

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

entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings; and be it further

Sec. 7. Report. Resolved: That the commission shall submit its report, together with any necessary implementing legislation, to the Second Regular Session of the 120th Legislature no later than December 5, 2001. If the commission requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 8. Budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for approval. The commission may not incur expenses that would result in the commission exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds; and be it further

Sec. 9. Costs reimbursed by the Maine Emergency Management Agency. Resolved: That the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency shall use funds in its dedicated State Emergency Response Commission account to reimburse the Legislature in fiscal year 2001-02 for all costs incurred to pay the per diem and expenses of Legislators and expenses for members who are not otherwise compensated by their employers or other entities that they represent and the costs to print the commission's report; and be it further

Sec. 10. Allocation. Resolved: That the following funds are allocated from Other Special Revenue funds to carry out the purposes of this resolve.

2001-02

LEGISLATURE

Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials

Personal Services	\$1,375
All Other	4,300

Provides funds for the per diem and expenses of legislative members and expenses of other eligible members of the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials and to print the required report.

LEGISLATURE	
TOTAL	\$5,675

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

Effective June 28, 2001.

CHAPTER 66

S.P. 616 - L.D. 1797

Resolve, to Establish the Blue Ribbon Commission on Postsecondary Educational Attainment

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 State's elementary and secondary students consistently perform at or near the top nationally in standardized tests; and

Whereas, the percentage of the State's students who graduate from high school is at a very high rate of over 85%; and

Whereas, despite their demonstrated abilities and successes, Maine students go on to college at a rate far below the national average; and

Whereas, according to the "2001 Measures of Growth" issued by the Maine Development Foundation, the percentage of Maine residents over 25 years of age with at least a 4-year degree is 24.1%, well below the New England average of 30.8% and the national average of 26.0%; and

Whereas, over recent years a number of worthwhile efforts have been undertaken to increase the educational achievement of Maine students, yet

Maine continues to lag significantly behind the rest of New England and the rest of the country in the level of educational attainment; and

Whereas, these efforts include expansions in scholarship assistance, creation of the Community College Partnership and increases in base funding for the University of Maine System, the Maine Maritime Academy and the Maine Technical College System; and

Whereas, this legislation establishes the Blue Ribbon Commission on Postsecondary Educational Attainment, which is charged with the duty of assessing the economic impact on the State of increasing levels of educational attainment and developing a plan to address this problem; and

Whereas, in order for the appointing authorities to make their appointments and for the commission to have sufficient time to conclude its work, it is necessary for this legislation to take effect immediately; 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. Commission established. Resolved: That the Blue Ribbon Commission on Postsecondary Educational Attainment, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following 15 members:

1. Two members from the Senate, appointed by the President of the Senate. In making these appointments, the President shall give preference to members of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Business and Economic Development;

2. Two members from the House of Representatives, appointed by the Speaker of the House. In making these appointments, the Speaker shall give preference to members of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Business and Economic Development;

3. The Commissioner of Education or the commissioner's designee;

4. The Commissioner of Economic and Community Development or the commissioner's designee;

5. The President of the Maine Technical College System or the president's designee;

6. The Chancellor of the University of Maine System or the chancellor's designee;

7. The President of the Maine Maritime Academy or the president's designee;

8. A representative of a foundation dedicated to student achievement and higher education, appointed by the Speaker of the House;

9. One member representing private sector higher education, appointed by the Speaker of the House;

10. One member representing the interests of providers of college loans or scholarships, appointed by the Speaker of the House;

11. One representative of a statewide business organization, appointed by the President of the Senate;

12. One representative of a statewide labor organization, appointed by the President of the Senate; and

13. One member representing a statewide association of school guidance counselors, appointed by the President of the Senate; and be it further

Sec. 3. Chairs. Resolved: That the first named Senate member is the Senate chair of the commission and the first named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. 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 selections have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission within 30 days of being notified that all appointments have been made; and be it further

Sec. 5. Duties. Resolved: That the commission shall study the impact of improving postsecondary educational attainment on the State's economy, assess the success of current efforts to improve educational attainment and develop a plan to improve the State's levels of associate's degree and bachelor's degree attainment.

1. In conducting its study, the commission shall:

A. Review current data and research on levels of educational attainment among the New England states and nationally;

B. Assess the economic impact of the State's current levels of educational attainment and the benefits likely to accrue from raising that level;

C. Assess the role of educational attainment in providing an economic climate that allows the State's young adults to find employment at competitive wages here in the State; and

D. Assess the current success of the State's higher educational institutions in preparing students for the challenges of the modern economy.

2. The commission shall develop a plan to:

A. Encourage more high school graduates in the State to enroll in postsecondary educational programs;

B. Assist adults in the State in pursuing and attaining higher degrees;

C. Attain a state educational achievement level, defined as a percentage of adults over the age of 25 years with at least a bachelor's degree, that is equal to the New England average; and

D. Build an educational system that will provide the best possible return to students in the State and the State's economy by preparing students for the modern economy.

The plan must, to the extent possible, build upon current efforts and must include an estimate of the costs associated with implementing it; and be it further

Sec. 6. Staff assistance. Resolved: That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

Sec. 7. Compensation. Resolved: That the members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings; and be it further

Sec. 8. Report. Resolved: That the commission shall submit its report, including the plan required by section 5, together with any necessary implementing legislation, to the Second Regular Session of the

120th Legislature no later than December 5, 2001. If the commission requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 9. Budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds.

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

Effective June 28, 2001.

CHAPTER 67

S.P. 513 - L.D. 1632

Resolve, Directing the Maine Science and Technology Foundation to Determine the Technological, Economic and Public Policy Challenges and Opportunities for the Deployment of Broadband Information Technology Infrastructure to all Parts of the State

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

Whereas, information technology infrastructure is vital to the economic well-being of the State; and

Whereas, the rural areas of the State, most in need of economic development, tend to be the farthest behind in information technology infrastructure; and

Whereas, the advance of information technology is moving faster than ever before and can outpace the capabilities of existing infrastructure in even a matter of months; 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