

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

RESOLVES
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

2075 - Capital Reserve Funds	
Contractual Services:	
Bridges	100
Building Improvements	45,000
2080 - Labor Relations	
Contractual Services	15,000
2085 - Wage Adjustment	
Personal Services	150,000
TOTAL GENERAL FUND	\$6,331,473

; and be it further

Sec. 3. Summary. Resolved: That the figures appearing in this resolve represent the total amount of taxes and the total specific expenditures authorized for the calendar year 1990. The following is a summary of revenues and appropriations:

Total Appropriations	\$6,331,473
Available Credits:	
Estimated Revenue	\$1,564,900
Total Available Credits	1,564,900
Amount to be Raised by Taxation	\$4,766,573

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

Effective April 17, 1990.

CHAPTER 87

H.P. 1811 - L.D. 2483

Resolve, to Name the District Court Facility to Be Built in Presque Isle the Julian W. Turner Courthouse

Julian W. Turner Courthouse. Resolved: That the district court facility to be constructed in Presque Isle be named the Julian W. Turner Courthouse and that an appropriate plaque be placed on or near the courthouse.

See title page for effective date.

CHAPTER 88

S.P. 561 - L.D. 1564

Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine

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

Whereas, recently enacted education reform in Maine has resulted in the implementation of numerous educational improvement measures affecting nearly every student and citizen in the State; and

Whereas, the objective of education reform is to improve the quality of education received by students in the public schools of this State; and

Whereas, state and local taxpayers have contributed hundreds of millions of dollars toward the implementation of these reform measures and the original reform measures contained no accountability provisions establishing a coordinated and comprehensive evaluation of the effectiveness of those reform measures; and

Whereas, additional future education reform measures are currently being developed and proposed for implementation without adequate evaluation of current existing efforts; and

Whereas, there is a pressing and urgent need for an accountability review and assessment of the effectiveness of on-going educational improvement efforts in order for state and local policy makers to make informed decisions on whether to continue, redirect, expand or terminate current programs and to develop the best method of implementing additional reform programs; and

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

Sec. 1. Commission created and charged. Resolved: That there is created the Special Commission to Study and Evaluate the Status of Education Reform in Maine. The special commission shall conduct a thorough assessment of the various elements of education reform instituted since 1984, including the following.

1. The special commission shall review the 1984 report of the Commission on the Status of Education in Maine and other relevant national and state reports, including the 1987 report of the Special Commission to Study Teacher Training, the 1988 report of the Special Commission on Early Childhood Development and Education and the 1989 report of the Special Commission to Study School Funding and State Tax Law. The commission shall compare the educational policy areas identified in the reports as needing improvement with the education reform measures instituted in Maine since 1984.

2. The commission shall examine the intent, substance and method of implementation of:

A. The teacher certification law, Public Law 1983, chapter 845;

B. The education reform law, Public Law 1983, chapter 859;

C. The administrator certification law, Public Law 1985, chapter 287;

D. The minimum teacher salary law, Public Law 1985, chapter 505; and

E. Other legislative and administrative education reform measures proposed since 1984, such as early childhood education initiatives, school restructuring efforts and attempts to develop a common core of instruction.

3. The special commission shall develop an accountability system for evaluating the effectiveness of education reform to date, including the method of implementation by the Department of Education and the State Board of Education.

4. The special commission shall use the methodology developed to assess:

A. The changes resulting from education reform measures on the formation of educational policy at the state and local level;

B. The content of educational programming;

C. The use of school instructional time;

D. Educational outcomes, including appropriate measures of outcome;

E. The coordination and effectiveness of preservice training programs and professional development opportunities for educators;

F. The current status of educator certification requirements;

G. The availability and morale of educators;

H. The impact on raising student and family aspirations;

I. The impact on local school districts; and

J. Changes in school funding.

5. The special commission shall examine the need for and appropriate method of instituting a system of ongoing review and assessment of current and future education reform efforts.

6. In conducting the study authorized by this resolve, the special commission shall:

A. Hold 5 public hearings across the State to assess public opinion on the status of education reform. The special commission shall schedule the public hearings at a convenient time and place, advertise the public hearings widely and, in cooperation with the University of Maine System, utilize the Interactive Television System whenever possible to achieve the broadest possible participation in the public hearings;

B. Conduct a survey of recent high school graduates to assess student opinions of education reform, including the effect of education reform on student opportunities, aspirations, attendance and drop-out rates;

C. Encourage the development of position papers on various education reform issues by agencies, organizations and individuals interested in education reform; and

D. Meet with the Joint Standing Committee on Education, officials in the executive branch involved in education policy making and representatives of interested education constituencies to gain their perspectives on the review of education reform; and be it further

Sec. 2. Appointment. Resolved: That the commission shall consist of 19 members, appointed in the following manner:

