

MAINE STATE LEGISLATURE

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



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



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 751

H.P. 557

House of Representatives, February 14, 2003

An Act To Implement the Recommendations of the Legislative Youth Advisory Council

(EMERGENCY)

Reported by Representative PARADIS of Frenchville for the Legislative Youth Advisory Council pursuant to the Maine Revised Statutes, Title 3, section 168-A.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

4 **Whereas,** the changes in legislative representation on the
6 Legislative Youth Advisory Council must be made at the earliest
opportunity; and

8 **Whereas,** the realignment and coordination of the terms of
10 the youth members of the Legislative Youth Advisory Council must
happen immediately; and

12 **Whereas,** the tasks assigned to agencies of state government
14 in this Act must begin immediately in order to allow those tasks
to be completed this year; and

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

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

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

28 **3. Membership.** The council consists of ~~21~~ 22 voting
members and 5 nonvoting members who are Maine residents in
30 accordance with this subsection. In appointing members, the
appointing authorities shall consider geographic distribution and
32 shall appoint at least one member from each of the 3 service
regions of the Department of Human Services. Members shall serve
34 for terms of 2 years and, if eligible, may be reappointed for
subsequent 2-year terms, except that the appointing authorities
36 shall appoint 1/2 of the members first appointed to the council
to terms of one year.

38 A. The President of the Senate shall appoint ~~10~~ 11 members
40 as follows:

42 (1) Six youths who are students in secondary schools
or who are enrolled in programs that lead to a
44 secondary school diploma or certificate of attendance
or a general equivalency diploma;

46 (2) One youth who is enrolled in an equivalent
48 instruction program under Title 20-A, chapter 211,
subchapter I-A 1-A;

50

2 (3) Two students at postsecondary educational institutions located in the State; and

4 (4) ~~One member~~ Two members of the Senate whose ~~term~~
6 ~~coincides~~ terms coincide with the term of office in the Senate.

8 B. The Speaker of the House shall appoint 11 members as follows:

10 (1) Six youths who are students in secondary schools
12 or who are enrolled in programs that lead to a
14 secondary school diploma or certificate of attendance or a general equivalency diploma;

16 (2) One youth who is enrolled in an equivalent
18 instruction program under Title 20-A, chapter 211,
subchapter ~~I-A~~ 1-A;

20 (3) Two students at postsecondary educational institutions located within the State; and

22 (4) Two members of the House of Representatives whose
24 terms coincide with their terms of office in the House of Representatives.

26 C. The members of the Children's Cabinet, established
28 pursuant to Title 5, section 19131, serve ex officio and may not vote.

30 **Sec. 2. 3 MRSA §168-A, sub-§4.** as enacted by PL 2001, c. 439,
32 Pt. PPPP, §1 and affected by §4, is repealed and the following enacted in its place:

34 4. Chairs. There is a legislative chair and a youth chair of the council. The legislative chair alternates every 2 years between the first-appointed member of the House of Representatives and the first-appointed member of the Senate, beginning in 2003 with the first-appointed member of the House of Representatives serving as the legislative chair for the 121st Legislature. The members shall elect one of their youth members to serve as the youth chair for a term of one year.

44 **Sec. 3. Coordinating terms of current youth members of Legislative Youth Advisory Council.** Notwithstanding the provisions of the
46 Maine Revised Statutes, Title 3, section 168-A, the terms of the appointed youth members of the Legislative Youth Advisory Council
48 expire on the following dates:

1. Members whose terms expire on August 30, 2003 are William Barker, Trevor Bragdon, Paul Brunetti, Elizabeth Comeau, David Heidrich, Barrett Littlefield, Melissa Simones and Alicia Stokes; and

2. Members whose terms expire on August 30, 2004 are Molly Feeny, Keith Rollings, Megan Bernard, Britney Dupee, William Lane, Hannah Pennington, Brenwin Soucie and Nathanael Yellis.

The terms of persons appointed to replace the 2 vacancies on the council that existed as of January 23, 2003 expire on August 30, 2004.

Sec. 4. Executive Branch youth advisory committee. The Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services shall develop recommendations for the establishment of a permanent youth advisory committee within the Executive Branch to serve as a resource for any state agency charged with developing, implementing or enforcing programs, policies or laws that apply specifically to youth. The Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse shall report those recommendations to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003.

