

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

complex and an outpost camp. The standards must establish a minimum setback of 150 feet for all other structures within a sporting camp complex, including, but not limited to, a main lodge, a dining area, a workshop and a parking area.

In adopting district boundaries and land use standards, the commission shall give consideration to public and private planning reports and other data available to it, and shall give weight to existing uses of land and to any reasonable plan of its owner as to its future use.

A permit from the commission is not required for the repair or maintenance of county-owned roads, bridges or culverts as long as the repair or maintenance is conducted in accordance with commission standards that pertain to these activities.

Sec. 4. 12 MRSA §685-B, sub-§1-A, ¶¶A and B, as enacted by PL 1999, c. 333, §13, are amended to read:

A. A permit is not required for the repair and maintenance of an existing road culvert or for the replacement of an existing road culvert, as long as the replacement culvert is:

- (1) No more than one standard culvert size wider in diameter than the culvert being replaced;
- (2) No more than 25% longer than the culvert being replaced; and
- (3) No longer than 75 feet.

Ancillary culverting activities, including excavation and filling, are included in this exemption. A person repairing, replacing or maintaining an existing culvert under this paragraph shall ensure that erosion control measures are taken to prevent sedimentation of the water and that the crossing does not block fish passage in the water course; ~~or~~

B. A permit is not required for those aspects of a project approved by the Department of Environmental Protection under Title 38 if the commission determines that the project is an allowed use within the subdistrict or subdistricts for which it is proposed. Notice of the intent to develop and a map indicating the location of the proposed development must be filed with the commission prior to or concurrently with submission of a development application to the Department of Environmental Protection; and

Sec. 5. 12 MRSA §685-B, sub-§1-A, ¶C is enacted to read:

C. A permit is not required for a campsite in a management district.

See title page for effective date.

CHAPTER 403

H.P. 255 - L.D. 291

An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools

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

Sec. 1. 20-A MRSA §4706, as amended by PL 1991, c. 655, §4, is further amended to read:

§4706. Instruction in American history, Maine studies and Maine Native American history

The following subjects ~~shall be~~ are required.

1. American history. American history and civil government, including the Constitution of the United States, the Declaration of Independence, the importance of voting and the privileges and responsibilities of citizenship, ~~shall~~ must be taught in and required for graduation from all elementary and secondary schools, both public and private.

2. Maine studies. ~~A course in~~ Maine history, including the Constitution of Maine, Maine geography and environment and the natural, industrial and economic resources of Maine and Maine's cultural and ethnic heritage, ~~must be taught in at least one grade from grade 6 to grade 8, in all schools, both public and private. These concepts must be integrated into the curriculum in grades 9 to 12. A required component of Maine studies is Maine Native American studies addressing the following topics:~~

A. Maine tribal governments and political systems and their relationship with local, state, national and international governments;

B. Maine Native American cultural systems and the experience of Maine tribal people throughout history;

C. Maine Native American territories; and

D. Maine Native American economic systems.

Sec. 2. Maine Native American History and Culture Commission. The Maine Native American History and Culture Commission, referred to in this section as the "commission," is established to help prepare for the inclusion of Maine Native

American history and culture into the required course in Maine studies as specified in the Maine Revised Statutes, Title 20-A, section 4706, subsection 2.

1. Membership. The commission consists of the following 15 members:

A. Eight members selected by the tribal chiefs and governors of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs. At least one of these members must be appointed to serve from the Maine Indian Tribal-State Commission;

B. Six members selected by the Commissioner of Education, including an elementary school teacher, a middle school teacher, a high school teacher, a curriculum director, a superintendent or principal and an employee of the Department of Education; and

C. One member selected by the Chancellor of the University of Maine System.

2. Duties. The commission shall:

A. Assist school administrative units and educators in the exploration of a wide range of educational materials and resources relating to Maine Native American history and culture;

B. Identify materials and resources for implementing Maine Native American history and culture; and

C. Involve other knowledgeable organizations and individuals able and willing to assist with this work, including, but not limited to, museums and educators.

3. Convening the commission. No later than 30 days following the effective date of this Act, the Maine Indian Tribal-State Commission shall call and convene the first meeting of the commission and preside over the selection of a chair.

4. Reporting. The commission shall report its findings to the Commissioner of Education for implementation and shall provide a copy to the Maine Indian Tribal-State Commission, regarding:

A. Educational materials that are appropriate to assist school administrative units and educators in the State to include Maine Native American history and culture into the required course in Maine studies; and

B. Opportunities for professional development, training and technical assistance that must be provided to assist school administrative units and educators in the State in implementing Maine

Native American history and culture into the required course in Maine studies.

5. Staff assistance and resources. The Maine Indian Tribal-State Commission shall provide staffing assistance to the commission. Each entity appointing members to the commission shall reimburse its appointees to the commission for travel costs associated with participation in commission meetings and other activities of the commission. Each entity shall assist in identifying and securing resources to enhance the work of the commission.

6. Implementation. The commission shall provide a preliminary report to the Commissioner of Education for dissemination to educators in the State by June 1, 2002 and a final report by September 1, 2003.

Sec. 3. Report must include plan to assist school administrative units. The recommendations of the Maine Native American History and Culture Commission must include a plan to assist the Department of Education in helping school administrative units implement instruction in Maine Native American studies. The plan must also include criteria to identify school administrative units having difficulty meeting the instructional components of Maine Native American studies and the provision of assistance to these school administrative units. The plan for assistance must be established by July 30, 2004 and implemented during the 2004-2005 school year.

Sec. 4. School to implement Maine Native American studies subject to availability of funds. Following review of the recommendations of the Maine Native American History and Culture Commission, school administrative units may not be required to take any action that necessitates additional expenditures from local revenues unless the Department of Education pays for 90% of the additional costs. Implementation of instruction in Maine Native American studies is at the discretion of the school administrative unit if additional local expenditures are required for implementation and the department has not paid its share of the additional local costs.

A school administrative unit that determines that it is unable to implement instruction in Maine Native American studies within existing state and local resources shall present its findings and supporting evidence to the Department of Education. The department shall review the findings and evidence and, if necessary, assist the unit in planning for implementation.

See title page for effective date.