1. Four Legislators who are members of the Joint Standing Committee on Education jointly appointed by the President of the Senate and the Speaker of the House of Representatives;

2. Two representatives of the Department of Education selected by the Commissioner of Education;

3. One representative of the State Board of Education selected by the State Board of Education and one representative of institutions of higher education selected by the Maine Higher Education Council;

4. Two school teachers and 2 school principals representing elementary and secondary schools, one school board member and one school superintendent selected by the statewide professional organization representing each of those groups;

5. One municipal official selected by the Maine Municipal Association;

6. One representative of business and industry selected by the Maine Chamber of Commerce and Industry and one representative of labor jointly appointed by the President of the Senate the Speaker of the House of Representatives from lists of nominees submitted by labor organizations; and

7. Two public members selected by the Governor.

All members shall possess experience, expertise or interest in education and educational reform issues. Appointments must be made as far as practicable to achieve geographical diversity and, where applicable, diversity in the size of the school district, town or business represented; and be it further

Sec. 3. Convening of commission. Resolved: That when the appointment of all commission members is completed and not later than July 31, 1990, the Chair of the Legislative Council shall convene the first meeting of the special commission. At the first meeting, the special

commission shall select a chair and the cochair from among its members.

Under the direction of the chair and the cochair, the special commission may divide into subcommittees for the purposes of considering various education reform issues more effectively; and be it further

Sec. 4. Report. Resolved: That the special commission shall present its initial findings, together with any recommended legislation, in an interim report by March 1, 1991. The final report of the commission, together with any recommended legislation, must be presented to the First Regular Session of the 115th Legislature and the Joint Standing Committee on Education with a copy to the Office of the Executive Director of the Legislative Council by December 1, 1991. The commission in its final report, in addition to assessing past educational reform measures and recommending what ought to be retained, changed or eliminated, may recommend broad goals for future educational reform based on its assessment and shall make recommendations on the need for and method of establishing a process for the assessment of future reform measures.

The final report of the commission shall be widely disseminated to the public, affected constituencies and officials through public meetings, media exposure and use of the Interactive Television System of the University of Maine System; and be it further

Sec. 5. Assistance. Resolved: That the special commission may hire consultants or researchers to assist in performing its duties. With the approval of the Legislative Council, the special commission may apply for grants or technical assistance from public or private organizations. Agencies of State Government shall provide information requested by the special commission. In conducting surveys and policy research, the special commission may request assistance from the University of Maine System. If additional staff assistance is desired, assistance may be requested from the Legislative Council; and be it further

Sec. 6. Compensation. Resolved: That the members of the commission who are Legislators shall receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at commission meetings. Upon application to the Executive Director of the Legislative Council, all members of the commission who are not state employees shall receive reimbursement for expenses in accordance with the Maine Revised Statutes, Title 5, chapter 379; and be it further

Sec. 7. Funding. Resolved: That the Legislative Council, on behalf of the Joint Standing Committee on Education, may seek outside sources of funding to finance the study provided in this resolve. The Legislative Council shall administer any outside funds acquired for the conduct of the study. Expenditures may not be incurred that have an impact on the General Fund. Expenditures may not be incurred relative to this study unless the outside sources of funding have been received by the Legislative Council.

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

Effective April 19, 1990.

CHAPTER 89

S.P. 496 - L.D. 1370

Resolve, to Study the Feasibility of Establishing a Piscataqua River Basin Compact between Maine and New Hampshire

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

Whereas, there are numerous immediate and pressing concerns about the use of water resources in the Piscataqua River Basin and environs, including concerns arising from increased river traffic, identified hazardous waste sites, discharges of sewerage that impair shellfish beds and greatly increased development pressures within the basin; and

Whereas, these concerns arise from ongoing activities that degrade the quality of limited resources within the basin and therefore must be addressed immediately; and

Whereas, a study commission is proposed to address these concerns and propose remedial actions and legislation to alleviate negative impact; and

Whereas, a study is most efficiently and economically conducted during the summer months and must be initiated quickly so that legislation may be proposed to the next session of the Legislature; and

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

Sec. 1. Study commission created and charged. Resolved: That there is established the Commission to Study the Feasibility of Establishing a Piscataqua River Basin Compact between Maine and New Hampshire. The commission shall cooperate with the legislative study committee established by the New Hampshire legislature and shall study the conditions existing within the Piscataqua River Basin and the feasibility of establishing an interstate compact to create a Piscataqua River Basin Authority to be jointly established by the states of Maine and New Hampshire and given either regulatory or advisory responsibility for activities within the basin that have an interstate impact, such as recreational boating, pollution control, fishing, shellfish harvesting, waterfront development, dredging, navigation and the preservation of wetlands and public access; and be it further