

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

FINANCE AUTHORITY OF MAINE

Student Financial Assistance Programs

All Other \$8,285,224

Implements the transfer of funds from the Division of Higher Education Services and the grant-loan-scholarship programs of the Department of Educational and Cultural Services.

FINANCE AUTHORITY OF MAINE

TOTAL \$8,285,224

TOTAL APPROPRIATIONS \$0

Sec. 80. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1990-91

EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF

Higher Education Services

All Other (\$392,000)

Adjusts current allocation to account for funds that will go directly to the Finance Authority of Maine.

Student Loan Insurance Fund

All Other (\$8,262,875)

Adjusts current allocation to account for funds that will go directly to the Finance Authority of Maine.

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES TOTAL

(\$8,654,875)

Sec. 81. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1990-91

EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF

Higher Education Services

All Other (\$2,150,000)

Adjusts current allocation to account for funds that will go directly to the Finance Authority of Maine.

Grant - Loan - Scholarship Fund

All Other (\$106,675)

Adjusts current allocation to account for funds that will go directly to the Finance Authority of Maine.

Student Loan Insurance Fund

Personal Services \$44,494
All Other (1,034,178)

TOTAL (\$989,684)

Adjusts current allocations to account for funds that will go directly to the Finance Authority of Maine. Funds allocated for Personal Services and Position Count will remain in the department. Additional Personal Services allocation provides for collective bargaining increases.

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES TOTAL

(\$3,246,359)

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

Effective March 16, 1990.

CHAPTER 699

H.P. 1617 - L.D. 2239

An Act to Provide Greater Compliance with General Assistance Laws

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

22 MRSA §4304, sub-§1, as enacted by PL 1983, c. 577, §1, is amended to read:

1. Local office. There shall must be in each municipality a general assistance office or designated place where any person may apply for general assistance at regular, reasonable times designated by the municipal officers. Notice shall must be posted of these times, as well as the name of the overseer available to take applications in an emergency at all other times and the department's toll-free telephone number for reporting alleged violations in accordance with section 4321.

See title page for effective date.

CHAPTER 700

S.P. 885 - L.D. 2254

An Act to Implement the Recommendations of the Special Commission to Study the Organization of the State's Cultural Agencies

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

PART A

Sec. A-1. 1 MRSA §116, as enacted by PL 1975, c. 642, is amended to read:

§116. Statehood Day

March 15th of each year shall be designated as Statehood Day, and the Governor shall annually issue a proclamation inviting and urging the people of the State of Maine to observe the day in schools and other suitable places with appropriate ceremony and activity. Statehood Day shall commemorate the admission of Maine as a state into the United States of America and the ideals and wisdom of those men and women who have formed Maine's history and traditions. The Department of ~~Educational and Cultural Services~~ Education shall make appropriate information available to the people and the schools within the limits of its budget.

Sec. A-2. 1 MRSA §122, first ¶, as enacted by PL 1983, c. 719, §1, is amended to read:

The Governor shall annually issue a proclamation setting aside that week containing International Women's Day, March 8th, as National Women's History Week. The proclamation shall invite and urge the people of the State to observe the week in schools and other suitable places with appropriate ceremony and study with an emphasis on the historical accomplishments of Maine women. The Department of ~~Educational and Cultural Services~~ Education and the Maine Commission for Women shall make appropriate information available to the people and the schools within the limits of their budgets.

Sec. A-3. 1 MRSA §124, as enacted by PL 1985, c. 31, §1, is amended to read:

§124. Maine Business Women's Week

The Governor shall annually issue a proclamation setting aside the 3rd full week in October as Maine Business Women's Week. The proclamation shall invite and urge the people of the State to observe the week in schools and other suitable places with appropriate ceremony and study. The Department of ~~Educational and Cultural Services~~ Education and the Maine Commission for Women may make appropriate information available to the people and the schools within the limits of their budgets.

Sec. A-4. 1 MRSA §126, as enacted by PL 1987, c. 82, is amended to read:

§126. Samantha Smith Day

The first Monday in June of each year is designated as Samantha Smith Day, in memory of Samantha Smith whose birthday was June 29th. The Governor shall issue annually a proclamation inviting and urging the people of this State to observe the day in schools and other suitable places with appropriate ceremony and activity. Samantha Smith Day shall commemorate and honor Samantha Smith whose vision and inspiring message for peace and brotherhood opened the door to greater understanding and friendship among nations of the world. The Department of ~~Educational and Cultural Services~~ Education

shall make appropriate information available to the people and the schools within the limits of its budget.

Sec. A-5. 1 MRSA §127, first ¶, as enacted by PL 1987, c. 140, §1, is amended to read:

The Governor shall annually issue a proclamation setting aside May 22nd as Maine Merchant Marine Day. The proclamation shall invite and urge the people of the State to observe the day in schools and other suitable places with appropriate ceremony and study. The Maine Maritime Academy and the Department of ~~Educational and Cultural Services~~ Education may make appropriate information available to the people and the schools within the limits of their budgets.

Sec. A-6. 1 MRSA §129, 2nd ¶, as enacted by PL 1987, c. 610, is amended to read:

The Department of ~~Educational and Cultural Services~~ Education shall make appropriate information available to the people and schools within the limits of its budget.

Sec. A-7. 1 MRSA §130, 2nd ¶, as enacted by PL 1987, c. 610, is amended to read:

The Department of ~~Educational and Cultural Services~~ Education shall make appropriate information available to the people and schools within the limits of its budget.

Sec. A-8. 2 MRSA §6, sub-§1, as amended by PL 1987, c. 534, Pt. A, §§1 and 19, is further amended to read:

1. **Range 91.** The salaries of the following state officials and employees shall be within salary range 91:

- Commissioner of Transportation;
- Commissioner of Conservation;
- Commissioner of Finance;
- Commissioner of Administration;
- Commissioner of ~~Educational and Cultural Services~~ Education;
- Commissioner of Environmental Protection;
- Commissioner of Human Services;
- Commissioner of Mental Health and Mental Retardation;
- Commissioner of Public Safety;
- Commissioner of Professional and Financial Regulation;
- Commissioner of Labor;

Commissioner of Agriculture, Food and Rural Resources;

Commissioner of Inland Fisheries and Wildlife;

Commissioner of Marine Resources;

Commissioner of Corrections; and

Commissioner of Economic and Community Development.

Sec. A-9. 2 MRSA §6, sub-§4, as repealed and replaced by PL 1989, c. 502, Pt. A, §2 and c. 585, Pt. A, §2, is repealed and the following enacted in its place:

4. Range 88. The salaries of the following state officials and employees shall be within salary range 88:

State Purchasing Agent;

Director, Arts Commission;

Director, State Museum Commission;

Director, Bureau of Parks and Recreation;

State Director of Alcoholic Beverages;

Director of Public Lands;

State Librarian;

Director of Employee Relations;

Director, Bureau of Air Quality Control;

Director, Bureau of Land Quality Control;

Director, Bureau of Water Quality Control;

Director, Bureau of Oil and Hazardous Materials Control;

Director, Bureau of Solid Waste Management;

Director, Bureau of Administration;

Director, Office of Planning;

Director, Office of Waste Reduction and Recycling; and

Director, Office of Siting and Disposal Operations.

Sec. A-10. 2 MRSA §6, sub-§6, as amended by PL 1987, c. 634, §1, is further amended to read:

6. Range 85. The salaries of the following state officials and employees shall be within salary range 85:

Director of Veterans' Services;

Director of Civil Emergency Preparedness;

~~Executive~~ Director, Historic Preservation Commission;

Members, Maine Unemployment Insurance Commission; and

Director of Military Bureau.

Sec. A-11. 5 MRSA §139, first ¶, as amended by PL 1987, c. 247, §3, is further amended to read:

The Treasurer of State, with the approval of the Commissioner of Finance, the Bank Superintendent and the Commissioner of ~~Educational and Cultural Services~~ Education, shall invest and reinvest the principal of all funds derived or that may be derived from the sale and lease of lands reserved for public uses in accordance with the laws of the State governing the investment of funds of savings banks, as enumerated in Title 9-B, except as provided in chapter 161.

Sec. A-12. 5 MRSA §139, 2nd ¶, as amended by PL 1985, c. 785, Pt. A, §11, is further amended to read:

The Treasurer of State, with the approval of the Commissioner of Finance, the Bank Superintendent and the Commissioner of ~~Educational and Cultural Services~~ Education, shall have the power to enter into a contract or agreement approved by the Governor with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and servicing of the securities belonging to any trust fund created from funds derived or that may be derived from the sale and lease of lands reserved for public uses. Such services shall consist of the safekeeping of those securities, collection of interest and dividends, periodical checks of the portfolio deposited for safekeeping to determine all calls for redemption, in whole or in part, of any bonds owned by such funds, and any other fiscal service which is normally covered in a custodial contract or agreement. In performing services under any such contract or agreement, the contracting bank shall have all of the powers and duties prescribed for trust companies by Title 9-B, section 623.

Sec. A-13. 5 MRSA §139, last ¶, as amended by PL 1985, c. 785, Pt. A, §12, is further amended to read:

The Treasurer of State shall be empowered to withdraw or deposit securities from or with the custodian as circumstances may require, all withdrawal orders or delivery instructions to bear the approval in writing of the Bank Superintendent and that of either or both the Commissioner of ~~Educational and Cultural Services~~ Education and the Commissioner of Finance.

Sec. A-14. 5 MRSA §937, sub-§1, as amended by PL 1989, c. 414, §§1 and 2, is further amended to read:

1. Major policy-influencing positions. The following positions are major policy-influencing positions within

the Department of ~~Educational and Cultural Services~~ Education. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Assistant to the Commissioner;
- B. Deputy Commissioner;
- C. Associate Commissioner, Bureau of School Management;
- D. Associate Commissioner, Bureau of Instruction;
- E. Associate Commissioner, Bureau of Adult and Secondary Vocational Education;
- F. Director, Planning and Management Information;
- G. Federal and State Education Program Coordinator; and
- H. Executive Director, Interdepartmental Council, with the approval of the other commissioners of the Interdepartmental Council.

Sec. A-15. 5 MRSA §1507, sub-§5-A, as amended by PL 1989, c. 443, §9, is further amended to read:

5-A. Job development training. The Governor may allocate funds from such account in amounts not to exceed in total the sum of \$1,000,000 to provide funds for any unusual, unforeseen or extraordinary needs for state assistance in creating jobs by assisting in meeting the training requirements of labor intensive new or expanding industries. Allocations for this purpose may be made from this fund by the Governor only upon the written request of the Commissioner of Labor and the Commissioner of Economic and Community Development and after consultation with the State Budget Officer. The commissioners' request to the Governor shall be formulated subsequent to their consultation with the Commissioner of ~~Educational and Cultural Services~~ Education, the Executive Director of the Maine Technical College System and the director of the appropriate service delivery area as defined by the Job Training Partnership Act.

Sec. A-16. 5 MRSA §1653, sub-§4, as enacted by PL 1983, c. 716, §2, is amended to read:

4. Department. "Department" means the Department of ~~Educational and Cultural Services~~ Education, the Department of Human Services, the Department of Mental Health and Mental Retardation and the Department of Corrections; the Division of Community Services of the Executive Department; the Criminal Justice Planning and Assistance Agency of the Executive Department; or the Department of Transportation; and may mean such other administrative units of State Govern-

ment as are defined from time to time by the commissioner, except that the Maine Health Care Finance Commission shall not be defined as "department" for the purposes of this chapter.

Sec. A-17. 5 MRSA §1743-A, as amended by PL 1989, c. 483, Pt. A, §17, is further amended to read:

§1743-A. Competitive bids; advertisement

Any contract for the construction, major alteration or repair of school buildings involving a total cost in excess of \$100,000, except contracts for professional, architectural and engineering services, shall be awarded by competitive bids. The school district directors, school committee, building committee or whatever agency has responsibility for the construction, major alteration or repair shall, after consultation with the Director of the Bureau of Public Improvements, seek sealed proposals. Sealed proposals shall be addressed to the responsible agency and shall remain sealed until publicly opened in the presence of the responsible agency or a committee thereof at such time as the responsible agency may direct. Competitive bids may be waived in individual cases involving unusual circumstances with the written approval of the Director of the Bureau of Public Improvements and the Commissioner of ~~Educational and Cultural Services~~ Education.

Sec. A-18. 5 MRSA §§4603 and 4604, as enacted by PL 1983, c. 578, §3, are amended to read:

§4603. Rulemaking

The Commissioner of ~~Educational and Cultural Services~~ Education shall have joint rule-making authority with the commission to effectuate this subchapter.

§4604. Enforcement

The Commissioner of ~~Educational and Cultural Services~~ Education, or his a designee, may participate in predetermination resolution and conciliation efforts of the commission as follows:

1. Notification of results of preliminary investigations. The Commissioner of ~~Educational and Cultural Services~~ Education shall be informed of the results of preliminary investigations into complaints of unlawful educational discrimination concerning public schools and programs and private schools approved for tuition purposes.

2. Notification of findings of unlawful educational discrimination; informal conciliation efforts. The Commissioner of ~~Educational and Cultural Services~~ Education shall be informed of any finding that unlawful educational discrimination has occurred in a public school or program or a private school or program approved for tuition purposes. The commissioner may participate in informal conciliation efforts made pursuant to section

4612, subsection 3 and shall, upon request, have access to all information concerning these conciliation efforts.

Sec. A-19. 5 MRSA §8002, sub-§2, as amended by PL 1989, c. 443, §13, is further amended to read:

2. Agency. "Agency" means any body of State Government authorized by law to adopt rules, to issue licenses or to take final action in adjudicatory proceedings, including, but not limited to, every authority, board, bureau, commission, department or officer of the State Government so authorized; but the term shall not include the Legislature, Governor, courts, University of Maine System, Maine Maritime Academy, technical colleges, the Commissioner of ~~Educational and Cultural Services~~ Education for schools of the unorganized territory, school administrative units, special purpose districts or municipalities, counties or other political subdivisions of the State.

Sec. A-20. 5 MRSA §13075, sub-§6, as enacted by PL 1987, c. 855, §1, is amended to read:

6. Coordination. The department shall coordinate the grants made under this article with all other community assistance grants administered by the department and with other state assistance programs designed to accomplish similar objectives, including those administered by the Department of ~~Educational and Cultural Services~~ Education, the Department of Transportation and the Department of Environmental Protection.

Sec. A-21. 5 MRSA §13092-A, sub-§2, as enacted by PL 1989, c. 553, §1, is amended to read:

2. Review council. The Director of the Office of Tourism shall consult with the Historic Preservation Commission of the ~~Department of Educational and Cultural Services~~ and the Department of Transportation on the marker program. Before erecting any marker, the director shall secure the Historic Preservation Commission's approval of the marker, its location and its wording. The Historic Preservation Commission shall investigate as needed to obtain information on the event to be commemorated and on the appropriate location for the marker, including consulting historians and holding public hearings.

Sec. A-22. 5 MRSA §13093, sub-§1, as amended by PL 1989, c. 503, Pt. B, §30, is further amended to read:

1. Maine Tourism Commission. The Maine Tourism Commission, established by section 12004-I, subsection 87, shall assist, advise and recommend the operation of the Office of Tourism. It shall consist of 9 members of major tourism trade associations and 8 public members who shall represent their respective regions and who are experienced in the field or who have demonstrated a concern for the travel industry. The terms of the members shall be for 4 years each; except that, for the members first appointed, 4 members shall be appointed for terms of 4 years, 4 members for terms of 3 years, 4 members for terms of 2 years and 5 members for terms

of one year. The members shall be appointed by the Governor, who shall fill any vacancy in the membership for the unexpired term. The commissioner, director or his designee of the following state departments or offices shall serve as ex officio, nonvoting members of the commission: Department of Economic and Community Development; State Planning Office; Department of Conservation; Department of Transportation; Department of Inland Fisheries and Wildlife; Department of Agriculture, Food and Rural Resources; Department of ~~Educational and Cultural Services~~ Education; Bureau of Public Improvements; and Canadian Affairs Coordinator. A chair and vice-chair shall be elected annually from the appointed membership.

