

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

examining these issues, the commission may conduct public hearings to receive testimony on the incidence of disruptive student conduct and violent behavior in the public schools throughout the State. The commission review must include, but is not limited to, the following components:

1. The collection and analysis of available data related to the incidence of disruptive student conduct and violent behavior in the public schools throughout the State;
2. Effective districtwide school disciplinary policies, procedures and practices that seek to prevent or respond to disruptive or violent student conduct in the public schools;
3. The establishment of suggested student conduct and responsibility standards; and
4. The establishment of a system for notifying staff regarding a student with a history of violent behavior; and be it further

**Sec. 5. Staff assistance. Resolved:** That the commission shall request staffing and clerical assistance from the Legislative Council; and be it further

**Sec. 6. Meetings. Resolved:** That the commission may meet up to 4 times; and be it further

**Sec. 7. Reimbursement. Resolved:** That the members of the commission who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2 for each day's attendance at meetings of the commission. All members of the commission are entitled to reimbursement for travel and other necessary expenses, upon application to the Legislative Council. The Executive Director of the Legislative Council shall administer the commission's budget; and be it further

**Sec. 8. Report. Resolved:** That the commission shall submit its report together with any accompanying legislation to the Joint Standing Committee on Education and Cultural Affairs of the 118th Legislature by October 30, 1998; and be it further

**Sec. 9. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

**1998-99**

**LEGISLATURE**

**Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings**

Personal Services	\$440
All Other	4,900

Provides funds for the per diem of legislative members, expenses of members and public hearing and miscellaneous costs of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings.

<b>LEGISLATURE</b>	
<b>TOTAL</b>	\$5,340

See title page for effective date.

**CHAPTER 120**

**H.P. 1573 - L.D. 2207**

**Resolve, Establishing the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services**

**Sec. 1. Task force established. Resolved:** That there is established the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services, referred to in this resolve as the "task force"; and be it further

**Sec. 2. Membership. Resolved:** That the task force consists of 13 members as follows:

1. The Commissioner of Human Services or the commissioner's designee;
2. The Commissioner of Mental Health, Mental Retardation and Substance Abuse Services or the commissioner's designee;
3. The following members appointed by the President of the Senate:

- A. One member of the Joint Standing Committee on Health and Human Services representing the majority party;
- B. One member of a statewide organization representing children;
- C. One member of a statewide organization representing low-income families;
- D. One member of a statewide organization representing persons with developmental disabilities;
- E. One member of a statewide organization representing consumers of substance abuse services; and
- F. One person representing the Medicaid Ombudsman; and

4. The following members appointed by the Speaker of the House of Representatives:

- A. Two members of the Joint Standing Committee on Health and Human Services, one representing the majority party and one representing the minority party;
- B. One member of a statewide organization representing the elderly;
- C. One member of a statewide organization representing persons with mental illness; and
- D. One person representing the long-term care ombudsman program; and be it further

**Sec. 3. Appointments. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the Chair of the Legislative Council shall call and convene the first meeting of the task force no later than August 1, 1998. The task force shall select a chair from among its legislative members; and be it further

**Sec. 4. Duties. Resolved:** That the task force shall study the need for an ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. In examining this need, the task force shall examine the operation and effectiveness of current ombudsman programs, advocacy programs, offices of consumer affairs, appeals procedures and other opportunities for clients of the 2 departments and other members of the public to express their interests to the departments. The task force shall consider models for client representation in use in

other states and shall make recommendations for those 2 departments; and be it further

**Sec. 5. Staff assistance. Resolved:** That the task force shall request staffing and clerical assistance from the Legislative Council; and be it further

**Sec. 6. Reimbursement. Resolved:** That the task force members who are Legislators are entitled to legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at meetings of the task force and to reimbursement for travel and other necessary expenses upon application to the Legislative Council. Members who are not Legislators serve without reimbursement of any type. The Executive Director of the Legislative Council shall administer the task force's budget; and be it further

**Sec. 7. Report. Resolved:** That the task force shall submit a report with any accompanying legislation to the First Regular Session of the 119th Legislature by December 15, 1998; and be it further

**Sec. 8. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1998-99

**LEGISLATURE**

**Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services**

Personal Services	\$660
All Other	1,100

Provides funds for the per diem and expenses of legislative members and miscellaneous costs, including printing, of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services.

**LEGISLATURE  
TOTAL**

\$1,760

See title page for effective date.

**CHAPTER 121****H.P. 1681 - L.D. 2298****Resolve, to Create a Task Force to  
Study Telecommunications Taxation****Sec. 1. Task force established. Resolved:**

That the Task Force to Study Telecommunications Taxation, referred to in this resolve as the "task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of the following 15 members:

1. One member from the Department of Administrative and Financial Services, either the Bureau of Revenue Services or the Bureau of Information Services, appointed by the Governor;

2. One member from the Department of Economic and Community Development, appointed by the Governor;

3. One municipal official who has expertise in the area of telecommunications property taxation, appointed by the Governor;

4. Six representatives from the communications industry, appointed by the Governor, representing the following business groups:

A. One representative of an independent telephone company;

B. One representative of a regional telephone company;

C. One representative of a long distance telephone company;

D. One representative of a cable television company;

E. One representative of an internet service provider; and

F. One representative of a primarily nonwire-based telecommunications carrier;

5. Three members of the Senate, at least one of whom represents the Joint Standing Committee on Taxation, appointed by the President of the Senate; and

6. Three members of the House of Representatives, at least one of whom represents the Joint Standing Committee on Taxation, appointed by the Speaker of the House; and be it further

**Sec. 3. Appointments; meetings. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities once the appointments have been made. Within 15 days after the appointment of all members has been completed, the Chair of the Legislative Council shall call and convene the first meeting of the task force. The members shall select a chair from among the members who are Legislators; and be it further

**Sec. 4. Duties. Resolved:** That the task force shall:

1. Identify and recommend methods to eliminate disparities within the present tax system among the various telecommunications industry subgroups including, but not limited to:

A. Rural independent telephone service providers;

B. Regional telephone companies;

C. Cellular telephone service providers;

D. Long distance telephone service providers;

E. Cable television companies;

F. Internet service providers; and

G. Radio paging service providers;

2. Compare the telecommunications businesses with other industry sectors and, to the extent possible, with similar businesses in other states;

3. Evaluate strategies to ensure that the telecommunications tax system is easily administered and predictable and that it provides for revenue stability; and

4. Clearly define the tax base and appropriate taxing jurisdiction; and be it further

**Sec. 5. Staffing assistance. Resolved:** That the task force may request staffing assistance from the Department of Administrative and Financial Services, Bureau of Revenue Services and the Legislative Council; and be it further

**Sec. 6. Reimbursement. Resolved:** That the members of the task force who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and to