bearing the name "Maine
State Library Bureau" or which make reference thereto may be
50 utilized by the Maine State Library until existing supplies of
those items are exhausted.

2		1990-91
4	EDUCATION, DEPARTMENT OF	
6	Education Block Grant - ECIA Chapter 2	
8	Positions	(-1)
	Personal Services	(\$41,423)
10	All Other	(1,000)
12	Provides for the transfer of funding to the Maine State Library.	
14		
16	DEPARTMENT OF EDUCATION	
	TOTAL	<hr/> (\$42,423)
18	MAINE STATE CULTURAL AFFAIRS COUNCIL	
20	Library Development Services	
22	Positions	(1)
	Personal Services	\$41,423
24	All Other	1,000
26	Provides for the funding of a Media Service Consultant.	
28		
30	MAINE STATE CULTURAL AFFAIRS COUNCIL	
	TOTAL	<hr/> \$42,423
32	TOTAL ALLOCATIONS	<hr/> \$ 0

34

36 **STATEMENT OF FACT**

38 This bill changes the name, duties and functions of the
40 Department of Educational and Cultural Services. The bill
removes from the Department of Educational and Cultural Services
42 those duties and functions relating to the oversight of cultural
services and programs and renames it the "Department of
44 Education." The bill rests the authority over the State's
cultural programs and services with the Maine Arts Commission,
46 the Maine State Museum Commission, the Maine Library Commission
and the Maine Historic Preservation Commission.

48 Part A of this bill makes technical changes, such as
changing the names of departments and agencies.

50

2 Part B of the bill implements the recommendations of the
Special Commission to Study the Organization of the State's
4 Cultural Agencies. Part B establishes the Maine State Cultural
Affairs Council, to be composed of the chairs and vice-chairs of
6 the Maine Arts Commission, the Maine State Museum Commission, the
Maine Library Commission and the Maine Historic Preservation
8 Commission. The council coordinates advocacy, planning and
budgetary issues, but will not interfere with the individual
10 policy-making authority and functioning of the individual
commissions. Part B of the bill also gives the Maine Library
Commission policy-making authority.