

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

1. How independent living opportunities for disabled citizens can be expanded and enhanced at little or no cost to taxpayers;

2. How financial resources currently available to the State for providing services to disabled persons may be redistributed so that programs which foster self-determination, independent living and economic productivity can be maximized, as well as become more flexible to meet changing individual needs;

3. How combined private and public sector initiatives can stimulate economic development through the creation of independent living opportunities that focus on removing financial disincentives to disabled citizens in this State and thus reduce long-term tax-supported dependency; and

4. How the various roles of State Government, private rehabilitation service agencies and client advocacy groups can be defined, enhanced and modified to provide the most appropriate service without duplication or conflict and to develop a true partnership; and be it further

Members. Resolved: That the commission shall consist of 15 members, a majority of whom are to be disabled persons. The Speaker of the House shall appoint one member of the House of Representatives and the President of the Senate shall appoint one member of the Senate; the Governor shall appoint one person representing the Department of Human Services, one person representing the Department of Mental Health and Mental Retardation and one person representing the Department of Educational and Cultural Services; the Speaker of the House and the President of the Senate jointly shall appoint 10 disabled persons who are broadly representative of the State's disabled population with particular consideration given to differing disabilities, ages and geography. Eight of the 10 disabled appointees shall be consumers of disability services or representatives of consumers' groups, rather than providers of those services. All members of the commission shall be appointed within 30 days of the effective date of this resolve. Each person required to make an appointment or appointments under this resolve shall inform the President of the Senate, the Speaker of the House, the Executive Director of the Legislative Council and the Governor upon making the appointment or appointments; and be it further

Meetings, reports. Resolved: That the commission shall meet as a committee or as subcommittees as necessary to complete the work of the commission. When the appointment of all commission members is complete, the chairman of the Legislative Council shall convene the first meeting within 45 days of the effective date of this resolve. At its first meeting, the commission shall select a chairman from among its members. The commission shall examine data from Maine and other states, use consultants and recognized experts as appropriate, conduct public hearings and prepare a report which shall be distributed throughout the State and submitted, together

with any accompanying legislation, to the Second Regular Session of the 113th Legislature by January 6, 1988; and be it further

Assistance. Resolved: That, if staff assistance is desired, assistance shall be requested from the Legislative Council; and be it further

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

Appropriation. Resolved: That the sum of \$3,000 be appropriated from the General Fund to the Legislative Account in fiscal year 1987 for the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons to carry out the purposes of this resolve.

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

Effective June 29, 1987.

CHAPTER 63

H.P. 1115 — L.D. 1509

Resolve, Establishing the Special Commission to Study the Use of State Valuation in Allocation of State Funding Among Municipalities.

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

Whereas, land values are increasing at a very fast rate in some parts of the State, thereby increasing the state valuation of the areas; and

Whereas, increased state valuation results in a lower share of state funds allocated to the areas; and

Whereas, funds are allocated on the basis of state valuation and not the municipality's ability to pay; and

Whereas, the increased valuation and reduced funds often lead to the necessity of increasing taxes to make up the loss of state funds; and

Whereas, for these and other reasons, the method of allocating state funds among municipalities needs to be studied and adjusted to correct unfairness and inefficiencies as soon as possible; 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

Commission established. Resolved: That there is established the Special Commission to Study the Use of Valuation in Allocation of State Funding Among Municipalities, consisting of 11 members; and be it further

Appointment. Resolved: That 7 members of the commission shall be Legislators of whom 4 shall be members of the Joint Standing Committee on Taxation and 3 shall be members of the Joint Standing Committee on Education. The President of the Senate shall appoint 3 of the legislative members and the Speaker of the House shall appoint 4 of the legislative members. The Governor shall appoint the remaining 4 members who shall be familiar with educational finance and state-municipal revenue sharing, one of whom shall be the Commissioner of Educational and Cultural Services or his designee; one of whom shall be the State Tax Assessor or his designee; one of whom shall be selected from a list of nominees submitted by the Maine Municipal Association; and one of whom shall be selected from a list of nominees submitted by the Maine School Management Association. The Governor shall notify the presiding officers and the Executive Director of the Legislative Council when the 4 gubernatorial appointments are made. Legislative members shall not be disqualified for discontinuance of legislative service. Each appointing authority shall make appointments which ensure representation from both political parties. Vacancies may be filled with qualified appointees by the appointing authority. Appointments shall be made by June 1, 1987; and be it further

Scope of authority. Resolved: That the commission shall examine the current use of state valuation to determine local ability to pay under the School Finance Act of 1985, Maine Revised Statutes, Title 20-A, chapter 606 and the state municipal revenue sharing laws, Title 30, section 5055. The commission shall consider alternatives to state valuation for determination of local ability to pay in the allocation of state funding among municipalities under these programs; and be it further

Reporting deadline. Resolved: That the commission shall report its findings and recommendations to the Second Regular Session of the 113th Legislature no later than February 15, 1988; and be it further

Convening. Resolved: That the Chairman of the Legislative Council shall convene the first meeting of the commission within 30 days of appointment of the 11 members; and be it further

Chairman. Resolved: That the members of the commission shall select a chairman from among the members; and be it further

Staff. Resolved: That staff shall be requested from the Legislative Council, the Bureau of Taxation and the Department of Educational and Cultural Services; and be it further

Compensation. Resolved: That the legislative members shall receive the legislative per diem. All members, except those who are state employees, shall receive reimbursement for expenses; 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

LEGISLATURE

Special Commission to Study the Use of
State Valuation in Allocation of State
Funding Among Municipalities

Personal Services	\$1,925
All Other	4,450
Total	\$6,375

Funds include \$1,925 for compensation for 7 Legislators and 5 meetings; \$2,250 for other member expenses; \$1,900 for reports and miscellaneous matters; and \$300 for public hearings.

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

Effective June 29, 1987.

CHAPTER 64

H.P. 1111 — L.D. 1505

Resolve, to Establish the Special Commission to Study School-entrance Age and Preschool Services.

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

Whereas, current school entrance age law is based on chronological age and allows children who become 5 years old on or before October 15th to start kindergarten in that year; and

Whereas, for various social and economic reasons, many parents enter their child in school as soon as eligible, regardless of developmental level; and

Whereas, there is great diversity in the rate of cognitive development and social maturation among preschool and school-aged children; and

Whereas, because of that fact, some children are not ready for school although they qualify under the law; and