

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

subject to this section whose earnable compensation as a Legislator is less than the earnable compensation that would have been earned in the position from which the Legislator is on a leave of absence may make member contributions on the amount that represents the difference between the legislative earnable compensation received and the earnable compensation that would have been received in the position from which the Legislator is on a leave of absence.

3. Maximum total earnable compensation; total member contributions. The total earnable compensation on which a Legislator makes member contributions under this section may not be greater than the earnable compensation that the Legislator would have received had the Legislator remained in the position from which the Legislator is on a leave of absence. The Legislator's total member contributions under this section may not be greater than the member contributions that would have been paid on the earnable compensation that the Legislator would have received had the Legislator remained in that position from which the Legislator is on a leave of absence.

4. Method of member contribution. A Legislator may make member contributions under this section by either a single lump sum payment or by annual direct payments as provided by Title 5, section 17701, subsection 4.

5. Interest. If the Legislator makes member contributions under this section in the year in which the Legislator is on leave of absence, no interest accrues. If payment of member contributions under this section is made at any later time, interest accrues at a rate to be set by the board of trustees not to exceed regular interest by 5% or more, computed beginning at the end of the year in which the contributions would have been made to date of payment.

6. Written agreement. A Legislator who elects to make additional member contributions under this section must enter into a written agreement with the Maine State Retirement System for the making of the contributions. The agreement must be in a form specified by the Maine State Retirement System and according to terms and procedures specified by the Maine State Retirement System.

7. Employer contribution. Whenever a Legislator elects to make member contributions under this section, the State shall pay the employer share of contributions on the amount that represents the difference between the legislative earnable compensation received by the Legislator and the earnable compensation that would have been received by the Legislator in the position from which the Legislator is on a leave of absence.

Sec. 3. 5 MRSA §17701, sub-§5 is enacted to read:

5. Earnable compensation for certain members. The earnable compensation of a public school teacher or employee of the Maine Technical College System who is on leave of absence for the purpose of serving as a Legislator is the total amount of earnable compensation upon which the teacher or employee makes member contributions as specified in and subject to the limitations of Title 3, section 801, subsection 1.

See title page for effective date.

CHAPTER 658

S.P. 767 - L.D. 2102

An Act to Implement the Recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment

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

Sec. 1. 5 MRSA §12004-G, sub-§10-B is enacted to read:

10-B.	<u>Maine</u>	<u>Legislative</u>	<u>20-A</u>
<u>Education</u>	<u>Higher</u>	<u>Per Diem</u>	<u>MRSA</u>
	<u>Educational</u>	<u>for</u>	<u>§10401</u>
	<u>Attainment</u>	<u>Legislators</u>	
	<u>Council</u>		

Sec. 2. 20-A MRSA c. 406 is enacted to read:

CHAPTER 406

MAINE HIGHER EDUCATIONAL ATTAINMENT COUNCIL

§10401. Maine Higher Educational Attainment Council established

The Maine Higher Educational Attainment Council, referred to in this chapter as the "council," is established to provide a permanent voice in support of higher education, to create a statewide vision for higher educational attainment and to develop, maintain and evaluate implementation of a long-term plan for higher educational attainment in the State.

1. Membership. The council consists of 16 members. The Governor, the President of the Senate and the Speaker of the House of Representatives shall jointly appoint the following 16 members, 2 of whom must be designated to serve as cochairs of the council:

A. Twelve members collectively having a broad range of interests, including, but not limited to, higher education, kindergarten to grade 12 education, business and labor; and

B. Four members of the Legislature with a demonstrated interest in higher education.

One member of the council must be a member of a statewide association of independent colleges.

2. Appointments. Members appointed to the council serve 3-year terms except the terms of the initially appointed members must be staggered: five of the initial appointees serve for one year, 5 serve for 2 years and 6 serve for 3 years. The 2 members chosen as cochairs of the council serve for a 3-year term.

3. Quorum. Nine members of the council constitute a quorum.

4. Compensation. Members of the council are not entitled to compensation for their services, except for those members of the Legislature appointed to the council, who receive the legislative per diem.

§10402. Powers and duties

1. Develop long-term plan for increasing level of educational attainment in State. The council shall:

A. Develop and recommend a long-term plan, goals, benchmarks and alternative strategies for increasing the level of educational attainment in the State;

B. Monitor progress in accomplishing the long-term plan's vision, goals and benchmarks;

C. Develop a recommended plan of action to implement the recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment established pursuant to Resolve 2001, chapter 66; and

D. Recommend changes in the long-term plan to reflect newly identified education needs within the State.

2. Council procedures. The council shall use the following guidelines when developing the long-term plan described in subsection 1.