Sec. A-23. 5 MRSA §15138, first ¶, as amended by PL 1989, c. 443, §15, is further amended to read:

Agencies of State Government shall cooperate to assess the needs of zones and provide appropriate assistance to these zones. There shall be a committee composed of, at a minimum, the Commissioner of Economic and Community Development, Director of the State Planning Office, Commissioner of Transportation, Commissioner of Labor, Commissioner of ~~Educational and Cultural Services~~ Education, Executive Director of the Maine Technical College System, Chief Executive Officer of the Finance Authority of Maine and the Director of the Maine State Housing Authority.

Sec. A-24. 5 MRSA §17001, sub-§42, ¶A, as enacted by PL 1989, c. 550, §2, is amended to read:

A. Any employee of a public school who fills any position which the Department of ~~Educational and Cultural Services~~ Education requires be filled by a person who holds the appropriate certification or license required for that position and:

(1) Holds appropriate certification from the Department of ~~Educational and Cultural Services~~ Education; or

(2) Holds an appropriate license issued to a professional employee by a licensing agency of the State;

Sec. A-25. 5 MRSA §17762, sub-§1, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

1. Service credit allowed. A teacher who teaches a full accredited year in an adult education program accepted and approved by the Commissioner of ~~Educational and Cultural Services~~ Education is entitled to not more than 1/2 year's service credit for each full accredited year taught.

Sec. A-26. 5 MRSA §17763, sub-§1, ¶A, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. The teacher must have taught in a school approved by the Department of ~~Educational and Cultural Services~~ Education or the education

department of another state while holding an appropriate teaching certificate.

Sec. A-27. 5 MRSA §18362, sub-§1, ¶A, as enacted by PL 1989, c. 78, §4, is amended to read:

A. The member must have taught in a school approved by the Department of ~~Educational and Cultural Services~~ Education or the education department of another state while holding an appropriate teaching certificate.

Sec. A-28. 5 MRSA §19205, sub-§1, as amended by PL 1989, c. 502, Pt. A, §22, is further amended to read:

1. **Policy; services.** It shall be the policy of the State to provide to persons who test positive for HIV or have been diagnosed as having AIDS or AIDS-Related Complex services of departments and agencies, including, but not limited to, the Department of ~~Educational and Cultural Services~~ Education, the Department of Mental Health and Retardation, the Department of Human Services and the Department of Corrections.

Sec. A-29. 7 MRSA §1-B, last ¶, as enacted by PL 1983, c. 532, §1, is amended to read:

The Legislature further finds the preservation of rural life and values in the State to be the joint responsibility of all public agencies, local, state and federal, whose policies and programs substantially impact the economy and general welfare of people who reside in rural Maine, such as the development and implementation of programs which assist in the maintenance of family farms, provide specialized opportunities for education and technical training and improve health and nutrition. The state agencies in addition to the department include, but are not limited to, the Department of ~~Educational and Cultural Services~~ Education, Department of Human Services, Department of Labor, the Department of Conservation and the Division of Community Services of the Executive Department.

Sec. A-30. 7 MRSA §214, sub-§3, as enacted by PL 1985, c. 271, §2, is amended to read:

3. **Advisory committee.** The State Purchasing Agent or ~~his~~ a designee shall establish an advisory committee to discuss possibilities and review proposals for expanding purchases of local foodstuffs. At least one representative from the following state agencies shall be invited to serve on this advisory committee: The Department of Agriculture, Food and Rural Resources; the Department of Corrections; the Department of ~~Educational and Cultural Services~~ Education; the Department of Human Services; the Department of Marine Resources; and the Division of Community Services. Representation from other state agencies, local institutions or from the private sector shall be chosen by the State Purchasing Agent who shall serve as chairman of the advisory committee.

Sec. A-31. 7 MRSA §215, sub-§2, as enacted by PL 1983, c. 608, §2, is amended to read:

2. **Coordination of development of quality standards.** The Bureau of Purchases will coordinate the development of quality standards with state institutions and the Department of ~~Educational and Cultural Services~~ Education. The coordinator will collaborate with the ~~state purchasing agent~~ State Purchasing Agent in assisting state and school purchasers in formulating consistent, although not necessarily uniform, quality standards. In the event there are differences of opinion about the quality of foodstuffs supplied institutions or schools, final authority for resolution rests with the ~~state purchasing agent~~ State Purchasing Agent.

Sec. A-32. 7 MRSA §222, sub-§4, as enacted by PL 1987, c. 520, is amended to read:

4. **Cooperation.** Cooperate with appropriate local, state and federal agencies and institutions and with farm organizations and interested individuals, including the Department of ~~Educational and Cultural Services~~ Education, the Department of Labor, the University of Maine and the Cooperative Extension Service, in carrying out this chapter.

Sec. A-33. 7 MRSA §241, sub-§§2 and 3, as enacted by PL 1989, c. 194, are amended to read:

2. **Agricultural literacy.** Cooperate with the Department of ~~Educational and Cultural Services~~ Education to develop instructional materials, train teachers and teacher trainers and otherwise complete actions for utilizing agriculture as an exciting medium for educating students both about society and the natural world, while increasing their literacy by infusing basic agricultural concepts such as agriculture and economics, the dynamics of world hunger, agriculture and history within present subjects taught in Maine schools.

3. **Cooperation.** Cooperate with appropriate local, state, and federal agencies and institutions, educational and farm organizations and interested individuals, including the Maine Ag in the Classroom Association, the Department of ~~Educational and Cultural Services~~ Education and the Cooperative Extension Service in carrying out this chapter.

Sec. A-34. 7 MRSA §3971, sub-§4, as enacted by PL 1987, c. 383, §3, is amended to read:

4. **Enforcement.** The board shall enforce this section in consultation with the Commissioner of ~~Educational and Cultural Services~~ Education.

Sec. A-35. 9 MRSA §5006, sub-§1, ¶E, as amended by PL 1977, c. 654, §6, is further amended to read:

E. Educational institutions, the curriculums of which in whole or in part are registered or approved by the Department of ~~Educational and Cultural Services~~ Education, either directly or by acceptance of accreditation by an accrediting body recognized by the Department of ~~Educational and Cul-~~

~~tural Services~~ Education, and organizations operated by the student bodies of such institutions; and

Sec. A-36. 10 MRSA §918, sub-§3, as repealed and replaced by PL 1987, c. 402, Pt. A, §88, is amended to read:

3. Ex officio corporators. Ex officio corporators shall consist of the heads of the major state departments and agencies and the Chancellor of the University of Maine System. State department and agency heads shall include the following:

Treasurer of State;

Director of the State Planning Office;

Director of the State Development Office;

Commissioner of Agriculture, Food and Rural Resources;

Commissioner of ~~Business, Occupational and Professional~~ and Financial Regulation;

Commissioner of Conservation;

Commissioner of ~~Educational and Cultural Services~~ Education;

Commissioner of Environmental Protection;

Commissioner of Finance;

Commissioner of Administration;

Commissioner of Human Services;

Commissioner of Inland Fisheries and Wildlife;

Commissioner of Labor;

Commissioner of Marine Resources;

Commissioner of Mental Health and Mental Retardation;

Commissioner of Transportation;

Chief Executive Officer of the Finance Authority of Maine;

Executive Director of the Maine Municipal Bond Bank; and

Executive Director of the Maine State Housing Authority.

Sec. A-37. 10 MRSA §1016, sub-§1, as enacted by PL 1989, c. 598, §8, is amended to read:

1. Membership of board. The Higher Education Students Financial Assistance Board shall consist of 7

voting members. One member shall be the Commissioner of ~~Educational and Cultural Services~~ Education or the commissioner's designee who shall be a person in a major policy-influencing position. Six members shall be appointed by the Governor subject to review by the joint standing committee of the Legislature having jurisdiction over educational matters and subject to confirmation by the Legislature. The gubernatorial appointees shall consist of the following.

A. One member shall be a trustee, director, officer or employee of an institution of higher education in the State.

B. One member shall be a member of a statewide organization representing the chief executive officers of public and private post-secondary institutions in the State.

C. One member shall be a student financial aid administrator at a post-secondary institution in the State.

D. One member shall be a guidance counselor at a high school in the State.

E. One member shall be a representative of a state financial institution that is active in student lending.

F. One member shall represent the interests of students, parents and other members of the public who use the programs.

With respect to the appointees specified in paragraphs A and B, one shall be from an institution not owned or operated by the State or any of its political subdivisions and one shall be from a public institution of post-secondary education.

Sec. A-38. 12 MRSA §588, sub-§3, as amended by PL 1989, c. 6; c. 9, §2; c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Income from camps; payment for school support. Notwithstanding subsections 1 and 2, 75% of any income from residential leasehold camps, excluding any income or proceeds from the sale, exchange or relocation of any of these camps under section 590, and 25% of any other income arising from activities under section 585, subsection 4, on public reserved lands located in townships or tracts organized into plantations as of March 1, 1974, shall be held by the Treasurer of State in the Organized Townships Fund. The Treasurer of State shall pay annually the income from that portion of the fund belonging to each such plantation to the treasurer of the plantation to be applied toward the support of schools according to the number of students in each school. The Treasurer of State shall compute this income on January 1st of each year. The Commissioner of ~~Educational and Cultural Services~~ Education shall file in the office of the State Controller a list of these plantations with the amount due for income for the preceding year according to a

record of those amounts to be furnished to the commissioner by the Treasurer of State. The Commissioner of ~~Educational and Cultural Services~~ Education must be satisfied that the plantations are organized, that schools have been established in the plantations according to law, that assessors are sworn and qualified and that the treasurers of the plantations have given bonds as required by law. The State Controller shall insert the name and amount due the plantations in one of the first warrants drawn in that year.

A. The amount due Lakeville Plantation, Penobscot County, annually under this section shall be expended in accordance with this section. Any excess shall ~~be used~~, under the supervision and direction of the superintending school committee of Lakeville Plantation, be used to establish scholarship aid for students of Lakeville Plantation to receive post high school education.

Sec. A-39. 12 MRSA §7313-A, as enacted by PL 1989, c. 53, §3, is amended to read:

§7313-A. Approved curriculum for licensed Maine guides

By March 1, 1990, the commissioner shall approve a curriculum designed to prepare persons for the guide examinations. This curriculum shall cover practical skills, fisheries and wildlife laws and other aspects important for the guiding profession. The commissioner shall convene an ad hoc advisory board, as defined under Title 5, section 12008, to develop the curriculum. Nonagency members shall be compensated according to Title 5, chapter 379. The commissioner also shall consult with the Department of ~~Educational and Cultural Services~~ Education in developing the curriculum.

Sec. A-40. 12 MRSA §8611, sub-§2, 1A, as enacted by PL 1989, c. 555, §8, is amended to read:

A. Work with the Department of ~~Educational and Cultural Services~~ Education and organizations to integrate forestry and forest science programs into the science curricula in public schools; and

Sec. A-41. 15 MRSA §3601, sub-§5, as amended by PL 1981, c. 493, §101, is further amended to read:

5. Contacts with state agencies. The committee shall, during the course of its existence, make direct contact for the purposes of obtaining information or for review of such recommendations as it proposes, with the Departments of Human Services, Mental Health and Mental Retardation, ~~Educational and Cultural Services~~, the Criminal Law Advisory Commission and with any other organization or committee whose affairs pertain to the juvenile justice system. These state agencies shall cooperate in the provision of all reasonable information and data necessary to carry out the functions given the committee.

Sec. A-42. 20 MRSA §3459, 3rd ¶, as amended by PL 1975, c. 272, §10, is further amended to read:

On any eligible project heretofore or hereafter approved by the Commissioner of ~~Educational and Cultural Services~~ Education, a School Administrative District to which this section is applicable shall be reimbursed the eligible amount of its major capital outlay expenditure upon filing the necessary reports with the commissioner and submitting proof that the project has been completed in accordance with approved plans, provided that the amount of such reimbursement shall not be less than the percentage of the actual major capital outlay expenditure for the project applicable to the district at the time the voters of the district authorized the school directors to borrow in anticipation of state aid for school construction.

Sec. A-43. 20 MRSA §3459, 4th ¶, as amended by PL 1971, c. 610, §22, is further amended to read:

Not later than 90 days following the filing of a full report of capital expenditures of said project with the commissioner and the submission of proof showing that the project has been completed in accordance with approved plans, the commissioner shall notify the school directors if funds are not then available from which to pay all or any specified portion of the total amount of state aid to which the district is entitled for the project. Upon receipt of such notification, the school directors may issue bonds or notes of the district pursuant to this section in order to fund temporary notes or renewal notes issued in anticipation of such state aid or as otherwise may be required to complete the financing of the project not exceeding the total amount of such state aid to which the district is entitled for the project as certified by the commissioner, less the amount of such state aid paid or certified to be available for payment to the district. Any such bonds or notes shall be issued not earlier than simultaneously with the issuance of bonds or notes of the same district required to complete the permanent financing of the same school project or projects. The first installment of such bonds or notes shall be payable not later than 2 years after the date of issue and the last installment shall be payable not later than 25 years from such date, provided, that the maturity schedule for such bonds or notes shall first be approved by the Commissioner of ~~Educational and Cultural Services~~ Education. Said bonds or notes shall be legal obligations of the district and may be issued notwithstanding any debt limitation otherwise applicable to the district, but shall thereafter be considered in computing the borrowing capacity of the district. Except as otherwise provided, said bonds or notes shall be issued in accordance with the applicable provisions of section 304. If bonds or notes of the district are issued pursuant to this paragraph, the district shall be reimbursed in each year during which such bonds or notes are outstanding, out of moneys appropriated for this purpose, an amount equal to its annual payments of principal and interest on such bonds or notes, which amounts shall be the only state aid for school construction purposes paid or to be paid to the district for said school project or projects, except for any

sums which may be paid or payable pursuant to the last 2 sentences of the first paragraph of section 3457 on account of sums contributed by the district for the project or projects, and except for sums paid to the district or certified by the commissioner to be available for payment under this section.

Sec. A-44. 20 MRSA §3460, 6th ¶ is amended to read:

The eligible unit shall submit to the Commissioner of ~~Educational and Cultural Services~~ Education a schedule showing estimates of monthly cash disbursements to be made by the unit for project expenditures. Based upon the estimate of cash requirements, the commissioner, on or about the first of each month, shall pay an amount equal to the state's participation in the estimated project expenditures for that month, which monthly payments shall be continued until the total of all assistance paid equals 95% of the estimated state aid on the project.

Sec. A-45. 20-A MRSA §1, sub-§§4 and 7, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

4. Commissioner. "Commissioner" means the Commissioner of ~~Educational and Cultural Services~~ Education or the commissioner's designee.

7. Department. "Department" means the Department of ~~Educational and Cultural Services~~ Education.

Sec. A-46. 20-A MRSA §2102, sub-§4, as enacted by PL 1987, c. 135, §2, is amended to read:

4. Borrowing. Notwithstanding any provision of a union school agreement to the contrary, each municipality participating in a union school construction project shall pay the percentage of the cost of the project which corresponds to that municipality's percentage of union school operating costs in the year in which the project receives concept approval; be entitled to the debt service allocation attributable to the bonds or notes which that municipality has issued for the project; and own, as a tenant in common with the other participating municipalities, the percentage of the buildings and real property constructed or acquired in conjunction with the project which corresponds to that municipality's percentage of the original cost of the project. A referendum vote shall be conducted by each municipality to authorize the issuance of its percentage of the bonds or notes for a school construction project for a union school in accordance with section 15904, subsection 1. Subject to the requirements of chapter 609, each municipality which is a party to a union school agreement may issue bonds or notes pursuant to Title 30, sections 5152 and 5153 for school construction purposes to finance its percentage share of the cost of a school construction project for a union school. In the event that a union school agreement is terminated, no provision of the termination formula or agreement nor the decision of the Commissioner of ~~Educational and Cultural Services~~ Education regarding termination may impair the obligations of the municipalities to their bond holders.

