

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

officer shall administer the program and shall establish by rule the rates of interest or fees to be charged.

Sec. 4. 20-A MRSA §12504, 2nd ¶, as amended by PL 1999, c. 441, §8, is further amended to read:

Loans of up to \$1,500 per academic year or \$6,000 total may be made to students pursuing postbaccalaureate certification. Loans of up to \$3,000 per academic year or \$12,000 total may be made to eligible graduating high school seniors and college students. Loans of up to \$3,000 per academic year or \$6,000 total may be made to eligible child development students pursuing an associate's degree in child development, and loans of up to \$3,000 total but not exceeding the cost of tuition, books and fees may be made to child development students pursuing a child development associate certification. An individual who has received a Educators for Maine loan or a Blaine House Scholars Program loan as a graduating high school senior or as a college student may also receive a loan for students pursuing postbaccalaureate certification or as a teacher or speech pathologist engaged in graduate education or continuing education. In no event may an individual receive more than \$18,000 in total. Loans for undergraduate students ~~and~~ postbaccalaureate recipients and child development students pursuing an associate's degree in child development are for one academic year and are automatically renewed if the recipient maintains a grade point average of 2.5 based on a 4.0 grade point system or the equivalent.

Sec. 5. 20-A MRSA §12507, sub-§4 is enacted to read:

4. Child development students. A child development student may fulfill a return service requirement under this section by working in a licensed day care center or for a certified home day care provider, as defined in Title 22, section 8301-A.

Sec. 6. 22 MRSA c. 1082 is enacted to read:

CHAPTER 1082

QUALITY CHILD CARE

§4095. Quality child care site

1. Definition. As used in this chapter, unless the context otherwise indicates, "quality child care site" means a child care site that meets minimum licensing standards and:

A. Is accredited by an independent, nationally recognized program approved by the Department of Human Services, Office of Head Start and Child Care;

B. Utilizes recognized quality indicators for child care services approved by the Department of Human Services, Office of Head Start and Child Care; and

C. Includes provisions for parent and client input, a review of the provider's policies and procedures, a review of the provider's program records and an on-site program review.

For large, multifunction agencies, only those portions of the child care sites that have been reviewed by the accrediting body may be considered quality child care sites.

2. List of sites. The department shall develop and maintain a list of quality child care sites in the State.

See title page for effective date.

CHAPTER 784

H.P. 1814 - L.D. 2547

An Act to Implement the Recommendations of the Task Force to Study the Operation of and Support for the Board of Environmental Protection

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

Sec. 1. 2 MRSA §6, sub-§6, as amended by PL 1997, c. 643, Pt. Q, §3, is further amended to read:

6. Range 85. The salaries of the following state officials and employees are within salary range 85:

Director of the Maine Emergency Management Agency;

Members, Maine Unemployment Insurance Commission;

Deputy Commissioner of the Department of Defense, Veterans and Emergency Management; ~~and~~

Director of the Bureau of Maine Veterans' Services; ~~and~~

Executive Analyst, Board of Environmental Protection.

Sec. 2. 5 MRSA §931, sub-§1, ¶L-2, as enacted by PL 1997, c. 459, §3, is amended to read:

L-2. The Director of Econometric Research within the Bureau of Taxation; ~~and~~

Sec. 3. 5 MRSA §931, sub-§1, ¶L-3 is enacted to read:

L-3. The Executive Analyst of the Board of Environmental Protection; and

Sec. 4. 5 MRSA §938-A, as enacted by PL 1989, c. 890, Pt. A, §§2 and 40, is repealed.

Sec. 5. 38 MRSA §341-C, sub-§7, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended to read:

7. Conflict of interest. Members are governed by the conflict of interest provisions of Title 5, section 18. If a member believes that a conflict of interest may require that member's abstention in a proceeding, unless the member in question objects, the question of the conflict of interest must be submitted to a non-binding advisory vote of the members present, excluding the member in question.

Sec. 6. 38 MRSA §341-D, sub-§1-B, as enacted by PL 1995, c. 347, §3, is amended to read:

1-B. Rulemaking. Subject to the Maine Administrative Procedure Act, the board shall adopt, amend or repeal reasonable rules and emergency rules necessary for the interpretation, implementation and enforcement of any provision of law that the department is charged with administering. The board shall also adopt, amend and repeal rules as necessary for the conduct of its business.

The department shall identify in its regulatory agenda, when feasible, a proposed rule or provision of a proposed rule that is anticipated to be more stringent than the federal standard, if an applicable federal standard exists.

