

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
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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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 15. 29 MRSA §946-C, sub-§1, ¶B, as enacted by PL 1991, c. 444, §5, is amended by amending subparagraph (8) to read:

(8) A Department of Public Safety vehicle operated by a liquor enforcement officer for the purpose of enforcing section 1312-B or Title 28-A, a state fire inspector or a ~~Bureau of Intergovernmental Drug Enforcement~~ Maine Drug Enforcement Agency officer;

Sec. 16. Transition. The Maine Drug Enforcement Agency is the successor in every way to the powers, duties and functions of the Bureau of Intergovernmental Drug Enforcement and shall carry out the duties and responsibilities previously assigned to that bureau. All grants, money, property, assets, appropriations, contracts and agreements pertaining to the Bureau of Intergovernmental Drug Enforcement are transferred to the Maine Drug Enforcement Agency on the effective date of this Act. All accrued assets, balances, appropriations, allocations, transfers, grants, revenues, contracts or other available funds in an account or subdivision of an account of the Bureau of Intergovernmental Drug Enforcement are transferred to the Maine Drug Enforcement Agency.

All records, property and equipment of the Bureau of Intergovernmental Drug Enforcement become the property of the Maine Drug Enforcement Agency on the effective date of this Act.

The Director of the Maine Drug Enforcement Agency has the authority to enter into such contracts or agreements or apply for such grants, modification to grants or money as may be necessary to carry forth the work of the Bureau of Intergovernmental Drug Enforcement. Nothing in this Act may be construed to violate any requirements of any granting agency, including, but not limited to, those received from the federal Bureau of Justice Assistance.

The director has the authority and discretion to establish the location of the regional offices and choose the sergeants supervising these offices. These sergeants must be selected from current offices and employees. Investigative agents now employed by the bureau remain employed as investigators with the Maine Drug Enforcement Agency unless these employees have not worked for their sponsoring agencies prior to assignment to the bureau. All time periods related to such agents' employment begin on the effective date of this Act.

See title page for effective date.

CHAPTER 842

S.P. 894 - L.D. 2299

An Act Relating to Legislative Confirmation Hearings

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

Sec. 1. 3 MRSA §151, 5th ¶, as enacted by PL 1975, c. 771, §11, is amended to read:

The ~~Joint Standing Committee~~ joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public. Notice of the hearing ~~shall~~ must be published in the state paper at least 7 days before the hearing. The notice ~~shall~~ must contain the time and place of the hearing, the name of the nominee, the office to which ~~such~~ that person has been nominated and a general description of the duties of that office. At the hearing, the committee shall take written or oral testimony which ~~shall~~ must be limited to relevant comments and questions regarding the qualifications of the nominee to carry out the duties of the office. The hearing must be held within 30 days of the Governor's written notice of the nomination to the President of the Senate and the Speaker of the House of Representatives, except that hearings on judicial nominations and Workers' Compensation Commission nominations must be held by the joint standing committee having jurisdiction over judiciary matters within 35 days of the Governor's written notice.

Sec. 2. 3 MRSA §151, 6th ¶, as amended by PL 1989, c. 25, is further amended to read:

The committee shall recommend confirmation or denial by majority vote of committee members present and voting. The vote of the committee ~~shall be~~ is taken only upon an affirmative motion to recommend confirmation of the nominee. A tie vote of the committee ~~shall be~~ is considered a recommendation of denial. The vote ~~shall~~ must be taken no later than 30 days from the date of the Governor's written notice of the nomination to the President of the Senate and the Speaker of the House of Representatives, except that the vote on judicial nominations and Workers' Compensation Commission nominations must be taken no later than 35 days from the date of the Governor's written notice. The committee vote ~~shall be~~ is by the yeas and nays.

Sec. 3. 3 MRSA §151, 7th ¶, as enacted by PL 1975, c. 771, §11, is amended to read:

The chairman of the committee shall send written notice of the committee's recommendation to the President of the Senate. The committee's recommendation ~~shall be~~ is reviewed by the Senate, which shall vote by the yeas and nays on every such recommendation. Upon review and vote by the Senate, the committee's recommendation ~~shall become~~ becomes final action of confirmation or denial unless the Senate by vote of 2/3 of those members present and voting overrides the committee's recommendation. The vote of the Senate ~~shall~~ must be taken no later than 45 days from the date of the Governor's written notice of the nomination to the President of the Senate and the Speaker of the House

of Representatives, except that the vote of the Senate on the recommendations of the joint standing committee of the Legislature having jurisdiction over judiciary matters on judicial nominations and Workers' Compensation Commission nominations must be taken no later than 50 days after the Governor's written notice.

See title page for effective date.

CHAPTER 843

S.P. 921 - L.D. 2360

An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children Ages 0 to School-age 5

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

Whereas, there is an immediate need for the Department of Education and the boards of directors of the 16 regional sites in the Child Development Services System to develop a method of allocating funds to the regional sites for fiscal year 1992-93; and

Whereas, failure to develop a method of allocating funds to the regional sites by April 30, 1992 would result in a delay in disbursement of funds needed to serve infants and children with disabilities; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-G, sub-§8-A, as amended by PL 1991, c. 622, Pt. G, §2 and affected by §33, is further amended to read:

8-A.	Interde-	Expenses	20-A
Education	partmental	Only	MRSA
	Coordinating		§7704
	Council for		§7733
	Early Inter-		
	vention		

Sec. 2. 20-A MRSA c. 307, as amended, is repealed.

Sec. 3. 20-A MRSA c. 307-A is enacted to read:

CHAPTER 307-A

INFANTS AND CHILDREN, AGES 0 TO SCHOOL-AGE 5, WITH DISABILITIES

§7724. System

1. Establishment. The Child Development Services System is established for the purpose of maintaining a coordinated service delivery system for the provision of childfind activities for children, ages 0 to school-age 5, and free, appropriate and public education services for eligible children, ages 3 to school-age 5, who have a disability. The Child Development Services System consists of 16 regional sites organized as intermediate education units or as private nonprofit corporations, one state level intermediate education unit and the Interdepartmental Coordinating Council for Early Intervention advisory board. The Child Development Services System shall ensure the provisions of this chapter statewide through a contractual or grant relationship between the Department of Education and each regional site.

2. Governmental purpose. The Child Development Services System is established as a body corporate and politic and as a public instrumentality of the State, and the exercise of the powers conferred by this section is deemed to be the performance of essential governmental functions.

§7725. Definitions

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

1. Child Development Services System. "Child Development Services System," or "CDS," means 16 regional sites, a state level intermediate education unit and the Interdepartmental Coordinating Council for Early Intervention established to ensure the provision of childfind activities and free, appropriate and public education services to eligible children.

2. Childfind. "Childfind" means the identification, location and evaluation, at no cost to the family, of children, ages 0 to school-age 5, with disabilities.

3. Departments. "Departments" means 2 or more of the participating state agencies, the Department of Education, the Department of Human Services and the Department of Mental Health and Mental Retardation.

4. Disability. "Disability" means:

A. A condition of children, ages 0 to school-age 5, who are in need of early intervention or special education services due to a delay in one or more of the following areas: cognitive development;