Sec. A-47. 20-A MRSA §2907, sub-§1, ¶F, as enacted by PL 1987, c. 250, is amended to read:

F. An instructional staff certified by the Department of ~~Educational and Cultural Services~~ Education where appropriate and endorsement by professional boards in areas where the State does not have certification standards or professional standards agreed upon by the department and the respective institution;

Sec. A-48. 20-A MRSA §3604, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Commissioner. "Commissioner" shall refer to the Commissioner of ~~Educational and Cultural Services~~ Education.

Sec. A-49. 20-A MRSA §6401, sub-§2, ¶I, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

I. To assist in establishing communication between the Department of Human Services and the Department of ~~Educational and Cultural Services~~ Education and to seek input from local school nursing personnel in formulating guidelines for services to students;

Sec. A-50. 20-A MRSA §6452, sub-§2, ¶B, as enacted by PL 1981, c. 693, §§ 5 and 8, is amended to read:

B. The Commissioner of Human Services shall, after consultation with the Commissioner of ~~Educational and Cultural Services~~ Education and the Bureau of Health, promulgate rules in accordance with section 3, for the screening test and shall furnish the rules to the administrative officers of the school administrative units. These rules shall include the frequency of the tests, the manner in which the schools or their agents conduct the tests, the qualifications of personnel conducting the screening, the method by which prior notice of the screening or the notice of any defect or possible defect detected shall be sent to the parent or guardian of the student and that the notation of the screening and any follow-up activity shall be kept with the student's school health records.

Sec. A-51. 20-A MRSA §6605, sub-§4, as enacted by PL 1987, c. 395, Pt. A, §70, is amended to read:

4. Information collection and sharing. The Department of ~~Educational and Cultural Services~~ Education shall be authorized to gather information about substance abuse prevention and intervention programs initiated by state or federal agencies whose efforts are directed toward private and public schools of the State, for the purpose of sharing that information with school administrative units.

Sec. A-52. 20-A MRSA §7702, sub-§§4, 5, 7 and 8, as enacted by PL 1989, c. 499, §2, are amended to read:

4. Commissioner. "Commissioner" means the Commissioner of ~~Educational and Cultural Services~~ Education.

5. Commissioners. "Commissioners" means the Commissioner of ~~Educational and Cultural Services~~ Education, the Commissioner of Human Services, the Commissioner of Mental Health and Mental Retardation and the Commissioner of Corrections.

7. Department. "Department" means the Department of ~~Educational and Cultural Services~~ Education.

8. Departments. "Departments" means 2 or more of the participating state agencies, the Department of ~~Educational and Cultural Services~~ Education, the Department of Human Services, the Department of Mental Health and Mental Retardation and the Department of Corrections.

Sec. A-53. 20-A MRSA §7704, sub-§1, ¶B, as enacted by PL 1989, c. 499, §4, is amended to read:

B. State agency members, appointed by the commissioners, shall make up the rest of the membership. An equal number of members shall be maintained by the Department of Human Services, the Department of ~~Educational and Cultural Services~~ Education and the Department of Mental Health and Mental Retardation. Additional members may be appointed from other state agencies as appropriate and timely.

An agency member appointed may serve for a term of up to 3 years expiring July 1, or until the person terminates employment or membership with the agency or group represented.

Sec. A-54. 20-A MRSA §7801, sub-§1, as enacted by PL 1985, c. 768, §1, is amended to read:

1. Coordination. Coordinating existing programs presently provided for these youths by the Department of Human Services, the Department of Mental Health and Mental Retardation, the Department of ~~Educational and Cultural Services~~ Education and other public and private agencies;

Sec. A-55. 20-A MRSA §7803, first ¶, as enacted by PL 1985, c. 768, §1, is amended to read:

An Interdepartmental Coordinating Committee for Handicapped Youth in Transition pursuant to Title 5, chapter 379, representing the Department of ~~Educational and Cultural Services~~ Education, the Department of Human Services, the Department of Mental Health and Mental Retardation and the public, shall be appointed by the 3 commissioners to work with the department to establish guidelines, including continuation applications, to monitor grants and to evaluate the performance of programs developed through the grants.

Sec. A-56. 20-A MRSA §7805, as amended by PL 1987, c. 395, Pt. A, §78, is further amended to read:

§7805. Transitional services coordinator

The position of transitional services coordinator to the Department of ~~Educational and Cultural Services~~ Education, Division of Special Education shall be established to coordinate the department's activities and involving the Bureau of Adult and Secondary Vocational Education regarding the coordinated delivery system for handicapped youths in transition from school to community. This coordinator will also serve as staff to the committee as established in section 7803.

Sec. A-57. 20-A MRSA §8451, sub-§5, ¶C and D, as repealed and replaced by PL 1989, c. 540, §4, are amended to read:

C. In the event that School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a cooperative agreement pursuant to section 8401, not later than June 30, 1989, the school boards of the 3 participating units shall, in conjunction with the advisory committee, develop and submit a plan to the Commissioner of ~~Educational and Cultural Services~~ Education for delivery of secondary vocational services within the 3 participating units. The plan shall include:

(1) A proposal for the construction of a new vocational center in School Administrative District No. 33;

(2) Provisions for assignment without loss of salary of all continuing contract vocational teachers employed by School Administrative District No. 27 and Madawaska School Department to School Administrative District No. 33 if a new vocational center in School Administrative District No. 33 becomes operational;

(3) Assurances that all 3 participating administrative units and School Administrative District No. 10 on a tuition basis, shall have access to programs at the new vocational center in proportion to the number of high school juniors and seniors in each administrative unit.

D. The plan developed under paragraph C shall be submitted to the Commissioner of ~~Educational and Cultural Services~~ Education for approval. The commissioner may make necessary recommendations to the participating units to assist in the implementation of the plan for the school year 1991-92. The plan shall be approved by the commissioner by August 30, 1989.

Sec. A-58. 20-A MRSA §9511, sub-§3, as enacted by PL 1987, c. 735, §12, is amended to read:

3. Transition clause. The present position of Education Specialist II; in the Department of ~~Educational and Cultural Services~~ Education, which serves as Executive Director of the Maine Conservation School shall be transferred to the Maine Conservation School and the incumbent shall, notwithstanding section 1, continue to be an employee of the State, but shall serve at the pleasure of the board and not be subject to the Civil Service Law.

When the individual presently holding this position terminates employment, this state position shall be abolished.

Sec. A-59. 20-A MRSA §10201, as amended by PL 1989, c. 443, §25, is further amended to read:

§10201. Establishment

The Energy Testing Laboratory of Maine, referred to in this chapter as "ETLM," is established at Southern Maine Technical College, referred to in this chapter as "SMTTC," within the Department of ~~Educational and Cultural Services~~ Education.

Sec. A-60. 20-A MRSA §11805, sub-§3, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. The Department of ~~Educational and Cultural Services~~ Education may expend the money appropriated by the Legislature, for the purchase of positions at accredited medical schools to purchase:

- (1) Up to 18 positions each year, to a total of 72 positions, at accredited schools of allopathic medicine;
- (2) Up to 2 positions each year, to a total of 8 positions, at accredited schools of dentistry;
- (3) Up to 2 positions each year, to a total of 8 positions, at accredited schools of veterinary medicine; and
- (4) Up to one position each year, to a total of 4 positions, at accredited schools of optometry.

Sec. A-61. 20-A MRSA §11810, as enacted by PL 1985, c. 455, §§10 and 11, is amended to read:

§11810. Rules

The Commissioner of ~~Educational and Cultural Services~~ Education shall establish all rules necessary to carry out the purposes of this chapter, except that the Commissioner of Human Services shall develop rules for determining underserved areas for the practice of allopathic medicine, dentistry and optometry and the Commissioner of Agriculture, Food and Rural Resources shall develop rules for the determination of underserved areas for the practice of veterinary medicine. The rules authorized by this section shall be adopted in accordance with

the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II.

Sec. A-62. 20-A MRSA §12005, sub-§1, as amended by PL 1985, c. 756, §1, is further amended to read:

1. Agreement. Any osteopathic loan student commencing professional education on or after July 1, 1981, shall, as a condition precedent to receiving the loan, enter into an agreement with the Commissioner of ~~Educational and Cultural Services~~ Education stating that, following completion of professional education, including internship, residency, fellowship, obligated public health service or obligated national service, the student shall pay the State an amount of money equal to the loan received.

Sec. A-63. 20-A MRSA §12006, as enacted by PL 1985, c. 756, §4, is amended to read:

§12006. Rules

The Commissioner of ~~Educational and Cultural Services~~ Education shall establish rules necessary to carry out the purposes of this chapter, except that the Commissioner of Human Services shall develop rules for determining underserved areas for the practice of osteopathic medicine.

Sec. A-64. 20-A MRSA §12554, sub-§1, as enacted by PL 1985, c. 472, is amended to read:

1. Application. A person desiring tuition waiver under this chapter may apply to the Department of ~~Educational and Cultural Services~~ Education for determination of eligibility. Application shall be on forms and in a manner prescribed by rule of the department.

Sec. A-65. 20-A MRSA §12658, sub-§2, as enacted by PL 1989, c. 579, §2, is amended to read:

2. Membership. The advisory board shall consist of 10 members, including: the Commissioner of ~~Educational and Cultural Services~~ Education or the commissioner's designee, the Director of Health Planning and Development or the director's designee, the Commissioner of Labor or the commissioner's designee, the Director of the State Planning Office or the director's designee, a member of the Maine Health Policy Advisory Council appointed by its chair, 2 representatives of the nursing profession appointed by the Governor, 2 representatives of other allied health professions appointed by the Governor and one consumer appointed by the Governor.

Sec. A-66. 20-A MRSA §12704, sub-§2, ¶¶B and C, as enacted by PL 1985, c. 695, §11, are amended to read:

B. The adult, continuing and community education programs overseen by the Department of ~~Educational and Cultural Services~~ Education, Division of Adult and Community Education, or its successor;

C. The secondary occupational and vocational education programs overseen by the Department of ~~Educational and Cultural Services~~ Education, Division of Secondary Vocational Education, or its successor;

Sec. A-67. 20-A MRSA §12705, sub-§1, ¶D, as amended by PL 1987, c. 693, is further amended to read:

D. The Commissioner of ~~Educational and Cultural Services~~ Education, or the commissioner's successor, who shall serve ex officio;

Sec. A-68. 20-A MRSA §12709, sub-§11, as amended by PL 1987, c. 402, Pt. A, §128, is further amended to read:

11. Interagency cooperation and communication. To promote cooperation and communication with the Department of ~~Educational and Cultural Services~~ Education and the Bureau of Employment and Training Programs, or their successors, with the University of Maine System and with other public and private educational and training institutions;

Sec. A-69. 20-A MRSA §13015, sub-§3, ¶A, as enacted by PL 1983, c. 845, §4, is amended to read:

A. A majority of classroom teachers, including a master teacher, if available, and other personnel such as administrators, personnel from the Department of ~~Educational and Cultural Services~~ Education or institutions of higher education and other outside consultants as the commissioner may approve. For the purposes of this paragraph, the state board shall establish by rule the definition of classroom teacher;

Sec. A-70. 20-A MRSA §13033, as enacted by PL 1983, c. 859, Pt. I, §§2 and 3, is amended to read:

§13033. Transitional period and study

The Department of ~~Educational and Cultural Services~~ Education shall conduct a study during the first 3 years of the program in order to validate the use of a nationally accepted teacher examination or a state created teacher examination to be authorized by the State Board of Education and the commissioner in accordance with the procedures required under the Maine Administrative Procedure Act, Title 5, chapter 375. The study shall be used to establish the minimum score requirements which an applicant shall attain to qualify for a provisional teacher certificate and shall also provide statewide information on the qualifications of applicants for provisional certificates.

Sec. A-71. 20-A MRSA §13502, sub-§2, as enacted by PL 1983, c. 859, Pt. J, §§2 and 7, is amended to read:

2. Teacher. "Teacher" means a person certified by the Department of ~~Educational and Cultural Services~~ Education who is an employee of a public school, an eligible private school or a state operated school including elementary and secondary teacher, specialized subject teacher, vocational-industrial teacher as defined in the certification rules of the State Board of Education. "Teacher" includes, by position title, only the following:

- A. Classroom teacher;
- B. Itinerant teacher;
- C. Guidance counselor;
- D. Librarian-media specialist;
- E. Special education teacher;
- F. Special teacher of reading; and
- G. Speech clinician-teacher.

Sec. A-72. 20-A MRSA §13952, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§13952. True copies files

True copies of all contracts made on behalf of this State pursuant to the agreement shall be kept on file in the office of the Commissioner of ~~Educational and Cultural Services~~ Education and in the office of the Secretary of State. The Commissioner of ~~Educational and Cultural Services~~ Education shall publish all such contracts in convenient form.

Sec. A-73. 20-A MRSA §15613, sub-§14, as enacted by PL 1989, c. 560, is amended to read:

14. Hazardous chemicals. The Commissioner of ~~Educational and Cultural Services~~ Education shall establish rules governing the purchase and storage of hazardous chemicals in schools. These rules shall be established prior to January 1, 1990.

Sec. A-74. 20-A MRSA §17101, as enacted by PL 1983, c. 859, Pt. E, §§1 and 2, is amended to read:

§17101. Intent

The intent of this chapter is to promote creative improvement in the schools of the State. The Commissioner of ~~Educational and Cultural Services~~ Education shall promote innovative projects by means of grants to teachers, school administrative units or private schools approved for tuition purposes. It is not the intent of this chapter to provide funds for programs or services normally provided by those school systems. Project dissemination will be accomplished through the department through instructional support group staff. The use of state, regional and national diffusion networks will be encouraged.

Sec. A-75. 22 MRSA §1963, sub-§1, ¶C, as enacted by PL 1977, c. 516, is amended to read:

C. School health screening to be done in cooperation with the Department of ~~Educational and Cultural Services~~ Education;

Sec. A-76. 22 MRSA §2054, sub-§1, as amended by PL 1987, c. 403, §4, is further amended to read:

1. **Authority.** The "Maine Health and Higher Educational Facilities Authority," established by Title 5, chapter 379, is constituted a public body corporate and politic and an instrumentality of the State, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of an essential public function. The authority shall consist of 12 members, one of whom shall be the Bank Superintendent, ex officio, one of whom shall be the Commissioner of Human Services, ex officio, one of whom shall be the Commissioner of ~~Educational and Cultural Services~~ Education, ex officio, one of whom shall be the Treasurer of State, ex officio, and 8 of whom shall be residents of the State appointed by the Governor, not more than 4 of such appointed members to be members of the same political party. Three of the appointed members shall be trustees, directors, officers or employees of hospitals and one of such appointed members shall be a person having a favorable reputation for skill, knowledge and experience in state and municipal finance, either as a partner, officer or employee of an investment banking firm which originates and purchases state and municipal securities, or as an officer or employee of an insurance company or bank whose duties relate to the purchase of state and municipal securities as an investment and to the management and control of a state and municipal securities portfolio. Of the 3 members first appointed who are trustees, directors, officers or employees of hospitals, one shall serve for 2 years, one for 3 years and one for 4 years. Of the 5 remaining members initially appointed, one shall serve for one year, one for 2 years, one for 3 years, one for 4 years and one for 5 years. For the 2 members whose terms expire in 1980 and 1981, the Governor shall appoint as successors, for terms of 5 years each, persons who are trustees, members of a corporation or board of governors, officers or employees of institutions for higher education. Annually, the Governor shall appoint, for a term of 5 years, a successor to the member whose term expires. Members shall continue in office until their successors have been appointed and qualified. The Governor shall fill any vacancy for the unexpired terms. A member of the authority shall be eligible for reappointment. Any non-ex officio member of the authority may be removed by the Governor, after hearing, for misfeasance, malfeasance or willful neglect of duty. Each member of the authority before entering upon his duties shall take and subscribe the oath or affirmation required by the Constitution of Maine, Article IX. A record of each such oath shall be filed in the office of the Secretary of State. The Bank Superintendent, the Treasurer of State, the Commissioner of Human Services and the Commissioner of ~~Educational and Cultural Services~~ Education may

designate their deputies to represent them with full authority and power to act and vote in their behalf or, in the case of the Bank Superintendent, the Commissioner of Human Services and the Commissioner of ~~Educational and Cultural Services~~ Education, any member of their staffs to represent them as members at meetings of the authority with full power to act and, in the case of the Bank Superintendent, the Commissioner of Human Services and the Commissioner of ~~Educational and Cultural Services~~ Education, to vote in their behalf.