During the consideration of any proposed rule by the board, when feasible, and using information available to it, the department shall identify provisions of the proposed rule that the department believes would impose a regulatory burden more stringent than the burden imposed by the federal standard, if such a federal standard exists, and shall explain in a separate section of the basis statement the justification for the difference between the agency rule and the federal standard.

Notwithstanding Title 5, chapter 375, subchapter II, the board shall accept and consider additional public comment on a proposed rule following the close of the formal rule-making comment period at a meeting that is not a public hearing only if the additional public comment is directly related to comments received during the formal rule-making comment period or is in response to changes to the proposed rule. Public notice of the meeting must comply with Title 1, section 406 and state that the board will accept

additional public comment on the proposed rule at that meeting.

This subsection takes effect January 1, 1998.

Sec. 7. 38 MRSA §341-F, sub-§§1 and 2, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, are amended to read:

1. Staff. Staff of the board must be hired by the chair with the consent of the board. The executive ~~director~~ analyst shall direct the daily operations administrative and operational functions of the board and board staff in an impartial and objective manner. The board shall prescribe the duties of the executive analyst. The executive analyst is prohibited from participating in any activity that substantially compromises the executive analyst's ability to discharge effectively and impartially the executive analyst's duties to the board.

2. Unclassified employee. Professional staff The executive analyst of the board are is unclassified and may be removed, only for cause, by the chair with consent majority vote of the board.

Sec. 8. 38 MRSA §342, sub-§11-A is enacted to read:

11-A. Recommendations and assistance to board. The commissioner shall make recommendations to the board regarding proposed rules; permit and license applications; modification, revocation or suspension of licenses; appeals of license and permit decisions; and other matters considered by the board. The commissioner shall also provide the board with the technical services of the department.

Sec. 9. Hiring. The Chair of the Board of Environmental Protection shall hire an executive analyst no earlier than October 1, 2000.

Sec. 10. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Board of Environmental Protection Fund

Positions - Legislative Count	(1,000)
Personal Services	\$51,445
All Other	10,300
Capital Expenditures	3,000

Allocates funds for one Executive Analyst position and general operating funds.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

TOTAL \$64,745

See title page for effective date.

CHAPTER 785

S.P. 1076 - L.D. 2679

An Act to Establish the Council on Children and Families and to Ensure the Continuation of the Governor's Children's Cabinet

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

Whereas, a statewide system of coordinated educational and social systems is necessary to respond to the current needs of children and families; 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-L, sub-§12 is enacted to read:

12. Council on Children and Families Legislative Per Diem and Expenses 5 MRSA 19121

Sec. 2. 5 MRSA c. 437, as amended, is repealed.

Sec. 3. 5 MRSA cc. 438 and 439 are enacted to read:

CHAPTER 438

COUNCIL ON CHILDREN AND FAMILIES

§19121. Council on Children and Families

1. Establishment. The Council on Children and Families, as established by section 12004-L, subsection 12, is referred to in this chapter as the "council."

2. Membership. The council is composed of the following members: the Commissioner of Corrections; the Commissioner of Education; the Commissioner of Human Services; the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of Public Safety; and 7 Legislators, who are each appointed for a 2-year term as follows:

A. The President of the Senate shall appoint 3 members from the Senate. When making the appointments, the President of the Senate shall give preference to members from the joint standing committees of the Legislature having jurisdiction over criminal justice matters, education and cultural affairs and health and human services matters; and

B. The Speaker of the House shall appoint 4 members from the House of Representatives. When making the appointments, the Speaker of the House shall give preference to members from the joint standing committees of the Legislature having jurisdiction over criminal justice matters, appropriations and financial affairs, education and cultural affairs and health and human services matters.

The council shall ask the Chief Justice of the Supreme Judicial Court to serve as a member of the council.

Terms of appointment for Legislators must be for the legislative term of office of the person appointed.

3. Chair. At the first meeting each year, the members shall elect a person from among the membership to serve as chair for a term of one year. The chair may not serve more than 2 terms consecutively.

§19122. Purposes of the council; goals

The purposes of the council are to receive reports from and advise and make policy recommendations to the Governor, the Children's Cabinet, the Legislature and the judiciary regarding the following goals:

1. Encourage coordinated system. To encourage a statewide system of coordinated education and social services, including health, mental health, juvenile justice and public safety services, that is responsive to the current needs of children and families and that is delivered by a partnership of schools and public and private agencies; and to promote access to these services, including coordination of these services among departments and provider agencies, for all children and their families who are in need of these services;