

MAINE STATE LEGISLATURE

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COMMITTEE ON: STATE AND LOCAL GOVERNMENT

LD#: 2254

TITLE: 2nd Act to Implement the Recommendations
of the Special Commission to Study the Organization
of the State's Cultural Agencies

HEARING DATE:

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114th MAINE LEGISLATURE

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Legislative Document

No. 2254

S.P. 885

In Senate, February 1, 1990

Reported by Senator BOST of Penobscot for the Special Commission to Study the Organization of the State's Cultural Agencies pursuant to Public Law 1989, chapter 501. Reference to the Committee on State and Local Government suggested and ordered printed pursuant to Joint Rule 18.

Joy J. O'Brien
JOY J. O'BRIEN
Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Implement the Recommendations of the Special Commission to Study the Organization of the State's Cultural Agencies.



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

PART A

Sec. A-1. 1 MRSA §116, as enacted by PL 1975, c. 642, is amended to read:

§116. Statehood Day

March 15th of each year shall be designated as Statehood Day, and the Governor shall annually issue a proclamation inviting and urging the people of the State of Maine to observe the day in schools and other suitable places with appropriate ceremony and activity. Statehood Day shall commemorate the admission of Maine as a state into the United States of America and the ideals and wisdom of those men and women who have formed Maine's history and traditions. The Department of ~~Educational and Cultural Services~~ Education shall make appropriate information available to the people and the schools within the limits of its budget.

Sec. A-2. 1 MRSA §122, first ¶, as enacted by PL 1983, c. 719, §1, is amended to read:

The Governor shall annually issue a proclamation setting aside that week containing International Women's Day, March 8th, as National Women's History Week. The proclamation shall invite and urge the people of the State to observe the week in schools and other suitable places with appropriate ceremony and study with an emphasis on the historical accomplishments of Maine women. The Department of ~~Educational and Cultural Services~~ Education and the Maine Commission for Women shall make appropriate information available to the people and the schools within the limits of their budgets.

Sec. A-3. 1 MRSA §124, as enacted by PL 1985, c. 31, §1, is amended to read:

§124. Maine Business Women's Week

The Governor shall annually issue a proclamation setting aside the 3rd full week in October as Maine Business Women's Week. The proclamation shall invite and urge the people of the State to observe the week in schools and other suitable places with appropriate ceremony and study. The Department of ~~Educational and Cultural Services~~ Education and the Maine Commission for Women may make appropriate information available to the people and the schools within the limits of their budgets.

2 Sec. A-4. 1 MRSA §126, as enacted by PL 1987, c. 82, is
amended to read:

4 **§126. Samantha Smith Day**

6 The first Monday in June of each year is designated as
Samantha Smith Day, in memory of Samantha Smith whose birthday
8 was June 29th. The Governor shall issue annually a proclamation
inviting and urging the people of this State to observe the day
10 in schools and other suitable places with appropriate ceremony
and activity. Samantha Smith Day shall commemorate and honor
12 Samantha Smith whose vision and inspiring message for peace and
brotherhood opened the door to greater understanding and
14 friendship among nations of the world. The Department of
~~Educational---and---Cultural---Services~~ Education shall make
16 appropriate information available to the people and the schools
within the limits of its budget.

18 Sec. A-5. 1 MRSA §127, first ¶, as enacted by PL 1987, c. 140,
20 §1, is amended to read:

22 The Governor shall annually issue a proclamation setting
aside May 22nd as Maine Merchant Marine Day. The proclamation
24 shall invite and urge the people of the State to observe the day
in schools and other suitable places with appropriate ceremony
26 and study. The Maine Maritime Academy and the Department of
~~Educational---and---Cultural---Services~~ Education may make appropriate
28 information available to the people and the schools within the
limits of their budgets.

30 Sec. A-6. 1 MRSA §129, 2nd ¶, as enacted by PL 1987, c. 610,
32 is amended to read:

34 The Department of ~~Educational---and---Cultural---Services~~
Education shall make appropriate information available to the
36 people and schools within the limits of its budget.

38 Sec. A-7. 1 MRSA §130, 2nd ¶, as enacted by PL 1987, c. 610,
is amended to read:

40 The Department of ~~Educational---and---Cultural---Services~~
42 Education shall make appropriate information available to the
people and schools within the limits of its budget.

44 Sec. A-8. 2 MRSA §6, sub-§1, as amended by PL 1987, c. 534,
46 Pt. A, §§1 and 19, is further amended to read:

48 1. Range 91. The salaries of the following state officials
and employees shall be within salary range 91:

2 Commissioner of Transportation;
4 Commissioner of Conservation;
6 Commissioner of Finance;
8 Commissioner of Administration;
10 Commissioner of ~~Educational-and-Cultural-Services~~ Education;
12 Commissioner of Environmental Protection;
14 Commissioner of Human Services;
16 Commissioner of Mental Health and Mental Retardation;
18 Commissioner of Public Safety;
20 Commissioner of Professional and Financial Regulation;
22 Commissioner of Labor;
24 Commissioner of Agriculture, Food and Rural Resources;
26 Commissioner of Inland Fisheries and Wildlife;
28 Commissioner of Marine Resources;
30 Commissioner of Corrections; and
32 Commissioner of Economic and Community Development.

34 Sec. A-9. 2 MRSA §6, sub-§4, as repealed and replaced by PL
the following enacted in its place:

36 4. Range 88. The salaries of the following state officials
38 and employees shall be within salary range 88:

40 State Purchasing Agent;
42 Director, Arts Commission;
44 Director, State Museum Commission;
46 Director, Bureau of Parks and Recreation;
48 State Director of Alcoholic Beverages;
50 Director of Public Lands;

2 State Librarian;
4 Director of Employee Relations;
6 Director, Bureau of Air Quality Control;
8 Director, Bureau of Land Quality Control;
10 Director, Bureau of Water Quality Control;
12 Director, Bureau of Oil and Hazardous Materials Control;
14 Director, Bureau of Solid Waste Management;
16 Director, Bureau of Administration;
18 Director, Office of Planning;
20 Director, Office of Waste Reduction and Recycling; and
22 Director, Office of Siting and Disposal Operations.

24 Sec. A-10. 2 MRSA §6, sub-§6, as amended by PL 1987, c. 634,
26 §1, is further amended to read:

28 6. Range 85. The salaries of the following state officials
and employees shall be within salary range 85:

30 Director of Veterans' Services;
32 Director of Civil Emergency Preparedness;
34 Executive Director, Historic Preservation Commission;
36 Members, Maine Unemployment Insurance Commission; and
38 Director of Military Bureau.

40 Sec. A-11. 5 MRSA §139, first ¶, as amended by PL 1987, c. 247,
42 §3, is further amended to read:

44 The Treasurer of State, with the approval of the
Commissioner of Finance, the Bank Superintendent and the
46 Commissioner of Educational--and--Cultural--Services Education,
shall invest and reinvest the principal of all funds derived or
48 that may be derived from the sale and lease of lands reserved for
public uses in accordance with the laws of the State governing
the investment of funds of savings banks, as enumerated in Title
50 9-B, except as provided in chapter 161.

2 **Sec. A-12. 5 MRSA §139, 2nd ¶**, as amended by PL 1985, c. 785,
Pt. A, §11, is further amended to read:

4
6 The Treasurer of State, with the approval of the
Commissioner of Finance, the Bank Superintendent and the
Commissioner of ~~Educational--and--Cultural--Services~~ Education,
8 shall have the power to enter into a contract or agreement
approved by the Governor with any national bank, trust company or
10 safe deposit company located in New England or New York City for
custodial care and servicing of the securities belonging to any
12 trust fund created from funds derived or that may be derived from
the sale and lease of lands reserved for public uses. Such
14 services shall consist of the safekeeping of those securities,
collection of interest and dividends, periodical checks of the
16 portfolio deposited for safekeeping to determine all calls for
redemption, in whole or in part, of any bonds owned by such
18 funds, and any other fiscal service which is normally covered in
a custodial contract or agreement. In performing services under
20 any such contract or agreement, the contracting bank shall have
all of the powers and duties prescribed for trust companies by
22 Title 9-B, section 623.

24 **Sec. A-13. 5 MRSA §139, last ¶**, as amended by PL 1985, c. 785,
Pt. A, §12, is further amended to read:

26
28 The Treasurer of State shall be empowered to withdraw or
deposit securities from or with the custodian as circumstances
may require, all withdrawal orders or delivery instructions to
30 bear the approval in writing of the Bank Superintendent and that
of either or both the Commissioner of ~~Educational--and--Cultural~~
32 ~~Services~~ Education and the Commissioner of Finance.

34 **Sec. A-14. 5 MRSA §937, sub-§1**, as amended by PL 1989, c. 414,
§§1 and 2, is further amended to read:

36
38 **1. Major policy-influencing positions.** The following
positions are major policy-influencing positions within the
Department of ~~Educational--and--Cultural--Services~~ Education.
40 Notwithstanding any other provision of law, these positions and
their successor positions shall be subject to this chapter:

- 42 A. Assistant to the Commissioner;
44 B. Deputy Commissioner;
46 C. Associate Commissioner, Bureau of School Management;
48 D. Associate Commissioner, Bureau of Instruction;

50

2 E. Associate Commissioner, Bureau of Adult and Secondary
Vocational Education;

4 F. Director, Planning and Management Information;

6 G. Federal and State Education Program Coordinator; and

8 H. Executive Director, Interdepartmental Council, with the
10 approval of the other commissioners of the Interdepartmental
Council.

12 **Sec. A-15. 5 MRSA §1507, sub-§5-A**, as amended by PL 1989, c.
14 443, §9, is further amended to read:

16 **5-A. Job development training.** The Governor may allocate
funds from such account in amounts not to exceed in total the sum
18 of \$1,000,000 to provide funds for any unusual, unforeseen or
extraordinary needs for state assistance in creating jobs by
20 assisting in meeting the training requirements of labor intensive
new or expanding industries. Allocations for this purpose may be
made from this fund by the Governor only upon the written request
22 of the Commissioner of Labor and the Commissioner of Economic and
Community Development and after consultation with the State
24 Budget Officer. The commissioners' request to the Governor shall
be formulated subsequent to their consultation with the
26 Commissioner of ~~Educational--and--Cultural--Services~~ Education, the
Executive Director of the Maine Technical College System and the
28 director of the appropriate service delivery area as defined by
the Job Training Partnership Act.

30 **Sec. A-16. 5 MRSA §1653, sub-§4**, as enacted by PL 1983, c.
32 716, §2, is amended to read:

34 **4. Department.** "Department" means the Department of
~~Educational--and--Cultural--Services~~ Education, the Department of
36 Human Services, the Department of Mental Health and Mental
Retardation and the Department of Corrections; the Division of
38 Community Services of the Executive Department; the Criminal
Justice Planning and Assistance Agency of the Executive
40 Department; or the Department of Transportation; and may mean
such other administrative units of State Government as are
42 defined from time to time by the commissioner, except that the
Maine Health Care Finance Commission shall not be defined as
44 "department" for the purposes of this chapter.

46 **Sec. A-17. 5 MRSA §1743-A**, as amended by PL 1989, c. 483,
Pt. A, §17, is further amended to read:

48 **§1743-A. Competitive bids; advertisement**

50 Any contract for the construction, major alteration or

2 repair of school buildings involving a total cost in excess of
3 \$100,000, except contracts for professional, architectural and
4 engineering services, shall be awarded by competitive bids. The
5 school district directors, school committee, building committee
6 or whatever agency has responsibility for the construction, major
7 alteration or repair shall, after consultation with the Director
8 of the Bureau of Public Improvements, seek sealed proposals.
9 Sealed proposals shall be addressed to the responsible agency and
10 shall remain sealed until publicly opened in the presence of the
11 responsible agency or a committee thereof at such time as the
12 responsible agency may direct. Competitive bids may be waived in
13 individual cases involving unusual circumstances with the written
14 approval of the Director of the Bureau of Public Improvements and
the Commissioner of ~~Educational--and--Cultural--Services~~ Education.

16 Sec. A-18. 5 MRSA §§4603 and 4604, as enacted by PL 1983, c.
17 578, §3, are amended to read:

18 **§4603. Rulemaking**

19 The Commissioner of ~~Educational--and--Cultural--Services~~
20 Education shall have joint rule-making authority with the
21 commission to effectuate this subchapter.

22 **§4604. Enforcement**

23 The Commissioner of ~~Educational--and--Cultural--Services~~
24 Education, or his a designee, may participate in predetermination
25 resolution and conciliation efforts of the commission as follows:

26 **1. Notification of results of preliminary investigations.**

27 The Commissioner of ~~Educational--and--Cultural--Services~~ Education
28 shall be informed of the results of preliminary investigations
29 into complaints of unlawful educational discrimination concerning
30 public schools and programs and private schools approved for
31 tuition purposes.

32 **2. Notification of findings of unlawful educational**
33 **discrimination; informal conciliation efforts.** The Commissioner
34 of ~~Educational--and--Cultural--Services~~ Education shall be informed
35 of any finding that unlawful educational discrimination has
36 occurred in a public school or program or a private school or
37 program approved for tuition purposes. The commissioner may
38 participate in informal conciliation efforts made pursuant to
39 section 4612, subsection 3 and shall, upon request, have access
40 to all information concerning these conciliation efforts.

41 **Sec. A-19. 5 MRSA §8002, sub-§2, as amended by PL 1989, c.**
42 **443, §13, is further amended to read:**

2 **2. Agency.** "Agency" means any body of State Government
3 authorized by law to adopt rules, to issue licenses or to take
4 final action in adjudicatory proceedings, including, but not
5 limited to, every authority, board, bureau, commission,
6 department or officer of the State Government so authorized; but
7 the term shall not include the Legislature, Governor, courts,
8 University of Maine System, Maine Maritime Academy, technical
9 colleges, the Commissioner of ~~Educational--and--Cultural--Services~~
10 Education for schools of the unorganized territory, school
11 administrative units, special purpose districts or
12 municipalities, counties or other political subdivisions of the
13 State.

14 **Sec. A-20. 5 MRSA §13075, sub-§6,** as enacted by PL 1987, c.
15 855, §1, is amended to read:

16 **6. Coordination.** The department shall coordinate the
17 grants made under this article with all other community
18 assistance grants administered by the department and with other
19 state assistance programs designed to accomplish similar
20 objectives, including those administered by the Department of
21 ~~Educational--and--Cultural--Services~~ Education, the Department of
22 Transportation and the Department of Environmental Protection.

23 **Sec. A-21. 5 MRSA §13092-A, sub-§2,** as enacted by PL 1989, c.
24 553, §1, is amended to read:

25 **2. Review council.** The Director of the Office of Tourism
26 shall consult with the Historic Preservation Commission ~~of the~~
27 ~~Department--of--Educational--and--Cultural--Services~~ and the
28 Department of Transportation on the marker program. Before
29 erecting any marker, the director shall secure the Historic
30 Preservation Commission's approval of the marker, its location
31 and its wording. The Historic Preservation Commission shall
32 investigate as needed to obtain information on the event to be
33 commemorated and on the appropriate location for the marker,
34 including consulting historians and holding public hearings.

35 **Sec. A-22. 5 MRSA §13093, sub-§1,** as amended by PL 1989, c.
36 503, Pt. B, §30, is further amended to read:

37 **1. Maine Tourism Commission.** The Maine Tourism Commission,
38 established by section 12004-I, subsection 87, shall assist,
39 advise and recommend the operation of the Office of Tourism. It
40 shall consist of 9 members of major tourism trade associations
41 and 8 public members who shall represent their respective regions
42 and who are experienced in the field or who have demonstrated a
43 concern for the travel industry. The terms of the members shall
44 be for 4 years each; except that, for the members first
45 appointed, 4 members shall be appointed for terms of 4 years, 4

members for terms of 3 years, 4 members for terms of 2 years and 5 members for terms of one year. The members shall be appointed by the Governor, who shall fill any vacancy in the membership for the unexpired term. The commissioner, director or his designee of the following state departments or offices shall serve as ex officio, nonvoting members of the commission: Department of Economic and Community Development; State Planning Office; Department of Conservation; Department of Transportation; Department of Inland Fisheries and Wildlife; Department of Agriculture, Food and Rural Resources; Department of ~~Educational and Cultural Services~~ Education; Bureau of Public Improvements; and Canadian Affairs Coordinator. A chair and vice-chair shall be elected annually from the appointed membership.

Sec. A-23. 5 MRSA §15138, first ¶, as amended by PL 1989, c. 443, §15, is further amended to read:

Agencies of State Government shall cooperate to assess the needs of zones and provide appropriate assistance to these zones. There shall be a committee composed of, at a minimum, the Commissioner of Economic and Community Development, Director of the State Planning Office, Commissioner of Transportation, Commissioner of Labor, Commissioner of ~~Educational and Cultural Services~~ Education, Executive Director of the Maine Technical College System, Chief Executive Officer of the Finance Authority of Maine and the Director of the Maine State Housing Authority.

Sec. A-24. 5 MRSA §17001, sub-§42, ¶A, as enacted by PL 1989, c. 550, §2, is amended to read:

A. Any employee of a public school who fills any position which the Department of ~~Educational and Cultural Services~~ Education requires be filled by a person who holds the appropriate certification or license required for that position and:

(1) Holds appropriate certification from the Department of ~~Educational and Cultural Services~~ Education; or

(2) Holds an appropriate license issued to a professional employee by a licensing agency of the State;

Sec. A-25. 5 MRSA §17762, sub-§1, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

1. **Service credit allowed.** A teacher who teaches a full accredited year in an adult education program accepted and approved by the Commissioner of ~~Educational and Cultural Services~~

2 Education is entitled to not more than 1/2 year's service credit
for each full accredited year taught.

4 **Sec. A-26. 5 MRSA §17763, sub-§1, ¶A**, as enacted by PL 1985,
c. 801, §§5 and 7, is amended to read:

6 A. The teacher must have taught in a school approved by the
8 Department of ~~Educational-and-Cultural-Services~~ Education or
the education department of another state while holding an
10 appropriate teaching certificate.

12 **Sec. A-27. 5 MRSA §18362, sub-§1, ¶A**, as enacted by PL 1989,
c. 78, §4, is amended to read:

14 A. The member must have taught in a school approved by the
16 Department of ~~Educational-and-Cultural-Services~~ Education or
the education department of another state while holding an
18 appropriate teaching certificate.

20 **Sec. A-28. 5 MRSA §19205, sub-§1**, as amended by PL 1989, c.
502, Pt. A, §22, is further amended to read:

22 1. **Policy; services.** It shall be the policy of the State
24 to provide to persons who test positive for HIV or have been
diagnosed as having AIDS or AIDS-Related Complex services of
26 departments and agencies, including, but not limited to, the
Department of ~~Educational-and-Cultural-Services~~ Education, the
28 Department of Mental Health and Retardation, the Department of
Human Services and the Department of Corrections.

30 **Sec. A-29. 7 MRSA §1-B, last ¶**, as enacted by PL 1983, c. 532,
32 §1, is amended to read:

34 The Legislature further finds the preservation of rural life
and values in the State to be the joint responsibility of all
36 public agencies, local, state and federal, whose policies and
programs substantially impact the economy and general welfare of
38 people who reside in rural Maine, such as the development and
implementation of programs which assist in the maintenance of
40 family farms, provide specialized opportunities for education and
technical training and improve health and nutrition. The state
42 agencies in addition to the department include, but are not
limited to, the Department of ~~Educational-and-Cultural-Services~~
44 Education, Department of Human Services, Department of Labor, the
Department of Conservation and the Division of Community Services
46 of the Executive Department.

48 **Sec. A-30. 7 MRSA §214, sub-§3**, as enacted by PL 1985, c. 271,
50 §2, is amended to read:

3. **Advisory committee.** The State Purchasing Agent or his a
designee shall establish an advisory committee to discuss
possibilities and review proposals for expanding purchases of
local foodstuffs. At least one representative from the following
state agencies shall be invited to serve on this advisory
committee: The Department of Agriculture, Food and Rural
Resources; the Department of Corrections; the Department of
~~Educational--and--Cultural--Services~~ Education; the Department of
Human Services; the Department of Marine Resources; and the
Division of Community Services. Representation from other state
agencies, local institutions or from the private sector shall be
chosen by the State Purchasing Agent who shall serve as chairman
of the advisory committee.

Sec. A-31. 7 MRSA §215, sub-§2, as enacted by PL 1983, c. 608,
§2, is amended to read:

2. **Coordination of development of quality standards.** The
Bureau of Purchases will coordinate the development of quality
standards with state institutions and the Department of
~~Educational--and--Cultural--Services~~ Education. The coordinator
will collaborate with the state-purchasing-agent State Purchasing
Agent in assisting state and school purchasers in formulating
consistent, although not necessarily uniform, quality standards.
In the event there are differences of opinion about the quality
of foodstuffs supplied institutions or schools, final authority
for resolution rests with the state--purchasing--agent State
Purchasing Agent.

Sec. A-32. 7 MRSA §222, sub-§4, as enacted by PL 1987, c. 520,
is amended to read:

4. **Cooperation.** Cooperate with appropriate local, state
and federal agencies and institutions and with farm organizations
and interested individuals, including the Department of
~~Educational--and--Cultural--Services~~ Education, the Department of
Labor, the University of Maine and the Cooperative Extension
Service, in carrying out this chapter.

Sec. A-33. 7 MRSA §241, sub-§§2 and 3, as enacted by PL 1989,
c. 194, are amended to read:

2. **Agricultural literacy.** Cooperate with the Department of
~~Educational---and---Cultural---Services~~ Education to develop
instructional materials, train teachers and teacher trainers and
otherwise complete actions for utilizing agriculture as an
exciting medium for educating students both about society and the
natural world, while increasing their literacy by infusing basic
agricultural concepts such as agriculture and economics, the
dynamics of world hunger, agriculture and history within present
subjects taught in Maine schools.

2 **3. Cooperation.** Cooperate with appropriate local, state,
and federal agencies and institutions, educational and farm
4 organizations and interested individuals, including the Maine Ag
in the Classroom Association, the Department of ~~Educational-and-~~
6 ~~Cultural-Services~~ Education and the Cooperative Extension Service
in carrying out this chapter.

8
10 **Sec. A-34. 7 MRSA §3971, sub-§4,** as enacted by PL 1987, c.
383, §3, is amended to read:

12 **4. Enforcement.** The board shall enforce this section in
consultation with the Commissioner of ~~Educational-and-Cultural~~
14 ~~Services~~ Education.

16 **Sec. A-35. 9 MRSA §5006, sub-§1, ¶E,** as amended by PL 1977, c.
654, §6, is further amended to read:

18 E. Educational institutions, the curriculums of which in
20 whole or in part are registered or approved by the
Department of ~~Educational-and-Cultural-Services~~ Education,
22 either directly or by acceptance of accreditation by an
accrediting body recognized by the Department of ~~Educational~~
24 ~~and-Cultural-Services~~ Education, and organizations operated
by the student bodies of such institutions; and

26 **Sec. A-36. 10 MRSA §918, sub-§3,** as repealed and replaced by
28 PL 1987, c. 402, Pt. A, §88, is amended to read:

30 **3. Ex officio corporators.** Ex officio corporators shall
consist of the heads of the major state departments and agencies
32 and the Chancellor of the University of Maine System. State
department and agency heads shall include the following:

34 Treasurer of State;

36 Director of the State Planning Office;

38 Director of the State Development Office;

40 Commissioner of Agriculture, Food and Rural Resources;

42 Commissioner of ~~Business,--Occupational-and~~ Professional and
44 Financial Regulation;

46 Commissioner of Conservation;

48 Commissioner of ~~Educational-and-Cultural-Services~~ Education;

50 Commissioner of Environmental Protection;

2 Commissioner of Finance;
4 Commissioner of Administration;
6 Commissioner of Human Services;
8 Commissioner of Inland Fisheries and Wildlife;
10 Commissioner of Labor;
12 Commissioner of Marine Resources;
14 Commissioner of Mental Health and Mental Retardation;
16 Commissioner of Transportation;
18 Chief Executive Officer of the Finance Authority of Maine;
20 Executive Director of the Maine Municipal Bond Bank; and
22 Executive Director of the Maine State Housing Authority.

24 **Sec. A-37. 10 MRSA §1016, sub-§1**, as enacted by PL 1989, c.
26 598, §8, is amended to read:

28 **1. Membership of board.** The Higher Education Students
Financial Assistance Board shall consist of 7 voting members.
30 One member shall be the Commissioner of ~~Educational and Cultural~~
Services Education or the commissioner's designee who shall be a
32 person in a major policy-influencing position. Six members shall
be appointed by the Governor subject to review by the joint
34 standing committee of the Legislature having jurisdiction over
educational matters and subject to confirmation by the
36 Legislature. The gubernatorial appointees shall consist of the
following.

38 A. One member shall be a trustee, director, officer or
40 employee of an institution of higher education in the State.

42 B. One member shall be a member of a statewide organization
representing the chief executive officers of public and
44 private post-secondary institutions in the State.

