

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

important part of the responsibility of the University of Maine System; now, therefore, be it

Sec. 1. Review of doctorate-level educational opportunities. Resolved: That the Board of Trustees of the University of Maine System shall establish a review of doctorate-level educational opportunities provided through the University of Maine System; and be it further

Sec. 2. Duties. Resolved: That the review under section 1 must examine the following issues concerning the availability of and demand for doctorate-level educational programs through the University of Maine System:

1. The current array of doctorate-level educational programs available to citizens of the State through the University of Maine System;

2. The capacity and enrollment levels for the current doctorate-level educational programs available to citizens of the State through the University of Maine System; and

3. The demand for doctorate-level educational programs not currently provided through the University of Maine System, including an analysis of the costs and benefits of expanding or revising the current array of doctorate-level educational programs available to the citizens of the State; and be it further

Sec. 3. Report. Resolved: That the Board of Trustees of the University of Maine System shall submit a report that includes its findings and recommendations, including any suggested legislation, to the joint standing committee of the Legislature having jurisdiction over education matters and to the Legislative Council by December 1, 2002. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over education matters may report out a bill to the First Regular Session of the 121st Legislature. If the Board of Trustees of the University of Maine System requires a limited extension of time to complete its report, it may apply to the Legislative Council, which may grant the extension.

See title page for effective date.

CHAPTER 78

H.P. 400 - L.D. 521

Resolve, to Direct the Department of Transportation to Submit Proposed Legislation Permitting Limited Application of Canadian Highway Weight Standards

Sec. 1. Department of Transportation directed to submit legislation to allow Canadian weight standards on Route 1 from Canadian border to junction of Route 1 and Route 9 in Baileyville. Resolved: That the Department of Transportation shall submit proposed legislation to allow Canadian weight standards on Route 1 from the Canadian border with Calais to the junction of Route 1 and Route 9 in Baileyville to the joint standing committee of the Legislature having jurisdiction over transportation matters in the next regular legislative session after the department has determined the location of a 3rd bridge in Washington County connecting Maine with New Brunswick, Canada. This legislation must include provisions to permit a combination vehicle consisting of a 3-axle truck tractor with a 3-axle semitrailer to be operated with a gross vehicle weight of 109,000 pounds and a combination vehicle consisting of a 3-axle truck tractor with a semitrailer and trailer to be operated with a gross weight of 137,800 pounds on Route 1 from the location of the proposed 3rd bridge to the junction of Route 1 and Route 9 in Baileyville.

See title page for effective date.

CHAPTER 79

H.P. 1652 - L.D. 2158

Resolve, to Name the New Psychiatric Treatment Center Located in Augusta

Sec. 1. Name for psychiatric center. Resolved: That the new psychiatric treatment center located in Augusta be named Riverview Psychiatric Center.

See title page for effective date.

CHAPTER 80

S.P. 733 - L.D. 2043

Resolve, to Study School Administrative Unit Organization in Maine

Sec. 1. Study group established. Resolved: That the Department of Education and the State Board of Education shall convene a study group to develop recommendations for state actions that would provide adequate instructional opportunities for all students to achieve the State's learning results while also ensuring a high level of operational efficiency; and be it further

Sec. 2. Study group membership. Resolved: That the Commissioner of Education and the Chair of the State Board of Education shall jointly appoint members of the study group from a list of candidates recommended by the nominating authorities as specified in this section. In nominating members to the study group, the nominating authorities shall select nominees who have experience working with, or special knowledge of, one or more types of school administrative units or regional collaboratives. In appointing members to the study group, the Commissioner of Education and the Chair of the State Board of Education shall give proper consideration to achieving statewide geographical representation. The membership of the study group includes, but is not limited to, the following members:

1. Two superintendents appointed from a list of superintendents recommended by the Maine School Superintendents Association;
2. Two school board members appointed from a list of school board members recommended by the Maine School Boards Association;
3. Two elected or appointed municipal officials appointed from a list of elected or appointed municipal officials recommended by the Maine Municipal Association;
4. One teacher appointed from a list of teachers recommended by the Maine Education Association;
5. One principal appointed from a list of principals recommended by the Maine Principals' Association;
6. Two members of the general public;
7. One member from the Department of Education; and
8. One member of the State Board of Education; and be it further

Sec. 3. Chairs; convening of study group. Resolved: That the Commissioner of Education and the Chair of the State Board of Education shall jointly appoint cochairs of the study group. When the appointment of all study group members is complete, the cochairs of the study group shall call and convene the first meeting of the study group; and be it further

