

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1989

RESOLVES

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

stitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Commissioner's plan. Resolved: That the Commissioner of Educational and Cultural Services shall prepare a plan to improve the ability of the elementary and secondary public education system to adequately prepare students for the transition to work and the career decisions and changes they will face through the remainder of their lives; and be it further

Report to the State Board of Education. Resolved: That the plan shall be presented to the State Board of Education at its monthly meeting in January 1988; and be it further

Guidelines for plan. Resolved: That the commissioner's plan shall address, but not be limited to, the following objectives:

1. Increasing each child's knowledge of the work environment, career options and their own skills and interests:

A. Increasing the emphasis on career education, planning and guidance and beginning career education earlier in each child's educational program and formally involve regular classroom teachers in the process; and

B. Fostering better communications between schools and business;

2. Encouraging teachers to explore the world of work themselves through such programs as the "Educator-in-Residence" program, initiated by Maine Savings Bank to provide educators with the opportunity to learn about current business practices. This program was replicated and expanded by the Maine Development Foundation;

3. Recommending that the State Board of Education shall encourage schools to address or require the following preemployment competency areas:

A. Career decision making which includes self-awareness, career awareness, labor market information and career choice;

B. Life-work management which includes managing personal responsibility and problem solving and coping;

C. Job getting which includes job seeking, resumes and applications, contact skills and interviewing; and

D. Work maturity which includes dependability, reliability, communication skills, personal relations, initiative, productivity and worker rights in their comprehensive career education curricula;

4. Upgrading vocational education programs in conjunction with improved career guidance and education

to more effectively target education programs to individual needs and chosen career paths.

A. The department shall phase in alternatives to the "general" high school curricula in recognition of the need to better prepare students for the world of work or continued education; and

5. Encouraging the use of competency-based evaluation systems, particularly for vocational education programs. These types of systems are designed to provide a better measure of skills developed by a student and are better measures of the effectiveness of educational programs. The Department of Educational and Cultural Services shall increase its present efforts in this area; and be it further

Report to Legislature. Resolved: That the commissioner report prior to February 1, 1988, to the Joint Standing Committee on Economic Development and the Joint Standing Committee on Education. The report shall include the plan submitted to the State Board of Education and an account of the board's actions related to the plan.

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

Effective June 26, 1987.

CHAPTER 50

H.P. 1341 — L.D. 1833

Resolve, to Study the Need for Uniformity in Pesticide Regulation.

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

Whereas, both State Government and Federal Government regulate the distribution and use of pesticides; and

Whereas, municipalities are unsure whether state and federal regulations sufficiently protect their citizens and their environment from the potential hazards of pesticide use; and

Whereas, increasing of municipal regulation of pesticides has the potential for causing farmers large losses in crops and income; 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

Findings. Resolved: That the Legislature finds that

questions have been arising recently about the regulation of pesticides. There is widespread concern in the agricultural community that increased municipal regulation of pesticides will create an uneven regulatory environment for farmers. Farmers could experience a severe impact because their ability to compete in regional and national markets depends on the use of standard agricultural practices that include the use of pesticides. The Legislature finds that at least one utility and one town have been in conflict over the prohibition of right-of-way spraying by the town's ordinance. The Legislature also finds that some citizens are concerned over the adequacy of state regulation alone and that questions have arisen concerning the adequacy of federal regulation and the appropriateness of more restrictive state regulation; and be it further

Study. Resolved: That the Joint Standing Committee on Agriculture shall study the regulation of pesticides, including any municipal regulation of the labeling, distribution, storage, transportation, use or disposal of pesticides. The study shall focus primarily on the impact of municipal regulation on agricultural use of pesticides, with some attention on impacts to right-of-way spraying and other uses of pesticides; and be it further

Report. Resolved: That the Joint Standing Committee on Agriculture shall report the findings and recommendations of the study to the Second Regular Session of the 113th Legislature by January 5, 1988, together with any recommended legislation. The report shall include: A review of the various ongoing studies of pesticide regulation; a descriptive survey of the present status of pesticide regulation, including the relationship between the responsibilities of the Federal Government, the various state agencies and the municipalities; and a discussion of the legal, economic, environmental and social welfare impacts of the municipal regulation of pesticides and a description of policies and methods capable of protecting the interests of citizens, municipalities, farmers and other users of pesticides, including, but not limited to, model guidelines for municipal regulation and, if appropriate, legislation clarifying state and municipal roles; and be it further

Participation and staff assistance. Resolved: That participation and input will be requested from interested groups, including the Board of Pesticides Control, the Maine Municipal Association, the Maine Farm Bureau Association and other agricultural organizations, the Natural Resources Council, Central Maine Power Company and any other interested parties. Staff assistance shall be requested from the Legislative Council; and be it further

Compensation. Resolved: That the Legislators conducting the study shall receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance and shall receive reimbursement for expenses upon application to the Executive Director of the Legislative Council; and be it further

Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1987-88

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Study Commission — Funding

Personal Services	\$2,640
All Other	4,000
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Total	\$6,640

Provides funds for the study by the Joint Standing Committee on Agriculture, including legislative per diem, travel and related expenses, notification of public hearing and printing of the final report.

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

Effective June 26, 1987.

CHAPTER 51

S.P. 634 — L.D. 1856

Resolve, to Develop a Plan for the Administration of Workers' Compensation Claims of State Employees.

Workers' compensation claims' plan. Resolved: That the Commissioner of Administration shall develop a plan to transfer responsibility for administration of all workers' compensation claims filed against the State to the department. The plan shall include a requirement that the department include in its budget request a line item identified as workers' compensation; and be it further

Report to the Legislature. Resolved: That the Commissioner of Administration shall report the plan, findings and recommendations and any necessary implementing legislation to the Joint Standing Committee on Appropriations and Financial Affairs no later than January 6, 1988.

Effective September 29, 1987.

CHAPTER 52

H.P. 1359 — L.D. 1861

Resolve, to Reconstitute the 9-1-1 Study Commission.

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