46 C. One member shall be a student financial aid
administrator at a post-secondary institution in the State.

48 D. One member shall be a guidance counselor at a high
50 school in the State.

2 E. One member shall be a representative of a state
financial institution that is active in student lending.

4 F. One member shall represent the interests of students,
parents and other members of the public who use the programs.

6
8 With respect to the appointees specified in paragraphs A and B,
one shall be from an institution not owned or operated by the
State or any of its political subdivisions and one shall be from
10 a public institution of post-secondary education.

12 Sec. A-38. 12 MRSA §588, sub-§3, as as amended by PL 1989, c.
6; c. 9, §2; c. 104, Pt. C, §§8 and 10, is further amended to
14 read:

16 3. Income from camps; payment for school support.
Notwithstanding subsections 1 and 2, 75% of any income from
18 residential leasehold camps, excluding any income or proceeds
from the sale, exchange or relocation of any of these camps under
20 section 590, and 25% of any other income arising from activities
under section 585, subsection 4, on public reserved lands located
22 in townships or tracts organized into plantations as of March 1,
1974, shall be held by the Treasurer of State in the Organized
24 Townships Fund. The Treasurer of State shall pay annually the
income from that portion of the fund belonging to each such
26 plantation to the treasurer of the plantation to be applied
toward the support of schools according to the number of students
28 in each school. The Treasurer of State shall compute this income
on January 1st of each year. The Commissioner of Educational and
30 Cultural Services Education shall file in the office of the State
Controller a list of these plantations with the amount due for
32 income for the preceding year according to a record of those
amounts to be furnished to the commissioner by the Treasurer of
34 State. The Commissioner of ~~Educational--and--Cultural--Services~~
Education must be satisfied that the plantations are organized,
36 that schools have been established in the plantations according
to law, that assessors are sworn and qualified and that the
38 treasurers of the plantations have given bonds as required by
law. The State Controller shall insert the name and amount due
40 the plantations in one of the first warrants drawn in that year.

42 A. The amount due Lakeville Plantation, Penobscot County,
annually under this section shall be expended in accordance
44 with this section. Any excess shall be--used, under the
supervision and direction of the superintending school
46 committee of Lakeville Plantation, be used to establish
scholarship aid for students of Lakeville Plantation to
48 receive post high school education.

2 Sec. A-39. 12 MRSA §7313-A, as enacted by PL 1989, c. 53,
§3, is amended to read:

4 **§7313-A. Approved curriculum for licensed Maine guides**

6 By March 1, 1990, the commissioner shall approve a
8 curriculum designed to prepare persons for the guide
examinations. This curriculum shall cover practical skills,
10 fisheries and wildlife laws and other aspects important for the
guiding profession. The commissioner shall convene an ad hoc
12 advisory board, as defined under Title 5, section 12008, to
develop the curriculum. Nonagency members shall be compensated
14 according to Title 5, chapter 379. The commissioner also shall
consult with the Department of ~~Educational-and-Cultural-Services~~
Education in developing the curriculum.

16 Sec. A-40. 12 MRSA §8611, sub-§2, ¶A, as enacted by PL 1989,
18 c. 555, §8, is amended to read:

20 A. Work with the Department of ~~Educational-and-Cultural~~
22 ~~Services~~ Education and organizations to integrate forestry
and forest science programs into the science curricula in
public schools; and

24 Sec. A-41. 15 MRSA §3601, sub-§5, as amended by PL 1981, c.
26 493, §101, is further amended to read:

28 5. **Contacts with state agencies.** The committee shall,
during the course of its existence, make direct contact for the
30 purposes of obtaining information or for review of such
recommendations as it proposes, with the Departments of Human
32 Services, Mental Health and Mental Retardation, Education and
~~Cultural-Services~~, the Criminal Law Advisory Commission and with
34 any other organization or committee whose affairs pertain to the
juvenile justice system. These state agencies shall cooperate in
36 the provision of all reasonable information and data necessary to
carry out the functions given the committee.

38 Sec. A-42. 20 MRSA §3459, 3rd ¶, as amended by PL 1975, c.
40 272, §10, is further amended to read:

42 On any eligible project heretofore or hereafter approved by
the Commissioner of ~~Educational-and-Cultural-Services~~ Education,
44 a School Administrative District to which this section is
applicable shall be reimbursed the eligible amount of its major
46 capital outlay expenditure upon filing the necessary reports with
the commissioner and submitting proof that the project has been
48 completed in accordance with approved plans, provided that the
amount of such reimbursement shall not be less than the
50 percentage of the actual major capital outlay expenditure for the

project applicable to the district at the time the voters of the district authorized the school directors to borrow in anticipation of state aid for school construction.

Sec. A-43. 20 MRSA §3459, 4th ¶, as amended by PL 1971, c. 610, §22, is further amended to read:

Not later than 90 days following the filing of a full report of capital expenditures of said project with the commissioner and the submission of proof showing that the project has been completed in accordance with approved plans, the commissioner shall notify the school directors if funds are not then available from which to pay all or any specified portion of the total amount of state aid to which the district is entitled for the project. Upon receipt of such notification, the school directors may issue bonds or notes of the district pursuant to this section in order to fund temporary notes or renewal notes issued in anticipation of such state aid or as otherwise may be required to complete the financing of the project not exceeding the total amount of such state aid to which the district is entitled for the project as certified by the commissioner, less the amount of such state aid paid or certified to be available for payment to the district. Any such bonds or notes shall be issued not earlier than simultaneously with the issuance of bonds or notes of the same district required to complete the permanent financing of the same school project or projects. The first installment of such bonds or notes shall be payable not later than 2 years after the date of issue and the last installment shall be payable not later than 25 years from such date, provided, that the maturity schedule for such bonds or notes shall first be approved by the Commissioner of ~~Educational and Cultural Services~~ Education. Said bonds or notes shall be legal obligations of the district and may be issued notwithstanding any debt limitation otherwise applicable to the district, but shall thereafter be considered in computing the borrowing capacity of the district. Except as otherwise provided, said bonds or notes shall be issued in accordance with the applicable provisions of section 304. If bonds or notes of the district are issued pursuant to this paragraph, the district shall be reimbursed in each year during which such bonds or notes are outstanding, out of moneys appropriated for this purpose, an amount equal to its annual payments of principal and interest on such bonds or notes, which amounts shall be the only state aid for school construction purposes paid or to be paid to the district for said school project or projects, except for any sums which may be paid or payable pursuant to the last 2 sentences of the first paragraph of section 3457 on account of sums contributed by the district for the project or projects, and except for sums paid to the district or certified by the commissioner to be available for payment under this section.

2 **Sec. A-44. 20 MRSA §3460, 6th ¶** is amended to read:

4 The eligible unit shall submit to the Commissioner of
6 ~~Educational-and-Cultural-Services~~ Education a schedule showing
8 estimates of monthly cash disbursements to be made by the unit
10 for project expenditures. Based upon the estimate of cash
12 requirements, the commissioner, on or about the first of each
14 month, shall pay an amount equal to the state's participation in
16 the estimated project expenditures for that month, which monthly
18 payments shall be continued until the total of all assistance
20 paid equals 95% of the estimated state aid on the project.

14 **Sec. A-45. 20-A MRSA §1, sub-§§4 and 7**, as enacted by PL 1981,
16 c. 693, §§5 and 8, are amended to read:

18 **4. Commissioner.** "Commissioner" means the Commissioner of
20 ~~Educational-and-Cultural-Services~~ Education or the commissioner's
22 designee.

24 **7. Department.** "Department" means the Department of
26 ~~Educational-and-Cultural-Services~~ Education.

28 **Sec. A-46. 20-A MRSA §2102, sub-§4**, as enacted by PL 1987, c.
30 135, §2, is amended to read:

32 **4. Borrowing.** Notwithstanding any provision of a union
34 school agreement to the contrary, each municipality participating
36 in a union school construction project shall pay the percentage
38 of the cost of the project which corresponds to that
40 municipality's percentage of union school operating costs in the
42 year in which the project receives concept approval; be entitled
44 to the debt service allocation attributable to the bonds or notes
46 which that municipality has issued for the project; and own, as a
48 tenant in common with the other participating municipalities, the
percentage of the buildings and real property constructed or
acquired in conjunction with the project which corresponds to
that municipality's percentage of the original cost of the
project. A referendum vote shall be conducted by each
municipality to authorize the issuance of its percentage of the
bonds or notes for a school construction project for a union
school in accordance with section 15904, subsection 1. Subject
to the requirements of chapter 609, each municipality which is a
party to a union school agreement may issue bonds or notes
pursuant to Title 30, sections 5152 and 5153 for school
construction purposes to finance its percentage share of the cost
of a school construction project for a union school. In the event
that a union school agreement is terminated, no provision of the
termination formula or agreement nor the decision of the

Commissioner of ~~Educational--and--Cultural--Services~~ Education regarding termination may impair the obligations of the municipalities to their bond holders.

Sec. A-47. 20-A MRSA §2907, sub-§1, ¶F, as enacted by PL 1987, c. 250, is amended to read:

F. An instructional staff certified by the Department of ~~Educational---and---Cultural---Services~~ Education where appropriate and endorsement by professional boards in areas where the State does not have certification standards or professional standards agreed upon by the department and the respective institution;

Sec. A-48. 20-A MRSA §3604, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. **Commissioner.** "Commissioner" shall refer to the Commissioner of ~~Educational-and-Cultural-Services~~ Education.

Sec. A-49. 20-A MRSA §6401, sub-§2, ¶I, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

I. To assist in establishing communication between the Department of Human Services and the Department of ~~Educational--and--Cultural--Services~~ Education and to seek input from local school nursing personnel in formulating guidelines for services to students;

Sec. A-50. 20-A MRSA §6452, sub-§2, ¶B, as enacted by PL 1981, c. 693, §§ 5 and 8, is amended to read:

B. The Commissioner of Human Services shall, after consultation with the Commissioner of ~~Educational---and---Cultural---Services~~ Education and the Bureau of Health, promulgate rules in accordance with section 3, for the screening test and shall furnish the rules to the administrative officers of the school administrative units. These rules shall include the frequency of the tests, the manner in which the schools or their agents conduct the tests, the qualifications of personnel conducting the screening, the method by which prior notice of the screening or the notice of any defect or possible defect detected shall be sent to the parent or guardian of the student and that the notation of the screening and any follow-up activity shall be kept with the student's school health records.

Sec. A-51. 20-A MRSA §6605, sub-§4, as enacted by PL 1987, c. 395, Pt. A, §70, is amended to read:

2 **4. Information collection and sharing.** The Department of
Educational-and-Cultural-Services Education shall be authorized
4 to gather information about substance abuse prevention and
intervention programs initiated by state or federal agencies
6 whose efforts are directed toward private and public schools of
the State, for the purpose of sharing that information with
8 school administrative units.

10 **Sec. A-52. 20-A MRSA §7702, sub-§§4, 5, 7 and 8,** as enacted by
PL 1989, c. 499, §2, are amended to read:

12 **4. Commissioner.** "Commissioner" means the Commissioner of
14 Educational-and-Cultural-Services Education.

16 **5. Commissioners.** "Commissioners" means the Commissioner
of Educational-and-Cultural-Services Education, the Commissioner
18 of Human Services, the Commissioner of Mental Health and Mental
Retardation and the Commissioner of Corrections.

20 **7. Department.** "Department" means the Department of
22 Educational-and-Cultural-Services Education.

24 **8. Departments.** "Departments" means 2 or more of the
participating state agencies, the Department of Educational-and-
26 Cultural-Services Education, the Department of Human Services,
the Department of Mental Health and Mental Retardation and the
28 Department of Corrections.

30 **Sec. A-53. 20-A MRSA §7704, sub-§1, ¶B,** as enacted by PL 1989,
c. 499, §4, is amended to read:

32 B. State agency members, appointed by the commissioners,
34 shall make up the rest of the membership. An equal number
of members shall be maintained by the Department of Human
36 Services, the Department of Educational---and---Cultural
Services Education and the Department of Mental Health and
38 Mental Retardation. Additional members may be appointed
from other state agencies as appropriate and timely.

40 An agency member appointed may serve for a term of up to 3
42 years expiring July 1, or until the person terminates
employment or membership with the agency or group
44 represented.

46 **Sec. A-54. 20-A MRSA §7801, sub-§1,** as enacted by PL 1985, c.
768, §1, is amended to read:

48 **1. Coordination.** Coordinating existing programs presently
50 provided for these youths by the Department of Human Services,

2 the Department of Mental Health and Mental Retardation, the
Department of ~~Educational--and--Cultural--Services~~ Education and
4 other public and private agencies;

6 **Sec. A-55. 20-A MRSA §7803, first ¶**, as enacted by PL 1985, c.
768, §1, is amended to read:

8 An Interdepartmental Coordinating Committee for Handicapped
Youth in Transition pursuant to Title 5, chapter 379,
10 representing the Department of ~~Educational--and--Cultural--Services~~ Education, the Department of Human Services, the Department of
12 Mental Health and Mental Retardation and the public, shall be
appointed by the 3 commissioners to work with the department to
14 establish guidelines, including continuation applications, to
monitor grants and to evaluate the performance of programs
16 developed through the grants.

18 **Sec. A-56. 20-A MRSA §7805**, as amended by PL 1987, c. 395,
Pt. A, §78, is further amended to read:

20 **§7805. Transitional services coordinator**

22 The position of transitional services coordinator to the
24 Department of ~~Educational--and--Cultural--Services~~ Education,
Division of Special Education shall be established to coordinate
26 the department's activities and involving the Bureau of Adult and
Secondary Vocational Education regarding the coordinated delivery
28 system for handicapped youths in transition from school to
community. This coordinator will also serve as staff to the
30 committee as established in section 7803.

32 **Sec. A-57. 20-A MRSA §8451, sub-§5, ¶¶C and D**, as repealed and
replaced by PL 1989, c. 540, §4, are amended to read:

34 C. In the event that School Administrative District No. 27,
36 School Administrative District No. 33 and Madawaska School
Department enter into a cooperative agreement pursuant to
38 section 8401, not later than June 30, 1989, the school
boards of the 3 participating units shall, in conjunction
40 with the advisory committee, develop and submit a plan to
the Commissioner of ~~Educational--and--Cultural--Services~~ Education
42 for delivery of secondary vocational services
within the 3 participating units. The plan shall include:

44 (1) A proposal for the construction of a new
46 vocational center in School Administrative District No.
33;

48 (2) Provisions for assignment without loss of salary
50 of all continuing contract vocational teachers employed

2 by School Administrative District No. 27 and Madawaska
3 School Department to School Administrative District No.
4 33 if a new vocational center in School Administrative
District No. 33 becomes operational;

6 (3) Assurances that all 3 participating administrative
7 units and School Administrative District No. 10 on a
8 tuition basis, shall have access to programs at the new
9 vocational center in proportion to the number of high
10 school juniors and seniors in each administrative unit.

12 D. The plan developed under paragraph C shall be submitted
13 to the Commissioner of ~~Educational--and--Cultural--Services~~
14 Education for approval. The commissioner may make necessary
15 recommendations to the participating units to assist in the
16 implementation of the plan for the school year 1991-92. The
17 plan shall be approved by the commissioner by August 30,
18 1989.

20 Sec. A-58. 20-A MRSA §9511, sub-§3, as enacted by PL 1987, c.
21 735, §12, is amended to read:

22 3. **Transition clause.** The present position of Education
23 Specialist II; in the Department of ~~Educational--and--Cultural--~~
24 ~~Services~~ Education, which serves as Executive Director of the
25 Maine Conservation School shall be transferred to the Maine
26 Conservation School and the incumbent shall, notwithstanding
27 section 1, continue to be an employee of the State, but shall
28 serve at the pleasure of the board and not be subject to the
29 Civil Service Law.

32 When the individual presently holding this position terminates
33 employment, this state position shall be abolished.

34 Sec. A-59. 20-A MRSA §10201, as amended by PL 1989, c. 443,
35 §25, is further amended to read:

38 **§10201. Establishment**

40 The Energy Testing Laboratory of Maine, referred to in this
41 chapter as "ETLM," is established at Southern Maine Technical
42 College, referred to in this chapter as "SMTC," within the
43 Department of ~~Educational--and--Cultural--Services~~ Education.

44 Sec. A-60. 20-A MRSA §11805, sub-§3, ¶A, as enacted by PL
45 1981, c. 693, §§5 and 8, is amended to read:

48 A. The Department of ~~Educational--and--Cultural--Services~~
49 Education may expend the money appropriated by the
50 Legislature, for the purchase of positions at accredited
medical schools to purchase:

(1) Up to 18 positions each year, to a total of 72 positions, at accredited schools of allopathic medicine;

(2) Up to 2 positions each year, to a total of 8 positions, at accredited schools of dentistry;

(3) Up to 2 positions each year, to a total of 8 positions, at accredited schools of veterinary medicine; and

(4) Up to one position each year, to a total of 4 positions, at accredited schools of optometry.

Sec. A-61. 20-A MRSA §11810, as enacted by PL 1985, c. 455, §§10 and 11, is amended to read:

§11810. Rules

The Commissioner of ~~Educational--and--Cultural--Services~~ Education shall establish all rules necessary to carry out the purposes of this chapter, except that the Commissioner of Human Services shall develop rules for determining underserved areas for the practice of allopathic medicine, dentistry and optometry and the Commissioner of Agriculture, Food and Rural Resources shall develop rules for the determination of underserved areas for the practice of veterinary medicine. The rules authorized by this section shall be adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II.

Sec. A-62. 20-A MRSA §12005, sub-§1, as amended by PL 1985, c. 756, §1, is further amended to read:

1. **Agreement.** Any osteopathic loan student commencing professional education on or after July 1, 1981, shall, as a condition precedent to receiving the loan, enter into an agreement with the Commissioner of ~~Educational--and--Cultural--Services~~ Education stating that, following completion of professional education, including internship, residency, fellowship, obligated public health service or obligated national service, the student shall pay the State an amount of money equal to the loan received.

Sec. A-63. 20-A MRSA §12006, as enacted by PL 1985, c. 756, §4, is amended to read:

§12006. Rules

The Commissioner of ~~Educational--and--Cultural--Services~~

2 Education shall establish rules necessary to carry out the
purposes of this chapter, except that the Commissioner of Human
4 Services shall develop rules for determining underserved areas
for the practice of osteopathic medicine.

6 **Sec. A-64. 20-A MRSA §12554, sub-§1**, as enacted by PL 1985, c.
472, is amended to read:

8 1. **Application.** A person desiring tuition waiver under
10 this chapter may apply to the Department of ~~Educational--and~~
~~Cultural--Services~~ Education for determination of eligibility.
12 Application shall be on forms and in a manner prescribed by rule
of the department.

14 **Sec. A-65. 20-A MRSA §12658, sub-§2**, as enacted by PL 1989, c.
16 579, §2, is amended to read:

18 2. **Membership.** The advisory board shall consist of 10
members, including: the Commissioner of ~~Educational--and--Cultural~~
20 ~~Services~~ Education or the commissioner's designee, the Director
of Health Planning and Development or the director's designee,
22 the Commissioner of Labor or the commissioner's designee, the
Director of the State Planning Office or the director's designee,
24 a member of the Maine Health Policy Advisory Council appointed by
its chair, 2 representatives of the nursing profession appointed
26 by the Governor, 2 representatives of other allied health
professions appointed by the Governor and one consumer appointed
28 by the Governor.

30 **Sec. A-66. 20-A MRSA §12704, sub-§2, ¶¶B and C**, as enacted by
PL 1985, c. 695, §11, are amended to read:

32 B. The adult, continuing and community education programs
34 overseen by the Department of ~~Educational--and--Cultural~~
~~Services~~ Education, Division of Adult and Community
36 Education, or its successor;

38 C. The secondary occupational and vocational education
programs overseen by the Department of ~~Educational--and~~
40 ~~Cultural---Services~~ Education, Division of Secondary
Vocational Education, or its successor;

42 **Sec. A-67. 20-A MRSA §12705, sub-§1, ¶D**, as amended by PL
44 1987, c. 693, is further amended to read:

46 D. The Commissioner of ~~Educational--and--Cultural--Services~~
Education, or the commissioner's successor, who shall serve
48 ex officio;

2 **Sec. A-68. 20-A MRSA §12709, sub-§11**, as amended by PL 1987,
c. 402, Pt. A, §128, is further amended to read:

4 **11. Interagency cooperation and communication.** To promote
cooperation and communication with the Department of Educational
6 and-Cultural-Services Education and the Bureau of Employment and
Training Programs, or their successors, with the University of
8 Maine System and with other public and private educational and
training institutions;

10 **Sec. A-69. 20-A MRSA §13015, sub-§3, ¶A**, as enacted by PL
12 1983, c. 845, §4, is amended to read:

14 A. A majority of classroom teachers, including a master
teacher, if available, and other personnel such as
16 administrators, personnel from the Department of Educational
and-Cultural-Services Education or institutions of higher
18 education and other outside consultants as the commissioner
may approve. For the purposes of this paragraph, the state
20 board shall establish by rule the definition of classroom
teacher;

22 **Sec. A-70. 20-A MRSA §13033**, as enacted by PL 1983, c. 859,
24 Pt. I, §§2 and 3, is amended to read:

26 **§13033. Transitional period and study**

28 The Department of Educational---and---Cultural---Services
Education shall conduct a study during the first 3 years of the
30 program in order to validate the use of a nationally accepted
teacher examination or a state created teacher examination to be
32 authorized by the State Board of Education and the commissioner
in accordance with the procedures required under the Maine
34 Administrative Procedure Act, Title 5, chapter 375. The study
shall be used to establish the minimum score requirements which
36 an applicant shall attain to qualify for a provisional teacher
certificate and shall also provide statewide information on the
38 qualifications of applicants for provisional certificates.

40 **Sec. A-71. 20-A MRSA §13502, sub-§2**, as enacted by PL 1983, c.
42 859, Pt. J, §§2 and 7, is amended to read:

44 **2. Teacher.** "Teacher" means a person certified by the
Department of Educational-and-Cultural-Services Education who is
46 an employee of a public school, an eligible private school or a
state operated school including elementary and secondary teacher,
specialized subject teacher, vocational-industrial teacher as
48 defined in the certification rules of the State Board of
Education. "Teacher" includes, by position title, only the
50 following:

- 2 A. Classroom teacher;
4 B. Itinerant teacher;
6 C. Guidance counselor;
8 D. Librarian-media specialist;
10 E. Special education teacher;
12 F. Special teacher of reading; and
14 G. Speech clinician-teacher.

16 Sec. A-72. 20-A MRSA §13952, as enacted by PL 1981, c. 693,
18 §§5 and 8, is amended to read:

20 **§13952. True copies files**

22 True copies of all contracts made on behalf of this State
24 pursuant to the agreement shall be kept on file in the office of
26 the Commissioner of ~~Educational--and--Cultural--Services~~ Education
and in the office of the Secretary of State. The Commissioner of
~~Educational--and--Cultural--Services~~ Education shall publish all
such contracts in convenient form.

28 Sec. A-73. 20-A MRSA §15613, sub-§14, as enacted by PL 1989,
30 c. 560, is amended to read:

32 **14. Hazardous chemicals.** The Commissioner of ~~Educational~~
and ~~Cultural--Services~~ Education shall establish rules governing
34 the purchase and storage of hazardous chemicals in schools.
These rules shall be established prior to January 1, 1990.

36 Sec. A-74. 20-A MRSA §17101, as enacted by PL 1983, c. 859,
38 Pt. E, §§1 and 2, is amended to read:

40 **§17101. Intent**

42 The intent of this chapter is to promote creative
44 improvement in the schools of the State. The Commissioner of
46 ~~Educational---and---Cultural---Services~~ Education shall promote
48 innovative projects by means of grants to teachers, school
50 administrative units or private schools approved for tuition
purposes. It is not the intent of this chapter to provide funds
for programs or services normally provided by those school
systems. Project dissemination will be accomplished through the
department through instructional support group staff. The use of
state, regional and national diffusion networks will be
encouraged.