Sec. 5. Office of Substance Abuse. The Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services shall:

1. Review the procedures used by the Office of Substance Abuse for collecting information on drug and alcohol use among youth, including a review of Washington State's "Healthy Youth Survey," and report back to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003 with recommendations on the following issues:

A. Options to the existing Maine Youth Drug and Alcohol Use Survey tool that include a more appropriate survey tool and a methodology based on random sampling that provides statistically valid data at the state level and within participating local school districts; and

B. Expanding the target population of the survey to include not only students who attend school but also home-schooled students and youth who attend school infrequently or have dropped out of school; and

50

2. Review procedures used by the Office of Substance Abuse for awarding grants for youth-related drug and alcohol abuse prevention programs and services to ensure that those grants are being awarded to programs with the highest demonstrated level of effectiveness and in those areas of the State having the highest demonstrated need. The director shall report the findings of that review to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003.

Sec. 6. Office of Substance Abuse and Department of Education: review of survey support. The Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services shall review the office's procedures for preparing and training teachers and others who administer the Maine Youth Drug and Alcohol Use Survey in the schools to ensure that all persons administering the survey are adequately prepared to perform that task. The Director of the Office of Substance Abuse and the Commissioner of Education shall, in coordination with appropriate representatives of local school districts, develop a plan for training and coordinating the administration of the 2004 Maine Youth Drug and Alcohol Use Survey, or any successor survey, and present that plan to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003.

Sec. 7. Department of Education. The Commissioner of Education shall review the Project ALERT program and other similar prevention programs and prepare recommendations on the viability of those programs as options to the Drug Abuse Resistance Education, DARE, program in Maine schools. The commissioner shall include a teacher training program as part of any recommended option considered by the department. Options recommended by the commissioner must be available statewide and available through the system of learning results as an alternative to the DARE program offered through the Maine State Police. The commissioner shall present those recommendations to the Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, in the fall of 2003.

Sec. 8. Review of Content Standards in system of learning results. As part of the review of the content standards and performance indicators required under the Maine Revised Statutes, Title 20-A, section 6209, subsection 4, the Commissioner of Education shall determine whether the content standards pertaining to health and physical education adequately incorporate the principles and goals of the alcohol and drug use policies for student athletes as proposed in the 2002 report by the Youth Policy and Empowerment Project. The commissioner shall propose changes to those content standards

2 if the commissioner determines as a result of that review that
the content standards do not adequately incorporate those
4 principles and goals. The commissioner shall present the results
of that review and those recommendations to the Legislative Youth
6 Advisory Council, established in Title 3, section 168-A,
following the completion of that review.

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

12 SUMMARY

14 This bill implements the recommendations of the Legislative
Youth Advisory Council. The bill:

16 1. Requires the Commissioner of Education, the Secretary of
18 State and the Director of the Office of Substance Abuse within
the Department of Behavioral and Developmental Services to
20 develop recommendations for the establishment of a permanent
youth advisory committee within the Executive Branch to serve as
22 a resource for any state agency charged with developing,
implementing or enforcing programs, policies or laws that apply
24 specifically to youth;

26 2. Requires the Director of the Office of Substance Abuse
to review the procedures used by the office for collecting
28 information on drug and alcohol use among youth, including a
review of Washington State's "Healthy Youth Survey," and to
30 report back to the Legislative Youth Advisory Council on options
to the existing Maine Youth Drug and Alcohol Use Survey tool that
32 include a more appropriate survey tool and a methodology based on
random sampling that provides statistically valid data at the
34 state level and within participating local school districts and
expanding the target population of the survey to include not only
36 students who attend school but also home-schooled students and
youth who attend school infrequently or have dropped out of
38 school.

40 3. Requires the Director of the Office of Substance Abuse
to review procedures used by the office for awarding grants for
42 youth-related drug and alcohol abuse prevention programs and
services to ensure that those grants are being awarded to
44 programs with the highest demonstrated level of effectiveness and
in those areas of the State having the highest demonstrated need;

46 4. Requires the Director of the Office of Substance Abuse
48 and the Commissioner of Education to review and report on
procedures for preparing and training teachers and others who
50 administer the Maine Youth Drug and Alcohol Use Survey in the

2 schools to ensure that all persons administering the survey are
adequately prepared to perform that task;

4 5. Requires the Commissioner of Education to review the
Project ALERT program and other similar prevention programs and
6 prepare recommendations on the viability of those programs as
options to the Drug Abuse Resistance Education, DARE, program in
8 Maine schools;

10 6. Requires the Commissioner of Education, as part of the
required review of content standards and performance indicators
12 under the system of learning results, to determine whether the
content standards pertaining to health and physical education
14 adequately incorporate the principles and goals of the alcohol
and drug use policies for student athletes as proposed in the
16 2002 report by the Youth Policy and Empowerment Project;

18 7. Adds a 2nd Senate member to the Legislative Youth
Advisory Council and provides for the legislative chair to
20 alternate every 2 years between the first-appointed House member
and the first-appointed Senate member; and
22

24 8. Adjusts the terms of the existing youth members to
provide greater consistency in membership and simplicity in the
appointment process.