

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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
1995

§3063-A. Transfer from jails

The commissioner may accept custody of prisoners transferred to the department from county jails under Title 30-A, section ~~1557~~ 1557-A.

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

Effective April 10, 1996.

CHAPTER 648

H.P. 1318 - L.D. 1802

**An Act to Consolidate and Improve
Delivery of International Trade
Services in Maine**

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

Whereas, the State is in a position to provide better international trade services to its citizens and businesses; and

Whereas, the State has the opportunity to create well-paid jobs in the manufacturing sector if exports are expanded; and

Whereas, immediate action is needed in order to best capitalize on developing the State's competitive trading advantages to create these jobs; 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Sec. 1. 5 MRSA §13063-A, as amended by PL 1995, c. 519, §1, is repealed.

Sec. 2. 5 MRSA §§13070-A and 13070-B, as enacted by PL 1989, c. 875, Pt. M, §§6 and 13, are repealed.

Sec. 3. 5 MRSA §13070-C is enacted to read:

§13070-C. International Trade Director

1. Appointment. The Governor shall appoint a full-time International Trade Director, subject to review by the joint standing committee of the Legislature having jurisdiction over business and economic

development matters and confirmation by the Legislature, who shall serve at the pleasure of the Governor. The director shall report to the commissioner in the execution of the director's responsibilities.

2. Duties. The International Trade Director shall implement the State's policies with respect to development of international trade opportunities for the State's businesses and citizens. The director shall serve as the State's diplomat and shall advocate within the State and abroad on behalf of the State and the State's international community.

The director shall serve as the president of the Maine International Trade Center upon confirmation by the center's Board of Directors of the Maine International Trade Center. The director shall oversee activities of the center and has the duties and responsibilities as provided in Title 10, chapter 107-B.

Sec. 4. 10 MRSA c. 107-A, as enacted by PL 1989, c. 875, Pt. K, §§1 and 3, is repealed.

Sec. 5. 10 MRSA c. 107-B is enacted to read:

CHAPTER 107-B

MAINE INTERNATIONAL TRADE CENTER

§945. Establishment

The Maine International Trade Center, referred to in this chapter as the "center," is established to enhance the competitive advantage of state businesses desiring to compete in the international market. The center provides a source of leadership, coordination and a shared vision for international trade development in the State. The purpose of the center, through its cooperative public and private board, is to refine, revise and implement the State's international strategic plan by providing and enhancing services in coordination with the economic development activities of the private sector, community and regional agencies and State Government.

The center is a private nonprofit corporation with a public purpose and the exercise by the center of the powers conferred by this chapter is held to be an essential governmental function.

§945-A. Duties

The center shall provide a base level of services without regard to membership in the center and enhanced services as the center's board of directors may direct, to private entities, individuals, the State and to quasi-public and public entities. The center shall encourage and assist the growth of the State's international economic activities in the following ways.

1. Forum. The center shall provide a continuing forum for the exchange of expertise, ideas and innovations between the public and private sectors.

2. Education. The center shall offer quality education and technical services to businesses in the State that compete or seek to compete in worldwide markets.

3. Development of programs. The center shall act as a catalyst in the development and coordination of international programs.

4. Public policy. The center shall underscore the importance of international trade as a priority of public policy and to enhance public appreciation of the relevance of the international economy.

5. Information. The center shall provide information necessary to transact international business and to make effective decisions concerning international trade and policy.

6. Infrastructure. The center shall support the development and availability of an overall infrastructure conducive to international business.

7. Dissemination of programs. The center shall promote the development and dissemination of education, training and technical assistance programs appropriate for foreign countries.

8. Market opportunities. The center shall identify market opportunities and potential contracts in foreign countries that match the technologies and expertise available in the State and coordinate and submit appropriate proposal responses.

9. Data base. The center shall maintain an international commerce data base to assist in making program decisions.

§945-B. Members of center

Members of the center are individuals and organizations that pay dues to the center or are state agencies as specified in subsection 1. Memberships may be set at different levels. Members shall elect 7 members to the board of directors of the center pursuant to section 945-C.