2 **Sec. A-75. 22 MRSA §1963, sub-§1, ¶C,** as enacted by PL 1977,
c. 516, is amended to read:

4 C. School health screening to be done in cooperation with
6 the Department of ~~Educational---and---Cultural---Services~~
 Education;

8 **Sec. A-76. 22 MRSA §2054, sub-§1,** as amended by PL 1987,
10 c.403, §4, is further amended to read:

12 **1. Authority.** The "Maine Health and Higher Educational
14 Facilities Authority," established by Title 5, chapter 379, is
constituted a public body corporate and politic and an
instrumentality of the State, and the exercise by the authority
16 of the powers conferred by this chapter shall be deemed and held
to be the performance of an essential public function. The
18 authority shall consist of 12 members, one of whom shall be the
Bank Superintendent, ex officio, one of whom shall be the
20 Commissioner of Human Services, ex officio, one of whom shall be
the Commissioner of ~~Educational---and---Cultural---Services~~ Education,
22 ex officio, one of whom shall be the Treasurer of State, ex
officio, and 8 of whom shall be residents of the State appointed
24 by the Governor, not more than 4 of such appointed members to be
members of the same political party. Three of the appointed
26 members shall be trustees, directors, officers or employees of
hospitals and one of such appointed members shall be a person
28 having a favorable reputation for skill, knowledge and experience
in state and municipal finance, either as a partner, officer or
30 employee of an investment banking firm which originates and
purchases state and municipal securities, or as an officer or
32 employee of an insurance company or bank whose duties relate to
the purchase of state and municipal securities as an investment
34 and to the management and control of a state and municipal
securities portfolio. Of the 3 members first appointed who are
36 trustees, directors, officers or employees of hospitals, one
shall serve for 2 years, one for 3 years and one for 4 years. Of
38 the 5 remaining members initially appointed, one shall serve for
one year, one for 2 years, one for 3 years, one for 4 years and
40 one for 5 years. For the 2 members whose terms expire in 1980 and
1981, the Governor shall appoint as successors, for terms of 5
42 years each, persons who are trustees, members of a corporation or
board of governors, officers or employees of institutions for
44 higher education. Annually, the Governor shall appoint, for a
term of 5 years, a successor to the member whose term expires.
46 Members shall continue in office until their successors have been
appointed and qualified. The Governor shall fill any vacancy for
48 the unexpired terms. A member of the authority shall be eligible
for reappointment. Any non-ex officio member of the authority may
50 be removed by the Governor, after hearing, for misfeasance,

malfeasance or willful neglect of duty. Each member of the authority before entering upon his duties shall take and subscribe the oath or affirmation required by the Constitution of Maine, Article IX. A record of each such oath shall be filed in the office of the Secretary of State. The Bank Superintendent, the Treasurer of State, the Commissioner of Human Services and the Commissioner of ~~Educational--and--Cultural--Services~~ Education may designate their deputies to represent them with full authority and power to act and vote in their behalf or, in the case of the Bank Superintendent, the Commissioner of Human Services and the Commissioner of ~~Educational--and--Cultural--Services~~ Education, any member of their staffs to represent them as members at meetings of the authority with full power to act and, in the case of the Bank Superintendent, the Commissioner of Human Services and the Commissioner of ~~Educational--and--Cultural--Services~~ Education, to vote in their behalf.

Sec. A-77. 22 MRSA §2095, sub-§4, as enacted by P&SL 1975, c. 90, Section A, is amended to read:

4. **Technical assistance and consultation to schools.** Provide technical assistance and consultation to schools and to the Department of ~~Educational--and--Cultural--Services~~ Education for the purposes of introducing into Maine schools dental health education programs.;

Sec. A-78. 22 MRSA §3105, first ¶, as amended by PL 1977, c. 78, §149, is further amended to read:

The department, under the direction of the Governor, may establish, conduct and maintain rehabilitation work as part of its program of aid and assistance. Such rehabilitation work shall be in cooperation with vocational education, as provided by Title 20, chapter 307 in the Department of ~~Educational--and--Cultural--Services~~ Education.

Sec. A-79. 22 MRSA §3174-D, as repealed and replaced by PL 1989, c. 502, Pt. A, §70, is amended to read:

§3174-D. Medicaid coverage for services provided by the Governor Baxter School for the Deaf

The Department of Human Services may administer a program of Medicaid coverage for speech and hearing services, psychological services, occupational therapy and any other services provided by the Governor Baxter School for the Deaf which qualify for reimbursement under the United States Social Security Act, Title XIX. The Department of ~~Educational--and--Cultural--Services~~ Education shall have fiscal responsibility for providing the State's match for federal revenues acquired under this section.

2 An amount equal to the Medicaid reimbursement shall be deposited
into the General Fund undedicated revenue from the Governor
Baxter School for the Deaf General Fund appropriation.

4 Sec. A-80. 22 MRSA §3553, sub-§7-A, as enacted by PL 1983, c.
6 539, §3, is amended to read:

8 7-A. Report to departments. Prepare periodic reports to
the Department of Corrections, Department of ~~Educational--and~~
10 ~~Cultural--Services~~ Education, Department of Mental Health and
Mental Retardation and the Department of Human Services regarding
12 actions taken under section 3558.

14 Sec. A-81. 22 MRSA §3571, sub-§3, as enacted by PL 1985, c.
16 484, is amended to read:

3. Preschool coordination projects; Department of
18 Education. The Department of ~~Educational--and--Cultural--Services~~
Education through the preschool coordination projects shall
20 assure the provision of comprehensive developmental services,
including physical therapy, speech and language therapy and
22 occupational therapy to preschool handicapped or delayed
children. To the maximum extent possible, these programs shall
24 make use of existing 3rd party payors and coordinate services
with local resources. In instances where needed services are not
26 available, the department shall use authorized funds to enable
preschool coordination projects to work with local providers,
28 including public and private agencies and school units to develop
new or expand existing service to meet these needs.

30 In addition, the Department of ~~Educational--and--Cultural--Services~~
32 Education shall assure ensure that comprehensive health
educational programs are available in state schools and that
34 teacher training programs in the State include preparation in
conduct of health educational programs.

36 Sec. A-82. 22 MRSA §3573, as enacted by PL 1985, c. 484, is
38 amended to read:

40 **§3573. Reporting**

42 The Department of Human Services, Department of Mental
Health and Mental Retardation and Department of ~~Educational--and~~
44 ~~Cultural--Services~~ Education shall by January of each year submit
a joint report to the joint standing committee of the Legislature
46 having jurisdiction over human resources regarding the prevention
activities conducted over the past fiscal year, plans for the
48 succeeding year and a report on the incidence rate of births of
developmentally disabled children in the State.

2 Sec. A-83. 22 MRSA §3723, sub-§6, as enacted by PL 1987, c.
402, Pt. A, §142, is amended to read:

4 6. **Advice and consultation.** The Commissioner of
6 Corrections, the Commissioner of ~~Educational--and--Cultural~~
Services Education, the Commissioner of Human Services, the
8 Commissioner of Mental Health and Mental Retardation and the
Commissioner of Public Safety shall, upon request, provide the
board with technical information and advice.

10 Sec. A-84. 22 MRSA §3773, sub-§1, as amended by PL 1989, c.
12 503, Pt. B, §91, is further amended to read:

14 **§3773. Maine Aid to Families with Dependent Children**
16 **Coordinating Committee**

18 1. **Committee established.** The Maine Aid to Families with
Dependent Children Coordinating Committee established by Title 5,
20 section 12004-I, subsection 35, shall consist of the Commissioner
of Human Services, the Commissioner of Labor and the Commissioner
22 of ~~Educational--and--Cultural--Services~~ Education or their designees.

24 Sec. A-85. 22 MRSA §3774, sub-§2, as amended by PL 1983, c.
730, §6, is further amended to read:

26 2. **Purposes.** The purpose of the advisory council shall be
to advise the Commissioner of Human Services, Commissioner of
28 Labor and Commissioner of ~~Educational--and--Cultural--Services~~
Education as they carry out the purposes of this chapter.

30 Sec. A-86. 22 MRSA §3776, sub-§1, as amended by PL 1983, c.
32 730, §7, is further amended to read:

34 1. **Authorization.** The Department of Human Services is
authorized to administer and operate, in cooperation with the
36 Department of Labor and the Department of ~~Educational--and~~
~~Cultural--Services~~ Education, the Welfare Employment, Education
38 and Training Program, in accordance with federal law, any
amendments and additions thereto, and any regulations promulgated
40 under those laws.

42 Sec. A-87. 22 MRSA §3776, sub-§3, ¶A, as amended by PL 1983,
c. 730, §7, is further amended to read:

44 A. The assessment procedure for each registrant shall be
46 accomplished through direct personal contact with staff of
the Welfare Employment, Education and Training Program. The
48 staff shall be advised by the Department of ~~Educational--and~~

2 ~~Cultural-Services~~ Education of all available education and
3 training opportunities, and shall make that information
4 available to each registrant during the assessment process.

5 **Sec. A-88. 22 MRSA §3776, sub-§4**, as amended by PL 1981, c.
6 617, §4, is further amended to read:

7 **4. Employability plan.** There shall be an employability
8 plan that sets forth the registrant's occupational goal, and the
9 manpower and supportive services necessary to reach that goal.
10 The plan shall be designed to lead to employment and ultimately
11 to self support. The registrant shall participate fully in the
12 development of the plan. Resources of the Department of Human
13 Services, Department of Labor and the Department of ~~Educational~~
14 ~~and--Cultural--Services~~ Education shall be utilized in the
15 development and goals of the plan.
16

17 **Sec. A-89. 22 MRSA §4008, sub-§3, ¶F**, as amended by PL 1989,
18 c. 483, Pt. A, §33, is further amended to read:

19 **F.** When the information concerns teachers and other
20 professional personnel issued certificates under Title 20-A,
21 persons employed by schools approved pursuant to Title 20-A
22 or any employees of schools operated by the Department of
23 ~~Educational--and--Cultural--Services~~ Education, the information
24 shall be disclosed to the Commissioner of ~~Educational--and--~~
25 ~~Cultural-Serviees~~ Education.
26

27 **Sec. A-90. 22 MRSA §4088, sub-§1, ¶D**, as enacted by PL 1989,
28 c. 400, §9, is amended to read:

29 **D.** "Out-of-home abuse and neglect" means abuse and neglect
30 of a child which occurs in a facility or by a person subject
31 to licensure or inspection by this department, the
32 Department of ~~Educational--and--Cultural--Services~~ Education,
33 the Department of Corrections and the Department of Mental
34 Health and Mental Retardation or in a facility operated by
35 these departments.
36

37 **Sec. A-91. 22 MRSA §4088, sub-§3, ¶H**, as enacted by PL 1989,
38 c. 400, §9, is amended to read:

39 **H.** With respect to reports described in paragraph G, may,
40 on its own initiative or upon request of another department
41 or agency charged with the responsibility to investigate,
42 participate in the out-of-home abuse and neglect
43 investigation of persons or facilities subject to licensure
44 or operated by the Department of ~~Educational--and--Cultural~~
45 ~~Serviees~~ Education, the Department of Corrections or the
46 Department of Mental Health and Mental Retardation;
47
48
49
50

2 **Sec. A-92. 22 MRSA §7131, sub-§2, ¶B,** as enacted by PL 1983,
c. 464, §19, is amended to read:

4 B. The Commissioner of ~~Educational--and--Cultural--Services~~
6 Education;

8 **Sec. A-93. 22 MRSA §7132, sub-§2,** as amended by PL 1987, c.
10 735, §35, is further amended to read:

12 **2. Planning.** The planning committee shall supervise the
14 planning of drug abuse activities by the Department of
16 Corrections, the Department of ~~Educational--and--Cultural--Services~~
 Education, the Department of Human Services and the Department of
 Mental Health and Mental Retardation and shall prepare and submit
 to the Legislature the following documents:

18 A. By January 15, 1984, and each year thereafter, a report
20 containing an evaluation of the past year's progress toward
22 obtaining established goals and objectives and the planning
 committee's recommendations regarding funding for the
 coming fiscal year;

24 B. By January 15, 1985, and biennially thereafter, a
26 comprehensive plan containing statements of measurable goals
28 to be accomplished during the coming biennium and
 establishing performance indicators by which progress toward
 accomplishing those goals will be measured; and

30 C. By January 15, 1987, and every 4th year thereafter, an
32 assessment of the costs related to drug abuse in the State
34 and the needs for various types of services within the
 State, including geographical disparities in needs and the
 needs of special populations of drug abusers.

36 **Sec. A-94. 22 MRSA §7703, sub-§4, ¶G,** as enacted by PL 1983,
38 c. 691, §2, is amended to read:

40 G. The Commissioner of ~~Educational--and--Cultural--Services~~
42 Education, when the information concerns teachers and other
 professional personnel issued certificates under Title 20-A.

44 **Sec. A-95. 22 MRSA §8104, sub-§1,** as amended by PL 1981, c.
 493, §2, is further amended to read:

46 **1. Interagency licensing method.** The Commissioners of the
48 Departments of ~~Educational--and--Cultural--Services~~ Education, Human
 Services and Mental Health and Mental Retardation, or their
 designees, shall jointly establish a method for interagency

licensing of residential child care facilities subject wholly or partly to licensing by at least 2 of the departments. The method shall provide for the following:

- A. Development of common licensing rules;
- B. Periodic review of licensing rules;
- C. Delegation of departmental responsibilities; and
- D. Determination of licensing fees.

Sec. A-96. 22 MRSA §8151, as enacted by PL 1985, c. 274, §2, is amended to read:

§8151. Interdepartmental committee created

There is established an interdepartmental committee known as the Children's Residential Treatment Committee, to jointly develop and coordinate the State's role in contracting for the placement and treatment of children in residential treatment centers. The committee shall be composed of the Commissioner of ~~Educational--and--Cultural--Services~~ Education; the Commissioner of Human Services; the Commissioner of Mental Health and Mental Retardation; and the Commissioner of Corrections, or their designees.

Sec. A-97. 22 MRSA §8301, as amended by PL 1981, c. 309, §2, is further amended to read:

§8301. Definition of day care facility

As used in this subtitle, the term "day care facility" shall mean means a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 3 or more children under the age of 16.

The term does not include any facility operated as a nursery school, home day care for which the person or combination of persons does not receive any federal or state funds, a summer camp established solely for recreational and educational purposes, or a formal public or private school in the nature of a kindergarten or elementary or secondary school approved by the Commissioner of ~~Educational--and--Cultural--Services~~ Education in accordance with Title 20, section 911. Providers of home day care who do not receive federal or state funds may choose to be licensed, under rules promulgated by the department according to section 8302; if they do not, they shall be registered in accordance with section 8305.

2 Sec. A-98. 22 MRSA §8401, as enacted by PL 1975, c. 709, §2,
is amended to read:

4 **§8401. Definitions**

6 As used in this chapter, unless the context otherwise
8 indicates, the following terms have the following meanings.

10 1. ~~Children. As used in this chapter, the word "children"~~
shall-mean "Children" means persons 7 years of age and under who
12 are not related by blood or marriage to or who have not been
legally adopted by the licensee or administrator of the nursery
14 school which the children attend.

16 2. ~~Nursery school. As used in this chapter, the term~~
~~"nursery school" shall-mean~~ "Nursery school" means a house or
18 other place in which a person or combination of persons maintains
or otherwise carries out for consideration during the day a
20 regular program which provides care for 3 or more children,
provided that:

22 A. No session conducted for the children is longer than 3
24 1/2 hours in length;

26 B. No more than 2 sessions are conducted per day;

28 C. Each child in attendance at the nursery school attends
only one session per day; and

30 D. No hot meal is served to the children.

32 This term does not include any facility operated as a day care
34 center, a summer camp established solely for recreational and
educational purposes or a public or private school in the nature
36 of a kindergarten approved by the Commissioner of ~~Educational and~~
~~Cultural Services~~ Education, in accordance with Title 20, section
38 911.

40 Sec. A-99. 24-A MRSA §4502, sub-§§1 and 2, as amended by PL
1973, c. 571, §57, are further amended to read:

42 1. In order to extend to the employees of any school
44 administrative unit, school or educational institution located in
the State ~~of Maine~~ and to certified employees of the ~~Maine State~~
46 Department of ~~Educational and Cultural Services~~ Education the
benefits of tax sheltered annuities available under the Internal
48 Revenue Code, it is declared to be the policy of the Legislature
that any such school administrative unit, school, institution or
50 the Department of ~~Educational and Cultural Services~~ Education may

2 contract with any insurer authorized to contract such business
3 within the State to provide one or more individual or group
4 annuities for the pensioning of any employees of such unit,
5 school, institution or Department of ~~Educational--and--Cultural~~
6 ~~Services~~ Education and for such purposes may agree to pay part or
7 all of the premiums or charges for carrying such contracts, raise
8 money by taxation therefor where otherwise lawful and appropriate
9 out of its treasury money necessary to pay such premiums or
10 charges or portions thereof.

11
12 2. It is the intent of the Legislature that employees of
13 any school administrative unit, school, educational institution
14 or Department of ~~Educational--and--Cultural--Services~~ Education
15 located in the State of ~~Maine~~ shall be extended the opportunity
16 to share in the benefits of tax sheltered annuities and all laws
17 and regulations of the State of ~~Maine~~ shall be construed
18 liberally to enable such employees to come within the Internal
19 Revenue Code, section 403(b) without loss to themselves, or to
20 the school administrative unit, school, educational institution
21 or Department of ~~Educational--and--Cultural--Services~~ Education to
22 which they belong, of any benefits, subsidies or opportunities
23 therefor that they might otherwise be entitled to under the laws
24 of the State of Maine.

25 **Sec. A-100. 25 MRSA §2703, sub-§1, as repealed and replaced by**
26 **PL 1981, c. 334, §7, is amended to read:**

27
28 1. **State.** Where state funds are used, including for space
29 in buildings rented or leased by the State pursuant to agreements
30 concluded with effective dates of January 1, 1982, or later, the
31 Director of Public Improvements; except in respect to elementary
32 and secondary school buildings, it shall be the Commissioner of
33 ~~Educational--and--Cultural--Services~~ Education;
34

35 **Sec. A-101. 25 MRSA §2902, sub-§4, as amended by PL 1989, c.**
36 **503, Pt. B, §106, is further amended to read:**

37
38 4. **Maine Highway Safety Commission.** The Maine Highway
39 Safety Commission, as authorized by Title 5, section 12004-I,
40 subsection 83, shall be under the direction of the Commissioner
41 of Public Safety and advisory to the Governor. The commission
42 shall consist of not more than 25 members selected by the
43 Governor from state, civic and industrial organizations and
44 individuals with interests relating to highway safety. The
45 Commissioner of Public Safety, the Commissioner of
46 Transportation, the Commissioner of Human Services and the
47 Commissioner of ~~Educational--and--Cultural--Services~~ Education, the
48 Secretary of State and the Attorney General shall serve as ex
49 officio members. The ex officio members shall appoint persons in
50 major policy-influencing positions as their designees to

represent them at meetings of the commission with voting privileges. The commission members shall serve at the pleasure of the Governor and shall be compensated in accordance with Title 5, chapter 379. The commission shall stimulate active support for highway safety measures and programs and shall advise the Department of Public Safety regarding these issues. The commission shall annually report its findings and recommendations, including any necessary implementing legislation, to the Governor and to the joint standing committee of the Legislature having jurisdiction over state and local government; and

Sec. A-102. 26 MRSA §774, last ¶, as amended by PL 1979, c. 468, §3, is further amended to read:

Work performed in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances, or any occupation that does not offer continuous, year-round employment shall be exempt from this section, provided a minor under 16 years of age has been excused by the local superintendent of schools in accordance with the policy established by the Commissioner of Educational-~~and Cultural Services~~ Education and the Director of the Bureau of Labor.

Sec. A-103. 26 MRSA §775, last ¶, as amended by PL 1975, c. 59, §3, is further amended to read:

The person authorized to issue a work permit shall not issue such permit until such child has furnished such issuing officer a certificate signed by the principal of the school last attended showing that the child can read and write correctly simple sentences in the English language and that he the child has satisfactorily completed the studies covered in the grades of the elementary public schools or their equivalent; in case such certificate cannot be obtained, then the officer issuing the work permit shall examine such child to determine whether ~~he can meet~~ the child meets the educational standard specified and shall file in his the officer's office a statement setting forth the result of such examination; nor until he the officer has received, examined, approved and filed satisfactory evidence of age. Such evidence shall consist of a certified copy of the town clerk's record of the birth of such child, or a certified copy of his the child's baptismal record, showing the date of his birth and place of baptism or a passport showing the date of birth. In the event of the minor being unable to produce the evidence mentioned, and the person authorized to issue the work permit being satisfied of that fact, the said work permit may be issued on other documentary evidence of age satisfactory to the person authorized to issue the work permit, provided such documentary evidence has

2 been approved by the director. The superintendent of schools, or
4 the person authorized to issue such work permit may require, in
6 doubtful cases, a certificate signed by a physician appointed by
8 the school board, stating that such child has been examined by
10 him and, in his that physician's opinion, has reached the normal
12 development of a child of its the same age and is in sufficiently
14 sound health and physically able to perform the work which he the
16 child intends to do. A child between the ages of 15 and 17 years
18 who, because of subnormal mental capacity, is unable to
20 successfully pass the tests necessary to allow a regular work
permit to be issued may, under conditions deemed proper, receive
a work permit issued jointly by the Commissioner of ~~Educational~~
~~and-Cultural-Services~~ Education and the Director of the Bureau of
Labor, such persons to be employed in nonhazardous occupations.
The state factory inspector, his the inspector's deputy or agent
may require a similar certificate in doubtful cases of the minors
employed under a work permit. No person shall issue such permit
to any minor then in or about to enter his that person's
employment or the employment of the firm or corporation of which
he that person is a member, stockholder, officer or employee.

22 **Sec. A-104. 26 MRSA §1002, sub-§5,** as amended by PL 1989, c.
24 483, Pt. A, §44, is further amended to read:

26 **5. Cooperate with others.** Cooperate with the Department of
28 ~~Educational--and--Cultural--Services~~ Education, the Board of
30 Trustees of the Maine ~~Vocational-Technical--Institute~~ Technical
32 College System and the local school authorities in the
organization and establishment of classes of related and
supplemental instruction for apprentices employed under approved
agreements;

34 **Sec. A-105. 26 MRSA §1005-A,** as enacted by PL 1989, c. 483,
Pt. A, §46, is amended to read:

36 **§1005-A. Preapprenticeship training**

38 The State Apprenticeship and Training Council shall assist
40 the Department of ~~Educational--and--Cultural--Services~~ Education,
42 the State's ~~vocational-technical--institutes~~ technical colleges
and other groups which may wish to establish preapprenticeship
training programs, in developing training courses, the successful
completion of which will enable a participant to meet the
44 qualifying standards for the apprenticeship or apprenticeships
for which the participant has expressed a serious interest. All
46 preapprenticeship training programs are subject to approval by
the council.

2 Sec. A-106. 26 MRSA §1452, as amended by PL 1989, c. 443,
§78, is further amended to read:

4 **§1452. Maine Occupational Information Coordinating Committee**

6 The Maine Occupational Information Coordinating Committee,
as established by Title 5, chapter 379, shall support the
8 development, maintenance and operation of the Comprehensive
Career, Occupational and Economic Data-based System and foster
10 communication and coordination of education, employment and
training programs through the use of the system. The committee
12 shall consist of the Commissioner of Labor, Commissioner of Human
Services, Commissioner of ~~Educational--and--Cultural--Services~~
14 Education, Commissioner of Economic and Community Development,
Director of the State Planning Office and the chairs of the Maine
16 Human Resource Development Council, the State Board of Education
and the Board of Trustees of the Maine Technical College System.
18 The Commissioner of Labor and the Commissioner of ~~Educational--and~~
~~Cultural--Services~~ Education may serve as the representatives of
20 the chairs of the Maine Human Resource Development Council and
the State Board of Education, respectively, upon the agreement of
22 that designation by the Maine Human Resource Development Council
and the State Board of Education. The Commissioner of Labor
24 shall be the ~~chairman~~ chair of the committee, with the Department
of Labor serving as the fiscal agent for the committee.

26 Sec. A-107. 26 MRSA §2155, sub-§2, as enacted by PL 1987, c.
28 777, §3, is amended to read:

30 2. **Certification.** Participants who complete training under
this section shall receive a statewide certificate granted by the
32 Department of ~~Educational--and--Cultural--Services~~ Education with a
curriculum approved pursuant to Title 32, section 2102,
34 subsection 8.

36 Sec. A-108. 27 MRSA §38, as amended by PL 1981, c. 464, §28,
is further amended to read:

38 **§38. Compliance with federal law**

40 The State Librarian, with the approval of the Governor, may
42 make any regulations necessary to enable the State to comply with
any law of the United States, heretofore or hereafter enacted,
44 intended to promote public library services. The Maine State
Library Bureau is the sole agency authorized to develop, submit
46 and administer or supervise the administration of any state plan
required under such law. The Treasurer of State shall be
48 custodian of any money that may be allotted by the Federal
Government for general public library services.

2 **Sec. A-109. 27 MRSA §39, sub-§§1 and 2, as enacted by PL 1987,**
c. 462, are amended to read:

4 **1. Statement of policy.** The Legislature declares that it
is the policy of the State that cooperation among Maine libraries
6 of all types should be fostered and encouraged. The sharing of
library holdings enriches the economic, educational and cultural
8 life of each Maine community. Citizen access to materials
purchased with public dollars requires that materials be
10 identifiable by title and physical location. It is in the public
interest that the Maine State Library Bureau promote and assist
12 access by recording the holdings of Maine libraries in a form
accessible by modern information technology. In this way, the
14 educational and informational resources of the State will be
available to every citizen.

