

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

Sec. 1. Apportionment commission. Resolved: That, notwithstanding the Maine Revised Statutes, Title 30-A, section 61, the Androscoggin County commissioners may establish an apportionment commission, referred to in this resolve as "the commission," in accordance with the procedure established in the Constitution of Maine, Article IV, Part Third, Section 1-A to apportion the Androscoggin County commissioner districts to increase the number of county commissioner districts in Androscoggin County. If the Androscoggin County commissioners establish an apportionment commission, by October 1, 2009, the commission shall develop a plan with maps to increase the number of county commissioner districts from 3 to 5. The plan must include the initial terms of office for each commissioner district. The plan to increase the number of districts must designate 2 commissioners to have 2-year initial terms and 3 commissioners to have 4-year initial terms. The commission shall conduct the reapportionment according to the process established in Title 30-A, section 65, subsection 1, paragraphs A and B; and be it further

Sec. 2. County referendum. Resolved: That the Androscoggin County commissioners may submit the plan developed pursuant to section 1 to the voters of Androscoggin County at the statewide election held in November 2009. The plan must be submitted by the commission to the Clerk of the House of Representatives no later than January 15, 2010 for enactment by the Second Regular Session of the 124th Legislature; and be it further

Sec. 3. Election of county commissioners. Resolved: That the election of Androscoggin County commissioners in the reapportioned districts approved pursuant to section 2 must take place at the statewide election held in November 2010.

See title page for effective date.

CHAPTER 136

H.P. 576 - L.D. 755

Resolve, To Create the Commission To Develop a Strategic Priorities Plan for Maine's Young Children

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

Whereas, there have been reports and efforts highlighting the importance of early child care and education in Maine since the mid-1990s; and

Whereas, strong scientific evidence supports the conclusion that 90% of brain development occurs before 5 years of age; and

Whereas, the "Start ME Right," "Invest in ME Now!" and other initiatives have come before the Legislature in various bills and formats; and

Whereas, State Government faces serious fiscal challenges that require difficult choices to establish spending priorities; and

Whereas, a strategic investment plan is needed and must be initiated before the 90-day period expires in order that the plan may be completed and a report submitted in time for submission to the next legislative session; 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 Commission to Develop a Strategic Priorities Plan for Maine's Young Children, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 13 members appointed as follows:

1. Three members of the Senate including 2 members from the majority party and one member from the minority party, appointed by the President of the Senate, one of whom serves on the Joint Standing Committee on Health and Human Services, one of whom serves on the Joint Standing Committee on Taxation and one of whom serves on the Joint Standing Committee on Business, Research and Economic Development;

2. Five members of the House of Representatives, including 3 members from the majority party and 2 members from the minority party, appointed by the Speaker of the House, one of whom has significant experience working on public policy issues affecting children, one of whom serves on the Joint Standing Committee on Health and Human Services, one of whom serves on the Joint Standing Committee on Education and Cultural Affairs, one of whom serves on the Joint Standing Committee on Taxation and one of whom serves on the Joint Standing Committee on Business, Research and Economic Development;

3. One member representing a business that offers a comprehensive child care benefit and who has focused on the interaction between early care and education and economic development, appointed by the Speaker of the House;

4. One member representing organized labor with an expertise in early child care and education and an understanding of its relationship to opportunities for women and families, appointed by the Speaker of the House;

5. One member representing academia, business or a public policy organization with experience as an actuary or economist who has analyzed the interactions between economic development, early care and education and early child brain development, appointed by the President of the Senate;

6. One member representing child care providers or early child care and education, appointed by the President of the Senate; and

7. The Attorney General or the Attorney General's designee; 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, which must be no later than September 1, 2007; and be it further

Sec. 5. Duties. Resolved: That the commission shall:

1. Work with experts in the field and the Joint Standing Committee on Education and Cultural Affairs to evaluate information from existing early childhood task forces, reports and scientific data on brain development;

2. Identify the current and future economic needs of employers and parents and the links to early child care and education;

3. Hold necessary meetings involving parents, providers of all levels of child care, representatives of business, health experts and economists;

4. Evaluate and review best practices related to parenting education, parent coaching and home visit programs in consultation with the Maine Children's Trust or its designee;

5. Examine the multiple levels of relationship between early childhood brain development and the needs of parents and employers;