Sec. A-77. 22 MRSA §2095, sub-§4, as enacted by P&SL 1975, c. 90, Section A, is amended to read:

4. **Technical assistance and consultation to schools.** Provide technical assistance and consultation to schools and to the Department of ~~Educational and Cultural Services~~ Education for the purposes of introducing into Maine schools dental health education programs;

Sec. A-78. 22 MRSA §3105, first ¶, as amended by PL 1977, c. 78, §149, is further amended to read:

The department, under the direction of the Governor, may establish, conduct and maintain rehabilitation work as part of its program of aid and assistance. Such rehabilitation work shall be in cooperation with vocational education, as provided by Title 20, chapter 307 in the Department of ~~Educational and Cultural Services~~ Education.

Sec. A-79. 22 MRSA §3174-D, as repealed and replaced by PL 1989, c. 502, Pt. A, §70, is amended to read:

§3174-D. Medicaid coverage for services provided by the Governor Baxter School for the Deaf

The Department of Human Services may administer a program of Medicaid coverage for speech and hearing services, psychological services, occupational therapy and any other services provided by the Governor Baxter School for the Deaf which qualify for reimbursement under the United States Social Security Act, Title XIX. The Department of ~~Educational and Cultural Services~~ Education shall have fiscal responsibility for providing the State's match for federal revenues acquired under this section. An amount equal to the Medicaid reimbursement shall be deposited into the General Fund undedicated revenue from the Governor Baxter School for the Deaf General Fund appropriation.

Sec. A-80. 22 MRSA §3553, sub-§7-A, as enacted by PL 1983, c. 539, §3, is amended to read:

7-A. **Report to departments.** Prepare periodic reports to the Department of Corrections, Department of ~~Educational and Cultural Services~~ Education, Department of Mental Health and Mental Retardation and the Department of Human Services regarding actions taken under section 3558.

Sec. A-81. 22 MRSA §3571, sub-§3, as enacted by PL 1985, c. 484, is amended to read:

3. Preschool coordination projects; Department of Education. The Department of ~~Educational and Cultural Services~~ Education through the preschool coordination projects shall assure the provision of comprehensive developmental services, including physical therapy, speech and language therapy and occupational therapy to preschool handicapped or delayed children. To the maximum extent possible, these programs shall make use of existing 3rd party payors and coordinate services with local resources. In instances where needed services are not available, the department shall use authorized funds to enable preschool coordination projects to work with local providers, including public and private agencies and school units to develop new or expand existing service to meet these needs.

In addition, the Department of ~~Educational and Cultural Services~~ Education shall ~~assure~~ ensure that comprehensive health educational programs are available in state schools and that teacher training programs in the State include preparation in conduct of health educational programs.

Sec. A-82. 22 MRSA §3573, as enacted by PL 1985, c. 484, is amended to read:

§3573. Reporting

The Department of Human Services, Department of Mental Health and Mental Retardation and Department of ~~Educational and Cultural Services~~ Education shall by January of each year submit a joint report to the joint standing committee of the Legislature having jurisdiction over human resources regarding the prevention activities conducted over the past fiscal year, plans for the succeeding year and a report on the incidence rate of births of developmentally disabled children in the State.

Sec. A-83. 22 MRSA §3723, sub-§6, as enacted by PL 1987, c. 402, Pt. A, §142, is amended to read:

6. Advice and consultation. The Commissioner of Corrections, the Commissioner of ~~Educational and Cultural Services~~ Education, the Commissioner of Human Services, the Commissioner of Mental Health and Mental Retardation and the Commissioner of Public Safety shall, upon request, provide the board with technical information and advice.

Sec. A-84. 22 MRSA §3773, sub-§1, as amended by PL 1989, c. 503, Pt. B, §91, is further amended to read:

§3773. Maine Aid to Families with Dependent Children Coordinating Committee

1. Committee established. The Maine Aid to Families with Dependent Children Coordinating Committee established by Title 5, section 12004-I, subsection 35, shall consist of the Commissioner of Human Services,

the Commissioner of Labor and the Commissioner of ~~Educational and Cultural Services~~ Education or their designees.

Sec. A-85. 22 MRSA §3774, sub-§2, as amended by PL 1983, c. 730, §6, is further amended to read:

2. Purposes. The purpose of the advisory council shall be to advise the Commissioner of Human Services, Commissioner of Labor and Commissioner of ~~Educational and Cultural Services~~ Education as they carry out the purposes of this chapter.

Sec. A-86. 22 MRSA §3776, sub-§1, as amended by PL 1983, c. 730, §7, is further amended to read:

1. Authorization. The Department of Human Services is authorized to administer and operate, in cooperation with the Department of Labor and the Department of ~~Educational and Cultural Services~~ Education, the Welfare Employment, Education and Training Program, in accordance with federal law, any amendments and additions thereto, and any regulations promulgated under those laws.

Sec. A-87. 22 MRSA §3776, sub-§3, ¶A, as amended by PL 1983, c. 730, §7, is further amended to read:

A. The assessment procedure for each registrant shall be accomplished through direct personal contact with staff of the Welfare Employment, Education and Training Program. The staff shall be advised by the Department of ~~Educational and Cultural Services~~ Education of all available education and training opportunities, and shall make that information available to each registrant during the assessment process.

Sec. A-88. 22 MRSA §3776, sub-§4, as amended by PL 1981, c. 617, §4, is further amended to read:

4. Employability plan. There shall be an employability plan that sets forth the registrant's occupational goal, and the manpower and supportive services necessary to reach that goal. The plan shall be designed to lead to employment and ultimately to self support. The registrant shall participate fully in the development of the plan. Resources of the Department of Human Services, Department of Labor and the Department of ~~Educational and Cultural Services~~ Education shall be utilized in the development and goals of the plan.

Sec. A-89. 22 MRSA §4008, sub-§3, ¶F, as amended by PL 1989, c. 483, Pt. A, §33, is further amended to read:

F. When the information concerns teachers and other professional personnel issued certificates under Title 20-A, persons employed by schools approved pursuant to Title 20-A or any employees

of schools operated by the Department of ~~Educational and Cultural Services~~ Education, the information shall be disclosed to the Commissioner of ~~Educational and Cultural Services~~ Education.

Sec. A-90. 22 MRSA §4088, sub-§1, ¶D, as enacted by PL 1989, c. 400, §9, is amended to read:

D. "Out-of-home abuse and neglect" means abuse and neglect of a child which occurs in a facility or by a person subject to licensure or inspection by this department, the Department of ~~Educational and Cultural Services~~ Education, the Department of Corrections and the Department of Mental Health and Mental Retardation or in a facility operated by these departments.

Sec. A-91. 22 MRSA §4088, sub-§3, ¶H, as enacted by PL 1989, c. 400, §9, is amended to read:

H. With respect to reports described in paragraph G, may, on its own initiative or upon request of another department or agency charged with the responsibility to investigate, participate in the out-of-home abuse and neglect investigation of persons or facilities subject to licensure or operated by the Department of ~~Educational and Cultural Services~~ Education, the Department of Corrections or the Department of Mental Health and Mental Retardation;

Sec. A-92. 22 MRSA §7131, sub-§2, ¶B, as enacted by PL 1983, c. 464, §19, is amended to read:

B. The Commissioner of ~~Educational and Cultural Services~~ Education;

Sec. A-93. 22 MRSA §7132, sub-§2, as amended by PL 1987, c. 735, §35, is further amended to read:

2. Planning. The planning committee shall supervise the planning of drug abuse activities by the Department of Corrections, the Department of ~~Educational and Cultural Services~~ Education, the Department of Human Services and the Department of Mental Health and Mental Retardation and shall prepare and submit to the Legislature the following documents:

A. By January 15, 1984, and each year thereafter, a report containing an evaluation of the past year's progress toward obtaining established goals and objectives and the planning committee's recommendations regarding funding for the coming fiscal year;

B. By January 15, 1985, and biennially thereafter, a comprehensive plan containing statements of measurable goals to be accomplished during the coming biennium and establishing performance indicators by which progress toward accomplishing those goals will be measured; and

C. By January 15, 1987, and every 4th year thereafter, an assessment of the costs related to drug abuse in the State and the needs for various types of services within the State, including geographical disparities in needs and the needs of special populations of drug abusers.

Sec. A-94. 22 MRSA §7703, sub-§4, ¶G, as enacted by PL 1983, c. 691, §2, is amended to read:

G. The Commissioner of ~~Educational and Cultural Services~~ Education, when the information concerns teachers and other professional personnel issued certificates under Title 20-A.

Sec. A-95. 22 MRSA §8104, sub-§1, as amended by PL 1981, c. 493, §2, is further amended to read:

1. Interagency licensing method. The Commissioners of the Departments of ~~Educational and Cultural Services~~ Education, Human Services and Mental Health and Mental Retardation, or their designees, shall jointly establish a method for interagency licensing of residential child care facilities subject wholly or partly to licensing by at least 2 of the departments. The method shall provide for the following:

- A. Development of common licensing rules;
- B. Periodic review of licensing rules;
- C. Delegation of departmental responsibilities; and
- D. Determination of licensing fees.

Sec. A-96. 22 MRSA §8151, as enacted by PL 1985, c. 274, §2, is amended to read:

§8151. Interdepartmental committee created

There is established an interdepartmental committee known as the Children's Residential Treatment Committee, to jointly develop and coordinate the State's role in contracting for the placement and treatment of children in residential treatment centers. The committee shall be composed of the Commissioner of ~~Educational and Cultural Services~~ Education; the Commissioner of Human Services; the Commissioner of Mental Health and Mental Retardation; and the Commissioner of Corrections, or their designees.

Sec. A-97. 22 MRSA §8301, as amended by PL 1981, c. 309, §2, is further amended to read:

§8301. Definition of day care facility

As used in this subtitle, the term "day care facility" ~~shall mean~~ means a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 3 or more children under the age of 16.

The term does not include any facility operated as a nursery school, home day care for which the person or combination of persons does not receive any federal or state funds, a summer camp established solely for recreational and educational purposes, or a formal public or private school in the nature of a kindergarten or elementary or secondary school approved by the Commissioner of ~~Educational and Cultural Services~~ Education in accordance with Title 20, section 911. Providers of home day care who do not receive federal or state funds may choose to be licensed, under rules promulgated by the department according to section 8302; if they do not, they shall be registered in accordance with section 8305.

Sec. A-98. 22 MRSA §8401, as enacted by PL 1975, c. 709, §2, is amended to read:

§8401. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Children. ~~As used in this chapter, the word "children" shall mean~~ "Children" means persons 7 years of age and under who are not related by blood or marriage to or who have not been legally adopted by the licensee or administrator of the nursery school which the children attend.

2. Nursery school. ~~As used in this chapter, the term "nursery school" shall mean~~ "Nursery school" means a house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program which provides care for 3 or more children, provided that:

- A. No session conducted for the children is longer than 3 1/2 hours in length;
- B. No more than 2 sessions are conducted per day;
- C. Each child in attendance at the nursery school attends only one session per day; and
- D. No hot meal is served to the children.

This term does not include any facility operated as a day care center, a summer camp established solely for recreational and educational purposes or a public or private school in the nature of a kindergarten approved by the Commissioner of ~~Educational and Cultural Services~~ Education, in accordance with Title 20, section 911.

Sec. A-99. 24-A MRSA §4502, sub-§§1 and 2, as amended by PL 1973, c. 571, §57, are further amended to read:

1. In order to extend to the employees of any school administrative unit, school or educational institution located in the State of ~~Maine~~ and to certified employees of the ~~Maine State~~ Department of ~~Educational and Cultural Services~~ Education the benefits of tax sheltered

annuities available under the Internal Revenue Code, it is declared to be the policy of the Legislature that any such school administrative unit, school, institution or the Department of ~~Educational and Cultural Services~~ Education may contract with any insurer authorized to contract such business within the State to provide one or more individual or group annuities for the pensioning of any employees of such unit, school, institution or Department of ~~Educational and Cultural Services~~ Education and for such purposes may agree to pay part or all of the premiums or charges for carrying such contracts, raise money by taxation therefor where otherwise lawful and appropriate out of its treasury money necessary to pay such premiums or charges or portions thereof.

2. It is the intent of the Legislature that employees of any school administrative unit, school, educational institution or Department of ~~Educational and Cultural Services~~ Education located in the State of ~~Maine~~ shall be extended the opportunity to share in the benefits of tax sheltered annuities and all laws and regulations of the State of ~~Maine~~ shall be construed liberally to enable such employees to come within the Internal Revenue Code, section 403(b) without loss to themselves, or to the school administrative unit, school, educational institution or Department of ~~Educational and Cultural Services~~ Education to which they belong, of any benefits, subsidies or opportunities therefor that they might otherwise be entitled to under the laws of the State of Maine.

Sec. A-100. 25 MRSA §2703, sub-§1, as repealed and replaced by PL 1981, c. 334, §7, is amended to read:

1. State. Where state funds are used, including for space in buildings rented or leased by the State pursuant to agreements concluded with effective dates of January 1, 1982, or later, the Director of Public Improvements; except in respect to elementary and secondary school buildings, it shall be the Commissioner of ~~Educational and Cultural Services~~ Education;

Sec. A-101. 25 MRSA §2902, sub-§4, as amended by PL 1989, c. 503, Pt. B, §106, is further amended to read:

4. Maine Highway Safety Commission. The Maine Highway Safety Commission, as authorized by Title 5, section 12004-I, subsection 83, shall be under the direction of the Commissioner of Public Safety and advisory to the Governor. The commission shall consist of not more than 25 members selected by the Governor from state, civic and industrial organizations and individuals with interests relating to highway safety. The Commissioner of Public Safety, the Commissioner of Transportation, the Commissioner of Human Services and the Commissioner of ~~Educational and Cultural Services~~ Education, the Secretary of State and the Attorney General shall serve as ex officio members. The ex officio members shall appoint persons in major policy-influencing positions as their designees to represent them at meetings of the commission with voting privileges. The commission members shall serve at the pleasure of the Governor and

shall be compensated in accordance with Title 5, chapter 379. The commission shall stimulate active support for highway safety measures and programs and shall advise the Department of Public Safety regarding these issues. The commission shall annually report its findings and recommendations, including any necessary implementing legislation, to the Governor and to the joint standing committee of the Legislature having jurisdiction over state and local government; and

Sec. A-102. 26 MRSA §774, last ¶, as amended by PL 1979, c. 468, §3, is further amended to read:

Work performed in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances, or any occupation that does not offer continuous, year-round employment shall be exempt from this section, provided a minor under 16 years of age has been excused by the local superintendent of schools in accordance with the policy established by the Commissioner of ~~Educational and Cultural Services~~ Education and the Director of the Bureau of Labor.