16 **2. Legislative intent.** Recognizing the value of broad
citizen access to library materials and recognizing that
18 automated records are essential to the use of technology, the
State assigns to the Maine State Library Bureau the
20 responsibility of collecting the holding records of libraries
throughout Maine and making them accessible in machine-readable
22 form. It is the State's intent that these records be shared with
any citizen or library on request. It is the intent of the
24 Legislature to provide the Maine State Library Bureau with the
resources necessary to carry out this section.

26 **Sec. A-110. 27 MRSA §371, last ¶, as repealed and replaced by**
28 **PL 1981, c. 55, §2, is amended to read:**

30 The State Museum Bureau is best qualified to assume that
32 trusteeship by virtue of the fact that its facilities are
intended to function primarily for the purpose of preserving and
34 interpreting artifacts, specimens and materials as defined within
this subchapter.

36 **Sec. A-111. 27 MRSA §372, sub-§§1 and 2, as enacted by PL 1981,**
38 **c. 55, §3, are amended to read:**

40 **1. Transference of custody.** The several departments of the
State are authorized to transfer any archaeological objects,
42 materials or specimens in their possession to the custody and
trusteeship of the State Museum Bureau.

44 **2. Museum responsibility.** The State designates the State
46 Museum Bureau to hold title, as trustee for the State, to all
archaeological objects, materials and specimens found on, in or
48 beneath state-controlled lands. The State charges the State
Museum Bureau with the responsibility of protecting, preserving
50 and interpreting such objects, materials and specimens as may be

placed under its trusteeship; preventing their defacement, damage, destruction or unauthorized removal; and ensuring their continued availability for scientific study by qualified persons, agencies or institutions.

Sec. A-112. 27 MRSA §373-A, sub-§6, as enacted by PL 1981, c. 55, §5, is amended to read:

6. Permittors. "Permittors" means the Director of the Maine Historic Preservation Commission and the Director of the State Museum Bureau as well as the director of any state department administering state-controlled lands, acting in concert in the review, approval and granting of permits.

Sec. A-113. 27 MRSA §374, sub-§2, ¶C, as enacted by PL 1981, c. 55, §6, is amended to read:

C. The permit to excavate shall be cosigned by the Director of the Maine Historic Preservation Commission and the Director of the State Museum Bureau, except for state-controlled lands where the permit also shall be cosigned by the director of the agency with primary jurisdiction.

Sec. A-114. 27 MRSA §376, sub-§§2 and 4, as enacted by PL 1981, c. 55, §7, are amended to read:

2. Sale of artifacts. Attempts to sell, offers of sale and sale of artifacts, objects or specimens, excavated after the effective date of this Act, whether excavated lawfully or unlawfully from a site, without the written permission of the permit grantors or the Director of the Maine Historic Preservation Commission and the Director of the State Museum Bureau, shall-be are punishable by a civil penalty not greater than twice the price for which artifacts, objects of specimens are sold or offered for sale.

4. Artifact ownership. Artifacts, objects, materials and specimens recovered from sites on state-controlled land are the property of the State Museum Bureau. Artifacts, objects, specimens or materials originating from a site on other than state-controlled land are the property of the landowner and shall be deposited with a suitable repository as designated by the landowner in the preservation agreement, or the permit.

Sec. A-115. 27 MRSA §377, as amended by PL 1985, c. 779, §74, is further amended to read:

2 **§377. Protection of site location information**

4 In order to protect the site from unlawful excavation or
6 harm, any information on the location or other attributes of any
8 site in the possession of the Maine Historic Preservation
10 Commission, the State Museum Bureau, the Bureau of Parks and
12 Recreation, other state agencies or the University of Maine
14 System may be deemed by the Maine Historic Preservation
16 Commission or State Museum Bureau to be confidential and exempt
 from Title 1, chapter 13. Such data shall be made available for
 the purpose of archaeological research. The directors of the
 Maine Historic Preservation Commission and the State Museum
 Bureau shall jointly adopt rules establishing standards and
 procedures for obtaining the data, and may impose reasonable
 requirements on its use, including requirements of
 confidentiality.

18 **Sec. A-116. 28-A MRSA §1704, sub-§2, as enacted by PL 1987, c.**
20 **45, Pt. A, §4, is amended to read:**

22 **2. Commissioners' reports.** The Commissioner of
24 Corrections, the Commissioner of ~~Educational--and--Cultural~~
26 Services Education, the Commissioner of Human Services and the
28 Commissioner of Mental Health and Mental Retardation, through the
30 Alcohol and Drug Abuse Planning Committee established in Title
32 22, chapter 1601, subchapter V, shall prepare and submit the
 reports specified in that subchapter. Other governmental
 departments and nongovernmental organizations may be consulted in
 the preparation of these reports. The planning committee may
 hold hearings, solicit and receive proposals or take any other
 action it considers necessary and appropriate in order to prepare
 its reports.

34 **Sec. A-117. 28-A MRSA §2519, sub-§2, ¶E, as enacted by PL**
36 **1987, c. 45, Pt. A, §4, is amended to read:**

38 **E.** A representative of the Department of ~~Educational--and--~~
 Cultural-Services Education;

40 **Sec. A-118. 29 MRSA §532, first ¶, as amended by PL 1989, c.**
42 **513, §1, is further amended to read:**

44 Any person who is at least 15 years of age and has completed
46 a course in driver education as provided in section 583 may apply
48 to the Secretary of State for an instruction permit. The
50 Secretary of State may, in the Secretary of State's discretion,
 after an applicant has successfully passed all parts of an
 examination other than the driving test, issue to the applicant
 an instruction permit which shall entitle the applicant, while
 having the permit in the applicant's immediate possession, to

2 drive a motor vehicle upon the public highways for a period of 18
3 months when accompanied by a licensed operator who has at least
4 one year of driving experience and is at least 18 years of age
5 and who is occupying a seat beside the driver, except in the
6 event the permittee is operating a motorcycle or motor driven
7 cycle. If any such licensed operator, while accompanying an
8 applicant and occupying a seat beside the driver while the
9 vehicle is being operated on a public way, has impaired mental or
10 physical functioning as a result of the use of intoxicating
11 liquor or drugs, that licensed operator is guilty of a Class E
12 crime. The Secretary of State may, in the Secretary of State's
13 discretion, issue a restricted instruction permit effective for a
14 school year or for a restricted period to an applicant who is
15 enrolled in a driver education program which includes practice
16 driving. That instruction permit shall only be valid when the
17 applicant is accompanied by an instructor approved by the
18 Commissioner of ~~Educational and Cultural Services~~ Education or a
19 commercial driver education instructor licensed by the Department
20 of Professional and Financial Regulation, Board of Commercial
21 Driver Education. Any person who has not held a Maine operator's
22 license during one of the 3 preceding years may apply for an
instruction permit.

24 **Sec. A-119. 29 MRSA §538-A, sub-§1, as enacted by PL 1989, c.**
25 **513, §4, is amended to read:**

26
27 **1. Educational need.** A person qualifies for a special
28 restricted license based on educational need by filing a
29 notarized signed application including: a statement from the
30 applicant and the applicant's parent or guardian that no readily
31 available alternative means of transportation exists and that use
32 of a motor vehicle is necessary for transportation to and from a
33 public secondary school, a private secondary school approved for
34 attendance purposes by the Commissioner of ~~Educational--and~~
35 ~~Cultural-Services~~ Education, a vocational center or a vocational
36 region which the applicant is attending; a verification of school
37 attendance; and the lack of a readily available alternative means
38 of transportation by the principal of the school.

40 Notwithstanding the first paragraph of this section, a person
41 between the ages of 16 and 17 is not required to complete a
42 driver education course in order to qualify for a restricted
43 license based on educational need.

44
45 A special restricted license issued under this subsection only
46 authorizes the holder to operate a motor vehicle between the
47 holder's residence and school.
48

2 **Sec. A-120. 29 MRSA §583-A, last ¶**, as amended by PL 1989, c.
179, c. §5, is further amended to read:

4 Any person between the ages of 16 and 21 years, who
6 satisfies the Secretary of State that no readily available means
of transportation exists to and from a public secondary school, a
8 private secondary school approved for attendance purposes by the
Commissioner of ~~Educational--and--Cultural--Services~~ Education, a
10 vocational center or a vocational region which that person is
attending, may be issued, upon passing the motorcycle or motor
12 driven cycle driver's examination as provided in section 581, a
special motorcycle or motor driven cycle permit authorizing that
person to drive to and from the school.

14 **Sec. A-121. 29 MRSA §583-B, last ¶**, as amended by PL 1989, c.
16 179, §6, is further amended to read:

18 An approved motorcycle driver education program may be
20 offered by a public secondary school, a private secondary school
approved for attendance purposes by the Commissioner of
22 ~~Educational--and--Cultural--Services~~ Education, a vocational center
or a vocational region and adult education program conducted
24 pursuant to Title 20-A, chapter 315, as a component of a driver
education course approved pursuant to Title 20-A, chapter 316.
26 Any motorcycle program offered independently of an approved
driver education course may not be offered for credit toward a
high school diploma.

28 **Sec. A-122. 29 MRSA §1367-B, sub-§4, ¶A**, as enacted by PL
30 1987, c. 644, §8, is amended to read:

32 A. Lights used on ambulances; fire department vehicles;
vehicles operated by city and town fire inspectors; forestry
34 department vehicles used for forest fire control purposes;
and by vehicles operated by chiefs and chief officers, such
36 as assistant chiefs, deputy chiefs and district chiefs of
fire departments, shall emit a red beam of light or a
38 combination of red and white lights. When authorized by the
municipal officers of a municipality and countersigned by
40 the fire chief, a red blinker or flashing red signal light
not more than 5 inches in diameter may be mounted as near as
42 practicable above the registration plate on the front of a
motor vehicle, or mounted on the dashboard so that the light
44 will be shielded from the driver so as not to interfere with
his vision, while operated by a member of a municipal or
46 volunteer fire department. The light may be displayed, but
shall not be in operation, except while the vehicle is in
48 use for fire or other emergency service. No volunteer or
municipal firefighter may operate a red blinker or flashing
50 red signal light upon a motor vehicle, except while actually

2 enroute to the scene of a fire or other emergency requiring
services and unless the operator is an active member of the
4 department. Nothing in this subsection may limit the use of
lights showing a red beam of light to the front or rear of
6 school buses, provided those lights are of a type approved
by the Commissioner of ~~Educational--and--Cultural--Services~~
Education under section 2012; nor may any designation or
8 authorization by the Commissioner of Public Safety be
required for the use of emergency lights authorized under
10 this section.

12 Sec. A-123. 29 MRSA §2012, sub-§1, ¶¶D and F, as repealed and
replaced by PL 1973, c. 780, §4, are amended to read:

14 D. Shall be equipped with a system of signal lamps that
16 conform to the school bus requirements as approved by the
Commissioner of ~~Educational--and--Cultural--Services~~ Education;

18 F. May be equipped with a system of stop arms which shall
20 be operated only in conjunction with the red signal lamps;
and

22 Sec. A-124. 29 MRSA §2013, sub-§1, ¶C, as amended by PL 1989,
24 c. 414, §27, is further amended to read:

26 C. Meet all training and special physical, mental and moral
requirements established by the Commissioner of ~~Educational~~
28 ~~and--Cultural--Services~~ Education and pass an annual physical
examination, with the cost of that examination being borne
30 by the employer;

32 Sec. A-125. 29 MRSA §2014, sub-§1, ¶F, as repealed and
replaced by PL 1977, c. 532, §2, is amended to read:

34 F. The seating capacity shall must be displayed on each
36 school bus in a manner prescribed by the Commissioner of
~~Educational--and--Cultural--Services~~ Education.

38 Sec. A-126. 29 MRSA §2017-A, as enacted by PL 1987, c. 288,
40 is amended to read:

42 **§2017-A. School bus safety and driver training**

44 The Department of ~~Educational---and---Cultural---Services~~
Education shall develop, certify and administer regional school
46 bus driver training programs and shall assist school
administrative units in school bus safety and driver training.
48 This program shall be administered within available resources.

2 **Sec. A-127. 29 MRSA §2018**, as enacted by PL 1973, c. 780, §4,
is amended to read:

4 **§2018. Rules**

6 The Commissioner of ~~Educational---and---Cultural---Services~~
7 Education shall have authority to promulgate rules and
8 regulations, not inconsistent with this Title, governing school
9 bus construction, equipment and the operation thereof.

10 **Sec. A-128. 30-A MRSA §5042, sub-§1, ¶A**, as enacted by PL
11 1989, c. 601, Pt. B, §4, is amended to read:

12 A. The commissioners or their designees of:

13 (1) The Department of Human Services;

14 (2) The Department of Labor;

15 (3) The Department of Corrections;

16 (4) The Department of ~~Educational---and---Cultural~~
17 Services Education;

18 (5) The Department of Economic and Community
19 Development; and

20 (6) The Department of Mental Health and Mental
21 Retardation;

22 **Sec. A-129. 30-A MRSA §5703, sub-§2, ¶¶A and B**, as enacted by
23 PL 1989, c. 381, are amended to read:

24 A. Multiplying the outstanding amount of each issue of debt
25 incurred for school purposes by the municipality in
26 connection with a project which qualifies for state school
27 construction aid and the percentage of the capital outlay
28 costs of such project which was applicable to determine the
29 amount of state school construction aid.

30 (1) The certificate of the Commissioner of ~~Educational~~
31 ~~and---Cultural---Services~~ Education that a project
32 qualifies for state school construction aid and as to
33 the percentage of that aid to which a municipality was
34 entitled shall be conclusive evidence of the facts
35 stated therein; or

36 B. For school construction projects approved by the State
37 Board of Education after July 1, 1985, by multiplying the
38 outstanding amount of each issue of debt incurred for school

2 purposes by the municipality in connection with a project
4 which qualifies for state school construction subsidy under
6 Title 20-A and the state share percentage of operating costs
8 for that municipality as defined in Title 20-A, section
15609, subsection 1, paragraph A, subparagraph (1), for the
year in which the project received concept approval from the
State Board of Education.

(1) The certificate of the Commissioner of ~~Educational~~
~~and--Cultural--Services~~ Education that a project
qualifies for state school construction aid and as to
the state share percentage of operating costs for that
municipality as defined in Title 20-A, section 15609,
subsection 1, paragraph A, subparagraph (1), for the
year in which the project received concept approval
shall be conclusive evidence of the facts stated
therein.

18
20 Sec. A-130. 30-A MRSA §7205, sub-§2, ¶A, as enacted by PL
1989, c. 216, §2, is amended to read:

22 A. The Commissioner of ~~Educational--and--Cultural--Services~~
24 Education is responsible for implementing this subsection
for incorporation in the deorganization procedure.

26 Sec. A-131. 30-A MRSA §7206, sub-§1, ¶A, as enacted by PL
28 1989, c. 216, §2, is amended to read:

30 A. The associate commissioner for the Bureau of School
32 Management or the associate commissioner's designee within
the Department of ~~Educational--and--Cultural--Services~~
Education;

34 Sec. A-132. 30-A MRSA §7304, sub-§1, ¶A, as enacted by PL
36 1987, c. 737, Pt. A, §2 and Pt. C, §106; and as amended by PL
1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
amended to read:

38
40 A. Subject to the restriction in subparagraph (1), sell or
42 otherwise dispose of any property which the municipality or
44 plantation holds title to at the time of deorganization or
may receive title to after deorganization. When disposing
of property, the State Tax Assessor shall ensure that the
interests of the residents of the unorganized territory are
the most important consideration.

46
48 (1) In the case of school property, the State Tax
Assessor shall consult with the Commissioner of
50 ~~Educational--and--Cultural--Services~~ Education; and

2 **Sec. A-133. 32 MRSA §301, sub-§2,** as amended by PL 1983, c.
841, §8, is further amended to read:

4 **2. Apprentice or student barber.** "Apprentice barber" means
any person who is engaged in learning and acquiring a knowledge
6 of the practice of barbering under the direction and supervision
of a person licensed under this chapter to practice barbering.
8 "Student barber" means any person who is engaged in learning and
acquiring a knowledge of the practice of barbering as a duly
10 enrolled student in a school of barbering licensed by the
Commissioner of ~~Educational--and--Cultural--Services~~ Education.

12 **Sec. A-134. 32 MRSA §303-A, last ¶,** as amended by PL 1987, c.
14 395, Pt. A, §124, is further amended to read:

16 The board and the Department of ~~Educational--and--Cultural~~
~~Services~~ Education shall make rules for the examination of
18 applicants for licenses as instructors of barbering, in
accordance with the Maine Administrative Procedure Act, Title 5,
20 chapter 375, subchapter II. Examination applications shall be
furnished by the board. The application shall be filed with the
22 secretary of the board and shall be accompanied by an examination
fee. If examination is satisfactory, the applicant shall pay a
24 fee to receive the initial instructor license, which shall be
valid until the next renewal period. The renewal fee for
26 instructor licensure shall be collected by the board.

28 **Sec. A-135. 32 MRSA §401, next to the last ¶,** as amended by PL
1987, c. 395, Pt. A, §132, is further amended to read:

30 Each student upon enrollment in a school of barbering
32 licensed by the Commissioner of ~~Educational--and--Cultural--Services~~
Education shall make written application for a student permit
34 therefor on a form prescribed and supplied by the board. The
application shall contain satisfactory evidence of the
36 qualifications required of the applicant under this chapter and
shall be notarized. The applicant shall pay to the secretary of
38 the board a fee and the permit shall expire with termination or
completion of the school course for which the permit was
40 obtained. No permit may be issued to a person who has not
attained 17 years of age.

42 **Sec. A-136. 32 MRSA §402, sub-§3,** as amended by PL 1983, c.
44 841, §14, is further amended to read:

46 **3. Training.** Who has satisfactorily completed a course of
instruction of 1,500 hours in not less than 9 months in a school
48 of barbering licensed by the Commissioner of ~~Educational--and~~
~~Cultural--Services~~ Education, or in lieu thereof has had a total
50 experience as an apprentice in the practice of barbering of 2,500
hours distributed over a period of at least 18 months; and

2 Sec. A-137. 32 MRSA §402, 2nd ¶, as amended by PL 1983, c.
4 841, §15, is further amended to read:

6 Any person licensed as a cosmetologist pursuant to chapter
8 23 and who has satisfactorily completed a course of instruction
10 of at least 500 hours in a school of barbering licensed by the
12 Commissioner of ~~Educational--and--Cultural--Services~~ Education, or
in lieu thereof has had a total experience as an apprentice in
the practice of barbering of at least 900 hours, shall be
entitled to take the examination, upon payment of the fees
prescribed in this section.

14 Sec. A-138. 32 MRSA §1100-M, sub-§1, ¶B, as enacted by PL
16 1983, c. 331, §2, is amended to read:

18 B. Have a high school diploma or its equivalent, as
20 determined by the Department of ~~Educational--and--Cultural~~
~~Services~~ Education; and

22 Sec. A-139. 32 MRSA §1551, sub-§6, as enacted by PL 1983, c.
841, §17, is amended to read:

24 6. **Student cosmetologist.** "Student cosmetologist" means
26 any person who is engaged in learning and acquiring a knowledge
of the practice of cosmetology as a duly enrolled student in a
school of cosmetology licensed by the Commissioner of ~~Educational~~
~~and--Cultural--Services~~ Education.

30 Sec. A-140. 32 MRSA §1553-A, last ¶, as amended by PL 1987, c.
32 395, Pt. A, §147, is further amended to read:

34 The board and the Department of ~~Educational--and--Cultural~~
~~Services~~ Education shall make rules for the examination of
36 applicants for licensure as instructors of cosmetology, in
accordance with the Maine Administrative Procedure Act, Title 5,
chapter 375, subchapter II. Examination applications shall be
38 furnished by the board. The application shall be filed with the
secretary of the board and shall be accompanied by an examination
40 fee which shall include licensure, if examination is
satisfactory. All licenses as instructors shall expire June 30th
42 biennially.

44 Sec. A-141. 32 MRSA §1652, sub-§3, as amended by PL 1983, c.
46 841, §21, is further amended to read:

48 3. **Training.** Who has satisfactorily completed a course of
instruction of 1,500 hours in not less than 9 months in a school
of cosmetology licensed by the Commissioner of ~~Educational--and--~~
50 ~~Cultural--Services~~ Education, or in lieu thereof has had a total

2 experience in the practice of cosmetology or as an apprentice of
2,500 hours distributed over a period of at least 18 months; and

4 **Sec. A-142. 32 MRSA §1652, 2nd ¶**, as amended by PL 1983, c.
841, §22, is further amended to read:

6
8 Any person licensed as a barber pursuant to chapter 7 and
who has satisfactorily completed a course of instruction of at
least 500 hours in a school of cosmetology licensed by the
10 Commissioner of ~~Educational--and--Cultural-Services~~ Education, or
in lieu thereof has had a total experience in the practice of
12 cosmetology as an apprentice of at least 900 hours, shall be
entitled to take the examination upon payment of the fees
14 prescribed in this section.

16 **Sec. A-143. 32 MRSA §1652-A, sub-§3**, as enacted by PL 1987, c.
677, §3, is amended to read:

18
20 **3. Training.** Has satisfactorily completed a course of
instruction of at least 750 hours in not less than 5 months, in a
school of cosmetology licensed by the Commissioner of ~~Educational~~
22 ~~and--Cultural-Services~~ Education, within the last 3 years from the
date of applying to be examined; and

24
26 **Sec. A-144. 32 MRSA §1655-A, 2nd ¶**, as amended by PL 1987, c.
395, Pt. A, §163, is further amended to read:

28 To be eligible for a student permit, a student cosmetologist
must be at least 16 years of age and have completed the 10th
30 grade in a secondary school. The application shall include
evidence of the student cosmetologist's enrollment in a school of
32 cosmetology licensed by the Commissioner of ~~Educational--and~~
~~Cultural-Services~~ Education.

34
36 **Sec. A-145. 32 MRSA §2104, sub-§4**, as enacted by PL 1987, c.
195, §4, is amended to read:

38 **4. Approval of nursing assistant training curriculum and**
faculty. An educational institution or health care facility
40 desiring to conduct an educational program for assistants to
nurses to prepare individuals for certification shall apply to
42 the Department of ~~Educational--and--Cultural-Services~~ Education and
submit evidence that it is prepared to:

44
46 A. Carry out the curriculum for the assistants to nurses as
prescribed by the State Board of Nursing;

48 B. Meet those standards for on-site supervision and
delegation of tasks as established by the State Board of
50 Nursing; and

2 C. Meet those standards for educational programming and
4 faculty as established by the Department of ~~Educational--and~~
~~Cultural--Services~~ Education. The Department of ~~Educational~~
6 ~~and--Cultural--Services~~ Education shall issue a notice of
approval of the program submitted and the proposed faculty.

8 The Department of ~~Educational--and--Cultural--Services~~ Education
shall approve a facility-offered program if the existing
10 educational delivery system cannot respond in 10 working days.

12 Sec. A-146. 32 MRSA §2202-A, as enacted by PL 1987, c. 195,
14 §5, is amended to read:

16 **§2202-A. Certificates; nursing assistants**

18 The Department of ~~Educational--and--Cultural--Services~~
Education shall issue certificates attesting to the competency of
20 individuals to act as assistants to nurses. The certificate shall
indicate the satisfactory completion of a course with a
22 curriculum prescribed by the State Board of Nursing.

24 The Department of ~~Educational--and--Cultural--Services~~
Education shall maintain a register of names of all individuals
26 certified to act as assistants to nurses.

28 Sec. A-147. 32 MRSA §3269, sub-§10, as amended by PL 1981, c.
239, is further amended to read:

30 10. Powers. The power to mandate, conduct and operate or
32 contract with other agencies, persons, firms or associations for
the conduct and operation of programs of medical education,
34 including statewide programs of health education for the general
public and to disburse funds accumulated through the receipt of
36 licensure fees for this purpose, provided that no such funds may
be disbursed for this purpose for out-of-state travel, meals or
lodging for any physician being educated under this program. The
38 power to conduct and operate or contract with other agencies or
nonprofit organizations for the conduct and operation of a
40 program of financial assistance to medical students indicating an
intent to engage in family practice in rural Maine, under which
42 program said students may be provided with interest-free grants
or interest-bearing loans in an amount not to exceed \$5,000 per
44 student per year on such terms and conditions as the board may
determine.

46
48 Notwithstanding any other provision of this subsection, if the
board contracts with the Commissioner of ~~Educational--and--Cultural~~
Services Education to provide funds for the costs of any
50 positions for which the State has contracted at the University of

2 Vermont College of Medicine, or the Tufts University School of
Medicine, the terms of the contract between the board and the
4 commissioner shall be in accordance with the requirements of
Title 20, chapter 304-;

6 Sec. A-148. 32 MRSA §3840, sub-§§2 and 9, as repealed and
replaced by PL 1985, c. 763, Pt. A, §84, are amended to read:

8
2. Purpose. The purpose of the Joint Committee on
10 Licensure-Certification for School Psychological Service
Providers shall be to coordinate the licensing and certification
12 processes of the Board of Examiners of Psychologists and the
Department of ~~Educational--and--Cultural--Services~~ Education
14 respectively to provide accessible and timely services to meet
the needs of the school systems in the State.