Sec. 4. Study group duties. Resolved: That the study group shall consider issues and make recommendations related to providing the organizational structure and functions that can provide adequate instructional opportunities for all students to achieve the State's learning results while also ensuring a high level of operational efficiency. In accomplishing its duties, the study group shall:

1. Research the history of regionalization in the State by the formation of districts and participation in regional collaboratives, including but not limited to implementation of the Sinclair Act, Maine Revised Statutes, Title 20-A, chapter 103, subchapters I and II. This history must consider demographic data of school administrative units and of regional collaboratives, their organizational structures and functions and how key decisions are made. The history must also characterize the instructional opportunities and operational efficiencies that are associated with different types of school units and regional collaboratives;

2. Investigate other research regarding school administrative units and regional collaboratives in other states and identify findings that may be applicable in the State;

3. Recommend incentives that the State could provide that would serve to promote school administrative units that have the organizational characteristics that can be demonstrated to support high levels of student outcomes and efficient use of resources and to maintain school administrative units that are already exhibiting these organizational characteristics. These incentives may include, but are not limited to, receipt of higher amounts of general purpose aid for local schools and preferential treatment in determining eligibility for capital funds for school construction, renovation or transportation; and

4. Investigate any existing disincentives to forming regional collaboratives and identify strategies that may be applicable to removing or overcoming these disincentives.

In performing its duties, the study group shall review the findings and recommendations of other research, including but not limited to previous studies and reports by the Department of Education, the State Board of Education and the Maine Education Policy Research Institute. The study group shall consider the recommendations contained in the preliminary and final reports of the task force on school governance convened by the State Board of Education at the request of the Joint Standing Committee on Education and Cultural Affairs during the First Regular Session of the 120th Legislature. The study group shall also consider the school governance recommendations contained in "Keeping Promises: Honoring Our Commitment to Educational Equity," the Final Report of the Committee to Study Organizational and Tax Issues in Public Schools, commonly referred to as the "Rosser Report," issued February 1995, including but not limited to the committee's recommendations regarding cooperative agreements, consolidation, school unions, school administrative unit cost-sharing and withdrawals from a school administrative unit; and be it further

Sec. 5. Report. Resolved: That the study group shall submit a preliminary report to the joint standing committee of the Legislature having jurisdiction over education matters by January 31, 2003 and a final report by January 20, 2004. The final report must summarize all findings and provide specific recommendations made pursuant to section 4 of this resolve, including any proposed legislation to implement these recommendations. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters may report out legislation related to the recommendations contained in the report to the Second Regular Session of the 121st Legislature; and be it further

Sec. 6. Staffing. Resolved: That staffing must be jointly provided by the State Board of Education and the Department of Education. The study group may request research and data analysis from the Executive Department, State Planning Office and the Maine Education Policy Research Institute.

See title page for effective date.

CHAPTER 81

H.P. 1492 - L.D. 1995

Resolve, Regarding Participation in Regional Transmission Organization

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

Whereas, regional transmission systems are undergoing comprehensive restructuring that will have a significant and lasting impact upon competition in electricity markets and upon the costs faced by consumers of electricity in the State; and

Whereas, important decisions regarding regional transmission systems are already being made in the context of substantive litigation and negotiations; and

Whereas, the attention to and oversight of these proceedings by the Legislature and the Public Utilities Commission are vital to protect the interest of the State's electric consumers; 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 preserva-

tion of the public peace, health and safety; now, therefore, be it

Sec. 1. Study authorized. Resolved: That the Public Utilities Commission shall conduct a study to determine the advantages and disadvantages of the State's transmission and distribution utilities' joining a regional transmission organization that includes northern Maine and portions of Canada. In conducting its study, the commission shall invite the participation of interested parties in Maine and Canada.

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

Effective March 14, 2002.

CHAPTER 82

S.P. 684 - L.D. 1886

Resolve, Directing the Director of the Bureau of Liquor Enforcement to Study the Equity of Fees for Establishments Licensed to Sell Liquor for On-premises Consumption

Sec. 1. Director of Liquor Enforcement to study equity of on-premises license fees.

Resolved: That the Director of the Bureau of Liquor Enforcement within the Department of Public Safety shall study the equity of the cost of license fees for establishments licensed to sell spirits, wine and malt liquor for on-premises consumption. The study must include an examination of the current disparities in on-premises license fees and whether or not those disparities create a disincentive for establishments to obtain a license for the sale of spirits for on-premises consumption and whether changing the current license fee structure could generate increased revenue to the General Fund from the sale of spirits for consumption on the premises of a licensed establishment. The Director of the Bureau of Liquor Enforcement shall submit a report including suggested legislation to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters by December 31, 2003. The committee is authorized to report out legislation based on the report to the Second Regular Session of the 121st Legislature.

See title page for effective date.