

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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  
JUNE 30, 1992

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

---

---

**RESOLVES**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

---

---

**Whereas**, development of such a strategy requires planning during the current school year; 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. Creation of the Maine Youth Apprenticeship Program. Resolved:** That by October 1, 1992, the Department of Education, the Department of Labor, selected school administrative units and the Maine Technical College System shall develop a draft model and pilot sites to establish the Maine Youth Apprenticeship Program, which includes and uses Maine's secondary and postsecondary vocational education systems and selected businesses and industries.

The model must incorporate concepts in the Maine common core of learning and a certificate of initial mastery based on an understanding of expected student performance standards. The Maine Youth Apprenticeship Program should be an integrated system allowing students to attain skills for the workforce yet enhance those skills through additional educational opportunities. The model must provide for direct involvement by Maine's business community and organized labor unions; and be if further

**Sec. 2. Work group. Resolved:** That the Governor shall convene a working group consisting of the Commissioner of Education, Associate Commissioner of Vocational Education, Commissioner of Labor, Director of the Bureau of Labor Standards, President of the Maine Technical College System, one additional representative of the Maine Technical College System, one representative of the University of Maine System and a member of the State Board of Education; and be it further

**Sec. 3. Report. Resolved:** That on or before November 30, 1992 the Department of Education, on behalf of the working group, shall file a report with the Governor and the joint standing committee of the Legislature having jurisdiction over education matters.

The report must include, but not be limited to:

1. The criteria used to develop the Maine Youth Apprenticeship Program draft model;
2. The criteria used in selecting the first pilot programs;
3. Proposed organizational and governance structure and financial support for the Maine Youth Apprenticeship Program, including the role of the private sector and organized labor in the program;
4. Proposed standards and expectations for students based on the Maine common core of learning and

leading to a performance-based certificate of initial mastery; and

5. A plan to have the Maine Youth Apprenticeship Program fully operational in all of Maine's public high schools and regional vocational centers by the 1996-97 school year.

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

Effective April 6, 1992.

---



---

## CHAPTER 72

### H.P. 1633 - L.D. 2297

#### **Resolve, to Ensure Protection and Family Support for Maine's Children**

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

**Whereas**, the State's child protective services system is only able to respond to 25% of the referred cases and does not have adequate resources to offer to those children that do come into the State's custody; and

**Whereas**, it is essential for the State to make maximum use of federal resources available to support children in need of protection; and

**Whereas**, it is critical to the health and safety of our children to conduct a comprehensive review of the State's child protective services system and to recommend necessary changes; 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. Comprehensive review. Resolved:** That the Department of Human Services shall conduct a comprehensive review of protective and family support services for children. In conducting the review, the department shall:

1. Identify state, local, public and private resources available for provision of services to children who are abused or neglected;
2. Identify areas of need in order to make recommendations to enhance the State's child protective services system;

3. Determine the extent to which state and federal dollars might be increased for those services currently provided or for added services;

4. Review the protective case system of the Department of Human Services to determine the extent to which protective services might be further developed through additional community services activities;

5. Determine how local communities and agencies might become more involved in planning and resource allocation and development and how the State's role in planning, resource development and technical assistance can be increased to support local communities;

6. Determine what, if any, statutory, regulatory or policy changes are necessary to allow or support an increased role for local communities and contracted service agencies in the provision of protective services;

7. Determine what, if any, statutory changes are necessary to allow or support maximization of federal funding sources for local expenditures, as well as technical, regulatory or procedural changes in the Department of Human Services that may be necessary to maximize the use of federal resources in support of local programs and services; and

8. Determine whether adequate mechanisms exist to enable families, providers, state employees and citizens to request further action when they believe that the State's child protective services system is not responding appropriately to abuse or neglect; and be it further

**Sec. 2. Establishment of oversight committee; consultation. Resolved:** That the Department of Human Services, in conducting this comprehensive review, shall establish and consult with an oversight committee consisting of appropriate state agencies, local provider agencies involved with children in need of protection and other appropriate representatives, including, but not limited to:

1. Chiefs of Police;
2. Maine State Nurses Association;
3. Pediatricians;
4. Superintendents of school administrative units;
5. Maine Municipal Association;
6. Child abuse and neglect councils;
7. Mental health centers;
8. Parents;
9. Principals and special education directors;

10. Human services providers involved with children in need of protection;

11. Low-income organizations; and

12. Other groups and individuals the department finds appropriate; and be it further

**Sec. 3. Coordination with Medicaid Plan for Children and Families. Resolved:** That the Department of Human Services shall coordinate the development of this comprehensive review with the implementation of the Medicaid Plan for Children and Families developed pursuant to Resolve 1989, chapter 103. In so doing, the Department of Human Services shall:

1. Determine the implications of the Medicaid Plan for Children and Families for increasing support of other state, local, public and private agencies in the provision of protective services;

2. Identify local dollars that may be available for match by any appropriate federal source; and

3. Identify any state, local or private resources to assist in the maximization of available federal resources; and be it further

**Sec. 4. Staffing; funding. Resolved:** That the Department of Human Services shall provide support staff and funds for contracted consultant services within its existing resources to conduct the comprehensive review; and be it further

**Sec. 5. Report. Resolved:** That the oversight committee established in section 2 shall submit an interim report to the Joint Standing Committee on Human Resources and the Joint Standing Committee on Appropriations and Financial Affairs by September 1, 1992. The oversight committee shall submit a final report to the Joint Standing Committee on Human Resources and the Joint Standing Committee on Appropriations and Financial Affairs by November 15, 1992.

The Department of Human Services shall review the final report of the oversight committee and develop a comprehensive plan. The department shall submit its plan to the joint standing committees of the Legislature having jurisdiction over human resources matters and appropriations and financial affairs by March 1, 1993. The plan must outline the department's response to the findings of the oversight committee and must include any necessary implementing legislation. The department shall implement recommendations prior to submitting its plan if possible, and shall defer only those changes that require legislative approval; and be it further

**Sec. 6. Access to information. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 22, section 4008, subsection 1, the department may dis-

close relevant records that contain personally identifying information and are created in connection with the department's child protective activities or activities related to a child while in the care or custody of the department to members of the oversight committee established in section 2. Members of the oversight committee are subject to the provisions of Title 22, section 4008, subsection 4.

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

Effective April 9, 1992.

## CHAPTER 73

S.P. 907 - L.D. 2327

### Resolve, to Implement Total Quality Management Procedures in State Government

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

**Whereas,** total quality management procedures offer the State an opportunity to immediately improve the efficiency and productivity of State Government; 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. Legislative findings. Resolved:** That the Legislature finds that the customers of State Government are the recipients or beneficiaries of state services; that internal purchasing, personnel, space, budgeting and accounting systems all serve those customers and must all be improved to respond more effectively and efficiently; and that State Government has not given adequate attention to the potential for using the talents, skills, experience and commitment of its employees in improving the organization, cost-efficiency, cost-effectiveness and quality of state services; and be it further

**Sec. 2. Definition. Resolved:** That as used in this resolve, "total quality management" means a management system that emphasizes total customer satisfaction and the importance of front-line, rank-and-file workers in the improvement of production or services within an organization; and be it further

**Sec. 3. Total quality management in the executive branch. Resolved:** That the Governor shall develop and implement a plan for application of total

quality management principles and methods in the executive branch. The plan for introduction of total quality management, including a description of its elements and a timetable for implementation, must be prepared and released by September 1, 1992. The plan must implement total quality management essentials of customer-driven work; results-oriented strategic planning; use of pertinent data; seeking continuous improvement; and emphasizing rank-and-file employee participation; and be it further

**Sec. 4. Total quality management in the Legislature and Judiciary. Resolved:** That the Legislature and the Judicial Department shall adopt plans by September 1, 1992 for the use of total quality management in their operations. Plans adopted by the Legislature and the Judiciary must address all total quality management issues specified under section 3; and be it further

**Sec. 5. Implementation. Resolved:** That all 3 branches of government shall implement the total quality management plans adopted under sections 3 and 4 no later than December 31, 1992; and be it further

**Sec. 6. Employees. Resolved:** That in developing plans under this resolve, each branch of government shall involve rank-and-file employees in devising total quality management programs that improve internal operations and making state operations less bureaucratic, more customer-oriented and more competitive with the private sector.

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

Effective April 9, 1992.

## CHAPTER 74

S.P. 973 - L.D. 2459

### Resolve, to Transfer Certain State Lands to the Maine Veterans' Home

**Sec. 1. Transfer of state land authorized. Resolved:** That the Director of the Bureau of General Services is directed to convey to the Maine Veterans' Home, a public body corporate under the laws of the State, the State's interest in a certain parcel of land in Bangor, Penobscot County, Maine, being 16 acres more or less, as more particularly described in Exhibit A of this resolve. The director may convey this parcel only in a deed containing the following conditions requiring reversion of the entire interest and title to the State if:

1. A veterans' home is not erected on this site no later than one year from the effective date of this resolve;