16
9. Records. The joint committee shall keep records and
18 minutes of its activities and meetings. The records and minutes
shall be housed by the Department of ~~Educational--and--Cultural~~
20 ~~Services~~ Education or the Department of ~~Business--Occupational~~
and Professional and Financial Regulation and made easily
22 accessible to the public and shall be provided expeditiously upon
request.

24
Sec. A-149. 32 MRSA §5003, sub-§4, as amended by PL 1979, c.
26 118, §2, is further amended to read:

28 4. The practice of forestry. "The practice of forestry"
shall mean any professional services relating to forestry
30 requiring the application of forestry principles and techniques.
Such services shall include but not be limited to investigations,
32 consultations, development of forest management plans,
responsible supervision of forest management, forest utilization,
34 forest economics or other forestry activities as carried out in
connection with any public or private lands. Forestry
36 instructional and educational activities conducted by
institutions approved by the Commissioner of ~~Educational--and~~
38 ~~Cultural--Services~~ Education pursuant to the laws of the State and
forestry instructional and educational activities relating to a
40 program of education at an institution licensed or approved by
the State to grant a bachelors or higher degree shall be
42 exempted. The practice of forestry shall not include services
rendered for wages or for salary for the cutting, hauling,
44 handling or processing of forest products, or wages, salary or
payments received for timber stand improvements or other
46 silvicultural activities on the forest lands of the owner
thereof, or on the forest land of another.

48
Sec. A-150. 32 MRSA §6003, sub-§7, as enacted by PL 1975, c.
50 705, §4, is amended to read:

2 **7. Speech pathology aide.** "Speech pathology aide" means an
individual who meets minimum qualifications which the board may
4 establish for speech pathology aides, which qualifications shall
be less than those established by this chapter as necessary for
6 licensure as a speech pathologist, and less than those
established by the Department of ~~Educational--and--Cultural~~
8 ~~Services~~ Education for school personnel, and who works under the
supervision of a licensed speech pathologist.

10 **Sec. A-151. 32 MRSA §6005, sub-§3**, as enacted by PL 1975, c.
12 705, §4, is amended to read:

14 **3. Person holding valid and current credential.** A person
who holds a valid and current credential as a speech or hearing
16 clinician, issued by the Department of ~~Educational--and--Cultural~~
~~Services~~ Education, from providing such services within a local
18 educational agency, or a person employed as a speech pathologist
or audiologist by the Government of the United States, if such
20 person performs speech pathology or audiology services solely
within the confines or under the jurisdiction of the organization
22 by which he that person is employed. Such person may, without
obtaining a license under this chapter, consult with or
24 disseminate his research findings and other scientific
information to speech pathologists and audiologists outside the
26 jurisdiction of the organization by which he that person is
employed. Such person may also offer lectures to the public for a
28 fee, monetary or other, without being licensed under this
chapter. Such person may additionally elect to be subject to this
30 chapter;

32 **Sec. A-152. 32 MRSA §9502, sub-§2**, as amended by PL 1989, c.
34 179, §7, is further amended to read:

36 **2. Commercial driver education.** "Commercial driver
education" means any type of instruction or tutoring given any
38 person in the driving of a motor vehicle or in the preparing of
any person for a driver examination in exchange for remuneration,
except instruction or tutoring in a public secondary school, a
40 private secondary school approved for attendance purposes by the
Commissioner of ~~Educational--and--Cultural--Services~~ Education, a
42 vocational center, a vocational region, an adult education
program conducted pursuant to Title 20-A, chapter 315, or a
44 ~~veeational--teechnieal--institute~~ technical college.

46 **Sec. A-153. 32 MRSA §9502, sub-§3**, as amended by PL 1989, c.
48 179, §8, is further amended to read:

50 **3. Commercial driver education school.** "Commercial driver
education school" means any person or persons engaged in teaching

2 driver education for remuneration, except a public secondary
3 school, a private secondary school approved for attendance
4 purposes by the Commissioner of ~~Educational--and--Cultural~~
5 ~~Services Education~~, a vocational center, a vocational region, an
6 adult education program conducted pursuant to Title 20-A, chapter
315, or a ~~vocational-technical-institute~~ technical college.

8 **Sec. A-154. 32 MRSA §9601, sub-§3**, as enacted by PL 1989, c.
9 513, §7, is amended to read:

10 **3. Exclusion.** No license under this chapter may be
11 required of a certified teacher conducting a driver education
12 course in a public secondary school, a private secondary school
13 approved for attendance purposes by the Commissioner of
14 ~~Educational--and--Cultural--Services Education~~, a vocational center
15 or a vocational region.

16 **Sec. A-155. 32 MRSA §9602, sub-§5**, as enacted by PL 1989, c.
17 179, §9, is amended to read:

18 **5. School contracts.** Commercial driver education schools
19 shall remain subject to the requirements of this chapter while
20 providing driver education services pursuant to Title 20-A,
21 chapter 316, on a contract basis to a public secondary school, a
22 private secondary school approved for attendance purposes by the
23 Commissioner of ~~Educational--and--Cultural--Services Education~~, a
24 vocational center, a vocational region, an adult education
25 program conducted pursuant to Title 20-A, chapter 315, or a
26 ~~vocational-technical-institute~~ technical college.

27 **Sec. A-156. 32 MRSA §9855, sub-§1, ¶B**, as enacted by PL 1983,
28 c. 524, is amended to read:

29 B. Have a high school diploma or its equivalent as
30 determined by the Department of ~~Educational--and--Cultural~~
31 ~~Services Education~~;

32 **Sec. A-157. 32 MRSA §9855, sub-§2, ¶B**, as enacted by PL 1983,
33 c. 524, is amended to read:

34 B. Have a high school diploma or its equivalent as
35 determined by the Department of ~~Educational--and--Cultural~~
36 ~~Services Education~~;

37 **Sec. A-158. 32 MRSA §9855, sub-§3, ¶B**, as enacted by PL 1983,
38 c. 524, is amended to read:

39 B. Have a high school diploma or its equivalent as
40 determined by the Department of ~~Educational--and--Cultural~~
41 ~~Services Education~~;

2 **Sec. A-159. 32 MRSA §13506, sub-§3, ¶B,** as enacted by PL 1987,
c. 395, Pt. A, §212, is amended to read:

4
6 B. This subsection shall not apply with respect to
kick-boxing exhibitions, events, performances or contests
8 in which school pupils or instructors are the only
participants, except that this exemption shall apply only to
10 a performance or exhibition conducted under the direct
supervision and control of the board of directors of a
12 school district, or the person in authority of a teachers'
training school or other institution under the control of
14 the ~~Commissioner of Educational--and--Cultural--Services~~
Education and the State Board of Education or the board,
16 bodies or persons in authority of duly constituted private
or parochial schools, colleges or universities, or schools
18 for kick-boxing.

20 **Sec. A-160. 34-A MRSA §1209, sub-§3, ¶D,** as enacted by PL
1983, c. 581, §§10 and 59, is amended to read:

22 D. The Commissioner of Corrections, Commissioner of
~~Educational--and--Cultural--Services~~ Education, Commissioner of
24 Human Services, Commissioner of Mental Health and Mental
Retardation and Commissioner of Public Safety are ex
26 officio, voting members of the group.

28 **Sec. A-161. 34-A MRSA §3604, sub-§3, ¶B,** as enacted by PL
1983, c. 459, §6, is amended to read:

30
32 B. Before employing instructors in vocational education,
the director shall obtain the approval of the Department of
34 ~~Educational--and--Cultural--Services~~ Education.

36 **Sec. A-162. 34-A MRSA §7002, sub-§2, ¶A,** as enacted by PL
1987, c. 198, is amended to read:

38 A. Constitute an interdepartmental coordinating committee
on primary prevention, which shall be chaired by the
40 commissioner or his the commissioner's designee and shall
include representation from the Department of ~~Educational~~
42 ~~and--Cultural--Services~~ Education, Department of Human
Services, Department of Labor, Department of Mental Health
44 and Mental Retardation, Department of Public Safety, the
Juvenile Justice Advisory Group and such other public or
46 private agencies as the commissioner may wish to nominate,
which have responsibilities associated with preventing not
48 only delinquency, but also child abuse, substance abuse,
running away from home, truancy and failing to complete
50 school and other destructive behavior which affects
juveniles. This coordinating committee shall:

2 (1) Develop a state primary prevention plan which
4 provides for the use of state resources in ways that
6 will strengthen the commitment of local communities to
8 altering conditions which contribute to delinquency and
10 other destructive behaviors which affect juveniles, so
12 that the burden of state-funded treatment and
14 crisis-responsive service programs will be reduced.
16 The plan shall provide for the coordination and
consolidation of the primary prevention planning
efforts of each of the state agencies specified in this
section. The plan shall set forth quantifiable and
time-limited goals, objectives and strategies and shall
include proposals to integrate and build upon
successful primary prevention programs;

18 (2) Provide for the evaluation of policies and
20 programs developed and implemented pursuant to the
plan; and

22 (3) Prepare, annually by November 1st, an appraisal of
24 the State's primary prevention activities during the
previous year and its recommendations for programs and
activities relating to primary prevention.

26 **Sec. A-163. 34-B MRSA §1214, sub-§3**, as repealed and replaced
28 by PL 1989, c. 502, Pt. B, §44, is amended to read:

30 **3. Membership.** The committee shall be composed of 4
32 members: The Commissioner of Corrections; Commissioner of
34 ~~Educational--and--Cultural--Services~~ Education; Commissioner of
Human Services; and Commissioner of Mental Health and Mental
Retardation.

36 **Sec. A-164. 34-B MRSA §3007**, as enacted by PL 1987, c. 783,
§1, is amended to read:

38 **§3007. Teenage Suicide Prevention Program**

40 The bureau shall, in cooperation with the Department of
42 ~~Educational--and--Cultural--Services~~ Education, the Department of
Human Services and the "local action councils" funded in Public
Law 1987, chapter 349, Part A under the heading "Human Services,
Department of," develop a teenage suicide prevention strategy and
a model suicide prevention program to be presented in the
secondary schools of the State. Development of such a program
shall include preparation of relevant educational materials which
shall be distributed in the schools.

2 Sec. A-165. 34-B MRSA §6202, sub-§4, as enacted by PL 1985, c.
503, §12, is amended to read:

4 4. **Other agencies.** Nothing in this subchapter may be
6 construed to constrain or impair the Department of Corrections,
Department of ~~Educational--and--Cultural--Services~~ Education,
8 Department of Human Services or any other state agency in
carrying out statutorily mandated responsibilities to children
10 and their families or to alter or diminish any services, benefits
or entitlements received by virtue of the statutory
12 responsibilities.

14 Sec. A-166. 34-B MRSA §6203, sub-§1, ¶D, as enacted by PL
1985, c. 503, §12, is amended to read:

16 D. Place a high priority on continued participation with
the Department of ~~Educational--and--Cultural--Services~~
18 Education and the Department of Human Services in preventive
intervention services to families of children in need of
20 treatment;

22 Sec. A-167. 34-B MRSA §6203, sub-§2, ¶C, as enacted by PL
1985, c. 503, §12, is amended to read:

24 C. The plan shall establish a procedure for setting
26 priorities among the various services required by children
in need of treatment and their families, in cooperation with
28 other agencies of State Government that provide services to
children and families, including, but not limited to, the
30 Department of Corrections, Department of ~~Educational--and~~
~~Cultural--Services~~ Education and Department of Human Services.

32 Sec. A-168. 34-B MRSA §6204, sub-§2-A, as enacted by PL 1985,
34 c. 777, §2, is amended to read:

36 2-A. **Improvement and expansion of day treatment services**
for emotionally handicapped children. The bureau shall work
38 cooperatively with the Department of Corrections, Department of
~~Educational--and--Cultural--Services~~ Education and the Department of
40 Human Services to improve and expand day treatment programs for
emotionally handicapped school-age children so that they and
42 their families may receive necessary, appropriate and coordinated
therapeutic and educational services in home and community
44 settings, reducing the likelihood that out-of-home or residential
treatment placements will be required. The Department of Mental
46 Health and Mental Retardation shall license these programs
pursuant to sections 3603 and 3606. The Department of ~~Educational~~
48 and ~~Cultural--Services~~ Education shall approve these programs
pursuant to Title 20-A, chapter 206. The 2 departments shall
50 jointly develop standards to ensure a consistent high quality
throughout the State.

Sec. A-169. 36 MRSA §1760, sub-§59, as enacted by PL 1987, c. 343, §5, is amended to read:

59. Sales to certain incorporated nonprofit educational organizations. Incorporated nonprofit educational organizations which are receiving, or have received, funding from the Department of Educational- and Cultural- Services Education, and which provide educational programs specifically designed for teaching young people how to make decisions about drugs, alcohol and interpersonal relationships at a residential camp setting.

Sec. A-170. 38 MRSA §2139, sub-§2, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

2. Kindergarten to grade 12 curriculum. In cooperation with the Department of Educational--and--Cultural--Services Education, the office shall develop a curriculum suitable for use in programs from kindergarten through high school.

PART B

Sec. B-1. 3 MRSA §927, sub-§9, 11A and B, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, are amended to read:

A. Agencies:

(1) The Department of Educational---and---Cultural
Services Education;

(2) Maine State Housing Authority; and

(3) Maine Health and Higher Educational Facilities Authority.

B. Independent agencies:

(1) Maine Conservation School;

(2) Office of State Historian;

(3) Maine Arts Commission;

(4) Maine State Museum Commission;

(5) Maine Historic Preservation Commission;

(6) Maine Health Care Finance Commission;

- 2 (7) Maine Health Facilities Authority;
4 (8) Board of Occupational Therapy Practice;
6 (9) Board of Respiratory Care Practitioners; and
8 (10) Radiologic Technology Board of Examiners; and
10 (11) Maine Library Commission.

12 Sec. B-2. 5 MRSA §12004-G, sub-§§7-A to 7-E are enacted to
14 read:

16 7-A. Culture/ Maine State Expenses 27 MRSA §552
History Cultural Only
18 Affairs
Council

20 7-B. Culture/ Maine Arts Expenses 27 MRSA §401
History Commission Only

22 7-C. Culture/ Maine State Expenses 27 MRSA §82
24 History Museum Only
Commission

26 7-D. Culture/ Maine Expenses 27 MRSA §501
28 History Historic Only
Preservation
30 Commission

32 7-E. Culture/ Maine Expenses 27 MRSA §111
34 History Library Only
Commission

36 Sec. B-3. 5 MRSA §12004-G, sub-§§9 and 10, as enacted by PL
38 1987, c. 786, §5, are repealed.

40 Sec. B-4. 5 MRSA §12004-I, sub-§§13 and 14, as enacted by PL
1987, c. 786, §5, are repealed.

42 Sec. B-5. 20-A MRSA §201, first ¶, as enacted by PL 1981, c.
44 693, §§5 and 8, is amended to read:

46 The Department of Educational~~---and---Cultural---~~Services
Education is established to:

48 Sec. B-6. 20-A MRSA §201, sub-§2, as enacted by PL 1981, c.
50 693, §§5 and 8, is amended to read:

2 **2. Interrelation with other programs.** Interrelate public
education with other social, economic, physical and governmental
activities, programs and services; and

4 **Sec. B-7. 20-A MRSA §201, sub-§3,** as enacted by PL 1981, c.
6 693, §§5 and 8, is repealed.

8 **Sec. B-8. 20-A MRSA §201, sub-§4,** as enacted by PL 1981, c.
10 693, §§5 and 8, is amended to read:

12 **4. Advancement of education.** Encourage and stimulate
public interest in the advancement of education; ~~and.~~

14 **Sec. B-9. 20-A MRSA §201, sub-§5,** as enacted by PL 1981, c.
16 693, §§5 and 8, is repealed.

18 **Sec. B-10. 20-A MRSA §202, sub-§1-A,** as enacted by PL 1985, c.
197, §7, is amended to read:

20 **1-A. Commissioner of Education.** The Commissioner of
Educational ~~and Cultural Services.~~ Education;

22 **Sec. B-11. 20-A MRSA §202, sub-§§7 and 8,** as amended by PL
24 1985, c. 763, Pt. A, §74, are repealed.

26 **Sec. B-12. 20-A MRSA §202, sub-§§9, 10 and 12 to 14,** as enacted
by PL 1981, c. 693, §§5 and 8, are repealed.

28 **Sec. B-13. 20-A MRSA §203, sub-§2,** as enacted by PL 1985, c.
30 763, Pt. A, §75, is repealed.

32 **Sec. B-14. 20-A MRSA §256, sub-§3,** as amended by PL 1985, c.
763, Pt. A, §76, is repealed.

34 **Sec. B-15. 27 MRSA §1,** as amended by PL 1985, c. 785, Pt. B,
36 §123, is further amended to read:

38 **§1. Salary; duties**

40 The Maine State Library shall be under the management and
supervision of a the State Librarian as heretofore appointed
42 pursuant to section 112, who shall make such rules and
regulations as are necessary for the proper management of the
44 library and the safety of its contents. The librarian shall
receive such salary as shall be set by the Governor.

46 The librarian may employ, subject to the Civil Service Law
48 and the approval of the ~~Commissioner of Educational and Cultural~~
~~Services~~ Maine Library Commission, a deputy state librarian, and
50 such assistants as the business of the office may require.

2 Sec. B-16. 27 MRSA §5, as amended by PL 1971, c. 610, §14, is
repealed.

4 Sec. B-17. 27 MRSA §34, as amended by PL 1973, c. 626, §2, is
6 repealed and the following enacted in its place:

8 §34. Library development

10 The Maine State Library shall maintain a school library
12 media section which shall carry on activities in cooperation with
the Department of Education including:

14 1. Media center standards. Recommending school library
16 media center standards and evaluation of programs;

18 2. Certification of media professionals. Assisting in the
20 certification and recertification of school library media
professionals;

22 3. Construction and renovation projects. State funded
school library media center construction and renovation projects;

24 4. Expenditures for school library media programs.
26 Advising the Department of Education with regard to the
expenditure of state and federal grants for school library media
programs;

28 5. School approval. Assisting the Department of Education
30 with basic school approvals as it pertains to library instruction;

32 6. School accreditation. Assisting with local school
34 accreditation visits;

36 7. School library staff. Providing leadership in staff
development and continuing education of school library staff;

38 8. Information for local school systems. Providing
40 educational research and resource information for local school
systems; and

42 9. Video tape library. Maintaining and providing a video
44 tape library service for use by elementary and secondary
education.

46 Sec. B-18. 27 MRSA §82, as amended by PL 1989, c. 503, Pt.
48 B, §113, is further amended to read:

2 **§82. Maine State Museum Commission**

3 The Governor shall appoint a the Maine State Museum
4 Commission, as established by Title 5, section 12004-G,
5 subsection 10 7-C, consisting of 15 members especially qualified
6 and interested in the several fields of museum activity. Of
7 those members first appointed, 5 shall be appointed for terms of
8 2 years, 5 for 4 years and 5 for 6 years. Their successors shall
9 be appointed for 6 years. Each member shall serve for the term of
10 the appointment and thereafter until a successor is appointed and
11 qualified. The commission shall elect a chair and vice-chair
12 from its members. In case of the termination of a member's
13 service during the term, the Governor shall appoint a successor
14 for the unexpired term. Members shall be compensated according to
15 the provisions of Title 5, chapter 379.

16 **Sec. B-19. 27 MRSA §83**, as enacted by PL 1965, c. 502, §1, is
17 amended to read:

18 **§83. Powers and duties of Maine State Museum Commission**

19 The general powers and duties of the commission are:

20 1. **Administration.** To administer this chapter. In
21 administering its provisions, the commission may formulate
22 policies and exercise general supervision.;

23 2. **Prescribe duties of Museum Director.** To prescribe the
24 duties of the Museum Director.;

25 3. **Delegate powers.** To delegate powers to the Museum
26 Director necessary for the administration of this chapter.; and

27 4. **Recommendations.** To make recommendations to the
28 Legislature Maine State Cultural Affairs Council for such
29 legislation as may be necessary to improve the functioning of the
30 Maine State Museum.

31 **Sec. B-20. 27 MRSA §84-A** is enacted to read:

32 **§84-A. Museum director; appointment**

33 The Director of the Maine State Museum Commission must be
34 qualified by training or by experience in museum work and shall
35 be appointed by the Maine State Museum Commission. The director
36 shall serve for an indefinite term, subject to removal for
37 cause. Compensation shall be fixed by the Governor.

38 **Sec. B-21. 27 MRSA §85-A, sub-§2**, as enacted by PL 1987, c.
39 465, §2, is amended to read:

2 2. **Administration.** To administer the office of Museum
Director. In exercising his the director's administration, the
4 Museum Director shall promulgate operating policies, establish
organizational and operational procedures and exercise
6 supervision of museum activities. He The Museum Director shall
employ, subject to the Civil Service Law and the approval of the
8 ~~Commissioner of Educational and Cultural Services~~ Maine State
Museum Commission, such assistants as may be necessary to carry
10 out the purposes of this chapter. The Museum Director shall adopt
a seal for use in the official business of the museum;

12 Sec. B-22. 27 MRSA §85-A, sub-§5, as enacted by PL 1987, c.
14 465, §2, is repealed.

16 Sec. B-23. 27 MRSA §95, sub-§§2 and 3, as enacted by PL 1985,
c. 754, §1, are amended to read:

18 2. **Approval of grants.** The ~~commissioner~~ Maine Library
20 Commission shall approve grants with the advice of the State
Librarian. ~~-All-proposals-and-grants-shall-be-reviewed-and-have~~
22 ~~the-advice-of-the-Maine-Library-Commission-~~

24 3. **Proposals.** Agencies and libraries applying for grants
shall submit project proposals in a form prescribed by the Maine
26 State Library Bureau.

28 Sec. B-24. 27 MRSA §110, first ¶, as enacted by PL 1973, c.
30 626, §6, is amended to read:

32 In As used in this chapter, unless the context clearly
requires ~~a different meaning~~ otherwise indicates, the following
34 words shall terms have the following meanings.

36 Sec. B-25. 27 MRSA §110, sub-§§2 and 12, as enacted by PL 1973,
c. 626, §6, are amended to read:

38 2. **Area reference and resource center.** "Area reference and
resource center" means a large public, school or academic library
40 designated by the ~~Commissioner of Educational and Cultural~~
~~Services and the~~ State Librarian and receiving state aid for the
42 purpose of making its resources and services available without
charge to all residents of the district, of providing
44 supplementary library services to local libraries within the
district, of coordinating the services of all local libraries
46 within the district which by contract become part of the library
district.

48 12. **Research center.** "Research center" means any library
50 designated as such by the ~~Commissioner of Educational and~~

2 Cultural-Services-and-the State Librarian and receiving state aid
for the purposes of making its major research collections, under
4 such rules and regulations as are defined by its governing board
and head librarian, available to the residents of the State.

6 Sec. B-26. 27 MRSA §111, sub-§1, as amended by PL 1989, c.
503, Pt. B, §114, is further amended to read:

8
1. **Maine Library Commission.** There shall-be is created
10 within-the-Department-of-Educational-and-Cultural-Services--a
library-commission-which-shall-be-designated-as the Maine Library
12 Commission, as established by Title 5, section 12004-I 12004-G,
subsection 14 7-E. It shall consist of 15 members appointed by
14 the Governor. The library commission shall be broadly
representative of the state's libraries and shall consist of a
16 representative from public, school, academic, special,
institutional and handicapped libraries, a trustee
18 representative, one representative from each of the library
districts as they are formed and 3 representatives from the State
20 at large of whom one shall be representative of the disadvantaged.

22 The term of each appointed member shall be 5 years or until a
successor is appointed and qualified. Of the members first
24 appointed, 3 shall be for one year, 3 for 2 years, 3 for 3 years,
3 for 4 years and 3 for 5 years. Subsequent appointments shall
26 be for the full term of 5 years. No members may serve more than 2
successive terms. In the case of a vacancy other than the
28 expiration of a term, the appointment of a successor shall be
made in like manner for the balance of the term.

30 In addition to the 15 appointed members, the directors of the
32 area reference and resource centers shall serve as permanent,
nonvoting ex officio members of the Maine Library Commission.

34 The commission shall meet at least 4 times a year. It shall elect
36 a chair and vice-chair for a-term terms of 2 years and frame and
modify bylaws for its internal organization and operation. The
38 State Librarian shall serve as secretary to the commission. The
members of the commission shall be compensated according to the
40 provisions of Title 5, chapter 379.

