

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

4. Undertake a comprehensive inventory and review of the various exceptions to public access to records and proceedings found within the freedom of access laws and identify possible changes to these exceptions in order to streamline Maine law and thereby make it more easily understood and complied with by governmental employees;

5. Reconsider whether the need for any of the statutory exceptions, as currently worded, is outweighed by the State's general interest in ensuring citizens' access to public records and proceedings; and

6. Study whether and to what extent the freedom of access laws may be used as a harassment tool against local governmental entities and what remedies may be available and appropriate to deter any such harassment; and be it further

Sec. 5. Staff assistance. Resolved: That upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee; and be it further

Sec. 6. Reimbursement. Resolved: That legislative members of the committee are entitled to receive legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the committee; and be it further

Sec. 7. Funding. Resolved: That the committee may seek outside funds to advance its work. Prompt notice of solicitation of funds must be sent to the Legislative Council. Contributions to support the work of the committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Executive Director of the Legislative Council administers any funds received; and be it further

Sec. 8. Committee budget. Resolved:

That the cochairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget; and be it further

Sec. 9. Report. Resolved: That the committee shall submit a report that includes its findings and recommendations including suggested legislation for presentation to the Joint Standing Committee on Judiciary and the Legislative Council by December 3, 2003. Following receipt and review of the report, the Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 121st Legislature to implement the committee's recommendations. If the committee requires a limited extension of time to conclude its study and to make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 10. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

**Committee to Study Compliance
with Maine's Freedom of Access Laws**

Initiative: Provides a base allocation of Other Special Revenue funds to authorize expenditures from this dedicated account.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$500	\$0
Other Special Revenue		
Funds Total	\$500	\$0

See title page for effective date.

CHAPTER 84

S.P. 193 - L.D. 553

**Resolve, To Study the Needs of Deaf
and Hard-of-hearing Children and
Adolescents**

Sec. 1. Task force established. Resolved: That the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents, referred to in this resolve as "the task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of 18 members appointed as follows:

1. Two members of the Senate, appointed by the President of the Senate;

2. Two members of the House of Representatives, appointed by the Speaker of the House;

3. Five members appointed by the Speaker of the House as follows:

A. A behavioral health service provider providing specialized services for deaf or hard-of-hearing youths;

B. A behavioral health service provider not serving deaf or hard-of-hearing youths;

C. A parent of a deaf or hard-of-hearing youth;

D. A representative of a hospital with an inpatient psychiatric unit; and

E. A representative of a public school district;

4. Six members appointed by the President of the Senate as follows:

A. A representative from the Governor Baxter School for the Deaf;

B. A representative of educators of deaf students;

C. A representative of the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness;

D. A representative of providers of behavioral health services;

E. A representative of persons who advocate for deaf students in special education proceedings; and

F. A representative of a nationally accredited, statewide provider of behavioral health services providing specialized mental health services for deaf or hard-of-hearing youths in a day treatment model;

5. The Commissioner of Human Services, or the commissioner's designee;

6. The Commissioner of Education, or the commissioner's designee; and

7. The Commissioner of Behavioral and Developmental Services, or the commissioner's designee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the task force and the first-named House of Representatives

member is the House chair of the task force; and be it further

Sec. 4. Appointments; convening of task force; meetings. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force. The task force may hold up to 4 meetings; and be it further

Sec. 5. Duties. Resolved: That the task force shall examine the behavioral, developmental, social, emotional and educational needs of deaf and hard-of-hearing children and adolescents who are not receiving adequate services because of a lack of appropriate resources in the State. In examining these issues, the task force shall specifically examine:

1. Services that are currently available to serve the needs of deaf and hard-of-hearing children and adolescents and the ability of the providers of those services to provide culturally competent, linguistically accessible services. The task force shall review educational services within the context of the behavioral and mental health needs of the children and adolescents;

2. Demographic data of the numbers of deaf and hard-of-hearing children and adolescents in need of such specialized services and projections regarding the number of deaf and hard-of-hearing younger children who may require such services in the future; and

3. Proposals designed to improve the delivery of services to meet the needs of deaf and hard-of-hearing children and adolescents, including, but not limited to, the development of in-state specialty services, collaborative agreements with bordering states and states with specialized facilities and training initiatives; 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 task force; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the task force are entitled to receive legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem

equal to the legislative per diem for their attendance at authorized meetings of the task force; and be it further

Sec. 8. Report. Resolved: That the task force shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 121st Legislature no later than December 3, 2003. The task force is not authorized to introduce legislation; and be it further

Sec. 9. Extension. Resolved: That, if the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10. Task force budget. Resolved: That the chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force exceeding its approved budget.

Upon request from the task force, the Executive Director of the Legislative Council or the executive director's designee shall promptly provide the task force chairs and staff with a status report on the task force's budget, expenditures incurred and paid and available funds.

See title page for effective date.

CHAPTER 85

H.P. 333 - L.D. 425

Resolve, To Prepare Maine's Students for Active Citizenship

Sec. 1. Commission established. Resolved: That the Commission to Study the Scope and Quality of Citizenship Education, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 15 members appointed as follows:

1. Two members of the Senate, one belonging to the political party holding the largest number of seats in the Senate and one belonging to the political party holding the 2nd largest number of seats in the Senate, appointed by the President of the Senate. Of these 2 members, one must have experience in the field of education;

2. Two members of the House of Representatives, one belonging to the political party holding the largest number of seats in the House of Representatives and one belonging to the political party holding the 2nd largest number of seats in the House of Representatives, appointed by the Speaker of the House;

3. Six members appointed by the President of the Senate as follows:

A. One member who serves as a school administrative district superintendent;

B. One member who serves as the principal of a public school;

C. One member of a school board;

D. One representative of the Department of Education;

E. One representative of the Maine Chamber of Commerce; and

F. One educator with experience in civic education service learning and related areas; and

4. Five members appointed by the Speaker of the House as follows:

A. One dean of students from a college or university;

B. One student enrolled in and attending high school;

C. One student enrolled in and attending college; and

D. Two representatives of the nonprofit education sector in the State, one of whom represents kindergarten to grade 12 education and one of whom represents higher education; 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; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission; and be it further