Sec. A-103. 26 MRSA §775, last ¶, as amended by PL 1975, c. 59, §3, is further amended to read:

The person authorized to issue a work permit shall not issue such permit until such child has furnished such issuing officer a certificate signed by the principal of the school last attended showing that the child can read and write correctly simple sentences in the English language and that ~~he~~ the child has satisfactorily completed the studies covered in the grades of the elementary public schools or their equivalent; in case such certificate cannot be obtained, then the officer issuing the work permit shall examine such child to determine whether ~~he can meet the child meets~~ the child meets the educational standard specified and shall file in ~~his~~ the officer's office a statement setting forth the result of such examination; nor until ~~he~~ the officer has received, examined, approved and filed satisfactory evidence of age. Such evidence shall consist of a certified copy of the town clerk's record of the birth of such child, or a certified copy of ~~his~~ the child's baptismal record, showing the date of ~~his~~ the child's birth and place of baptism or a passport showing the date of birth. In the event of the minor being unable to produce the evidence mentioned, and the person authorized to issue the work permit being satisfied of that fact, the said work permit may be issued on other documentary evidence of age satisfactory to the person authorized to issue the work permit, provided such documentary evidence has been approved by the director. The superintendent of schools, or the person authorized to issue such work permit may require, in doubtful cases, a certificate signed by a physician appointed by the school board, stating that such child has been examined by ~~him~~ him and, in ~~his~~ that physician's opinion, has reached the normal development of a child of ~~its~~ the same age and is in sufficiently sound health and physically able to perform the work which ~~he~~ the child intends to do. A child between the ages of 15 and 17 years who, because of subnormal mental capacity, is unable to successfully pass the tests necessary to allow a regular work permit to

be issued may, under conditions deemed proper, receive a work permit issued jointly by the Commissioner of ~~Educational and Cultural Services~~ Education and the Director of the Bureau of Labor, such persons to be employed in nonhazardous occupations. The state factory inspector, ~~his~~ the inspector's deputy or agent may require a similar certificate in doubtful cases of the minors employed under a work permit. No person shall issue such permit to any minor then in or about to enter ~~his~~ that person's employment or the employment of the firm or corporation of which ~~he~~ that person is a member, stockholder, officer or employee.

Sec. A-104. 26 MRSA §1002, sub-§5, as amended by PL 1989, c. 483, Pt. A, §44, is further amended to read:

5. Cooperate with others. Cooperate with the Department of ~~Educational and Cultural Services~~ Education, the Board of Trustees of the Maine ~~Vocational-Technical Institute~~ Technical College System and the local school authorities in the organization and establishment of classes of related and supplemental instruction for apprentices employed under approved agreements;

Sec. A-105. 26 MRSA §1005-A, as enacted by PL 1989, c. 483, Pt. A, §46, is amended to read:

§1005-A. Preapprenticeship training

The State Apprenticeship and Training Council shall assist the Department of ~~Educational and Cultural Services~~ Education, the State's ~~vocational-technical institutes~~ technical colleges and other groups which may wish to establish preapprenticeship training programs, in developing training courses, the successful completion of which will enable a participant to meet the qualifying standards for the apprenticeship or apprenticeships for which the participant has expressed a serious interest. All preapprenticeship training programs are subject to approval by the council.

Sec. A-106. 26 MRSA §1452, as amended by PL 1989, c. 443, §78, is further amended to read:

§1452. Maine Occupational Information Coordinating Committee

The Maine Occupational Information Coordinating Committee, as established by Title 5, chapter 379, shall support the development, maintenance and operation of the Comprehensive Career, Occupational and Economic Data-based System and foster communication and coordination of education, employment and training programs through the use of the system. The committee shall consist of the Commissioner of Labor, Commissioner of Human Services, Commissioner of ~~Educational and Cultural Services~~ Education, Commissioner of Economic and Community Development, Director of the State Planning Office and the chairs of the Maine Human Resource Development Council, the State Board of Education and the Board of Trustees of the Maine Technical College System. The Commissioner of Labor

and the Commissioner of ~~Educational and Cultural Services~~ Education may serve as the representatives of the chairs of the Maine Human Resource Development Council and the State Board of Education, respectively, upon the agreement of that designation by the Maine Human Resource Development Council and the State Board of Education. The Commissioner of Labor shall be the ~~chairman~~ chair of the committee, with the Department of Labor serving as the fiscal agent for the committee.

Sec. A-107. 26 MRSA §2155, sub-§2, as enacted by PL 1987, c. 777, §3, is amended to read:

2. Certification. Participants who complete training under this section shall receive a statewide certificate granted by the Department of ~~Educational and Cultural Services~~ Education with a curriculum approved pursuant to Title 32, section 2102, subsection 8.

Sec. A-108. 27 MRSA §38, as amended by PL 1981, c. 464, §28, is further amended to read:

§38. Compliance with federal law

The State Librarian, with the approval of the Governor, may make any regulations necessary to enable the State to comply with any law of the United States, heretofore or hereafter enacted, intended to promote public library services. The Maine State Library ~~Bureau~~ is the sole agency authorized to develop, submit and administer or supervise the administration of any state plan required under such law. The Treasurer of State shall be custodian of any money that may be allotted by the Federal Government for general public library services.

Sec. A-109. 27 MRSA §39, sub-§§1 and 2, as enacted by PL 1987, c. 462, are amended to read:

1. Statement of policy. The Legislature declares that it is the policy of the State that cooperation among Maine libraries of all types should be fostered and encouraged. The sharing of library holdings enriches the economic, educational and cultural life of each Maine community. Citizen access to materials purchased with public dollars requires that materials be identifiable by title and physical location. It is in the public interest that the Maine State Library ~~Bureau~~ promote and assist access by recording the holdings of Maine libraries in a form accessible by modern information technology. In this way, the educational and informational resources of the State will be available to every citizen.

2. Legislative intent. Recognizing the value of broad citizen access to library materials and recognizing that automated records are essential to the use of technology, the State assigns to the Maine State Library ~~Bureau~~ the responsibility of collecting the holding records of libraries throughout Maine and making them accessible in machine-readable form. It is the State's intent that

these records be shared with any citizen or library on request. It is the intent of the Legislature to provide the Maine State Library ~~Bureau~~ with the resources necessary to carry out this section.

Sec. A-110. 27 MRSA §371, last ¶, as repealed and replaced by PL 1981, c. 55, §2, is amended to read:

The State Museum ~~Bureau~~ is best qualified to assume that trusteeship by virtue of the fact that its facilities are intended to function primarily for the purpose of preserving and interpreting artifacts, specimens and materials as defined within this subchapter.

Sec. A-111. 27 MRSA §372, sub-§§1 and 2, as enacted by PL 1981, c. 55, §3, are amended to read:

1. Transference of custody. The several departments of the State are authorized to transfer any archaeological objects, materials or specimens in their possession to the custody and trusteeship of the State Museum ~~Bureau~~.

2. Museum responsibility. The State designates the State Museum ~~Bureau~~ to hold title, as trustee for the State, to all archaeological objects, materials and specimens found on, in or beneath state-controlled lands. The State charges the State Museum ~~Bureau~~ with the responsibility of protecting, preserving and interpreting such objects, materials and specimens as may be placed under its trusteeship; preventing their defacement, damage, destruction or unauthorized removal; and ensuring their continued availability for scientific study by qualified persons, agencies or institutions.

Sec. A-112. 27 MRSA §373-A, sub-§6, as enacted by PL 1981, c. 55, §5, is amended to read:

6. Permitters. "Permitters" means the Director of the Maine Historic Preservation Commission and the Director of the State Museum ~~Bureau~~ as well as the director of any state department administering state-controlled lands, acting in concert in the review, approval and granting of permits.

Sec. A-113. 27 MRSA §374, sub-§2, ¶C, as enacted by PL 1981, c. 55, §6, is amended to read:

C. The permit to excavate shall be cosigned by the Director of the Maine Historic Preservation Commission and the Director of the State Museum ~~Bureau~~, except for state-controlled lands where the permit also shall be cosigned by the director of the agency with primary jurisdiction.

Sec. A-114. 27 MRSA §376, sub-§§2 and 4, as enacted by PL 1981, c. 55, §7, are amended to read:

2. Sale of artifacts. Attempts to sell, offers of sale and sale of artifacts, objects or specimens, excavated after the effective date of this Act, whether excavated lawfully or unlawfully from a site, without the written permission

of the permit grantors or the Director of the Maine Historic Preservation Commission and the Director of the State Museum ~~Bureau~~, shall be are punishable by a civil penalty not greater than twice the price for which artifacts, objects of specimens are sold or offered for sale.

4. Artifact ownership. Artifacts, objects, materials and specimens recovered from sites on state-controlled land are the property of the State Museum ~~Bureau~~. Artifacts, objects, specimens or materials originating from a site on other than state-controlled land are the property of the landowner and shall be deposited with a suitable repository as designated by the landowner in the preservation agreement, or the permit.

Sec. A-115. 27 MRSA §377, as amended by PL 1985, c. 779, §74, is further amended to read:

§377. Protection of site location information

In order to protect the site from unlawful excavation or harm, any information on the location or other attributes of any site in the possession of the Maine Historic Preservation Commission, the State Museum ~~Bureau~~, the Bureau of Parks and Recreation, other state agencies or the University of Maine System may be deemed by the Maine Historic Preservation Commission or State Museum ~~Bureau~~ to be confidential and exempt from Title 1, chapter 13. Such data shall be made available for the purpose of archaeological research. The directors of the Maine Historic Preservation Commission and the State Museum ~~Bureau~~ shall jointly adopt rules establishing standards and procedures for obtaining the data, and may impose reasonable requirements on its use, including requirements of confidentiality.

Sec. A-116. 28-A MRSA §1704, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

2. Commissioners' reports. The Commissioner of Corrections, the Commissioner of ~~Educational and Cultural Services Education~~, the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation, through the Alcohol and Drug Abuse Planning Committee established in Title 22, chapter 1601, subchapter V, shall prepare and submit the reports specified in that subchapter. Other governmental departments and nongovernmental organizations may be consulted in the preparation of these reports. The planning committee may hold hearings, solicit and receive proposals or take any other action it considers necessary and appropriate in order to prepare its reports.

Sec. A-117. 28-A MRSA §2519, sub-§2, ¶E, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

E. A representative of the Department of ~~Educational and Cultural Services Education~~;

Sec. A-118. 29 MRSA §532, first ¶, as amended by PL 1989, c. 513, §1, is further amended to read:

Any person who is at least 15 years of age and has completed a course in driver education as provided in section 583 may apply to the Secretary of State for an instruction permit. The Secretary of State may, in the Secretary of State's discretion, after an applicant has successfully passed all parts of an examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle upon the public highways for a period of 18 months when accompanied by a licensed operator who has at least one year of driving experience and is at least 18 years of age and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle or motor driven cycle. If any such licensed operator, while accompanying an applicant and occupying a seat beside the driver while the vehicle is being operated on a public way, has impaired mental or physical functioning as a result of the use of intoxicating liquor or drugs, that licensed operator is guilty of a Class E crime. The Secretary of State may, in the Secretary of State's discretion, issue a restricted instruction permit effective for a school year or for a restricted period to an applicant who is enrolled in a driver education program which includes practice driving. That instruction permit shall only be valid when the applicant is accompanied by an instructor approved by the Commissioner of ~~Educational and Cultural Services Education~~ or a commercial driver education instructor licensed by the Department of Professional and Financial Regulation, Board of Commercial Driver Education. Any person who has not held a Maine operator's license during one of the 3 preceding years may apply for an instruction permit.

Sec. A-119. 29 MRSA §538-A, sub-§1, as enacted by PL 1989, c. 513, §4, is amended to read:

1. Educational need. A person qualifies for a special restricted license based on educational need by filing a notarized signed application including: a statement from the applicant and the applicant's parent or guardian that no readily available alternative means of transportation exists and that use of a motor vehicle is necessary for transportation to and from a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of ~~Educational and Cultural Services Education~~, a vocational center or a vocational region which the applicant is attending; a verification of school attendance; and the lack of a readily available alternative means of transportation by the principal of the school.

Notwithstanding the first paragraph of this section, a person between the ages of 16 and 17 is not required to complete a driver education course in order to qualify for a restricted license based on educational need.

A special restricted license issued under this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school.

Sec. A-120. 29 MRSA §583-A, last ¶, as amended by PL 1989, c. 179, §5, is further amended to read:

Any person between the ages of 16 and 21 years, who satisfies the Secretary of State that no readily available means of transportation exists to and from a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of ~~Educational and Cultural Services~~ Education, a vocational center or a vocational region which that person is attending, may be issued, upon passing the motorcycle or motor driven cycle driver's examination as provided in section 581, a special motorcycle or motor driven cycle permit authorizing that person to drive to and from the school.

Sec. A-121. 29 MRSA §583-B, last ¶, as amended by PL 1989, c. 179, §6, is further amended to read:

An approved motorcycle driver education program may be offered by a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of ~~Educational and Cultural Services~~ Education, a vocational center or a vocational region and adult education program conducted pursuant to Title 20-A, chapter 315, as a component of a driver education course approved pursuant to Title 20-A, chapter 316. Any motorcycle program offered independently of an approved driver education course may not be offered for credit toward a high school diploma.

Sec. A-122. 29 MRSA §1367-B, sub-§4, ¶A, as enacted by PL 1987, c. 644, §8, is amended to read:

A. Lights used on ambulances; fire department vehicles; vehicles operated by city and town fire inspectors; forestry department vehicles used for forest fire control purposes; and by vehicles operated by chiefs and chief officers, such as assistant chiefs, deputy chiefs and district chiefs of fire departments, shall emit a red beam of light or a combination of red and white lights. When authorized by the municipal officers of a municipality and countersigned by the fire chief, a red blinker or flashing red signal light not more than 5 inches in diameter may be mounted as near as practicable above the registration plate on the front of a motor vehicle, or mounted on the dashboard so that the light will be shielded from the driver so as not to interfere with his vision, while operated by a member of a municipal or volunteer fire department. The light may be displayed, but shall not be in operation, except while the vehicle is in use for fire or other emergency service. No volunteer or municipal firefighter may operate a red blinker or flashing red signal light upon a motor vehicle, except while actually enroute to the scene of a fire or other emergency requiring services and unless the operator is an active member of the department. Nothing in this subsection may limit the use of lights showing a red beam of light to the front or rear of school buses, provided those lights are of a type approved by the Commissioner of ~~Educational and Cultural Services~~ Education under section 2012; nor may any designation or authorization by the Commissioner of Public Safety be required for

the use of emergency lights authorized under this section.

Sec. A-123. 29 MRSA §2012, sub-§1, ¶¶D and F, as repealed and replaced by PL 1973, c. 780, §4, are amended to read:

D. Shall be equipped with a system of signal lamps that conform to the school bus requirements as approved by the Commissioner of ~~Educational and Cultural Services~~ Education;

F. May be equipped with a system of stop arms which shall be operated only in conjunction with the red signal lamps; and

Sec. A-124. 29 MRSA §2013, sub-§1, ¶C, as amended by PL 1989, c. 414, §27, is further amended to read:

C. Meet all training and special physical, mental and moral requirements established by the Commissioner of ~~Educational and Cultural Services~~ Education and pass an annual physical examination, with the cost of that examination being borne by the employer;

Sec. A-125. 29 MRSA §2014, sub-§1, ¶F, as repealed and replaced by PL 1977, c. 532, §2, is amended to read:

F. The seating capacity shall must be displayed on each school bus in a manner prescribed by the Commissioner of ~~Educational and Cultural Services~~ Education.

Sec. A-126. 29 MRSA §2017-A, as enacted by PL 1987, c. 288, is amended to read:

§2017-A. School bus safety and driver training

The Department of ~~Educational and Cultural Services~~ Education shall develop, certify and administer regional school bus driver training programs and shall assist school administrative units in school bus safety and driver training. This program shall be administered within available resources.