42 Sec. B-27. 27 MRSA §112, sub-§§1 to 3, as enacted by PL 1973,
c. 626, §6, are amended to read:

44
1. **Appointment of State Librarian.** Give-advice-and-make-
46 recommendations-to-the-Commissioner-of-Educational-and-Cultural
Services-with-regard-to-the-appointment-of Appoint the State
48 Librarian. The State Librarian must be qualified through
training or experience in library work. The State Librarian
50 shall serve for an indefinite term, subject to removal for
cause. Compensation shall be fixed by the Governor;

2 2. ~~Policies. Give advice and make recommendations to the~~
3 ~~Commissioner of Educational and Cultural Services with regard to:~~
4 The Establish the policies and operations of the Maine State
5 Library and the State's library program including minimum
6 standards of library service, the apportionment of state aid to
7 libraries, the designation of library districts and their
8 boundaries, the designation of area reference and resource
9 centers and the designation of research centers after full
10 consideration of the advice of the district council;

12 3. Review. Act, on written request by any interested
13 library, as an appeals board concerning decisions of the
14 ~~commissioner~~ State Librarian regarding the items in subsection 2.
15 The written request for a hearing shall must be filed within 30
16 days from the date of the decision.

18 Sec. B-28. 27 MRSA §112, sub-§4, as enacted by PL 1977, c.
19 125, §2, is amended to read:

20 4. Federal program. Serve as the State Advisory Council on
21 Libraries and in that capacity give advice and make
22 recommendations to the ~~Commissioner of Educational and Cultural~~
23 ~~Services~~ State Librarian with regard to the administration of
24 federal funds, in accordance with the terms thereof, which may
25 now or in the future become available for library purposes.

28 Sec. B-29. 27 MRSA §113, as enacted by PL 1973, c. 626, §6,
29 is repealed and the following enacted in its place:

30 §113. Library districts

32 The Maine Library Commission shall divide the State into as
33 many districts as the commission determines are required and
34 shall establish or modify the geographical boundaries of each
35 district.

38 Sec. B-30. 27 MRSA §115, first ¶, as enacted by PL 1973, c.
39 626, §6, is amended to read:

40 Each district shall be affiliated with an area reference and
41 resource center which shall be designated by the ~~commissioner,~~
42 ~~with the advice of the~~ Maine Library Commission.

44 Sec. B-31. 27 MRSA §115, sub-§1, ¶D, as enacted by PL 1973, c.
45 626, §6, is amended to read:

48 D. Join with the district council in assigning priorities
49 to implement the district plan; and

2 **Sec. B-32. 27 MRSA §118**, as enacted by PL 1973, c. 626, §6,
is amended to read:

4 **§118. School libraries and media center**

6 Any school library or media center in a community with no
public library service, or serving communities with no public
8 libraries, which agrees to offer service as a public library, is
entitled to all the benefits accruing to a public library with
10 the approval of the ~~commissioner~~ State Librarian.

12 **Sec. B-33. 27 MRSA §119**, as repealed and replaced by PL 1977,
c. 690, §15, is amended to read:

14 **§119. Distribution of appropriations**

16 ~~The Commissioner of Educational and Cultural Services, with~~
18 ~~the advice of the~~ Maine Library Commission, is authorized to
apportion funds appropriated by the Legislature for the support
20 of regional library systems.

22 **Sec. B-34. 27 MRSA §403-A** is enacted to read:

24 **§403-A. Arts Commission Director; appointment**

26 The Director of the Maine Arts Commission must be qualified
by training or experience and must be appointed by the Maine Arts
28 Commission. The director shall serve for an indefinite term
subject to removal for cause. The Governor shall fix the
30 compensation for this position.

32 **Sec. B-35. 27 MRSA §407**, as amended by PL 1973, c. 625, §185,
is repealed.

34 **Sec. B-36. 27 MRSA §408, sub-§4**, as enacted by PL 1987, c.
36 801, §1, is amended to read:

38 **4. Staffing assistance.** The Maine Arts Commission shall be
responsible for implementing all of the policies and procedures
40 for each award, in conjunction with the ~~office~~ Office of the
Governor and the Commissioner of ~~Educational--and--Cultural~~
42 ~~Services~~ Education.

44 **Sec. B-37. 27 MRSA §501**, as amended by PL 1989, c. 503, Pt.
B, §116, is further amended to read:

46 **§501. Declaration of policy**

48 The Legislature declares it is the policy of the State that
50 in order to preserve the architectural, historic and

environmental heritage of the people of the State, and to develop and promote the cultural, educational and economic benefits of these resources, the Maine Historic Preservation Commission, as established by Title 5, section 12004-F 12004-G, subsection 13 7-D, shall work to implement this policy.

Sec. B-38. 27 MRSA §502, as repealed and replaced by PL 1979, c. 21, is amended to read:

§502. Maine Historic Preservation Commission

There shall ~~be~~ is created within ~~the~~ Department of Educational and Cultural Services ~~a~~ bureau ~~which~~ shall be designated as the "Maine Historic Preservation Commission." It shall consist of 11 members made up as follows: The Commissioner or a representative of the Department of Transportation, and the Commissioner or a representative of the Department of Conservation, to serve ex officio, 9 representatives from among the citizens of Maine, one of whom shall be elected chairman chair and one of whom shall be elected vice-chair, who are known for their competence, experience and interest in this field, including at least one prehistoric archaeologist, one historic archaeologist, one historian, one architectural historian and one architect, to be appointed by the Governor. In making these appointments, due consideration shall be given to the recommendations made by the representative professional, civic and educational associations and groups concerned with or engaged in the field of historic preservation.

Sec. B-39. 27 MRSA §505, sub-§1, as amended by PL 1985, c. 785, Pt. B, §125, is further amended to read:

1. Appointment. The Maine Historic Preservation Commission may appoint a director, ~~with the approval of the Commissioner of Educational and Cultural Services,~~ who shall be qualified by special training or experience in the field of historic preservation and who shall also serve as the State Historic Preservation Officer upon appointment by the Governor and shall be subject to removal for cause under the Civil Service Law.

Sec. B-40. 27 MRSA §505, sub-§2, ¶A, as enacted by PL 1979, c. 21, is amended to read:

A. The Maine Historic Preservation Commission shall be under the management and supervision of a director who shall make rules and regulations for the proper management of the bureau, ~~subject to the approval of the Commissioner of Educational and Cultural Services~~ commission.

Sec. B-41. 27 MRSA §510, as repealed and replaced by PL 1979, c. 21, is repealed.

2 Sec. B-42. 27 MRSA c. 18 is enacted to read:

4 CHAPTER 18

6 MAINE STATE CULTURAL AFFAIRS COUNCIL

8 §551. Definitions

10 As used in this chapter, unless the context otherwise
12 indicates, the following terms have the following meanings.

14 1. Cultural agencies. "Cultural agencies" means the Maine
16 Arts Commission, the Maine Historic Preservation Commission, the
 Maine Library Commission, the Maine State Museum Commission and
 programs of these commissions.

18 2. Directors. "Directors" means the Director of the Maine
20 Arts Commission, the Director of the Maine Historic Preservation
 Commission, the State Librarian and the Director of the Maine
 State Museum.

22 §552. Maine State Cultural Affairs Council

24 The Maine State Cultural Affairs Council, as established in
26 Title 5, section 12004-G, subsection 7-A, shall ensure a
28 coordinated, integrated system of cultural resources programs and
 projects and shall ensure the support of cultural heritage
 institutions and activities of the State.

30 §553. Membership

32 The Maine State Cultural Affairs Council shall consist of
34 the chair and vice-chair from the Maine Arts Commission, the
36 Maine Historic Preservation Commission, the Maine Library
 Commission and the Maine State Museum Commission. The Governor
38 may designate a staff member of the Office of the Governor to
 serve as a nonvoting member. The directors of the 4 cultural
40 agencies shall be nonvoting ex officio members of the council.
 The chair shall be elected by and from the membership of the
 council.

42 §554. Staff

44 The Maine State Cultural Affairs Council may appoint an
46 executive secretary based upon the recommendations of the
 directors. The directors and the personnel of the cultural
48 agencies shall also provide staff assistance.

2 §555. Duties

4 The duties and functions of the council are limited to the
following:

6 1. Coordination of budget requests. To receive budget
requests from each of the cultural agencies and to coordinate the
8 budget plans for submission to the Bureau of the Budget;

10 2. Forum for interagency planning. To provide a forum for
interagency cooperation and planning;

12 3. Liaison. To serve as the principal liaison for
14 distribution of agency-wide notices and instructions from other
governmental administrative agencies;

16 4. Prepare annual report. To coordinate the preparation of
18 an annual report and other joint planning documents of the 4
cultural agencies; and

20 5. Statewide cultural planning. To meet jointly and at
22 least annually with the directors of humanities councils in the
State, the Maine State Archives, the State Law Library and others
24 as considered appropriate for the purpose of exchanging
information and coordinating statewide cultural planning.

26 §556. Limitations

28 The powers of the council do not extend to:

30 1. Alteration of program. Alteration of any agency program
32 or request except as a conduit for administrative budget
instructions;

34 2. Consolidation. Consolidation or transfer of funds
36 between agencies;

38 3. Policy setting. Policy setting for any agency or
commission; or

40 4. Additional powers. Any powers not expressly granted.

42 §557. Annual report

44 The Maine State Cultural Affairs Council shall annually
46 report to the Governor and the Legislature. The directors shall
provide the necessary information and assist the council in the
48 preparation of this report. This report shall include the
following:

1. Receipts and expenditures. The receipts and expenditures on the accounts of the cultural agencies;

2. Acquisitions. The number of acquisitions by the cultural agencies, specifying those obtained by purchase, donation or exchange;

3. Program accomplishments. The accomplishments of the programs within the cultural agencies;

4. Program needs. The program needs of the cultural agencies; and

5. Improvements. Suggestions for improvement of the individual programs within the cultural agencies and for the improvement of delivery of cultural services in the State.

§558. Executive secretary

The executive secretary of the Maine State Cultural Affairs Council shall have the following duties:

1. Secretary. To serve as secretary to the council;

2. Liaison. To provide liaison among the 4 cultural agencies;

3. Budget requests. To prepare coordinated budget requests for review by the council and for submission to the Governor and the Legislature;

4. Planning. To assist in the development of comprehensive cooperative long-range plans;

5. Annual report. To prepare annual reports with the assistance of the 4 cultural agency directors for the Legislature and the Office of the Governor.

6. Record keeping. To maintain records of council activities, initiatives and policies;

7. Monitor. To monitor the budget process and report the status of the budget to cultural agencies and members of the council; and

8. Additional services. To provide such other cooperative activities and services as council members may need or require.

2 **Sec. B-43. Transition provisions.**

4 1. **Maine State Museum.** The Maine State Museum shall be the
6 successor in every way to the powers, duties and functions of the
7 former Maine State Museum Bureau.

8 2. **Rules, regulations and procedures.** All existing rules,
9 regulations and procedures in effect, in operation or promulgated
10 in or by the Maine State Museum Bureau, or in or by any
11 administrative units or officers thereof, are hereby declared in
12 effect and shall continue in effect until rescinded, revised or
13 amended by the proper authority.

14 3. **Contracts; agreements; compacts.** All existing
15 contracts, agreements and compacts currently in effect in the
16 Maine State Museum Bureau shall continue in effect.

18 4. **Personnel.** Any positions, authorized and allocated
19 subject to the personnel laws, to the former Maine State Museum
20 Bureau shall be transferred to the Maine State Museum and may
21 continue to be authorized.

22 5. **Records, property and equipment.** All records, property
23 and equipment previously belonging to or allocated for the use of
24 the former Maine State Museum Bureau shall become, on the
25 effective date of this Act, part of the property of the Maine
26 State Museum.

28 6. **Forms; licenses; letterheads.** All existing forms,
29 licenses, letterheads and similar items bearing the name "Maine
30 State Museum Bureau" or which make reference thereto may be
31 utilized by the Maine State Museum until existing supplies of
32 those items are exhausted.

34 **Sec. B-44. Transition provisions.**

36 1. **Maine Arts Commission.** The Maine Arts Commission shall
37 be the successor in every way to the powers, duties and functions
38 of the former Arts Bureau.

40 2. **Rules, regulations and procedures.** All existing rules,
41 regulations and procedures in effect, in operation or promulgated
42 in or by the Arts Bureau, or in or by any administrative units or
43 officers thereof, are hereby declared in effect and shall
44 continue in effect until rescinded, revised or amended by the
45 proper authority.

46 3. **Contracts; agreements; compacts.** All existing
47 contracts, agreements and compacts currently in effect in the
48 Arts Bureau shall continue in effect.
49
50

2 **4. Personnel.** Any positions, authorized and allocated
subject to the personnel laws, to the former Arts Bureau shall be
4 transferred to the Maine Arts Commission and may continue to be
authorized.

6 **5. Records, property and equipment.** All records, property
8 and equipment previously belonging to or allocated for the use of
the former Arts Bureau shall become, on the effective date of
10 this Act, part of the property of the Maine Arts Commission.

12 **6. Forms; licenses; letterheads.** All existing forms,
licenses, letterheads and similar items bearing the name "Arts
14 Bureau" or which make reference thereto may be utilized by the
Maine Arts Commission until existing supplies of those items are
16 exhausted.

18 **Sec. B-45. Transition provisions.**

20 **1. Maine State Library.** The Maine State Library shall be
the successor in every way to the powers, duties and functions of
22 the former Maine State Library Bureau.

24 **2. Rules, regulations and procedures.** All existing rules,
regulations and procedures in effect, in operation or promulgated
26 in or by the Maine State Library Bureau, or in or by any
administrative units or officers thereof, are hereby declared in
28 effect and shall continue in effect until rescinded, revised or
amended by the proper authority.

30 **3. Contracts; agreements; compacts.** All existing
32 contracts, agreements and compacts currently in effect in the
Maine State Library Bureau shall continue in effect.

34 **4. Personnel.** Any positions, authorized and allocated
36 subject to the personnel laws, to the former Maine State Library
Bureau shall be transferred to the Maine State Library and may
38 continue to be authorized.

40 **5. Records, property and equipment.** All records, property
and equipment previously belonging to or allocated for the use of
42 the former Maine State Library Bureau shall become, on the
effective date of this Act, part of the property of the Maine
44 State Library.

46 **6. Forms; licenses; letterheads.** All existing forms,
licenses, letterheads and similar items bearing the name "Maine
48 State Library Bureau" or which make reference thereto may be
utilized by the Maine State Library until existing supplies of
50 those items are exhausted.

2 **Sec. B-46. Revision clause.** Wherever in the Maine Revised
4 Statutes the phrase "Department of Educational and Cultural
6 Services" appears or reference is made to that name, it shall be
amended to read and mean the "Department of Education."

8 **Sec. B-47. Revision clause.** Wherever in the Maine Revised
10 Statutes the phrase "Arts Bureau" appears or reference is made to
that name, it shall be amended to read and mean the "Maine Arts
Commission."

12 **Sec. B-48. Revision clause.** Wherever in the Maine Revised
14 Statutes the phrase "Commissioner of Educational and Cultural
16 Services" appears or reference is made to that name, it shall be
amended to read and mean the "Commissioner of Education."

18 **Sec. B-49. Revision clause.** Wherever in the Maine Revised
20 Statutes the phrase "Maine State Museum Bureau" appears or
reference is made to that name, it shall be amended to read and
mean the "Maine State Museum."

22 **Sec. B-50. Revision clause.** Wherever in the Maine Revised
24 Statutes the phrase "Maine State Library Bureau" appears or
reference is made to that name, it shall be amended to read and
mean the "Maine State Library."

26 **Sec. B-51. Appropriation.** The following funds are
28 appropriated from the General Fund to carry out the purposes of
this Act.

30
32 1990-91

34 **MAINE STATE CULTURAL AFFAIRS COUNCIL**

36 **Maine State Cultural Affairs Council**

38	Positions	(1)
	Personal Services	\$35,000
	All Other	3,500
40	Capital Expenditures	1,500

42 Provides funds for the Executive Secretary
44 of the council and related expenses.

46 **MAINE STATE CULTURAL AFFAIRS COUNCIL**
TOTAL

\$40,000

48 **Sec. B-52. Allocation.** The following funds are allocated from
Federal Block Grant Funds to carry out the purposes of this Act.

2

1990-91

4

EDUCATION, DEPARTMENT OF

6

Education Block Grant - ECIA Chapter 2

8

Positions

(-1)

Personal Services

(\$41,423)

10

All Other

(1,000)

12

Provides for the transfer of funding to the
Maine State Library.

14

DEPARTMENT OF EDUCATION

16

TOTAL

(\$42,423)

18

MAINE STATE CULTURAL AFFAIRS COUNCIL

20

Library Development Services

22

Positions

(1)

Personal Services

\$41,423

24

All Other

1,000

26

Provides for the funding of a Media Service
Consultant.

28

MAINE STATE CULTURAL AFFAIRS COUNCIL

30

TOTAL

\$42,423

32

TOTAL ALLOCATIONS

\$ 0

34

36

STATEMENT OF FACT

38

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42

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46

This bill changes the name, duties and functions of the Department of Educational and Cultural Services. The bill removes from the Department of Educational and Cultural Services those duties and functions relating to the oversight of cultural services and programs and renames it the "Department of Education." The bill rests the authority over the State's cultural programs and services with the Maine Arts Commission, the Maine State Museum Commission, the Maine Library Commission and the Maine Historic Preservation Commission.

48

50

Part A of this bill makes technical changes, such as changing the names of departments and agencies.

2 Part B of the bill implements the recommendations of the
3 Special Commission to Study the Organization of the State's
4 Cultural Agencies. Part B establishes the Maine State Cultural
5 Affairs Council, to be composed of the chairs and vice-chairs of
6 the Maine Arts Commission, the Maine State Museum Commission, the
7 Maine Library Commission and the Maine Historic Preservation
8 Commission. The council coordinates advocacy, planning and
9 budgetary issues, but will not interfere with the individual
10 policy-making authority and functioning of the individual
11 commissions. Part B of the bill also gives the Maine Library
12 Commission policy-making authority.

STATE OF MAINE
114TH LEGISLATURE

LEGISLATIVE NOTICES

State and Local Government Committee

Monday, February 26, 1990 - 1:00 P.M.
Room 334 of the State House

Committee PH - 289-1330

- (L.D. 2308) Bill "An Act to Deorganize Plantation E in Aroostook County" (EMERGENCY) (H.P. 1667) !(Presented by Representative MacBRIDE of Presque Isle) (Cosponsored by Senator BERUBE of Androscoggin, Senator LUDWIG of Aroostook and Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)
- (L.D. 2307) Bill "An Act to Provide Legislative Oversight of Transactions Dealing with State Held Lands and Property" (H.P. 1666) !(Presented by Representative PARADIS of Old Town) (Cosponsored by Speaker MARTIN of Eagle Lake, Senator PERKINS of Hancock and Representative DEXTER of Kingfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)
- (L.D. 2277) Bill "An Act to Create an Appeals Procedure for the State Bidding Process" (EMERGENCY) (S.P. 895) !(Presented by Senator BERUBE of Androscoggin) (Cosponsored by Senator CLARK of Cumberland and Representative JOSEPH of Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)
- (L.D. 2254) Bill "An Act to Implement the Recommendations of the Special Commission to Study the Organization of the State's Cultural Agencies" (S.P. 885) !(Reported by Senator BOST of Penobscot for the Special Commission to Study the Organization of the State's Cultural Agencies pursuant to Public Law 1989, chapter 501.)

Contact: Michael Flood
State House Station 115
Augusta, ME 04333

289-1330

To appear in your paper on Sunday, February 18, 1990

PLEASE SIGN

COMMITTEE ON STATE AND LOCAL GOVERNMENT

LD 2254

NAME	TOWN/AFFILIATION	FAVOR	OPPOSE	NEITHER
1. Sen. Boast	Orono			
2. Sen. Clark				
3. Rep. Norton				
4. Rep. Kelde				
5. Rep. H. Adams		X		
6. Richard [unclear]				
7. Christopher Gleason				
8. Jo Shipper	Me. Educ. Media Assn.	✓		
9. Ann Corabian	MEMA	✓		
10. David L. Anderson	MEMA			
11. Paula Gaughan	Maine Producers	✓		
12. Raymond	DECS		✓	
13. Susan Hanks	Maine Arts Commission		✓	
14. Bill Siebert	WHS			
15. James C. MacCampbell				
16. Marcia Dvorak		✓		
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				

**Testimony of Marcia Dworak, Librarian
College of the Atlantic - For the Library Commission
Support L.D. 2254**

Before the Committee on State and Local Government

Reported by Stephen Bost of Penobscot

Date: February 26, 1990

Members of the Committee on State and Local Government:

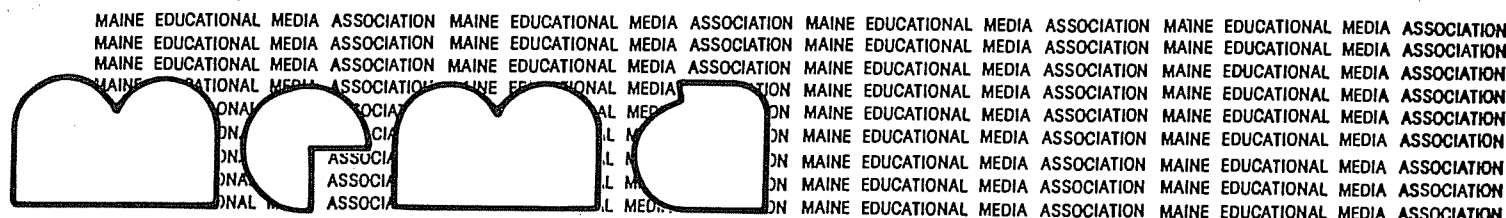
I am Marcia Dworak, Librarian at the College of the Atlantic and member of the Maine Library Commission. It is on the Commission's behalf that I am testifying in support of L.D. 2254. Our support is based on first hand knowledge of the confusing, frustrating, and uncomfortable situation that the cultural commissions and agencies have existed in for the past years. Simply put, the agencies are responsible to two separate, and often times, conflicting authorities.

As bureaus within the Department of Educational and Cultural Services, the cultural agencies are organizationally obliged to follow the supervision of the Department. However, unlike other Department bureaus, they are, for the most part, legally obliged to follow the supervision of policy-making citizen commission appointed by the Governor.

Seldom are the goals and priorities of one authority in tune or even similar to those of the other authority. Here is where there is confusion and frustration in meeting the needs of the library community.

For example, the Directors of the Cultural Agencies are told to advance one set of priorities by their commissions and then frequently have to hold off or delete those priorities by the other authority. The consequences are not hard to imagine. The agencies are forced into the unenviable choice of loyalty to either the Department or their commissions. The commissions are bitter because the policies and priorities they are legally charged to set are not embraced by the Department. To satisfy the thousands of constituents they represent, they must go beyond the organizational channels provided by the system. This in turn leads to resentment from the Department.

The agencies deserve one source of direction. The Maine Library Commission supports LD 2254 because it believes the most effective and responsive direction for the cultural agencies would come from citizen commissions appointed to represent the various cultural disciplines throughout the state. The reorganization would resolve the dual authority and therefore the organizational conflict that now exists. Further, the bill would enhance cultural agency coordination and communications, increase the visibility and effectiveness of advocacy for these agencies and finally, strengthen the effectiveness of the policy making citizen commissions.



MAINE EDUCATIONAL MEDIA ASSOCIATION

an affiliate of AECT & AASL

February 26, 1990

Georgette B. Berube, Chair
Committee on State and Local Government
State House
Room 121B
State House Station 115
Augusta, ME 04333

Dear Senator Berube:

The executive board of the Maine Educational Media Association (MEMA) has asked me, as its president, to submit the following testimony relative to LD 2254, an Act to Implement the Recommendations of the Special Commission to Study the Organization of the State's Cultural Agencies. The Maine Educational Media Association is an organization which represents the interests of Maine's more than 300 library media specialists and support staff in our public and private schools.

In November I testified before the special study commission on behalf of MEMA. We chose not to take a stand on either of the two proposed alternative structures at that time. We expressed our very serious concern that any reorganization maintain, through legislation, a cooperative link between the Department of Education and the Maine State Library in order to continue all existing services and activities for school libraries.

I am happy to say that the study commission members did carefully consider and include in LD 2254 these concerns. The Maine Educational Media Association wishes to express its support for this bill and asks you to do the same. This legislation is a landmark for school library media specialists, because it legislates for the first time provision of these very crucial services and activities upon which our programs depend, and further, it legislates the provision of the media service consultant position which is largely responsible for overseeing these services.

A cooperative bridge has existed between the Department of Education and the Maine State Library relative to provision of school library media services. Through the work of Walter Taranko, the present media services consultant, advances have occurred in the following areas of service to Maine schools:

- development of state school library media center standards;
- assistance with basic school approvals and local school accreditation visits;
- assessment of local school library media programs;
- review of school library media center construction and renovation project proposals;
- review of innovative grant proposals and provision of technical assistance for schools receiving grants;
- recommendations regarding the expenditure of state and federal grants for school library media programs;
- assistance with certification and recertification of school library media specialists;
- development of leadership, consulting services, and workshops for continuing education of school library media specialists and other teachers;
- assistance with the Clarion University graduate library program in Maine and with the study of the proposed University of Maine graduate library program;
- provision of a videotape library service for elementary and secondary school librarians and other teachers.