1. Members. Members are the private individuals, partnerships, firms, corporations, governmental entities and other organizations who pay dues to the center. For the purposes of this chapter, members may include, but are not limited to, municipal and county government, councils of government, local and area development corporations, regional planning commissions, development districts, state agencies, higher educational facilities, including the components of the University of Maine System, the Maine

Maritime Academy, private colleges and postsecondary schools and technical colleges, and other public or quasi-public entities. The following 8 public organizations are granted membership by virtue of the State's contribution to the organization, are exempt from dues requirements and each is entitled to designate one individual to exercise its voting right: the Department of Agriculture, Food and Rural Resources, the State Planning Office, the Finance Authority of Maine, the Department of Labor, the Department of Conservation, the Department of Marine Resources, the Department of Economic and Community Development and the Department of Transportation.

2. Voting rights. All members have a vote in the affairs of the center as set forth in the bylaws of the center, except that when the member is an organization and not an individual the governing body of that organization shall designate the individual who is to exercise the voting right.

§945-C. Board of directors and officers

The Board of Directors of the Maine International Trade Center, referred to in this chapter as the "board of directors," consists of 7 directors elected from the membership and 5 directors appointed by the Governor. Each director is entitled to one vote. Board members' terms must be staggered as determined in the bylaws of the center.

The state representative of the United States Department of Commerce and the state representative of the United States Small Business Administration may serve as nonvoting ex officio directors.

1. Elected directors. The members shall elect 7 directors from among the center's dues-paying membership.

2. Governor-selected directors. The Governor shall select 5 directors, one of whom must be the International Trade Director at the Department of Economic and Community Development. The other 4 directors must have international business or professional experience.

3. Chair; vice-chair; treasurer. The board of directors shall elect the chair and the vice-chair of the board of directors and the treasurer of the center from among the directors.

4. President. The International Trade Director at the Department of Economic and Community Development shall serve as the president of the center upon confirmation by a majority of the board of directors. Once every 2 years, the Governor shall submit the International Trade Director's name to the board of directors for reappointment. Reappointment

is subject to confirmation by a majority of the board of directors.

5. Duties of president. The president shall:

A. Serve as the liaison between the board of directors and the center;

B. Manage the center's programs and services;

C. Ensure that the center's programs reflect the policy and management decisions as described in the strategic plan for the State concerning international trade;

D. Coordinate all services to continually meet the needs of the center as described in the strategic plan for the State;

E. Play a leadership role in coordinating, facilitating and helping to prioritize both the short-term and long-term recommendations of this strategic plan;

F. Serve as the State's diplomat, providing leadership in the area of international trade and advocating within the State and abroad on behalf of the State's international trade community; and

G. Perform such other duties as the board considers appropriate.

§945-D. General powers

The center may:

1. Suit. Sue or be sued in its own name;

2. Application for and receipt of funds. Apply for and receive funds from any private source or governmental entity, whether by grant, donation, loan or any other manner;

3. Economic development services; fees. Employ a staff and provide services to public or private entities to assist their efforts in the development of international trade in the State and to charge such fees for these services as it determines appropriate;

4. Real and personal property. Purchase, receive, hold, lease, acquire by foreclosure, operate, manage, license, sell, convey, transfer or grant real and personal property, together with those rights and privileges that may be incidental and appurtenant to the real and personal property and the use of the real and personal property, including, but not limited to, any real or personal property acquired by the center from time to time in the satisfaction of debts or enforcement of obligations;

5. Expenditures and obligations regarding real and personal property. Make all expenditures and incur any obligations reasonably required in the exercise of sound business principles to secure possession of, preserve, maintain, insure and improve real and personal property or interests in real and personal property acquired by the center;

6. Securities. Acquire, subscribe for, own, hold, sell, assign, transfer, mortgage or pledge the stock, shares, bonds, debentures, notes or other securities and evidences of interest in or indebtedness of any person, firm, corporation, joint stock company, partnership, association or trust and, while the owner or holder thereof, exercise all the rights, powers and privileges of ownership, including the right to vote thereon;

7. Encumbrance of property. Mortgage, pledge or otherwise encumber any property right or thing of value acquired pursuant to the powers contained in subsection 4, 5 or 6 as security for the payment of any part of the purchase price of the property right or thing of value;

8. Contracts and liabilities. Make contracts, including contracts for services, and incur liabilities for any of the purposes authorized in those contracts;

9. Debt. Borrow money for any of the purposes authorized in this chapter; incur debt, including the power to issue its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured; and secure the same by mortgage, pledge, deed of trust or other lien on its property, rights and privileges of every kind and nature, or any part thereof or interest therein; and

10. Cooperation with agencies and organizations. Cooperate with governmental agencies and the University of Maine System; and cooperate, assist and encourage organizations, local or regional, private or public, in the communities of the State in the promotion, assistance and development of international trade in those communities and the State.