Sec. A-127. 29 MRSA §2018, as enacted by PL 1973, c. 780, §4, is amended to read:

§2018. Rules

The Commissioner of ~~Educational and Cultural Services~~ Education shall have authority to promulgate rules ~~and regulations~~, not inconsistent with this Title, governing school bus construction, equipment and the operation thereof.

Sec. A-128. 30-A MRSA §5042, sub-§1, ¶A, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

A. The commissioners or their designees of:

- (1) The Department of Human Services;
- (2) The Department of Labor;
- (3) The Department of Corrections;
- (4) The Department of ~~Educational and Cultural Services~~ Education;
- (5) The Department of Economic and Community Development; and
- (6) The Department of Mental Health and Mental Retardation;

Sec. A-129. 30-A MRSA §5703, sub-§2, ¶A and B, as enacted by PL 1989, c. 381, are amended to read:

A. Multiplying the outstanding amount of each issue of debt incurred for school purposes by the municipality in connection with a project which qualifies for state school construction aid and the percentage of the capital outlay costs of such project which was applicable to determine the amount of state school construction aid.

- (1) The certificate of the Commissioner of ~~Educational and Cultural Services~~ Education that a project qualifies for state school construction aid and as to the percentage of that aid to which a municipality was entitled shall be conclusive evidence of the facts stated therein; or

B. For school construction projects approved by the State Board of Education after July 1, 1985, by multiplying the outstanding amount of each issue of debt incurred for school purposes by the municipality in connection with a project which qualifies for state school construction subsidy under Title 20-A and the state share percentage of operating costs for that municipality as defined in Title 20-A, section 15609, subsection 1, paragraph A, subparagraph (1), for the year in which the project received concept approval from the State Board of Education.

- (1) The certificate of the Commissioner of ~~Educational and Cultural Services~~ Education that a project qualifies for state school construction aid and as to the state share percentage of operating costs for that municipality as defined in Title 20-A, section 15609, subsection 1, paragraph A, subparagraph (1), for the year in which the project received concept approval shall be conclusive evidence of the facts stated therein.

Sec. A-130. 30-A MRSA §7205, sub-§2, ¶A, as enacted by PL 1989, c. 216, §2, is amended to read:

A. The Commissioner of ~~Educational and Cultural Services~~ Education is responsible for implementing this subsection for incorporation in the deorganization procedure.

Sec. A-131. 30-A MRSA §7206, sub-§1, ¶A, as enacted by PL 1989, c. 216, §2, is amended to read:

A. The associate commissioner for the Bureau of School Management or the associate commissioner's designee within the Department of ~~Educational and Cultural Services~~ Education;

Sec. A-132. 30-A MRSA §7304, sub-§1, ¶A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106; and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. Subject to the restriction in subparagraph (1), sell or otherwise dispose of any property which the municipality or plantation holds title to at the time of deorganization or may receive title to after deorganization. When disposing of property, the State Tax Assessor shall ensure that the interests of the residents of the unorganized territory are the most important consideration.

- (1) In the case of school property, the State Tax Assessor shall consult with the Commissioner of ~~Educational and Cultural Services~~ Education; and

Sec. A-133. 32 MRSA §301, sub-§2, as amended by PL 1983, c. 841, §8, is further amended to read:

2. Apprentice or student barber. "Apprentice barber" means any person who is engaged in learning and acquiring a knowledge of the practice of barbering under the direction and supervision of a person licensed under this chapter to practice barbering. "Student barber" means any person who is engaged in learning and acquiring a knowledge of the practice of barbering as a duly enrolled student in a school of barbering licensed by the Commissioner of ~~Educational and Cultural Services~~ Education.

Sec. A-134. 32 MRSA §303-A, last ¶, as amended by PL 1987, c. 395, Pt. A, §124, is further amended to read:

The board and the Department of ~~Educational and Cultural Services~~ Education shall make rules for the examination of applicants for licenses as instructors of barbering, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II. Examination applications shall be furnished by the board. The application shall be filed with the secretary of the board and shall be accompanied by an examination fee. If examination is satisfactory, the applicant shall pay a fee

to receive the initial instructor license, which shall be valid until the next renewal period. The renewal fee for instructor licensure shall be collected by the board.

Sec. A-135. 32 MRSA §401, next to the last ¶, as amended by PL 1987, c. 395, Pt. A, §132, is further amended to read:

Each student upon enrollment in a school of barbering licensed by the Commissioner of ~~Educational and Cultural Services~~ Education shall make written application for a student permit therefor on a form prescribed and supplied by the board. The application shall contain satisfactory evidence of the qualifications required of the applicant under this chapter and shall be notarized. The applicant shall pay to the secretary of the board a fee and the permit shall expire with termination or completion of the school course for which the permit was obtained. No permit may be issued to a person who has not attained 17 years of age.

Sec. A-136. 32 MRSA §402, sub-§3, as amended by PL 1983, c. 841, §14, is further amended to read:

3. Training. Who has satisfactorily completed a course of instruction of 1,500 hours in not less than 9 months in a school of barbering licensed by the Commissioner of ~~Educational and Cultural Services~~ Education, or in lieu thereof has had a total experience as an apprentice in the practice of barbering of 2,500 hours distributed over a period of at least 18 months; and

Sec. A-137. 32 MRSA §402, 2nd ¶, as amended by PL 1983, c. 841, §15, is further amended to read:

Any person licensed as a cosmetologist pursuant to chapter 23 and who has satisfactorily completed a course of instruction of at least 500 hours in a school of barbering licensed by the Commissioner of ~~Educational and Cultural Services~~ Education, or in lieu thereof has had a total experience as an apprentice in the practice of barbering of at least 900 hours, shall be entitled to take the examination, upon payment of the fees prescribed in this section.

Sec. A-138. 32 MRSA §1100-M, sub-§1, ¶B, as enacted by PL 1983, c. 331, §2, is amended to read:

B. Have a high school diploma or its equivalent, as determined by the Department of ~~Educational and Cultural Services~~ Education; and

Sec. A-139. 32 MRSA §1551, sub-§6, as enacted by PL 1983, c. 841, §17, is amended to read:

6. Student cosmetologist. "Student cosmetologist" means any person who is engaged in learning and acquiring a knowledge of the practice of cosmetology as a duly enrolled student in a school of cosmetology licensed by the Commissioner of ~~Educational and Cultural Services~~ Education.

Sec. A-140. 32 MRSA §1553-A, last ¶, as amended by PL 1987, c. 395, Pt. A, §147, is further amended to read:

The board and the Department of ~~Educational and Cultural Services~~ Education shall make rules for the examination of applicants for licensure as instructors of cosmetology, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II. Examination applications shall be furnished by the board. The application shall be filed with the secretary of the board and shall be accompanied by an examination fee which shall include licensure, if examination is satisfactory. All licenses as instructors shall expire June 30th biennially.

Sec. A-141. 32 MRSA §1652, sub-§3, as amended by PL 1983, c. 841, §21, is further amended to read:

3. Training. Who has satisfactorily completed a course of instruction of 1,500 hours in not less than 9 months in a school of cosmetology licensed by the Commissioner of ~~Educational and Cultural Services~~ Education, or in lieu thereof has had a total experience in the practice of cosmetology or as an apprentice of 2,500 hours distributed over a period of at least 18 months; and

Sec. A-142. 32 MRSA §1652, 2nd ¶, as amended by PL 1983, c. 841, §22, is further amended to read:

Any person licensed as a barber pursuant to chapter 7 and who has satisfactorily completed a course of instruction of at least 500 hours in a school of cosmetology licensed by the Commissioner of ~~Educational and Cultural Services~~ Education, or in lieu thereof has had a total experience in the practice of cosmetology as an apprentice of at least 900 hours, shall be entitled to take the examination upon payment of the fees prescribed in this section.

Sec. A-143. 32 MRSA §1652-A, sub-§3, as enacted by PL 1987, c. 677, §3, is amended to read:

3. Training. Has satisfactorily completed a course of instruction of at least 750 hours in not less than 5 months, in a school of cosmetology licensed by the Commissioner of ~~Educational and Cultural Services~~ Education, within the last 3 years from the date of applying to be examined; and

Sec. A-144. 32 MRSA §1655-A, 2nd ¶, as amended by PL 1987, c. 395, Pt. A, §163, is further amended to read:

To be eligible for a student permit, a student cosmetologist must be at least 16 years of age and have completed the 10th grade in a secondary school. The application shall include evidence of the student cosmetologist's enrollment in a school of cosmetology licensed by the Commissioner of ~~Educational and Cultural Services~~ Education.

Sec. A-145. 32 MRSA §2104, sub-§4, as enacted by PL 1987, c. 195, §4, is amended to read:

4. Approval of nursing assistant training curriculum and faculty. An educational institution or health care facility desiring to conduct an educational program for assistants to nurses to prepare individuals for certification shall apply to the Department of ~~Educational and Cultural Services~~ Education and submit evidence that it is prepared to:

A. Carry out the curriculum for the assistants to nurses as prescribed by the State Board of Nursing;

B. Meet those standards for on-site supervision and delegation of tasks as established by the State Board of Nursing; and

C. Meet those standards for educational programming and faculty as established by the Department of ~~Educational and Cultural Services~~ Education. The Department of ~~Educational and Cultural Services~~ Education shall issue a notice of approval of the program submitted and the proposed faculty.

The Department of ~~Educational and Cultural Services~~ Education shall approve a facility-offered program if the existing educational delivery system cannot respond in 10 working days.

Sec. A-146. 32 MRSA §2202-A, as enacted by PL 1987, c. 195, §5, is amended to read:

§2202-A. Certificates; nursing assistants

The Department of ~~Educational and Cultural Services~~ Education shall issue certificates attesting to the competency of individuals to act as assistants to nurses. The certificate shall indicate the satisfactory completion of a course with a curriculum prescribed by the State Board of Nursing.

The Department of ~~Educational and Cultural Services~~ Education shall maintain a register of names of all individuals certified to act as assistants to nurses.

Sec. A-147. 32 MRSA §3269, sub-§10, as amended by PL 1981, c. 239, is further amended to read:

10. Powers. The power to mandate, conduct and operate or contract with other agencies, persons, firms or associations for the conduct and operation of programs of medical education, including statewide programs of health education for the general public and to disburse funds accumulated through the receipt of licensure fees for this purpose, provided that no such funds may be disbursed for this purpose for out-of-state travel, meals or lodging for any physician being educated under this program. The power to conduct and operate or contract with other agencies or nonprofit organizations for the conduct and operation of a program of financial assist-

ance to medical students indicating an intent to engage in family practice in rural Maine, under which program said students may be provided with interest-free grants or interest-bearing loans in an amount not to exceed \$5,000 per student per year on such terms and conditions as the board may determine.

Notwithstanding any other provision of this subsection, if the board contracts with the Commissioner of ~~Educational and Cultural Services~~ Education to provide funds for the costs of any positions for which the State has contracted at the University of Vermont College of Medicine, or the Tufts University School of Medicine, the terms of the contract between the board and the commissioner shall be in accordance with the requirements of Title 20, chapter 304-;

Sec. A-148. 32 MRSA §3840, sub-§§2 and 9, as repealed and replaced by PL 1985, c. 763, Pt. A, §84, are amended to read:

2. Purpose. The purpose of the Joint Committee on Licensure-Certification for School Psychological Service Providers shall be to coordinate the licensing and certification processes of the Board of Examiners of Psychologists and the Department of ~~Educational and Cultural Services~~ Education respectively to provide accessible and timely services to meet the needs of the school systems in the State.

9. Records. The joint committee shall keep records and minutes of its activities and meetings. The records and minutes shall be housed by the Department of ~~Educational and Cultural Services~~ Education or the Department of ~~Business, Occupational and Professional~~ and Financial Regulation and made easily accessible to the public and shall be provided expeditiously upon request.

Sec. A-149. 32 MRSA §5003, sub-§4, as amended by PL 1979, c. 118, §2, is further amended to read:

4. The practice of forestry. "The practice of forestry" shall mean any professional services relating to forestry requiring the application of forestry principles and techniques. Such services shall include but not be limited to investigations, consultations, development of forest management plans, responsible supervision of forest management, forest utilization, forest economics or other forestry activities as carried out in connection with any public or private lands. Forestry instructional and educational activities conducted by institutions approved by the Commissioner of ~~Educational and Cultural Services~~ Education pursuant to the laws of the State and forestry instructional and educational activities relating to a program of education at an institution licensed or approved by the State to grant a bachelors or higher degree shall be exempted. The practice of forestry shall not include services rendered for wages or for salary for the cutting, hauling, handling or processing of forest products, or wages, salary or payments received for timber stand improvements or other silvicultural activities on

the forest lands of the owner thereof, or on the forest land of another.

Sec. A-150. 32 MRSA §6003, sub-§7, as enacted by PL 1975, c. 705, §4, is amended to read:

7. Speech pathology aide. "Speech pathology aide" means an individual who meets minimum qualifications which the board may establish for speech pathology aides, which qualifications shall be less than those established by this chapter as necessary for licensure as a speech pathologist, and less than those established by the Department of ~~Educational and Cultural Services~~ Education for school personnel, and who works under the supervision of a licensed speech pathologist.

Sec. A-151. 32 MRSA §6005, sub-§3, as enacted by PL 1975, c. 705, §4, is amended to read:

3. Person holding valid and current credential. A person who holds a valid and current credential as a speech or hearing clinician, issued by the Department of ~~Educational and Cultural Services~~ Education, from providing such services within a local educational agency, or a person employed as a speech pathologist or audiologist by the Government of the United States, if such person performs speech pathology or audiology services solely within the confines or under the jurisdiction of the organization by which ~~he~~ that person is employed. Such person may, without obtaining a license under this chapter, consult with or disseminate ~~his~~ research findings and other scientific information to speech pathologists and audiologists outside the jurisdiction of the organization by which ~~he~~ that person is employed. Such person may also offer lectures to the public for a fee, monetary or other, without being licensed under this chapter. Such person may additionally elect to be subject to this chapter;

Sec. A-152. 32 MRSA §9502, sub-§2, as amended by PL 1989, c. 179, §7, is further amended to read:

2. Commercial driver education. "Commercial driver education" means any type of instruction or tutoring given any person in the driving of a motor vehicle or in the preparing of any person for a driver examination in exchange for remuneration, except instruction or tutoring in a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of ~~Educational and Cultural Services~~ Education, a vocational center, a vocational region, an adult education program conducted pursuant to Title 20-A, chapter 315, or a ~~vocational-technical-institute~~ technical college.

Sec. A-153. 32 MRSA §9502, sub-§3, as amended by PL 1989, c. 179, §8, is further amended to read:

3. Commercial driver education school. "Commercial driver education school" means any person or persons engaged in teaching driver education for remuneration, except a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of ~~Educational and Cultural Services~~

Education, a vocational center, a vocational region, an adult education program conducted pursuant to Title 20-A, chapter 315, or a ~~vocational-technical-institute~~ technical college.

Sec. A-154. 32 MRSA §9601, sub-§3, as enacted by PL 1989, c. 513, §7, is amended to read:

3. Exclusion. No license under this chapter may be required of a certified teacher conducting a driver education course in a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of ~~Educational and Cultural Services~~ Education, a vocational center or a vocational region.

Sec. A-155. 32 MRSA §9602, sub-§5, as enacted by PL 1989, c. 179, §9, is amended to read:

5. School contracts. Commercial driver education schools shall remain subject to the requirements of this chapter while providing driver education services pursuant to Title 20-A, chapter 316, on a contract basis to a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of ~~Educational and Cultural Services~~ Education, a vocational center, a vocational region, an adult education program conducted pursuant to Title 20-A, chapter 315, or a ~~vocational-technical-institute~~ technical college.