In addition, this consultant has communicated information to school librarians relative to other programs and services from both the Department of Education and the Maine State Library, including such things as the Information Exchange, literacy programs, the ITV program, SACCE courses, and the survey of Maine school libraries.

The strength of this position and these services has been largely due to the location of this consultant at the Maine State Library, where the resources, staffing patterns, and organizational procedures are already in place to offer these services, and due to the cooperative relationships between Department of Education and Maine State Library staff.

We commend the study commission for its attention to our concerns and we add our support of this bill to that of others who speak before you.

Sincerely yours,

Jo Hipsher

Jo Hipsher
President

State of Maine
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

Testimony of Eve M. Bither, Commissioner

Opposing L.D. 2254

AN ACT to Implement the Recommendations of the Special Commission to Study the Organization of the State's Cultural Agencies

Before the Committee on State and Local Government

Sponsored by: Senator Bost

Date: February 26, 1990

Mr. Chairman and Members of the Legislative Committee on State and Local Government:

The Department of Educational and Cultural Services opposes L.D. 2254, "AN ACT to Implement the Recommendations of the Special Commission to Study the Organization of the State's Cultural Agencies in the form that it is presently before you.

The Department was a participant on the Commission and while the Department has no opposition to the concept of independence for the four cultural agencies, we oppose the legislation as proposed. We suggest to you now as we did to the Task Force that the following changes be made in the proposed legislation:

1. The Chair of the Cultural Affairs Council be a public member, not affiliated with any of the cultural commissions, appointed and serving at the pleasure of the Governor to assure the Executive Branch status of these agencies.
2. The ESEA Chapter 2 funding and position for the Educational Specialist II remain in the Department.

The Directors of the Cultural agencies are appointed by their respective Commissions. The Commissions are made up of lay members who are appointed by the Governor. At the present time, the only day-to-day relationship that the directors have with the Executive Branch is through the Commissioner. The appointment of the Chair of the Cultural Affairs Council by the Governor would assure a clear responsibility and reporting relationship to the Executive Branch.

The Educational Specialist II position is funded from Chapter 2 of Title I of the Elementary and Secondary Education Act of 1965.

The position is funded from the State Programs section of the Act, Public Law 100-297, Section 1521, State Uses of Funds. This section provides that the "State educational agency may use funds reserved for state use under this Chapter...." Additionally, section 1522 under (a) states that "Any state which desires to receive grants under this Chapter shall submit to the Secretary (of Education) an application which (1) designates the State educational agency as the State agency responsible for the administration and supervision of programs assisted under this Chapter." This plan was submitted last fiscal year and approved by the DOE. The statute further specifies that the State educational agency may use the Chapter 2 funds reserved for State use for technical assistance to LEAs and monitoring and evaluating Chapter 2 programs and activities.

Thus, the funding for the Educational Specialist II position is State educational agency funding by federal statute. The activities for which the position is funded are appropriate for funding under the federal statute. The responsibilities listed in the legislation for the school library media section are responsibilities provided by the Department rules and statutes pertaining to Certification of Professional Staff, School Construction, School Approval, and School Accreditation.

If the Maine State Library were no longer a part of the Department of Educational and Cultural Services, and therefore no longer a part of the State educational agency, the Librarian would no longer be able to be a direct recipient of the federal grant without application to and specific approval of the Commissioner of the Department of Educational and Cultural Services and the State Chapter 2 Advisory Committee.

Lastly, a technical correction is needed in Sec. A-59. Southern Maine Technical College is no longer within the Department of Educational and Cultural Services, but is located within the Maine Technical College System.

In closing, the Department is opposed to the bill in the form that it is before you but is available to the Committee for work sessions to consider our proposed changes.

TESTIMONY OF SUSAN HAWKES,
CHAIR, MAINE ARTS COMMISSION

OPPOSING L.D. 2254:

AN ACT TO IMPLEMENT THE RECOMMENDATIONS
OF THE SPECIAL COMMISSION TO STUDY THE
ORGANIZATION OF THE STATE'S CULTURAL
AGENCIES.

SPONSORED BY SENATOR BOST.

HEARING BEFORE THE COMMITTEE ON STATE AND LOCAL GOVERNMENT,
FEBRUARY 26, 1990.

Senator Berube, Representative Joseph, members of the State and Local Government Committee: my name is Susan Hawkes. I am an attorney in private practice in Augusta, and I am Chair of the Maine Arts Commission.

As Chair, I was a member of the Special Study Commission. I voted against the recommendation of that Commission and I am here today to explain to you why, and why I cannot support this legislation as written. I have distributed to you copies of the report which Commissioner Bither and I had requested be included as the Minority Report of the Study Commission. Our request was denied. However, I feel it is important that you have a copy of this Report as it does explain our position.

The Legislature charged the Maine Arts Commission with the responsibility "to encourage and stimulate public interest and participation in the cultural heritage and programs of our State, and to expand the State's cultural resources". (27 M.R.S.A. §404). To meet this challenge and to ensure better access to the arts for all the people in the State - including those in our

rural areas and our children - it is important that the Maine Arts Commission be placed in as strong a position as possible within State government. Thus, I am not opposed to reorganization, nor am I opposed to change, if it ensures that the Maine Arts Commission and the other cultural agencies will be more visible to the people of Maine and be placed in a position of prominence and influence within State government. The best model to accomplish this goal would be either a Department of Cultural Affairs or an Office of Cultural Affairs within the Executive Department.

While I applaud the efforts of everyone who has worked so hard on this issue, my concern with the proposal before you is it's absence of a strong relationship with the Executive Office. If the Maine Arts Commission is removed from the Department of Education, we will lose our cabinet level representative. My fear is that without a strong connection to the Executive Office we may become another "miscellaneous commission" and lose the progress we have made over the past few years. I feel very strongly that we need to maintain a closer relationship with the Executive Office than is provided for in this legislation.

The Maine Arts Commission met and discussed at length the two proposed options put forward by the Special Study Commission. While the Maine Arts Commission did not endorse either option, it did pass, by unanimous vote, a resolution recommending to the Special Study Commission that under either option the Governor appoint an independent Chair of the Cultural Council. Such an appointment would provide a stronger link with the Executive

Office and would underscore the importance of the Cultural Council's role in State government. In addition, such an appointment would provide oversight and leadership for the Cultural Agencies. I feel that the proposal of the Arts Commission is reasonable and I ask that you consider it as you work on this legislation.

I believe that working together we can create a bill which we can all support. I will be happy to work with this Committee during the work sessions toward this end.

State of Maine
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES
Maine State Board of Education

Testimony of James C. MacCampbell, Member, State Board of Education

Neither for nor against LD 2254:

An Act to Implement the Recommendations of the Special Commission to
Study the Organization of the State's Cultural Agencies

Before the Committee on State and Local Government

Sponsored by: Senator Bost of Penobscot

Date: February 26, 1990

Mr. Chairmen and Members of the Legislative Committee on State and Local
Government:

I am testifying today as a member of the State Board of Education
and on behalf of the Board. The Board does not wish to take a stand
either for or against this legislation although we do have some concerns
about it which I wish to share with the Committee. At its regular
meeting in November, 1989, the Board adopted a resolution concerning
this matter that I wish to quote:

Be it resolved:

"That the Maine State Board of Education is opposed to the removal
of the 'cultural agencies' from the Department of Educational and
Cultural Services.

"At the same time, the State Board recognizes that these agencies
feel that increased autonomy will result in greater state financial
support.

"Within the cultural agencies, education is integral to their
purposes and goals. These educational goals relate to children, young
people, and to the members of the adult community. There are many
important connections between the Cultural Bureaus and the Department
of Educational and Cultural Services which can enhance and strengthen
the services each agency provides. A total separation is likely to
diminish the important relationships among the agencies.

"The State Board of Education supports Organizational Model II as
presented by the Special Commission to Study the Organization of the
State's Cultural Agencies.

"Organizational Model II will accomplish greater autonomy and visibility for the agencies while continuing the important connections with the Department of Educational and Cultural Services. This is essential for the continued improvement of their service to Maine people."

Having presented that resolution to you, please let me add the special concerns about the legislation which we see as possible future problems. These concerns all surround the school libraries and media centers which are so integral a part of the work of today's school programs. The school library is concerned with very nearly all aspects of the school program but particularly with budget making, curriculum development, and school organization. Some years ago the school library was virtually unknown in school planning. Textbooks were the basis for all educational resources. Today, nearly every school construction or modernization project which comes before the State Board of Education for review includes new or improved school library facilities which provide all varieties of print and non-print learning resources.

The legislation before you must include ways to continue the state school library media consultants who link the Maine State Library and the Department of Education with local schools.

These school library media consultants should continue to work closely with both the Maine State Library and the Department of Education in areas related to the training and certification of school library media consultants/librarians. These people first of all are teachers and as such perform essential services to teachers and students as they pursue the teaching and learning activities in the school. Every effort must be made to enhance their responsibility and authority in the format of the school program.

Funding must be maintained in the local school situations to provide access to the various services and resources to school library/media centers provided by federal and state sources presently administered by both the Maine State Library and the Department of Education.

And, finally, school library/media specialists should continue to have influence in the State Department of Education through membership on special study commissions such as the Common Core of Learning and Maine Educational Assessment among others.

I want to add that I am indebted to the Maine Educational Media Association, in the persons of Jo Hipsher and Janet Anderson, for help in understanding the needs of school librarians/media specialists.

Thank you.

SPECIAL COMMISSION TO STUDY THE ORGANIZATION OF THE STATE'S CULTURAL AGENCIES

MINORITY REPORT

This Minority Report in no way reflects a lack of support for the concept of independence for the four cultural agencies of the Department of Educational and Cultural Services. However, as we have expressed to the Commission, support of the Report of the Special Commission and any legislation that might result from it has been and would continue to be contingent upon the following:

1. The Chair of the Maine State Cultural Affairs Council would be a public member, not affiliated with any of the cultural agency commissions, appointed and serving at the pleasure of the Governor.
2. The ESEA Chapter 2 funded position for the Educational Specialist would remain in the Department.

The Chair of the Cultural Affairs Council would report to the Governor to enable a clear line of authority from the Governor's Office to the cultural agencies.

ESEA Chapter 2 funds have been declining in recent years, limiting the number of grants that can be made to other agencies. The number of grants available to other agencies in FY '90 is four. Three and one quarter positions were moved from ESEA Chapter 2 funding to the General Fund during the last legislative session due to funding cuts. If the legislation is passed to remove the cultural agencies from the Department, the Maine State Library will no longer be a part of the Department and will have to apply for Chapter 2 funding, as do other agencies. All of the grantees funded during FY '90 have already been notified not to expect funding during FY '91. Continuing activities that the Department will undertake during FY '91 will be those mandated by Chapter 2 and continuation of positions within the Department that are filled by State employees.

In addition, the overall tone of the report is editorial and unlikely to produce the positive program relationships recommended. A straightforward presentation of the recommendations would accomplish the purpose in a more positive manner. To rectify this condition, the following changes are suggested:

EXECUTIVE SUMMARY

Findings

o Reword #3 to

3. The Department of Educational and Cultural Services and the four cultural agencies as a group have different purposes as expressed in the state and federal statutes which provide their mandates, but they have also developed common goals, objectives and functions.

o Reword #6 to

6. Significant support was registered in testimony before this Commission for the independent cultural council model but considerable support for the current organizational structure also came from educators in the field.

PAGE 7

- o The first paragraph should be changed to reflect that Vision 2000 and the other joint activities of directors of the cultural agencies were first undertaken and are an on-going part of the Department's goal setting process.
- o The last paragraph should be removed. Regular meetings are scheduled between the Commissioner and the cultural agency directors. Meetings regarding budgets have been held with the Commissioner and the Chairs of the Commissions and their directors.

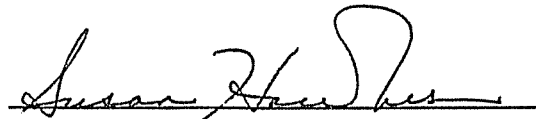
PAGE 8

- o The first paragraph should be changed to reflect that the joint program planning was initiated by the Department and is part of an on-going Department activity.
- o The third paragraph should be removed. Any organizational unit that does not get something it wanted during the budget process could also profess to be neglected.

RECOMMENDATIONS

- o In Recommendation #1, remove the language about the Governor designating a non-voting liaison. The Chair of the cultural council should be a public member appointed by and serving at the pleasure of the Governor.
- o In Recommendation #2, the last paragraph should be removed for the reasons cited above.

Eve M. Bither
Commissioner
Department of Educational and
Cultural Services



Susan Hawkes
Chair
Maine Arts Commission

C U L T U R A L R E S O U R C E S P O L I C Y

C O M M I T T E E

R E P O R T

Legislative Council

October 1, 1977

Ordered, H.P. 345

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Cultural Resources Policy Committee Report Prepared by

Dorris A. Isaacson, Chairman

FOREWORD

Recognizing the critical importance of cultural values and the potential economic and spiritual benefits implicit in the State's significant historic and cultural resources, the 108th Legislature in March 1977 mandated the Joint Select Committee to develop a consistent and meaningful policy for the discharge of the State's responsibility in this vital area.

The Order was precipitated by the dichotomy of administrative and operational concepts that had developed in the policy vacuum existent since government cultural services were initiated in 1966.

The Committee has carried out its charge with awareness that the many forms of cultural activity are manifestations of Maine's unique way of life, and of a universal human need.

The diversity of cultural activities and their variables; the difficulties of applying methodology to intangibles without losing their essence; the scarcity of critical data; and the limitations of time, presented a formidable challenge to the Committee.

Since Maine life is its culture, the Committee's review centering upon the State's responsibility in cultural affairs necessarily covered a wide spectrum in the examination of cultural activities in their economic, political and social contexts. The Committee has tried to avoid over-simplification in preparing a concise report reflecting consensus of public concern, with recommendations for resolution of existing problems and requisite legislative proposals.

Over a period of five months the Committee conducted its research in the public and private sectors. Viewing the State's role as supportive in providing cultural opportunities, not as arbiter of the public taste, the Committee has sought

realistic rather than theoretical answers to the complex questions raised during the inquiry. Quality, standards, goals and economic factors have been major considerations in assaying government participation with the private sector in the ongoing development of Maine's cultural life.

The Committee has been immeasurably aided in its efforts by the forthrightness and competence of the cultural agencies in supplying inventories and budgetary data on programs, operations and administration of services; by the generous cooperation of knowledgeable citizens representing the diverse cultural and related elements in the private sector; and by the staff assistance provided by the Legislative Leadership in the person of James H. Mundy, Assistant to the Speaker of the House. The Committee also has been encouraged in its efforts by the interest manifested by Governor and Mrs. James B. Longley in cultural activities for and by the people of Maine.

In looking to Maine's future, the Committee believes that adoption and implementation of the measures herewith recommended will provide a viable means toward achieving the economical, efficient and effective administration and operation of quality cultural services by the State of Maine desirable in the public interest.

RESOLUTION TOWARD THE DEVELOPMENT OF A CULTURAL RESOURCES POLICY

FOR THE STATE OF MAINE

WHEREAS, the government of the State of Maine is the most important institution in the State, which through its power to control and regulate its citizens, to compel their obedience, and to protect and care for them, renders it in its sovereign power unequalled by any other organization within the State; and

WHEREAS, it is in the best interest of the State to give encouragement to public and private institutions and agencies which promote a common understanding and appreciation by Maine citizens of the heritage and achievements of their State and their contribution to the variety and richness of Maine life; and

WHEREAS, a purpose of this Joint Select Committee is to improve the programs and services of the agencies that administer the historic and cultural responsibilities of the State by promoting the development of a cogent policy with standards of excellence for the effective conduct of these agencies and activities with respect to themselves, the public and with those private institutions and agencies operating in these fields; now, therefore, be it

RESOLVED, that the Joint Select Committee on State Policy for the Preservation, Development and Utilization of Historic and Cultural Resources, having decided to initiate action that will promote the development of a consistent and coherent cultural resources policy and quality program by the State of Maine, hereby adopts the Statement of Principles set forth in this Resolution for the general guidance of the membership of the Joint Select Committee and the public.

STATEMENT OF PRINCIPLES

The following principles are adopted by the Joint Select Committee to assist the State in the establishment and implementation of a consistent and coordinated cultural resources policy and program:

1

LEGISLATION

Comprehensive legislation which recognizes the fundamental importance of the historic and cultural resources and activities of the State and their potential benefit to the economic, cultural and spiritual well being of the citizens of Maine; and provides exclusive authority to the agencies operating in these fields to carry out their functions and responsibilities.

2

AGENCY IDENTITY

Sufficient autonomy for historic and cultural agencies to protect them against political interference, including tenure for the agency head, civil service protection for their personnel; and control of agency equipment and resources.

3

ORGANIZATIONAL PLACEMENT

• Placement within the government that prevents the submersion of the agencies beneath competing interests; eliminates confusion of their functions and programs with other professional agencies and disciplines; protects them against interference with their program responsibilities under the color of coordination authority; and eliminates restrictive supervision and control by those having little or no professional knowledge of their program responsibilities and operations.

4

PROGRAM AUTHORITY

Sufficient authority for the agencies to define the problems and needs of the State in their respective fields, to prescribe appropriate programs, and to effectively

5

EXCLUSIVE RESPONSIBILITY

Exclusive program responsibilities that do not diffuse the primary responsibilities of the agencies.

6

APPROPRIATION AND EXPENDITURE

Funding by direct appropriation to the agencies by the Legislature with authority to budget and expend such funds.

7

INTERNAL POLICY

Exclusive agency determination of the internal policies and professional needs of the agency.

POLICY RECOMMENDATION

It shall be the policy of the State of Maine to affirmatively and actively encourage and support the preservation, development, utilization and enhancement of the State's abundant and significant historic and cultural resources for the welfare of the State and for the economic and spiritual wellbeing of its citizens, and

The State of Maine shall initiate the measures necessary to provide the fundamental framework essential to the positive implementation of this policy, with standards of excellence for the most effective and economical conduct of cultural agencies and activities in relation to the public and to the private agencies and institutions operating in the historic and cultural fields, and

To this end, a Department of Cultural Resources shall be created to include, and to correlate the operations and programs of these existing State cultural agencies: Arts and Humanities, Historic Preservation, the State Library and the State Museum.

I. INTRODUCTION

Within the general definition of culture as the way of life of a people, this report deals specifically with developments relating to Maine's cultural resources since the establishment of State cultural services beginning in the mid-1960s, when the National Foundation for the Arts and Humanities was created and the National Historic Preservation Act was enacted. This Congressional legislation was initiated in response to public recognition of the importance of cultural activity in the human environment which brought the realization that public funds as well as private enterprise are necessary to sustain cultural activities. With the Federal Arts and Humanities Endowments in 1965, culture became a public service, a right to which each citizen is entitled.

The tangible benefits as well as the intangible values of cultural activities have been amply demonstrated as public funding, for which there is extensive competition, has been spread over a wide variety of activities and distributed on a broad social and geographic scale as the result of political pressures. Not a hand-out, the matching grant system of government support for the arts and historic preservation is unlike other funding allocations in that cultural appropriations have a multiplying effect on the economy, raising the employment level and broadening the tax base. Cultural activities have been shown to contribute to the economy through local employment, services and trade, industrial location incentives and quality tourism.

In the light of political reality, with the increasing demand for cultural activities and their economic potential, testimony before the Cultural Resources Policy Committee documented the urgent need for measures to strengthen positive State support for cultural opportunities and to assure the appropriate conservation and development of Maine's cultural resources in the public interest so that they shall not be destroyed by callous exploitation.

Testimony emphasized that absence of overall State policy, direction and goals in the cultural area has generated problems which, notwithstanding professional dedication, are seriously overtaxing the capacity of State cultural agencies to provide adequate levels of services and benefits to the people of Maine.

With the advent of government participation in cultural affairs in this Country, architects of government structure found that administration of cultural services requires certain accommodations to function and operational flexibility due to the nature of these activities. As Federal programs evolved, the individual states, each with its own character and needs, have incorporated cultural services into their governments in various ways with varying results.

Experience has shown that cultural services are effectively administered and operated where appropriate standards and criteria have been recognized and applied. Conversely, where incompatible administrative patterns and criteria have been superimposed, cultural agency services and programs have suffered, consequently shortchanging the taxpayers in these services. It should be noted that whereas cultural activities in the broad areas of history and the arts are widely diversified, they interrelate and interact in contributing to the Maine way of life, therefore integrated policy and direction are mandatory at State level.

A cogent, coherent State policy of cultural dissemination that reaches the widest number and those who would not have access to culture on their own, will uphold integrity and standards of excellence, will foster creativity, and will contribute substantially to the economy.

Depositions before the Committee articulated Maine's problems in this area and offered affirmative suggestions for their resolution. It is on the informed and positive consensus emerging from this inquiry that the Committee's recommendations are based.

II. BACKGROUND

Approaching the 1960s, a growing recognition of the importance of cultural values in the quality of American life gave impetus to widespread activity in the areas of historic heritage and the visual and performing arts. This of course was evident in the State of Maine.

By 1960, public interest in Maine's historic heritage began to be manifested in the formation of numerous historical organizations in communities throughout the State. At the same time, interest and activity in the visual and performing arts began to flourish, initially in the cultural centers of college campuses and institutions in the major population centers.

In 1961, in the private sector, members of the Maine Historical Society founded the Maine League of Historical Societies and Museums, a statewide organization which included not only historical organizations but also art museums whose exhibitions were beginning to attract large attendance. In the public sector, the then State Parks and Recreation Commission, with a citizen Advisory Committee, initiated a modest program of refurbishing Maine's long neglected coastal forts and other state-owned historic sites.

In the early 1960s cultural activity continued to accelerate through volunteer efforts in the private sector in the areas of history and the visual and performing arts. Lists of cultural events began appearing in the news media - painting, sculpture, photography exhibitions, gallery openings, symphony concerts, poetry readings, the folk arts. New talents were emerging in the theatre, the dance and in the skills of artisans and craftsmen, in Maine communities. Historical organizations proliferated in Maine's 16 counties, engaging not only in recording and publishing local history, but also in the preservation of historic buildings, sites

and cemeteries; in establishing historical museums displaying area artifacts, maps and documents, with some specializing in archaeology, genealogy, folklore, early arts and crafts. Others expanded into the highly technical field of architectural preservation to enhance the human environment of Maine communities. Bringing insight into today's problems, still others preserve and interpret the history of Maine's great lumber and maritime industries, as well as agricultural, domestic, ethnic, and other aspects that have contributed to the Maine way of life.

With the growing public interest and activity in the cultural fields, in the mid-1960s cultural legislation was enacted by the Federal and State governments. In Maine, a bond issue financed the construction of the Cultural Building housing the State Museum in the main section with wings for the State Library and the State Archives, an agency established in the 1960s with an Advisory Board, for the management of public records.

A State Museum Commission was created to develop the new Museum as a showcase for the Maine way of life in historical context with attendant programming. The State Arts and Humanities Commission was created to foster the visual and performing arts with emphasis on Maine's indigenous qualities, mainly through the grants system of the National Endowment for the Arts.

Later on, the State Historic Preservation Commission was established to further the preservation and adaptive use of Maine's historic architecture through the grants system of the National Historic Preservation Act. An Advisory Commission to the State Library, Maine's oldest public cultural institution, was established and a model regional system of services was created. Local libraries began expanding into cultural centers for their communities, often with programs supported by the other cultural agencies.

The mandated citizen Commissions, policy-making bodies for agency professional staff, have served without remuneration and have contributed valuable professional expertise as well as liaison with the public.

The advent of the new State cultural services brought new developments through interaction between the public and private sectors to give further momentum to cultural activity in Maine communities. Through the grants system many kinds of professional assistance became available to volunteer organizations seeking to establish or maintain high standards of excellence.

However, since the agencies were operating autonomously, there was no direction or coordination of programs and services. Serious problems soon arose.

By the 1970s, with the onset of State Government Reorganization, when the Parks and Recreation Commission was abolished and the agency became a Bureau in the Department of Conservation, state-owned historic sites under its jurisdiction fell to lowest priority.

The problems of the cultural agencies had become acute in the absence of overall policy and direction. Without goals, the undefined areas of responsibility, autonomous agency programming and lack of communication resulted in bureaucratic disarray and public confusion. In 1971, a proposal designed to resolve these problems by departmentalizing the cultural agencies foundered in a conflict of personalities and concepts. The agencies with their policy-making citizen Commissions were assigned Bureau status in the Education Department which became entitled the Department of Education and Cultural Services implying equal status.

It soon became apparent that this arrangement resolved no problems and created new ones. The differing mandates of the Department of Education and the Cultural Commissions, the differences in methods, goals and priorities of the

Department vis a vis the cultural agencies, led to administrative and operational dichotomy, to further distress the cultural agencies.

In 1977 a failed effort to resolve the structural anomaly by eliminating the policy-making powers of the Cultural Commissions served to illuminate the disparity between Departmental administrative requirements and cultural agency functional needs, and the impropriety of attaching the cultural agencies to an existing major Department of differing objectives. Defeat of the proposal was seen as a temporary reprieve for the Cultural Commissions pending the results of this Study by the Legislature's Joint Select Committee.

