

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

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	<u>4,450</u>
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

Whereas, some studies indicate a correlation between starting school too early and later academic and social difficulty; and

Whereas, no comprehensive study of school-entrance age has been conducted in this State for 20 years; 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

Sec. 1. Special commission established. Resolved: That the Special Commission to Study School-entrance Age and Preschool Services is established. The commission shall consist of 15 members appointed jointly by the President of the Senate and the Speaker of the House as follows: Five members of the Joint Standing Committee on Education; 3 public school teachers, one kindergarten teacher, one transition grade teacher and one teacher in grades 7 to 12; one school superintendent; one elementary school principal; one school guidance counselor serving primarily grades 1 to 6; one University of Maine System faculty member familiar with early childhood development issues; one director of a publicly-funded day care center; one Headstart program director; and one member of a local coordinating committee of a preschool coordination project. The Joint Standing Committee on Education shall develop a list of suggested candidates for consideration by the President of the Senate and the Speaker of the House in making appointments to the commission. Appointments to the commission, as far as practicable, shall reflect geographical diversity and shall be made within 30 days of the effective date of this resolve. At the first meeting, the members shall select a chairman and cochairman. The Chairman of the Legislative Council shall convene the first meeting; and be it further

Sec. 2. Duties. Resolved: That the special commission shall review current research findings, survey national and international trends and consider the opinion of parents, teachers and administrators on the issue of appropriate school-entrance age. Specifically, the special commission shall:

1. Solicit expert testimony from various groups and persons interested in school entrance-age and related issues, including, but not limited to, parents; school psychologists; school medical personnel; special education personnel; personnel for gifted and talented students; and nursery school directors.

2. Review the experience with preschool, kindergarten and first grade screening, assessment and evaluation programs in this State;

3. Consider possible alternatives to chronological entrance age, including alternative grades, ungraded classes, transitional grades and statewide screening programs to provide appropriate education services; and

4. Assess the impact, financial and otherwise, of any change suggested to deal with the school-entrance age issue; and be it further

Sec. 3. Report. Resolved: That the special commission shall issue its report, including any proposed legislative recommendations, to the Second Regular Session of the 113th Legislature no later than March 1, 1988. In formulating the report, the special commission should consider the need for modeling innovative programs to provide the opportunity to test and evaluate alternatives to chronological entrance-age requirements; and be it further

Sec. 4. 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

Sec. 5. Staff. Resolved: That staff assistance for the special commission may be requested from the Legislative Council. The Department of Educational and Cultural Services shall also provide technical assistance to the special commission; and be it further

Sec. 6. 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 School-entrance Age and Preschool Services

Personal Services	\$1,650
All Other	6,700

Total	<u>\$8,350</u>
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Provides funds for the per diem, travel and related expenses of the special commission.

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

Effective June 29, 1987.

CHAPTER 65

S.P. 595 — L.D. 1752

Resolve, to Study the Relationship between Nonprofit Service Agencies and Professional Liability and Other Hard-to-obtain Lines of Liability Insurance.