Sec. A-156. 32 MRSA §9855, sub-§1, ¶B, as enacted by PL 1983, c. 524, is amended to read:

B. Have a high school diploma or its equivalent as determined by the Department of ~~Educational and Cultural Services~~ Education;

Sec. A-157. 32 MRSA §9855, sub-§2, ¶B, as enacted by PL 1983, c. 524, is amended to read:

B. Have a high school diploma or its equivalent as determined by the Department of ~~Educational and Cultural Services~~ Education;

Sec. A-158. 32 MRSA §9855, sub-§3, ¶B, as enacted by PL 1983, c. 524, is amended to read:

B. Have a high school diploma or its equivalent as determined by the Department of ~~Educational and Cultural Services~~ Education;

Sec. A-159. 32 MRSA §13506, sub-§3, ¶B, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

B. This subsection shall not apply with respect to kick-boxing exhibitions, events, performances or contests in which school pupils or instructors are the only participants, except that this exemption shall apply only to a performance or exhibition conducted under the direct supervision and control of the board of directors of a school district, or the person in authority of a teachers' training school or

other institution under the control of the Commissioner of ~~Educational and Cultural Services~~ Education and the State Board of Education or the board, bodies or persons in authority of duly constituted private or parochial schools, colleges or universities, or schools for kick-boxing.

Sec. A-160. 34-A MRSA §1209, sub-§3, ¶D, as enacted by PL 1983, c. 581, §§10 and 59, is amended to read:

D. The Commissioner of Corrections, Commissioner of ~~Educational and Cultural Services~~ Education, Commissioner of Human Services, Commissioner of Mental Health and Mental Retardation and Commissioner of Public Safety are ex officio, voting members of the group.

Sec. A-161. 34-A MRSA §3604, sub-§3, ¶B, as enacted by PL 1983, c. 459, §6, is amended to read:

B. Before employing instructors in vocational education, the director shall obtain the approval of the Department of ~~Educational and Cultural Services~~ Education.

Sec. A-162. 34-A MRSA §7002, sub-§2, ¶A, as enacted by PL 1987, c. 198, is amended to read:

A. Constitute an interdepartmental coordinating committee on primary prevention, which shall be chaired by the commissioner or ~~his~~ the commissioner's designee and shall include representation from the Department of ~~Educational and Cultural Services~~ Education, Department of Human Services, Department of Labor, Department of Mental Health and Mental Retardation, Department of Public Safety, the Juvenile Justice Advisory Group and such other public or private agencies as the commissioner may wish to nominate, which have responsibilities associated with preventing not only delinquency, but also child abuse, substance abuse, running away from home, truancy and failing to complete school and other destructive behavior which affects juveniles. This coordinating committee shall:

(1) Develop a state primary prevention plan which provides for the use of state resources in ways that will strengthen the commitment of local communities to altering conditions which contribute to delinquency and other destructive behaviors which affect juveniles, so that the burden of state-funded treatment and crisis-responsive service programs will be reduced. The plan shall provide for the coordination and consolidation of the primary prevention planning efforts of each of the state agencies specified in this section. The plan shall set forth quantifiable and time-limited goals, objectives and strategies and shall include proposals to integrate and build upon successful primary prevention programs;

(2) Provide for the evaluation of policies and programs developed and implemented pursuant to the plan; and

(3) Prepare, annually by November 1st, an appraisal of the State's primary prevention activities during the previous year and its recommendations for programs and activities relating to primary prevention.

Sec. A-163. 34-B MRSA §1214, sub-§3, as repealed and replaced by PL 1989, c. 502, Pt. B, §44, is amended to read:

3. Membership. The committee shall be composed of 4 members: The Commissioner of Corrections; Commissioner of ~~Educational and Cultural Services~~ Education; Commissioner of Human Services; and Commissioner of Mental Health and Mental Retardation.

Sec. A-164. 34-B MRSA §3007, as enacted by PL 1987, c. 783, §1, is amended to read:

§3007. Teenage Suicide Prevention Program

The bureau shall, in cooperation with the Department of ~~Educational and Cultural Services~~ Education, the Department of Human Services and the "local action councils" funded in Public Law 1987, chapter 349, Part A under the heading "Human Services, Department of," develop a teenage suicide prevention strategy and a model suicide prevention program to be presented in the secondary schools of the State. Development of such a program shall include preparation of relevant educational materials which shall be distributed in the schools.

Sec. A-165. 34-B MRSA §6202, sub-§4, as enacted by PL 1985, c. 503, §12, is amended to read:

4. Other agencies. Nothing in this subchapter may be construed to constrain or impair the Department of Corrections, Department of ~~Educational and Cultural Services~~ Education, Department of Human Services or any other state agency in carrying out statutorily mandated responsibilities to children and their families or to alter or diminish any services, benefits or entitlements received by virtue of the statutory responsibilities.

Sec. A-166. 34-B MRSA §6203, sub-§1, ¶D, as enacted by PL 1985, c. 503, §12, is amended to read:

D. Place a high priority on continued participation with the Department of ~~Educational and Cultural Services~~ Education and the Department of Human Services in preventive intervention services to families of children in need of treatment;

Sec. A-167. 34-B MRSA §6203, sub-§2, ¶C, as enacted by PL 1985, c. 503, §12, is amended to read:

C. The plan shall establish a procedure for setting priorities among the various services required by children in need of treatment and their families, in

cooperation with other agencies of State Government that provide services to children and families, including, but not limited to, the Department of Corrections, Department of ~~Educational and Cultural Services~~ Education and Department of Human Services.

Sec. A-168. 34-B MRSA §6204, sub-§2-A, as enacted by PL 1985, c. 777, §2, is amended to read:

2-A. Improvement and expansion of day treatment services for emotionally handicapped children. The bureau shall work cooperatively with the Department of Corrections, Department of ~~Educational and Cultural Services~~ Education and the Department of Human Services to improve and expand day treatment programs for emotionally handicapped school-age children so that they and their families may receive necessary, appropriate and coordinated therapeutic and educational services in home and community settings, reducing the likelihood that out-of-home or residential treatment placements will be required. The Department of Mental Health and Mental Retardation shall license these programs pursuant to sections 3603 and 3606. The Department of ~~Educational and Cultural Services~~ Education shall approve these programs pursuant to Title 20-A, chapter 206. The 2 departments shall jointly develop standards to ensure a consistent high quality throughout the State.

Sec. A-169. 36 MRSA §1760, sub-§59, as enacted by PL 1987, c. 343, §5, is amended to read:

59. Sales to certain incorporated nonprofit educational organizations. Incorporated nonprofit educational organizations which are receiving, or have received, funding from the Department of ~~Educational and Cultural Services~~ Education, and which provide educational programs specifically designed for teaching young people how to make decisions about drugs, alcohol and interpersonal relationships at a residential camp setting.

Sec. A-170. 38 MRSA §2139, sub-§2, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

2. Kindergarten to grade 12 curriculum. In cooperation with the Department of ~~Educational and Cultural Services~~ Education, the office shall develop a curriculum suitable for use in programs from kindergarten through high school.

PART B

Sec. B-1. 3 MRSA §927, sub-§9, ¶¶A and B, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, are amended to read:

A. Agencies:

- (1) The Department of ~~Educational and Cultural Services~~ Education;

- (2) Maine State Housing Authority; and
- (3) Maine Health and Higher Educational Facilities Authority.

B. Independent agencies:

- (1) Maine Conservation School;
- (2) Office of State Historian;
- (3) Maine Arts Commission;
- (4) Maine State Museum Commission;
- (5) Maine Historic Preservation Commission;
- (6) Maine Health Care Finance Commission;
- (7) Maine Health Facilities Authority;
- (8) Board of Occupational Therapy Practice;
- (9) Board of Respiratory Care Practitioners; ~~and~~
- (10) Radiologic Technology Board of Examiners; ~~and~~
- (11) Maine Library Commission.

Sec. B-2. 5 MRSA §12004-G, sub-§§7-A to 7-E are enacted to read:

<u>History</u>	<u>7-A. Culture/</u>	<u>Maine State</u>	<u>Expenses</u>	<u>27 MRSA §552</u>
		<u>Cultural</u>	<u>Only</u>	
		<u>Affairs</u>		
		<u>Council</u>		
<u>History</u>	<u>7-B. Culture/</u>	<u>Maine Arts</u>	<u>Expenses</u>	<u>27 MRSA §401</u>
		<u>Commission</u>	<u>Only</u>	
<u>History</u>	<u>7-C. Culture/</u>	<u>Maine State</u>	<u>Expenses</u>	<u>27 MRSA §82</u>
		<u>Museum</u>	<u>Only</u>	
		<u>Commission</u>		
<u>History</u>	<u>7-D. Culture/</u>	<u>Maine</u>	<u>Expenses</u>	<u>27 MRSA §501</u>
		<u>Historic</u>	<u>Only</u>	
		<u>Preserva-</u>		
		<u>tion</u>		
		<u>Com-</u>		
		<u>mission</u>		
<u>History</u>	<u>7-E. Culture/</u>	<u>Maine</u>	<u>Expenses</u>	<u>27 MRSA §111</u>
		<u>Library</u>	<u>Only</u>	
		<u>Commission</u>		

Sec. B-3. 5 MRSA §12004-G, sub-§§9 and 10, as enacted by PL 1987, c. 786, §5, are repealed.

Sec. B-4. 5 MRSA §12004-I, sub-§§13 and 14, as enacted by PL 1987, c. 786, §5, are repealed.

Sec. B-5. 20-A MRSA §201, first ¶, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

The Department of ~~Educational and Cultural Services~~ Education is established to:

Sec. B-6. 20-A MRSA §201, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Interrelation with other programs. Interrelate public education with other social, economic, physical and governmental activities, programs and services; and

Sec. B-7. 20-A MRSA §201, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. B-8. 20-A MRSA §201, sub-§4, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

4. Advancement of education. Encourage and stimulate public interest in the advancement of education; and,

Sec. B-9. 20-A MRSA §201, sub-§5, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. B-10. 20-A MRSA §202, sub-§1-A, as enacted by PL 1985, c. 797, §7, is amended to read:

1-A. Commissioner of Education. The Commissioner of ~~Educational and Cultural Services~~; Education;

Sec. B-11. 20-A MRSA §202, sub-§§7 and 8, as amended by PL 1985, c. 763, Pt. A, §74, are repealed.

Sec. B-12. 20-A MRSA §202, sub-§§9, 10 and 12 to 14, as enacted by PL 1981, c. 693, §§5 and 8, are repealed.

Sec. B-13. 20-A MRSA §203, sub-§2, as enacted by PL 1985, c. 763, Pt. A, §75, is repealed.

Sec. B-14. 20-A MRSA §256, sub-§3, as amended by PL 1985, c. 763, Pt. A, §76, is repealed.

Sec. B-15. 27 MRSA §1, as amended by PL 1985, c. 785, Pt. B, §123, is further amended to read:

§1. Salary; duties

The Maine State Library shall be under the management and supervision of ~~a~~ the State Librarian as ~~herebefore~~ herebefore appointed pursuant to section 112, who shall make such rules and regulations as are necessary for the proper management of the library and the safety of its contents. The librarian shall receive such salary as shall be set by the Governor.

The librarian may employ, subject to the Civil Service Law and the approval of the ~~Commissioner of Educational and Cultural Services~~ Maine Library Commission, a deputy state librarian, and such assistants as the business of the office may require.

Sec. B-16. 27 MRSA §5, as amended by PL 1971, c. 610, §14, is repealed.

Sec. B-17. 27 MRSA §34, as amended by PL 1973, c. 626, §2, is repealed and the following enacted in its place:

§34. Library development

The Department of Education shall maintain a school library media section in cooperation with the Maine State Library that must carry on the following activities:

1. Media center standards. Recommending school library media center standards and evaluation of programs;

2. Certification of media professionals. Assisting in the certification and recertification of school library media professionals;

3. Project review. Reviewing state funded school library media center construction and renovation projects;

4. Expenditures for school library media programs. Advising the Commissioner of Education on the expenditure of state and federal grants for school library media programs;

5. School approval. Assisting the Commissioner of Education with basic school approvals as it pertains to library instruction;

6. School accreditation. Assisting with local school accreditation visits;

7. School library staff. Providing leadership in staff development and continuing education of school library staff;

8. Information for local school systems. Providing educational research and resource information for local school systems;

9. Video tape library. Maintaining and providing a video tape library service for use by elementary and secondary education; and

10. Related activities. Related activities in cooperation with the Maine State Cultural Affairs Council.

Sec. B-18. 27 MRSA §82, as amended by PL 1989, c. 503, Pt. B, §113, is further amended to read:

§82. Maine State Museum Commission

The Governor shall appoint a ~~the~~ the Maine State Museum Commission, as established by Title 5, section 12004-G, subsection ~~10 7-C~~, consisting of 15 members especially qualified and interested in the several fields of museum activity. Of those members first appointed, 5 shall be appointed for terms of 2 years, 5 for 4 years and 5 for 6 years. Their successors shall be appointed for 6 years. Each member shall serve for the term of the appointment and thereafter until a successor is appointed and qualified. The commission shall elect a chair and vice-chair from its members. In case of the termination of a member's service during the term, the Governor shall appoint a successor for the unexpired term. Members shall be compensated according to the provisions of Title 5, chapter 379.

Sec. B-19. 27 MRSA §83, as enacted by PL 1965, c. 502, §1, is amended to read:

§83. Powers and duties of Maine State Museum Commission

The general powers and duties of the commission are:

1. Administration. To administer this chapter. In administering its provisions, the commission may formulate policies and exercise general supervision;

2. Prescribe duties of Museum Director. To prescribe the duties of the Museum Director;

3. Delegate powers. To delegate powers to the Museum Director necessary for the administration of this chapter; and

4. Recommendations. To make recommendations to the ~~Legislature~~ Maine State Cultural Affairs Council for such legislation as may be necessary to improve the functioning of the Maine State Museum.

Sec. B-20. 27 MRSA §84-A is enacted to read:

§84-A. Museum director; appointment

The Director of the Maine State Museum Commission must be qualified by training or by experience in museum work and shall be appointed by the Maine State Museum Commission. The director shall serve for an indefinite term, subject to removal for cause. Compensation shall be fixed by the Governor.

Sec. B-21. 27 MRSA §85-A, sub-§2, as enacted by PL 1987, c. 465, §2, is amended to read:

2. Administration. To administer the office of Museum Director. In exercising ~~his~~ the director's administration, the Museum Director shall promulgate operating policies, establish organizational and operational procedures and exercise supervision of museum activities.

~~He~~ The Museum Director shall employ, subject to the Civil Service Law and the approval of the ~~Commissioner of Educational and Cultural Services~~ Maine State Museum Commission, such assistants as may be necessary to carry out the purposes of this chapter. The Museum Director shall adopt a seal for use in the official business of the museum;

Sec. B-22. 27 MRSA §85-A, sub-§5, as enacted by PL 1987, c. 465, §2, is repealed.

Sec. B-23. 27 MRSA §95, sub-§§2 and 3, as enacted by PL 1985, c. 754, §1, are amended to read:

2. Approval of grants. The ~~commissioner~~ Maine Library Commission shall approve grants with the advice of the State Librarian. ~~All proposals and grants shall be reviewed and have the advice of the Maine Library Commission.~~

3. Proposals. Agencies and libraries applying for grants shall submit project proposals in a form prescribed by the Maine State Library ~~Bureau~~.

Sec. B-24. 27 MRSA §110, first ¶, as enacted by PL 1973, c. 626, §6, is amended to read:

~~In~~ As used in this chapter, unless the context clearly requires a different meaning otherwise indicates, the following ~~words shall~~ terms have the following meanings.

Sec. B-25. 27 MRSA §110, sub-§§2 and 12, as enacted by PL 1973, c. 626, §6, are amended to read:

2. Area reference and resource center. "Area reference and resource center" means a large public, school or academic library designated by the ~~Commissioner of Educational and Cultural Services and the State Librarian~~ and receiving state aid for the purpose of making its resources and services available without charge to all residents of the district, of providing supplementary library services to local libraries within the district, of coordinating the services of all local libraries within the district which by contract become part of the library district.

