

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

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. Adoption. Resolved: That final adoption of Chapter 231: Rules Relating to Drinking Water, a provisionally adopted major substantive rule of the Department of Human Services, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized.

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

Effective May 20, 1999.

CHAPTER 44

H.P. 1535 - L.D. 2188

Resolve, Regarding Legislative Review of Certain Sections of Chapter II, Section 67, Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services

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 Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of certain sections of Chapter II, Section 67,

Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, a provisionally adopted major substantive rule of the Department of Human Services, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized.

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

Effective May 20, 1999.

CHAPTER 45

H.P. 1184 - L.D. 1694

Resolve, to Direct the Maine State Museum and the Maine Historic Preservation Commission to Include, Consult and Involve Local Historical Societies and Affected Municipalities in the Recovery and Local Display of Certain Revolutionary War Artifacts

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

Whereas, Revolutionary War vessels of potential historical significance are submerged in the Penobscot River near the cities of Brewer and Bangor and other municipalities located along the shores of the Penobscot River; and

Whereas, salvage of those vessels will contribute to the historical record of the State and an understanding of important events in the formation of our nation; and

Whereas, the possibility exists that private or public dredging of the Penobscot River in the area where the vessels are submerged may occur in the future in order to ensure unimpeded passage of vessels on the river; and

Whereas, the Maine State Museum and the Maine Historic Preservation Commission are charged with ensuring the proper recovery, restoration and preservation of archaeological artifacts under the Maine Revised Statutes, Title 27, chapter 2; 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. Maine Historic Preservation Commission and the Maine State Museum directed to include, consult and involve local historical societies and affected municipalities in the recovery and local display of certain Revolutionary War artifacts. Resolved: That the Maine Historic Preservation Commission and the Maine State Museum are directed to consult with and to involve the historical societies of the City of Brewer and the City of Bangor and other historical societies, or municipal officers or their designees of municipalities located along the Penobscot River, in the development of plans to study the Penobscot Expedition shipwrecks prior to any public or private dredging of the Penobscot River. The study must include mechanisms to ensure that:

1. The artifacts are properly recovered and conserved in accordance with state and federal law;
2. The artifacts, once recovered and restored, are displayed for the benefit of the public in one or more appropriate local repositories; and
3. Both public and private funding of the recovery, restoration and local display of the artifacts are encouraged. Funding sources may include, but are not limited to, local government, State Government, Federal Government or private sector funds; and be it further

Sec. 2. State required to retain archaeological preservation and protection responsibilities. Resolved: That nothing in this resolve authorizes the State, through the Maine State Museum or the Maine Historic Preservation Commission, to transfer or surrender its responsibilities to preserve and protect archaeological sites under the Maine Revised Statutes, Title 27, chapter 13, subchapter II.

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

Effective May 21, 1999.

CHAPTER 46

S.P. 568 - L.D. 1635

Resolve, Regarding Results-based Certification for Teachers

Sec. 1. Plan for implementing results-based initial certification for teachers. Resolved: That by January 14, 2000 the State Board of Education and the Department of Education shall report to the Joint Standing Committee on Education and Cultural Affairs with a plan for implementing results-based initial certification for teachers. In

developing the plan, the board and the department shall participate and invite participation of members of interested groups, including but not limited to school superintendents, school principals, school boards, teachers, vocational educators and representatives of associations representing those groups, higher education institutions that prepare teachers, the Maine Coalition for Excellence in Education, the Maine Leadership Consortium, the business community and the Legislature. The plan must include an implementation timeline and proposed assessment standards for the following knowledge areas:

1. A thorough knowledge of the central concepts, tools of inquiry and structures of the discipline or disciplines to be taught and the ability to create meaningful learning experiences for students;
2. The ability to integrate the central concepts, tools of inquiry and structures of the discipline or disciplines to be taught;
3. A knowledge of the diverse ways in which students learn and develop and the ability to provide learning opportunities that support students' intellectual, physical, emotional and social development;
4. The ability to plan instruction based on knowledge of subject matter, students and curriculum goals;
5. An understanding of and the ability to use a variety of instructional strategies and appropriate technologies;
6. The ability to create and maintain a classroom environment that supports and encourages learning;
7. The ability to support students' learning and well-being by involving students, students' families, school staff members and administrators and the local community in the learning process;
8. An understanding of and the ability to use a variety of formal and informal assessment strategies to evaluate and support the development of students;
9. An awareness of and commitment to the ethical and legal responsibilities of teachers; and
10. A strong professional ethic and a desire to contribute to the teaching profession; and be it further

Sec. 2. Study of the feasibility of results-based recertification of teachers. Resolved: That the State Board of Education and the Department of Education shall study the feasibility of results-based recertification of teachers. The report must be