6. Take into account the need for the State to receive its best return on the investment of tax dollars;

7. Consult with people involved in the initiatives "Start ME Right" and "Invest in ME Now!"; and

8. Consider the recommendations from the Task Force on Early Childhood and from the report entitled "Invest Early in Maine: A Working Plan for Humane Early Childhood Systems"; and be it further

Sec. 6. Investment strategy and plan. Resolved: That the commission shall, by taking findings from the activities under section 5 into account, recommend a comprehensive 3-year investment strategy and plan that will identify:

1. The amount of the investment each year;

2. The prioritization of programs, both new and existing, to be invested in;

3. The expected outcomes for children and the economy;

4. A timeline for those outcomes; and

5. Funding sources, including, but not limited to, current resources that need to be shifted, new funds and alternate funding sources that are needed; and be it further

Sec. 7. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 8. Compensation. Resolved: That the legislative members of the commission are entitled to receive the 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 authorized meetings of the commission. 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 commission; and be it further

Sec. 9. Strategic investment plan. Resolved: That, no later than December 1, 2007, the commission shall submit a report that includes its strategic investment plan, including suggested legislation, for presentation to the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Business, Research and Economic Development, the Joint Standing Committee on Taxation, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Appropriations and Financial Affairs, as well as to the Legislative Council. The commission is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on Health and Human Services may submit a bill to the Second Regular Session of the 123rd Legislature; and be it further

Sec. 10. Extension. Resolved: That, if the commission 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. 11. Commission budget. Resolved: That the chairs of the commission, with assistance from 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 its approval. The commission may not incur expenses that would result in exceeding the 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 budget, expenditures incurred and paid and available funds.

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

Effective June 27, 2007.

CHAPTER 137

S.P. 484 - L.D. 1396

Resolve, To Provide for an Independent Evaluation of the Procedures and Programs of the Department of Health and Human Services for Promoting Permanency and Safety for Children

Sec. 1. Independent evaluation of reforms. Resolved: That the Commissioner of Health and Human Services shall arrange for, oversee and evaluate the results of the following study and report.

1. The Department of Health and Human Services shall engage an independent expert or organization, familiar with the principles and research regarding the care of children who require the services of the State to achieve or restore permanent family relationships and to ensure appropriate education, health and well-being, for the purposes of evaluating the effects on children of the department's recent reforms of its programs and services for such children. The evaluator must be authorized to act independently of the department's staff assigned to such programs and services and must be given access and authority to interview staff and management of the department in a manner that assures interviewees that they will not be identified in any reports to the department or the Legislature. The evaluator shall also gather and consider the information and opinions of affected children and their families as well as those who provide residential

and nonresidential services to meet the needs of affected children. The objective of the evaluation must be to ensure that the best interests of each child served by the department are served by the implementation of needed reforms in the child welfare system and that adequate provision for each child's safety and well-being is made when plans are developed and carried out for each placement, discharge or other significant transition resulting from a decision made by or on behalf of the department.

2. In preparing for and carrying out the evaluation described in subsection 1, the commissioner shall convene a working group consisting of at least 3 providers of children's services and 3 persons experienced in advocacy for the interests of children to assist in the selection of the evaluator and to provide information and suggestions regarding the scope and design of the evaluation. At least one of the provider representatives must currently be affiliated with a provider of residential children's services.

3. By December 1, 2007, the department shall report to the Joint Standing Committee on Health and Human Services on the findings reported to the commissioner in the course of the evaluation authorized by this section. If the evaluation and report are not final at that time, the department shall provide a progress report and confer with the committee regarding an appropriate date for a final report. The progress report must, at a minimum, describe the methods being employed in the evaluation, identify the person or entity performing it and describe interim findings, if any. The final report must summarize the findings of the evaluation in light of its objective and must include the commissioner's recommendations for any changes in the department's programs or practices that the commissioner considers necessary as a result of the findings of the evaluator; and be it further

Sec. 2. Implementing legislation. Resolved: That, following receipt and evaluation of the final report described in section 1, the Joint Standing Committee on Health and Human Services may submit to the Second Regular Session of the 123rd Legislature such recommended legislation as may be necessary to accomplish the objectives addressed in the reports; and be it further

Sec. 3. Existing resources. Resolved: That the independent evaluation described in section 1 must be completed within existing resources of the Department of Health and Human Services.

See title page for effective date.