12. Research center. "Research center" means any library designated as such by the ~~Commissioner of Educational and Cultural Services and the State Librarian~~ and receiving state aid for the purposes of making its major research collections, under such rules and regulations as are defined by its governing board and head librarian, available to the residents of the State.

Sec. B-26. 27 MRSA §111, sub-§1, as amended by PL 1989, c. 503, Pt. B, §114, is further amended to read:

1. Maine Library Commission. There ~~shall be~~ is created ~~within the Department of Educational and Cultural Services a library commission which shall be designated as the Maine Library Commission, as established by~~

Title 5, section ~~42004-F~~ 12004-G, subsection ~~4~~ 7-E. It shall consist of 15 members appointed by the Governor. The library commission shall be broadly representative of the state's libraries and shall consist of a representative from public, school, academic, special, institutional and handicapped libraries, a trustee representative, one representative from each of the library districts as they are formed and 3 representatives from the State at large of whom one shall be representative of the disadvantaged.

The term of each appointed member shall be 5 years or until a successor is appointed and qualified. Of the members first appointed, 3 shall be for one year, 3 for 2 years, 3 for 3 years, 3 for 4 years and 3 for 5 years. Subsequent appointments shall be for the full term of 5 years. No members may serve more than 2 successive terms. In the case of a vacancy other than the expiration of a term, the appointment of a successor shall be made in like manner for the balance of the term.

In addition to the 15 appointed members, the directors of the area reference and resource centers shall serve as permanent, nonvoting ex officio members of the Maine Library Commission.

The commission shall meet at least 4 times a year. It shall elect a chair and vice-chair for ~~a term~~ terms of 2 years and frame and modify bylaws for its internal organization and operation. The State Librarian shall serve as secretary to the commission. The members of the commission shall be compensated according to the provisions of Title 5, chapter 379.

Sec. B-27. 27 MRSA §112, sub-§§1 to 3, as enacted by PL 1973, c. 626, §6, are amended to read:

1. Appointment of State Librarian. ~~Give advice and make recommendations to the Commissioner of Educational and Cultural Services with regard to the appointment of~~ Appoint the State Librarian. The State Librarian must be qualified through training or experience in library work. The State Librarian shall serve for an indefinite term, subject to removal for cause. Compensation shall be fixed by the Governor;

2. Policies. ~~Give advice and make recommendations to the Commissioner of Educational and Cultural Services with regard to:~~ Establish the policies and operations of the Maine State Library and the State's library program including minimum standards of library service, the apportionment of state aid to libraries, the designation of library districts and their boundaries, the designation of area reference and resource centers and the designation of research centers after full consideration of the advice of the district council;

3. Review. Act, on written request by any interested library, as an appeals board concerning decisions of the ~~commissioner~~ State Librarian regarding the items in subsection 2. The written request for a hearing ~~shall~~ must be filed within 30 days from the date of the decision.

Sec. B-28. 27 MRSA §112, sub-§4, as enacted by PL 1977, c. 125, §2, is amended to read:

4. Federal program. Serve as the State Advisory Council on Libraries and in that capacity give advice and make recommendations to the ~~Commissioner of Educational and Cultural Services~~ State Librarian with regard to the administration of federal funds, in accordance with the terms thereof, which may now or in the future become available for library purposes.

Sec. B-29. 27 MRSA §113, as enacted by PL 1973, c. 626, §6, is repealed and the following enacted in its place:

§113. Library districts

The Maine Library Commission shall divide the State into as many districts as the commission determines are required and shall establish or modify the geographical boundaries of each district.

Sec. B-30. 27 MRSA §115, first ¶, as enacted by PL 1973, c. 626, §6, is amended to read:

Each district shall be affiliated with an area reference and resource center which shall be designated by the ~~commissioner, with the advice of the~~ Maine Library Commission.

Sec. B-31. 27 MRSA §115, sub-§1, ¶D, as enacted by PL 1973, c. 626, §6, is amended to read:

D. Join with the district council in assigning priorities to implement the district plan; and

Sec. B-32. 27 MRSA §118, as enacted by PL 1973, c. 626, §6, is amended to read:

§118. School libraries and media center

Any school library or media center in a community with no public library service, or serving communities with no public libraries, which agrees to offer service as a public library, is entitled to all the benefits accruing to a public library with the approval of the ~~commissioner~~ State Librarian.

Sec. B-33. 27 MRSA §119, as repealed and replaced by PL 1977, c. 690, §15, is amended to read:

§119. Distribution of appropriations

The ~~Commissioner of Educational and Cultural Services, with the advice of the~~ Maine Library Commission; is authorized to apportion funds appropriated by the Legislature for the support of regional library systems.

Sec. B-34. 27 MRSA §403-A is enacted to read:

§403-A. Arts Commission Director; appointment

The Director of the Maine Arts Commission must be qualified by training or experience and must be appointed by the Maine Arts Commission. The director shall serve for an indefinite term subject to removal for cause. The Governor shall fix the compensation for this position.

Sec. B-35. 27 MRSA §407, as amended by PL 1973, c. 625, §185, is repealed.

Sec. B-36. 27 MRSA §408, sub-§4, as enacted by PL 1987, c. 801, §1, is amended to read:

4. Staffing assistance. The Maine Arts Commission shall be responsible for implementing all of the policies and procedures for each award, in conjunction with the ~~office~~ Office of the Governor and the Commissioner of ~~Educational and Cultural Services~~ Education.

Sec. B-37. 27 MRSA §501, as amended by PL 1989, c. 503, Pt. B, §116, is further amended to read:

§501. Declaration of policy

The Legislature declares it is the policy of the State that in order to preserve the architectural, historic and environmental heritage of the people of the State, and to develop and promote the cultural, educational and economic benefits of these resources, the Maine Historic Preservation Commission, as established by Title 5, ~~section 12004-F~~ 12004-G, subsection ~~43~~ 7-D, shall work to implement this policy.

Sec. B-38. 27 MRSA §502, as repealed and replaced by PL 1979, c. 21, is amended to read:

§502. Maine Historic Preservation Commission

~~There shall be is created within the Department of Educational and Cultural Services a bureau which shall be designated as the "Maine Historic Preservation Commission."~~ It shall consist of 11 members made up as follows: The Commissioner or a representative of the Department of Transportation, and the Commissioner or a representative of the Department of Conservation, to serve ex officio, 9 representatives from among the citizens of Maine, one of whom shall be elected ~~chairman~~ chair and one of whom shall be elected ~~vice-chair~~, who are known for their competence, experience and interest in this field, including at least one prehistoric archaeologist, one historic archaeologist, one historian, one architectural historian and one architect, to be appointed by the Governor. In making these appointments, due consideration shall be given to the recommendations made by the representative professional, civic and educational associations and groups concerned with or engaged in the field of historic preservation.

Sec. B-39. 27 MRSA §505, sub-§1, as amended by PL 1985, c. 785, Pt. B, §125, is further amended to read:

1. Appointment. The Maine Historic Preservation Commission may appoint a director, ~~with the approval of the Commissioner of Educational and Cultural Services~~, who shall be qualified by special training or experience in the field of historic preservation and who shall also serve as the State Historic Preservation Officer upon appointment by the Governor and shall be subject to removal for cause under the Civil Service Law.

Sec. B-40. 27 MRSA §505, sub-§2, ¶A, as enacted by PL 1979, c. 21, is amended to read:

A. The Maine Historic Preservation Commission shall be under the management and supervision of a director who shall make rules and regulations for the proper management of the ~~bureau~~, ~~subject to the approval of the Commissioner of Educational and Cultural Services~~ commission.

Sec. B-41. 27 MRSA §510, as repealed and replaced by PL 1979, c. 21, is repealed.

Sec. B-42. 27 MRSA c. 18 is enacted to read:

CHAPTER 18**MAINE STATE CULTURAL AFFAIRS COUNCIL****§551. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Cultural agencies. "Cultural agencies" means the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine Library Commission, the Maine State Museum Commission and programs of these commissions.

2. Directors. "Directors" means the Director of the Maine Arts Commission, the Director of the Maine Historic Preservation Commission, the State Librarian and the Director of the Maine State Museum.

§552. Maine State Cultural Affairs Council

The Maine State Cultural Affairs Council, as established in Title 5, section 12004-G, subsection 7-A, shall ensure a coordinated, integrated system of cultural resources programs and projects and shall ensure the support of cultural heritage institutions and activities of the State.

§553. Membership

The Maine State Cultural Affairs Council shall consist of the chair of the State Cultural Affairs Council, appointed pursuant to subsection 1, and the chair and vice-chair from the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine Library Commission and the Maine State Museum Commission. The Governor may designate a staff member of the Office

of the Governor to serve as a nonvoting member. The directors of the 4 cultural agencies shall be nonvoting ex officio members of the council.

1. Appointment of chair. The Governor shall appoint the chair of the Maine State Cultural Affairs Council from among the members of the Maine Library Commission, the Maine Historic Preservation Commission, the Maine Arts Commission or the Maine State Museum Commission, provided that the appointed chair is not from the same commission as the previous chair. The appointment is subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government matters and confirmation by the Legislature.

2. Term of chair. The Chair of the Maine State Cultural Affairs Council shall serve a term of 2 years, except that the chair's term shall not extend beyond the chair's term as a commission member.

§554. Staff

The directors and the personnel of the cultural agencies shall provide staff assistance to the Maine State Cultural Affairs Council.

§555. Duties

The duties and functions of the council are limited to the following:

1. Coordination of budget requests. To receive budget requests from each of the cultural agencies and to coordinate the budget plans for submission to the Bureau of the Budget;

2. Forum for interagency planning. To provide a forum for interagency cooperation and planning;

3. Liaison. To serve as the principal liaison for distribution of agency-wide notices and instructions from other governmental administrative agencies;

4. Prepare annual report. To coordinate the preparation of an annual report and other joint planning documents of the 4 cultural agencies; and

5. Statewide cultural planning. To meet jointly and at least annually with the directors of humanities councils in the State, the Maine State Archives, the State Law Library and others as considered appropriate for the purpose of exchanging information and coordinating statewide cultural planning.

§556. Limitations

The powers of the council do not extend to:

1. Alteration of program. Alteration of any agency program or request except as a conduit for administrative budget instructions;

2. Consolidation. Consolidation or transfer of funds between agencies;

3. Policy setting. Policy setting for any agency or commission; or

4. Additional powers. Any powers not expressly granted.

§557. Annual report

The Maine State Cultural Affairs Council shall annually report to the Governor and the Legislature. The directors shall provide the necessary information and assist the council in the preparation of this report. This report shall include the following:

1. Receipts and expenditures. The receipts and expenditures on the accounts of the cultural agencies;

2. Acquisitions. The number of acquisitions by the cultural agencies, specifying those obtained by purchase, donation or exchange;

3. Program accomplishments. The accomplishments of the programs within the cultural agencies;

4. Program needs. The program needs of the cultural agencies; and

5. Improvements. Suggestions for improvement of the individual programs within the cultural agencies and for the improvement of delivery of cultural services in the State.

Sec. B-43. Transition provisions.

1. Maine State Museum. The Maine State Museum shall be the successor in every way to the powers, duties and functions of the former Maine State Museum Bureau.

2. Rules, regulations and procedures. All existing rules, regulations and procedures in effect, in operation or promulgated in or by the Maine State Museum Bureau, or in or by any administrative units or officers thereof, are hereby declared in effect and shall continue in effect until rescinded, revised or amended by the proper authority.

3. Contracts; agreements; compacts. All existing contracts, agreements and compacts currently in effect in the Maine State Museum Bureau shall continue in effect.

4. Personnel. Any positions, authorized and allocated subject to the personnel laws, to the former Maine State Museum Bureau shall be transferred to the Maine State Museum and may continue to be authorized.

5. Records, property and equipment. All records, property and equipment previously belonging to or allocated for the use of the former Maine State Museum

Bureau shall become, on the effective date of this Act, part of the property of the Maine State Museum.

6. Forms; licenses; letterheads. All existing forms, licenses, letterheads and similar items bearing the name "Maine State Museum Bureau" or which make reference thereto may be utilized by the Maine State Museum until existing supplies of those items are exhausted.

Sec. B-44. Transition provisions.

1. Maine Arts Commission. The Maine Arts Commission shall be the successor in every way to the powers, duties and functions of the former Arts Bureau.

2. Rules, regulations and procedures. All existing rules, regulations and procedures in effect, in operation or promulgated in or by the Arts Bureau, or in or by any administrative units or officers thereof, are hereby declared in effect and shall continue in effect until rescinded, revised or amended by the proper authority.

3. Contracts; agreements; compacts. All existing contracts, agreements and compacts currently in effect in the Arts Bureau shall continue in effect.

4. Personnel. Any positions, authorized and allocated subject to the personnel laws, to the former Arts Bureau shall be transferred to the Maine Arts Commission and may continue to be authorized.

5. Records, property and equipment. All records, property and equipment previously belonging to or allocated for the use of the former Arts Bureau shall become, on the effective date of this Act, part of the property of the Maine Arts Commission.

6. Forms; licenses; letterheads. All existing forms, licenses, letterheads and similar items bearing the name "Arts Bureau" or which make reference thereto may be utilized by the Maine Arts Commission until existing supplies of those items are exhausted.

Sec. B-45. Transition provisions.

1. Maine State Library. The Maine State Library shall be the successor in every way to the powers, duties and functions of the former Maine State Library Bureau.

2. Rules, regulations and procedures. All existing rules, regulations and procedures in effect, in operation or promulgated in or by the Maine State Library Bureau, or in or by any administrative units or officers thereof, are hereby declared in effect and shall continue in effect until rescinded, revised or amended by the proper authority.

3. Contracts; agreements; compacts. All existing contracts, agreements and compacts currently in effect in the Maine State Library Bureau shall continue in effect.

4. Personnel. Any positions, authorized and allocated subject to the personnel laws, to the former Maine

State Library Bureau shall be transferred to the Maine State Library and may continue to be authorized.

5. Records, property and equipment. All records, property and equipment previously belonging to or allocated for the use of the former Maine State Library Bureau shall become, on the effective date of this Act, part of the property of the Maine State Library.

6. Forms; licenses; letterheads. All existing forms, licenses, letterheads and similar items bearing the name "Maine State Library Bureau" or which make reference thereto may be utilized by the Maine State Library until existing supplies of those items are exhausted.

Sec. B-46. Revision clause. Wherever in the Maine Revised Statutes the phrase "Department of Educational and Cultural Services" appears or reference is made to that name, it shall be amended to read and mean the "Department of Education."

Sec. B-47. Revision clause. Wherever in the Maine Revised Statutes the phrase "Arts Bureau" appears or reference is made to that name, it shall be amended to read and mean the "Maine Arts Commission."

Sec. B-48. Revision clause. Wherever in the Maine Revised Statutes the phrase "Commissioner of Educational and Cultural Services" appears or reference is made to that name, it shall be amended to read and mean the "Commissioner of Education."

Sec. B-49. Revision clause. Wherever in the Maine Revised Statutes the phrase "Maine State Museum Bureau" appears or reference is made to that name, it shall be amended to read and mean the "Maine State Museum."

Sec. B-50. Revision clause. Wherever in the Maine Revised Statutes the phrase "Maine State Library Bureau" appears or reference is made to that name, it shall be amended to read and mean the "Maine State Library."

See title page for effective date.

CHAPTER 701

S.P. 691 - L.D. 1830

An Act to Ensure the Independence of the Animal Welfare Board

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

Sec. 1. 7 MRSA §2, 3rd ¶ from end, as amended by PL 1983, c. 308, §§2 and 14, is further amended to read:

The commissioner does not have authority to exercise or interfere with the exercise of any discretion-