§945-E. Adoption of bylaws

The center shall adopt bylaws consistent with this chapter for the governance of its affairs and has the general powers accorded corporations under Title 13-A, section 202. The center shall take all actions necessary or convenient to carry out the lawful purposes of the center under this chapter.

§945-F. Limitation of powers

The center may not enter into contracts, obligations or commitments of any kind on behalf of the State or any of its agencies, nor may it have the power of eminent domain or any other power not provided to

business corporations generally. Bonds, notes and other evidences of indebtedness of the center may not in any way be a debt or liability of the State or constitute a pledge of the faith and credit of the State.

§945-G. Liability of officers, directors and employees

All officers, directors, employees and other agents of the center entrusted with the custody of the securities of the center or authorized to disburse the funds of the center must be bonded, either by a blanket bond or by individual bonds, with a surety bond or bonds with a minimum limitation of \$100,000 coverage for each person covered by the surety bond, conditioned upon the faithful performance of duties, the premiums for which are paid out of the assets of the center.

§945-H. Prohibited interests of officers, directors and employees

Officers, directors or employees of the center or their spouses or dependent children may not receive any direct personal benefit from the activities of the center in assisting any private entity. This section does not prohibit corporations or other entities with which officers or directors are associated by reason of ownership or employment from participating in international trade activities of the center or receiving services offered by the center as long as the ownership or employment is made known to the board of directors and, if applicable, the officers or directors abstain from voting on matters relating to that participation. This section does not apply to members who are not officers or directors of the center.

§945-I. Donations to State

The State, through the Governor, may accept donations, bequests, devises, grants or other interests of any nature on behalf of the center and transfer those funds, property or other interests to the center.

§945-J. Confidential records

The following records are confidential and are not open to public inspection.

1. Proprietary information. Information provided to or developed by the center and included in a business or marketing plan is confidential so long as the person to whom the information belongs or pertains requests that it be designated as confidential and if, when made available, the information would allow a person to obtain a business or competitive advantage over another person or would result in significant detriment to the person to whom the information belongs and when the information is not otherwise available in the public domain.

2. Tax or financial information. Any financial statement, supporting data or tax return of any person is confidential.

3. Credit assessment. Any record obtained by the center that contains an assessment of the credit worthiness, credit rating or financial condition of any person is confidential.

This section does not prohibit the disclosure of information that is otherwise available in the public domain.

§945-K. Annual report; audit

The center shall provide an annual report and an independent audit of its activities to the Governor, the joint standing committee of the Legislature having jurisdiction over economic development matters and the members of the center.

§945-L. General conditions; dissolution

The center shall operate as a nonprofit organization consistent with its composition and broad public purposes. The following conditions apply to the operation or dissolution of the center.

1. Net earnings of center. No part of the net earnings of the center may inure to the benefit of any member, officer, director or employee, except that the center may pay reasonable compensation for services rendered and otherwise hold, manage and dispose of its property for the purposes of the center.

2. Dissolution of center. Upon dissolution of the center, the members shall transfer all unexpended General Fund appropriations to the State before paying or making provision for the payment of all other liabilities of the center.

§945-M. Liberal construction

This chapter may be construed liberally to effect the intent and purposes of the center for an improved and enhanced international trade development effort in the State and may not be construed as a limitation of powers.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1996-97

**ECONOMIC AND
COMMUNITY
DEVELOPMENT,
DEPARTMENT OF**

International Commerce Division

All Other (220,700)
 Provides for the deappropriation of All Other funds from the International Commerce Division for the general operation of the Maine International Trade Center.

Office of Business Development

All Other (45,833)
 Provides for the deappropriation of All Other funds from the Maine Education Training Export Partnership Program for the general operation of the Maine International Trade Center.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
TOTAL

(266,533)

MAINE WORLD TRADE ASSOCIATION

Maine World Trade Association

All Other (114,583)
 Provides for the deappropriation of All Other funds for the general operation of the Maine International Trade Center.

MAINE WORLD TRADE ASSOCIATION
TOTAL

(114,583)

MAINE INTERNATIONAL TRADE CENTER

Maine International Trade Center

All Other 381,116
 Provides for the appropriation of All Other funds for the general operation of the center.

MAINE INTERNATIONAL TRADE CENTER
TOTAL

381,116

TOTAL APPROPRIATIONS \$-0-

Sec. 7. Transition from existing entities to Maine International Trade Center.

