

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Third Legislature
1967

1. All segments of the Little Androscoggin River drainage system not otherwise specified ~~and above the confluence of the Little Androscoggin River and Range Brook, Mechanic Falls~~ — Class B-I.

12. Little Androscoggin River, main stem, from the confluence of the Thompson Lake Outlet (Oxford) to the confluence ~~of Range Brook (Mechanic Falls)~~ with the Androscoggin River in Auburn — Class C.

Sec. 2. R. S., T. 38, § 368, amended. That part of section 368 of Title 38 of the Revised Statutes, which relates to waters under the caption **Androscoggin River Basin, Little Androscoggin River Drainage, Main Stem, Androscoggin River**, is amended to read as follows:

Main Stem, Androscoggin River, that portion located below the most downstream crossing of the Maine-New Hampshire boundary to a line formed by the extension of the Brunswick-West Bath town line across Merrymeeting Bay in a northwesterly direction — **Class C**.

Effective October 7, 1967

Chapter 452

AN ACT Relating to a Compact for Education.

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

Whereas, the following legislation is vitally necessary to permit cooperation and understanding of educational problems at the State and local levels; and

Whereas, those states which have adopted the Compact for Education are meeting some time this spring and in order for Maine to participate at such meeting and actively take part in the educational problems which face all states, it is essential that the following compact be entered into by the State of Maine; and

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

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

Sec. 1. R. S., T. 20, c. 325, additional. Title 20 of the Revised Statutes is amended by adding a new chapter 325, to read as follows:

CHAPTER 325

COMPACT FOR EDUCATION

SUBCHAPTER I

COMPACT

§ 2901. Purposes and policy—Article I

It is the purpose of this compact to:

1. Cooperation. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels.

2. Forum. Provide a forum for the discussion, development, crystalization and recommendation of public policy alternatives in the field of education.

3. Clearing house of information. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of State Government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Improvement of educational facilities. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

§ 2902. State defined—Article II

As used in this compact, "state" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

§ 2903. Commission—Article III

The education commission of the states, hereinafter called "the commission" is hereby established. The commission shall consist of 7 members representing

each party state. One of such members shall be the governor; 2 shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and 4 shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, 6 members shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principles for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed 10 nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III.

The commission shall have a seal.

The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice-chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of 2 or more of the party jurisdictions or their subdivisions.

The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to the 6th paragraph of this article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant or services borrowed, and the identity of the donor or lender.

The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form, and shall file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the party states.

The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

§ 2904. Powers—Article IV

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Information and data. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Research. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration and instructional methods and standards employed or suitable for employment in public educational systems.

3. Proposals. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Further research. Conduct or participate in research of the types referred to in this Article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education and other agencies and institutions, both public and private.

5. Policies and plans. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Other necessary things. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to his compact.

§ 2905. Cooperation with Federal Government—Article V

If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the commission by not to exceed 10 representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the Federal Government, but no such representative shall have a vote on the commission.

The commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

§ 2906. Committees—Article VI

To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of 32 members which, subject to this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the steering committee shall consist of governors, one-fourth shall consist of Legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of 2 years, except that members elected to the first steering committee of the commission shall be elected as follows: Sixteen for one year and 16 for 2 years. The chairman, vice-chairman and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than 2 terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the 2-term limitation.

The commission may establish advisory and technical committees composed of state, local and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to 2 or more of the party states.

The commission may establish such additional committees as its bylaws may provide.

§ 2907. Finance—Article VII

The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's

budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

§ 2908. Eligible parties; entry into and withdrawal—Article VIII

This compact shall have as eligible parties all states, territories and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.

Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same; provided that in order to enter into initial effect, adoption by at least 10 eligible party jurisdictions shall be required.

Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1969. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

Except for a withdrawal effective on December 31, 1969 in accordance with the 3rd paragraph of this Article, any party state may withdraw from this

compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

§ 2909. Construction and severability—Article IX

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

SUBCHAPTER II

ADMINISTRATIVE PROVISIONS

§ 2921. Maine Education Council

There is established the Maine Education Council composed of the members of the education commission of the states representing this State, and 7 other persons appointed by the Governor. He shall appoint one member for one year, 2 members for 2 years and 3 members for 3 years. Upon the expiration of each term the appointment shall be for 3 years. Vacancies shall be filled for the full term. The appointees shall be selected so as to be broadly representative of professional and lay interest within this State having the responsibilities for knowledge with respect to, and interest in educational matters. The chairman shall be designated by the Governor from among its members. The council shall meet on the call of its chairman or at the request of a majority of its members, but in any event the council shall meet not less than 3 times in each year. The council may consider any and all matters relating to public educational policy and any matters relating to recommendations of the education commission of the states and the activities of the members in representing this State thereon.

§ 2922. Members of Legislature, selection and tenure

The 2 members of the Legislature on the education commission of the states shall be elected by his respective House and shall serve on the commission during such time each is a member of his respective House but not more than 6 years from the date of his election.

§ 2923. Bylaws filed

Pursuant to Article III, the commission shall file a copy of its bylaws and any amendment thereto with the office of the Commissioner of Education.

Sec. 2. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund to the Education Commission of the States the sum of

\$8,000 for the fiscal year ending June 30, 1968 and the sum of \$8,000 for the fiscal year ending June 30, 1969, to carry out the purposes of this Act.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective July 5, 1967

Chapter 453

AN ACT to Repeal the Tax on Insured Pension Plans Qualified Under U. S. Internal Revenue Code.

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

R. S., T. 36, § 2514, amended. Section 2514 of Title 36 of the Revised Statutes is amended to read as follows:

§ 2514. Applicability of provisions

Sections 2511, 2512 and 2513 shall not apply to the taxation of any annuity consideration on any annuity contract issued prior to August 1, 1943. As to premiums or considerations received from life insurance policies or annuity contracts issued in connection with the funding of a pension, annuity or profit-sharing plan qualified or exempt under sections 401, 403, 404 or 501 of the United States Internal Revenue Code as now or hereafter amended or renumbered from time to time, the rate of tax specified in sections 2511 and 2513 shall be reduced 20% with respect to the tax payable in 1968, 40% with respect to the tax payable in 1969, 60% with respect to the tax payable in 1970, 80% with respect to the tax payable in 1971 and 100% with respect to the tax payable in 1972 and annually thereafter.

Effective October 7, 1967

Chapter 454

AN ACT Relating to Retirement Benefits to Widows of State Police Members Retired Under Noncontributory Statute.

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

Sec. 1. R. S., T. 25, § 1595, amended. The last paragraph of section 1595 of Title 25 of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1965, is amended to read as follows:

This section shall apply to a surviving widow of any member of the State Police who at the time of his death had been eligible to or receiving a pension or a disability retirement allowance under this chapter. **Payments to those who were surviving widows on September 3, 1965 shall be based upon the amount of pension or disability retirement that said member would have been entitled to receive as of September 3, 1965 under this chapter.**