A. The process must be continuous, with a multi-year planning horizon. It must include clear authority for monitoring and evaluating progress in evaluating the long-term plan on a regular basis.

B. The long-term plan must have a strategic focus and measurable outcomes, with clear goal-setting and performance indicators.

C. The council may appoint working groups and advisory committees as necessary, representing key concerned parties, to accomplish the goals outlined in this section.

D. The process must be statewide in scope, using available technology to ensure that all areas of the State have access to the work of the council.

E. Preparation and maintenance of the long-term plan must be through a public and private partnership approach that is objective and nonpartisan.

3. Long-term plan contents. The long-term plan developed by the council under this section must consist of:

A. A process for improving educational attainment within the State that demonstrates a shared commitment to achieving that end and a recognition that new forms of cooperation among public and private institutions of higher education, kindergarten to grade 12 education, State Government and the wider community at large are required to achieve the plan's goals;

B. A strategy for implementing the recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment established pursuant to Resolve 2001, chapter 66;

C. Benchmarks for accomplishing the long-term plan that are specific and quantifiable performance indicators against which each of the goals that have been set forth to accomplish the vision can be measured;

D. Alternative strategies to accomplish the benchmarks based upon the best practices in this State, other states and other countries; and

E. A strategy for improving educational attainment that is not limited to traditional baccalaureate programs. The long-term plan must include consideration of improving the academic and career preparation of all kindergarten to grade 12 students, increasing workforce training and retraining programs, removing financial and other barriers to educational attainment and increasing the capacity of all types of postsecondary educational programs to meet the educational needs of citizens of this State.

4. Fiscal matters. The responsibility for funding the council must be shared equally between govern-

ment and the private sector. The Maine Development Foundation shall serve as the council's fiscal agent, providing regular financial reports to the council on funds received and expended and an annual audit. The Maine Development Foundation shall seek funds and accept gifts to support the council's objectives.

5. Staff support. The Maine Development Foundation shall provide staff support to fulfill the requirements of this section.

6. Report. Beginning in January 2003, the council shall report annually to the Legislature and the joint standing committee of the Legislature having jurisdiction over education matters. The council shall report on implementation of its long-term plan and recommended changes to the long-term plan.

Sec. 3. Initial members. The initial members of the Maine Higher Educational Attainment Council established in the Maine Revised Statutes, Title 20-A, section 10401 must be appointed by September 1, 2002.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

MAINE DEVELOPMENT FOUNDATION

Maine Development Foundation

Initiative: Provides funds for the State's share of supporting the Maine Higher Educational Attainment Council.

General Fund	2001-02	2002-03
All Other	\$0	\$40,000

MAINE DEVELOPMENT FOUNDATION

DEPARTMENT TOTALS	2001-02	2002-03
GENERAL FUND	\$0	\$40,000
DEPARTMENT TOTAL -		
ALL FUNDS	\$0	\$40,000

LEGISLATURE

Legislature

Initiative: Provides funds for the per diem and expenses of legislative members serving on the Maine Higher Educational Attainment Council.

General Fund	2001-02	2002-03
Personal Services	\$0	\$660
All Other	0	2,560
Total	\$0	\$3,220

LEGISLATURE

DEPARTMENT TOTALS	2001-02	2002-03
GENERAL FUND	\$0	\$3,220
DEPARTMENT TOTAL -		
ALL FUNDS	\$0	\$3,220

SECTION TOTALS	2001-02	2002-03
GENERAL FUND	\$0	\$43,220
SECTION TOTAL -		
ALL FUNDS	\$0	\$43,220

See title page for effective date.

CHAPTER 659

H.P. 1563 - L.D. 2068

An Act Relating to the Treatment of Persons with Mental Illness Who are Incarcerated

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

PART A

Sec. A-1. Examination of "ride-along" program. The Department of Behavioral and Developmental Services shall examine the efficiency and effectiveness of its "ride-along" program, in which specially trained intensive case managers ride along with police officers to assist in dealing with crisis situations involving persons with mental illness. The department shall attempt to quantify the results of the program and determine whether the expenditures on this program are the most effective use of resources in addressing the needs of persons with mental illness in their interaction with law enforcement. The examination must clearly identify the goals of the program and assess whether the program is meeting those goals. The department shall report the results of its examination together with any recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice matters no later than January 30, 2003, which may report out legislation in response to the report to the First Regular Session of the 121st Legislature.

PART B

Sec. B-1. 22 MRSA §3174-CC is enacted to read:

§3174-CC. Medicaid eligibility during incarceration

The department shall establish procedures to ensure that a person receiving federally approved Medicaid services prior to incarceration does not lose Medicaid eligibility as a result of that incarceration, even if Medicaid coverage is limited during the period of incarceration. Nothing in this section requires or permits the department to maintain an incarcerated