1. The Maine International Trade Center must be governed by a transition board until November 1, 1996. This board is composed of 14 members, including 6 elected members of the former Board of Directors of the Maine World Trade Association who represent the private sector; the chair and 2 additional members of the former Board of Directors of the Maine Education and Training Export Partnership; and 5 individuals selected by the Governor. The transition board members from the former Maine World Trade Association and the former Maine Education and Training Export Partnership are to be selected by the respective former boards of directors. Election of the permanent board must take place by October 15, 1996 in a nomination process open to all members of the center. The Governor has the choice of selecting new directors or reappointing those serving on the transition board.

2. The Maine International Trade Center must honor all contracts and other liabilities of the former Maine Education and Training Export Partnership, the former International Commerce Division of the Department of Economic and Community Development and the former Maine World Trade Association.

3. All memberships of the former Maine World Trade Association and the Maine Education and Training Export Partnership must be transferred to the Maine International Trade Center effective August 1, 1996 with all rights and privileges pertinent to the transfer. These members are charter members of the center.

Sec. 8. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Maine Education and Training Export Partnership"; "International Commerce Division" or the "Maine World Trade Association" appear, or reference is made to those words, they are amended to read and mean the "Maine International Trade Center," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 9. Effective date. Those sections of this Act that repeal the Maine Revised Statutes, Title 5, section 13063-A and Title 5, chapter 107-A take effect August 1, 1996.

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

Effective April 10, 1996, unless otherwise indicated.

CHAPTER 649

S.P. 701 - L.D. 1791

An Act to Initiate Education Reform in Maine

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

Sec. 1. 20-A MRSA §§6208 and 6209 are enacted to read:

§6208. Legislative intent

The Legislature finds that because all children can learn at significantly higher levels, it is essential that the Legislature, the State Board of Education, the Department of Education, school administrative units, educators and parents provide children with schools that reflect high expectations and create conditions where these expectations can be met. Through a shared sense of accountability and a cooperative spirit among State Government, school administrative units, educators, parents, business persons, and the community, school administrative units and educators can develop and teach to high standards that will enable students to become productive and fulfilled members of society. The Legislature further finds that the system of learning results established in section 6209 will serve as a foundation for education reform, will promote assessment of student learning, will reinforce accountability and will encourage equity. The Legislature, therefore, encourages the State Board of Education, the Department of Education and school administrative units to employ a high degree of creativity in developing content standards and performance indicators and to explore a wide range of programs and options so that the standards adopted will reflect the highest possible expectations and assessments will be of the highest possible quality. The ultimate goal and intent of the Legislature is to ensure that the State's schools will enable today's students to gain the knowledge and skills necessary to be effective parents, citizens, workers and adults.

§6209. System of learning results established

The department in consultation with the state board shall establish and implement a comprehensive, statewide system of learning results, referred to in this section as the "system," no later than the 2002-03 school year. The system, based broadly upon guiding

principles set forth in this section, must establish high academic standards at all grade levels in the areas of math; English; science and technology; social studies, including history, economics and civics; career preparation; visual and performing arts; health and physical education; and foreign languages. Only students in a public school or a private school approved by the State pursuant to section 2902 and approved for the receipt of public funds by private secondary schools pursuant to section 2951 are required to participate in the system of learning results. The commissioner shall develop accommodation provisions for instances where course content conflicts with sincerely held religious beliefs and practices of a student's parent or guardian. The system shall be adopted to accommodate exceptional students as defined in section 7001, subsection 2.

1. Guiding principles. Each student must leave school as:

A. A clear and effective communicator who:

- (1) Uses oral, written, visual, artistic and technological modes of expression;
- (2) Reads, listens to and interprets messages from multiple sources; and
- (3) Uses English and at least one other language;

B. A self-directed and life-long learner who:

- (1) Creates career and education plans that reflect personal goals, interests and skills, and available resources;
- (2) Demonstrates the capacity to undertake independent study; and
- (3) Finds and uses information from libraries, electronic data bases and other resources;

C. A creative and practical problem solver who:

- (1) Observes situations objectively to clearly and accurately define problems;
- (2) Frames questions and designs data collection and analysis strategies from all disciplines to answer those questions;
- (3) Identifies patterns, trends and relationships that apply to solutions to problems; and
- (4) Generates a variety of solutions, builds a case for the best response and critically evaluates the effectiveness of this response;