III. RESEARCH - EVALUATION

Depositions and inventories document testimony before the Cultural Resources Policy Committee by State Cultural Agency Directors, Commission Chairmen, the Commissioner of the Department to which the Cultural Agencies are assigned, and Executive Finance and Planning Officers; by professionals and laymen involved in cultural affairs in the private sector; and by representatives of the general public.

Testimony reflected: a) the increasing public demand for cultural activities; b) the cultural policy vacuum and bureaucratic disarray at State level; c) the critical problem of funding in both the public and private sectors.

a) Marked increase in cultural activity was shown in comparative published listings of cultural events since 1966; in records of accelerating activities of organizations and individuals in the private sector; and in State cultural agency records of demands for services far beyond their present capacity to fulfill.

b) Testimony indicated that the cultural policy vacuum at State level has led to the pervasive general impression that State Government has underrated cultural values, has been remiss in providing cultural opportunities, and has not adequately responded to the cultural needs of the people; and that State cultural services have been deprived of a fair share of the taxpayer's dollar.

c) Leaders in the several cultural areas, concerned with the serious effects of an inflationary economy, government cutbacks and retrenchment in the private sector, urged a program to amalgamate the efforts of the public and private sectors in attacking the critical problem of funding.

Substantive testimony clearly shows the crucial need for overall cultural resources policy in State government. It makes evident that the existing policy

vacuum and the present administrative-operational dichotomy prevent effective, efficient and economical public service in these areas.

While the performance of the cultural agencies well substantiates the value of quality cultural activities, this performance continues to be eroded and progressively disabled, and programming fragmented, by these conditioning factors:

1. Absence of direction and goals; undefined areas of responsibility.

2. Mandates of the cultural agencies are broader than and different in approach from the Department under which they are placed, resulting in dual accountability and administrative-operational dichotomy.

3. Departmental structural concern overrides consideration of cultural agency functional requirements, underscoring absence of fundamental cultural evaluation criteria in structural planning. Detrimental to operations, this is counter-productive, costly and a serious drawback to development.

4. Uncoordinated and/or unwieldy bureaucratic procedures disaffect cultural programming and confuse the public.

5. The above causative factors in the policy vacuum have resulted in lack of appropriate identity and status for the cultural services which have lowest priority in State budget allocations.

6. Continuous cutbacks in already understaffed areas, necessitating curtailment of programs in the face of increasing demands.

7. Over-reliance on Federal funding.

8. A serious communications problem in the critical lack of centralized public information and accessibility.

Cited by professionals and laymen were these urgent needs for Maine's cultural welfare:

1. The State's positive participation imperative in the utilization of Maine's cultural resources by the people of the State and affirmative support for cultural opportunities.
2. Direction, goals and standards necessary to the healthy development of the economic and social potentials of these resources.
3. A State policy with integrated cultural services and a strong citizens commission operating in concert with the cultural community in the private sector, mandatory to Maine's cultural and economic well-being.
4. Restructuring of the State's cultural agencies to provide adequate levels of services and benefits to the people of Maine.
5. Expertise of experienced citizen participants vital to cultural agency services.
6. Coalition of leadership in the public and private sectors in support of cultural activities, and measures to assure against undesirable exploitation and spoliation of Maine's cultural resources.

IV. RECOMMENDATIONS

On evaluation of the research information in the context of economic, political and social considerations, the Committee makes the following recommendations:

1. That the State of Maine declare and activate the affirmative policy of positive support for cultural activities and for the appropriate preservation, development and utilization of the State's abundant historic and cultural resources in the public interest.

2. That this policy and its areas of responsibility be clearly defined; that it encompass alignment of the internal operational policies of the several agencies; and that it be in compliance with Federal and State laws.

3. That the State's present cultural services be consolidated in a Department of Cultural Resources as the appropriate vehicle for implementing this policy.

4. That in organizing the Department for maximum economy, efficiency and effectiveness, the State's cultural services be centralized to facilitate the confluence of operational policies, the shared use of the facilities and resources of the several agencies, and accessibility to the public.

5. That legislation be enacted as proposed in this report to create the Department of Cultural Resources as structured herewith.

V. STRUCTURE

Background

Historically, the creation of the various cultural agencies and their placement within the structure of State Government has been a piecemeal process, the agencies operating independently until 1971. Maine's oldest public cultural institution is the State Library, established in 1839. Well over a century had passed before the other cultural agencies came into being. Each agency has been created and funded by the Legislature in response to the pressures of various public interest groups who perceived a need for the services that only State agencies could provide. As new Federal programs in the 1960s made monies available to the states on a matching basis, Federal funding incentives spurred this public interest and were a determinant in establishing the Arts and Humanities and Historic Preservation Agencies.

In Maine, a traditional approach was taken in creating unremunerated citizen policy-making Commissions to manage these new agencies, each with a professional director and staff. Cultural agencies were state-funded on the basis of monies available at the time their enabling legislation was passed, the allocations having little or no relationship between funding levels and long-range planning as to the desired size and mission of the agencies.

When the need for coordination among the several agencies and their Commissions was addressed during Government Reorganization in 1971, and a proposal to departmentalize the agencies was turned down, the 1971 Reorganization Act placed the State Library, the State Museum, and the Arts and Humanities agency within the Department of Education at Bureau level, and renamed the Department the Department of Education and Cultural Services. The Historic Preservation agency was attached to the same Department for administrative purposes, retaining its citizen policy-making Commission, as did the Arts and Humanities and State Museum Bureaus. In 1973, a citizen advisory Commission without

policy-making powers was created for the State Library, the Commission participating in policy-making by dispensation of the present Department Commissioner and the State Librarian.

This solution to the problem of fitting the cultural agencies into the framework of State Government has proved unsatisfactory to both the Commissioner of the Department of Education and Cultural Services and to the Cultural Bureaus and their citizen Commissions for the following reasons:

1. The clearly mandated Cultural agencies and their Commissions have been submerged in a large bureaucratic regulatory structure whose methods, goals and priorities differ significantly from the broader mandates of the Cultural agencies. This association denies them the public recognition and legislative attention that their programs warrant. Their programs suffer from the negative connotations associated with the current school funding crisis and other education issues without benefit from the sizeable proportion of the State's General Fund monies that are appropriated each year for education.
2. The Department Commissioner is charged with fiscal responsibility for the Cultural agencies, while administrative authority is vested by statute in three of the Cultural Agencies' Commissions. This structural anomaly has led to a condition of benign neglect for the Cultural Agencies in the Department, and to overlapping of programs and purposes in the absence of unipersonal authority responsible for coordination and cooperation of the agencies.
3. The agency Directors are in the constant dilemma of being accountable to both the Commissioner of the Department of Education and Cultural Services and to their own citizen policy-making Commissions. Hardly conducive to efficient government operation, this situation seriously handicaps their capacity to deal decisively and effectively with the mounting requests and demands from the public they are mandated to serve.

4. In addition to the operation of programs that are highly complex mixtures of State and Federal regulations and financing, this dual accountability places an inordinate burden upon the agencies and their limited resources in the sheer logistics of organizing, informing, communicating with and responding to their Commissions' decisions which must be accommodated in turn to alien Department policy. It also imposes excessively upon the citizen Commissions by unduly complicating the decision-making process.

It should be noted that, as with the newer cultural agencies, the mandate of the State Library, which developed its strength over the years as an independent agency to become a major factor in the cultural life of the State, is broader than that of the Department to which it is assigned. While it includes schools and colleges, the State Library program is basically a public library program by 90 percent. Its statutory advisory Commission has no policy-making authority.

It should also be noted that the present structural status of the Cultural agencies permitted the development of the cumulative problems that have beset the State Museum whose Commission is presently endeavoring to realign its policies. All Cultural agencies appear thus vulnerable unless and until there is a cultural entity with clear accountability.

In sum, the problems that thus have stemmed from the placement of the Cultural agencies in an existing major Department of basically differing objectives raises the fundamental question of the appropriate placement and status of these agencies in State Government. It seems clear that if they are to perform adequate services for the public as charged, they must be coordinated and made accountable to unipersonal authority of their own mandate.

Recommendations

A. Create the Department of Cultural Resources.

1. That a Department of Cultural Resources be created to be comprised of a State Cultural Resources Commission, Commissioner, and the following Bureaus: Arts and Humanities, Historic and Archaeological Sites (now Preservation), the State Museum and the State Library.
2. That the State Cultural Resources Commission shall consist of 15 members appointed by the Governor for their demonstrated experience in the areas of the arts, historic preservation, the museum field, and library services. That the first Commission shall include two members from each of the present four above named agency Commissions and that these agency Commissions shall be eliminated.
3. That members of the State Cultural Resources Commission shall be appointed to serve for five years except that the first commission shall be appointed as follows: two members to serve for one year, three members for two years, three members for three years, three members for four years, and three members for five years. Members having served two consecutive five-year terms shall not be eligible for reappointment for a third consecutive term. Members shall be reimbursed for expenses.
4. That the Department Commissioner shall be the 15th member and Chairman of the Commission.
5. That the Department shall be administered by the Commissioner who shall be responsible to the State Cultural Resources Commission.
6. That the Department of Cultural Resources including its four Bureaus shall be located in the Cultural Building.
7. That the cost of the Commissioner's Office and centralized services be offset by a reduction in the number of employees and a re-allocation and consolidation of resources within the existing agencies; and that such re-allocation of resources establish salary levels of the four Bureau Directors at the same level.

B. Re-allocation of Functions.

1. That the Bureau of Historic Preservation become the Bureau of Historic and Archaeological Sites in the Department of Cultural Resources, retaining its present staff and appropriation.
2. That the archaeologist and his accompanying appropriation be removed from the State Museum and placed within the Bureau of Historic and Archaeological Sites, the State Museum retaining custody of all archaeological findings and artifacts.
3. That the jurisdiction of State-owned Historic Sites with accompanying staff and appropriation be removed from the Bureau of Parks and Recreation within the Department of Conservation and placed within the Bureau of Historic and Archaeological Sites, the Parks and Recreation Bureau continuing the physical maintenance of and public access to these sites.
4. That the Office of State Historian be abolished.

VI. ORGANIZATION

The Department of Cultural Resources shall be organized as follows:

STATE CULTURAL RESOURCES COMMISSION

The Cultural Resources Commission shall be constituted and appointed as stated above and shall share with the Commissioner the policy-making function of the Department insofar as that policy relates to financial and program priorities, standards, and long-range planning.

The Commission shall not be involved in the day-to-day administration of programs or personnel matters with the exception of its role in the selection of Bureau Directors.

The Commissioner

1. The Department shall be under the direction and supervision of a Commissioner who shall be appointed by the Governor with the advice and consent of the Senate. The Commissioner shall serve at the pleasure of the Governor and shall be a member of the Governor's Cabinet. Initially, the Commissioner shall be selected from among candidates nominated by the existing Bureau Commissions in agreement; thereafter, the selection shall be made from nominations by the Cultural Resources Commission.

2. The Commissioner will be the 15th member and Chairman of the State Cultural Resources Commission. The Commissioner will, in conjunction with the Cultural Resources Commission:

- a. Define goals and objectives and evaluate the extent to which these have been achieved.
- b. Establish fiscal and program priorities.

- c. Be responsible for long range planning and the search for funding sources outside State Government.
- 3. The Commissioner shall:
 - a. Review all Department programs and plans to guard against program, equipment, personnel and other resource duplication or overlap.
 - b. Maintain coordinated policies throughout the Department.
 - c. Maintain active and open channels of communication among the Department Bureaus.
- 4. The Commissioner will be the primary contact with the Legislative Branch and shall be the channel of communication with other State Departments.

Central Administrative Services

The Department shall have Secretarial, Financial Management and Public Information Services funded from existing resources within the Cultural Agencies.

The Bureaus

- 1. Each Bureau shall be directed by a Bureau Director appointed by the Commissioner on approval of the State Cultural Resources Commission. The Bureau Directors shall be unclassified State employees, responsible to the Commissioner and subject to removal by him for cause. The present Directors who hold these positions when this law takes effect shall be subject to the State Personnel Law.

DEPARTMENT OF CULTURAL RESOURCES

COMMISSIONER

CENTRAL ADMINISTRATIVE SERVICES

CULTURAL RESOURCES COMMISSION

ARTS & HUMANITIES
BUREAU

MUSEUM
BUREAU

HISTORIC & ARCH.
SITES BUREAU

STATE
LIBRARY

VII. BUDGET

SUMMARY BUDGET FOR A DEPARTMENT
OF HISTORIC AND CULTURAL
RESOURCES

	<u>Position</u>	<u>General Fund</u>	<u>Spec. Rev.</u>	<u>Total</u>
Commissioner's Office	2	\$ 37,500	\$	\$ 37,500
Historic Preservation	4	28,100	230,280	258,380
Arts and Humanities	5	162,000	336,147	498,247
Library	71½	1,318,505	493,010	1,811,515
Museum	<u>27</u>	<u>511,765</u>	<u>67,900</u>	<u>579,665</u>
	109½	2,057,970	1,127,337	3,185,307

It is estimated that through cooperation and consolidation of functions among the various bureaus that the cost of a Commissioner's Office could be absorbed from the existing budget. Such reductions and additional economies could only be determined by the Commissioner once he is in place.

GENERAL RECOMMENDATIONS

1. That the State adopt a coordinated policy toward the promotion of the tourism industry which includes the promotion of the State's Cultural Resources, in the several areas of historic heritage and the visual and performing arts, such as historic sites and museums, art museums and exhibitions, craft shows. theatre. music and related events.
2. That the Joint Legislative Standing Committee on Business Legislation study the present laws relating to non-industrial apprenticeship programs in Maine and possible legislation to encourage the growth of cottage industry in the State.
3. That the newly constituted Department of Cultural Resources shall submit to the Governor and Legislature a comprehensive policy for the acquisition and/or development of State Owned Historic Sites by January 1, 1980.

108th Maine Legislature

Joint Select Committee: Cultural Resources Policy

Dorris A. Isaacson, Chairman

Legislative Members:

Senator John D. Chapman, Woolwich; Chairman, Marine Resources Committee; Member, Business Legislation Committee; Insurance Agent; Past President, Sagadahoc preservation Inc., and Citizens for Historic Preservation.

Senator Olympia J. Snowe, Auburn; Chairman, Health and Institutional Services Committee; Member, State Government Committee; Cultural Organization Affiliations.

Representative Walter A. Birt, East Millinocket; Eight-term Legislator; Member, Education and Election Laws Committees; Power Station Operator; Vice Chairman, State Sesquicentennial Commission, State Bicentennial Commission; Trustee, Maine League of Historical Societies and Museums.

Representative Peter J. Curran, South Portland; Chairman, State Government Committee; Educator.

Public Members:

Bette Copeland (Mrs. Paul R., Jr.), Brunswick; Member, State Museum Commission, State Historic Preservation Commission; Director, Pejepscot Historical Society.

Christopher Glass, Camden; Architect; Vice President and Newsletter Editor, Citizens for Historic Preservation.

David Holmes, Plymouth; Sculptor, Woodcarver; Member, 1977 Maine Arts Festival Committee.

Dorris A. Isaacson (Mrs. Peter A.), Lewiston and Phippsburg; President, Maine League of Historical Societies and Museums; Chairman, State Archives Advisory Board; Former Member State Arts and Humanities Commission; Former Chairman, Maine Humanities Council; Author, Maine: A Guide 'Downeast'; Phippsburg, Fair to the Wind; Editor, Maine History News Quarterly; State Chairman, Citizens Committee for the State Cultural Building.

John F. Kimball, Portland; Advertising Executive; Former Vice Chairman, State Arts and Humanities Commission; Member, Portland Symphony, Portland Society of Art Boards, Portland Arts Council.

Sally W. Rand (Mrs. John R.), Cundy's Harbor; President, Citizens for Historic Preservation; Member, Portland Landmarks and Portland Society of Art Boards; Museum and Library Affiliations.

Eaton W. Tarbell, Bangor; Architect; Member, State Arts and Humanities Commission; Chairman, Bangor Fine Arts Commission; Member, Bangor Historic Commission; Architectural Advisor, University of Maine.

Marcella B. Violette (Mrs. Elmer W.), Van Buren; Educator; Doctorate in Acadian Heritage; Library Affiliations.

DOCUMENTATION

Records and inventories on the present structure and operations of each of the Cultural Agencies obviously could not be included in this Report. They are available from the Agencies, and have been assayed by four sub-committees, respectively, and the full committee.

Presented here are:

1. Excerpts from depositions and oral testimony by State Government officials and by professionals and laymen in cultural and related fields.
2. One of the four sub-committee reports.
3. Reference sources listing.

Depositions were given by the following State Government officials and citizen Commission Chairmen:

Otto W. Siebert, State Budget Officer

Allan C. Pease, Director, State Planning Office

H. Sawin Millett, Commissioner, Department of Education and Cultural Services

Alden C. Wilson, Director, State Commission on the Arts and Humanities

Earle G. Shettleworth, Jr., Director, State Historic Preservation Commission

J. Gary Nichols, State Librarian

Robert L. Damm, Former Director, State Museum

Herbert Hartman, Director, State Parks and Recreation, Department of Conservation

Phillip M. Isaacson, Chairman, Arts and Humanities Commission

John W. Bardwell, Chairman, Historic Preservation Commission

Robert C. Woodward, Chairman, State Library Commission (advisory)

Vernon Segal, Chairman, State Museum Commission

MAINE CULTURAL DEVELOPMENT 1960-1989

Government & Culture

In the absence of definitive policy, culture has had an identity problem in state government from the outset of government involvement in cultural affairs some 23 years ago. The problem became pronounced in 1972 when government reorganization placed independent cultural agencies in the Education Department, adding Cultural Services to its title. Structural ambiguities caused by differing mandates continue to invite legislative scrutiny. In 1977, efforts by a Joint Select Legislative Committee to fill the policy vacuum were frustrated by agency instability. In their assigned Department, the four cultural agencies have since matured, having achieved commendable records in their respective spheres and moving toward collaborative programming. In 1989, their palpable desire in accord for a higher profile in the government structure has precipitated another study of their placement and relative status. Without consensus in the ambivalence of cultural politics, it seems evident that the constant conditioning factor is the concept of culture's role in government in the larger context of public needs and perception.

Modern Cultural Development

Since a people's heritage embodies culture, any serious review of the evolution of modern cultural development in its many aspects would begin with the heritage movement of the early 1960's when Americans began seeking their roots in the substance of local history and the indigenous architecture that expresses a people and a way of life. These beginnings were reflected in Maine in the formation of increasing numbers of local historical organizations, many with historic buildings, and the founding of the Maine League of Historical Societies and Museums initiated by Architect Ambrose C. Cramer, Artist Mildred G. Burrage, Historian Elizabeth Ring and others in 1960. Among the cultural elements encompassed in an emerging concern for the preservation of Maine's heritage were the many forms of the arts.

The federal response came in the historic preservation programs of the Department of the Interior, and the creation of the National Endowments for the Arts and the Humanities in 1966. The Interior Department's National Register program, begun in Maine in the early 1960s under the aegis of the then State Parks and Recreation Department, was developed along with statewide restoration support programs by the federally affiliated Historic Preservation Commission which formally became a state agency in 1971. The Maine State Archives had already been created in 1965 to preserve and maintain the public record of Maine's heritage.

Following recommendations by a Governor's Council on Arts and Culture in 1964, and with the prospect of federal funding, state government established the Arts and Humanities Commission in 1966. Soon, the State Library and the developing State Museum were also recognized as independent state agencies. By 1970, general conditions favored public support for the construction of the State Cultural Building housing the State Library, Museum and Archives. The Historic Preservation and Arts and Humanities agencies were located elsewhere in the Capitol Complex.

Earlier Manifestations

Historically emanating from the private sector, culture defined as "enlightenment and civilization" was reflected in the 19th and early 20th century historical and cultural associations, in the halls of academe, in the works of individual writers, musicians, painters and craftsmen, and in the beginning of fine arts museums. In the gradual evolution of culture in this country, government involvement was minimal until the mid-20th century. In Maine in 1836, a small private geological collection initiated a natural history "museum" in the Statehouse. A State Library entity was established in 1839; the first State Librarian was appointed in 1861; in 1893, State aid was provided for the growing number of free libraries in Maine communities. Maine history was recognized with the appointment of a State Historian in 1907.

In the Depression years of the 1930's, "culture" became a public concern for the first time, in the federal WPA state historic records, art, theatre and writers projects, in which Maine participated. Published in 1937, Maine: A Guide 'Downeast', a 510-page volume in the WPA American Guide Series, was the first compendium of Maine's history and culture, a standard reference work revised and updated in 1970 by the Maine League of Historical Societies and Museums with State sponsorship by the 104th Maine Legislature and the Sesquicentennial Commission.

Scenic Maine had attracted many artists over the years and in 1933, art for Statehouse display was recommended. It would be more than another quarter century before the so-called democratization of culture brought official government recognition and support to the diverse areas of emerging cultural activity in historic preservation and the arts and humanities. State involvement began in 1961 with a program for restoration of Maine's historic forts (now in the custody of the Conservation Department's Bureau of Parks and Recreation) which spurred archaeological examination of Maine's historic and prehistoric sites. By the late 1960's, modern cultural development was under way with new cultural agency programming and accelerating activity in the private sector.

Government Reorganization and Culture

In 1972, state government was reorganized to provide for an expanding bureaucracy. During departmentalization of the

proliferating agencies and commissions, the independent cultural agencies, a relatively new element in government, posed a structural problem. Lack of policy and precedent generated prolonged executive and legislative discussion. Cultural interests strongly urged a cultural department. Ultimately determining that departmental status for culture was unwarranted, the 105th Legislature chose the Education Department as the appropriate venue for the agencies: the Arts and Humanities, Historic Preservation, State Museum and State Library. Distinction between departmental and agency mandates appeared irrelevant.

The cultural agencies soon saw themselves submerged without priority in a huge and expanding department administered by a Commissioner of different mandate. By 1977, agency unrest prompted a legislative study. In a well-documented report, a Joint Select Committee of the 108th Legislature recommended formulation of state cultural policy for development of Maine's cultural resources and establishment of a Department of Cultural Affairs encompassing the four agencies under a culturally-oriented Commissioner.

In the policy vacuum, disagreement among the agencies which were developing their separate programs, negated the Committee's recommendations, favored only by the Arts agency which as a grants conduit had developed a broad constituency. Insecurity appeared to condition the other agencies' opposition to the recommended structural changes. The State Museum was having serious internal problems and feared encroachment on its space in the Cultural Building; the State Library was apprehensive that its state funding would be jeopardized; the Historic Preservation agency with a growing constituency was uneasy due to its federal affiliation. Leery of arts predominance, the three agencies opted for the status quo. The Legislature assented.

Nourished by government funding and advanced by new technologies, culture flourished in the 1970's as seen in the growth of architectural preservation, historic and art museums, diversified library programs and the wide spectrum of the arts - the performing and decorative arts, dance, music, painting, sculpture, crafts - encouraging self-expression. Established heritage enclaves, historic sites, architecture and museums, and developing arts and crafts outlets were attracting increased visitation. The State Museum had become Maine's heritage showcase and in 1979 legislation provided for art in public buildings and other venues. With the inter-relation of the programming of the Maine Humanities Council, a private sector federally affiliated agency, "Humanities" was removed from the Arts agency's title the following year.

In the 1980's, conditions had changed in the shadow of the huge national deficit, social and environmental problems, tax code revisions and other forces. Federal funding for historic preservation and the arts was cut back; private sector funds were diminishing. Financial support for culture was being seriously eroded.

In 1988, Maine's cultural agencies projected a collaborative \$14 million 7-year cultural development program for the state, the Arts agency engendering an ad hoc cadre of professionals as advocates. In 1989, proposed legislation based upon the agencies' initiative failed passage; cultural appropriations were increased by \$125,000, to be divided equally each year of the biennium among the four agencies. The Legislature authorized another study of the structural placement of the agencies. Following a review and public hearings, a special Study Commission is to report its findings and recommendations to the Governor and the Legislature by December 1, 1989. Ultimately, the 114th Legislature will determine the status of culture and its role in state government in changing times.

This background brief was prepared by Dorris A. Isaacson, chairman of the Maine State Archives Advisory Board; chairman of the 108th Maine Legislature Joint Select Committee Cultural Study 1977; president of the Maine League of Historical Societies and Museums.

Voluminous documentation may be found in the State Law Library, the Maine State Archives and the files of the cultural agencies and the Maine League.


STATE OF MAINE

Inter-departmental Memorandum

February 6, 1990

To: Senator Stephen M. Bost

From: John D. LaFaver, State Tax Assessor



Subject: LD 2254 An Act to Implement the Recommendations of the Special Commission to Study the Organization of the State's Cultural Agencies.

Sec. A-169 of this bill makes a technical change to 36 MRSA, §1760, sub §59, a sales tax subsection granting an exemption from sales tax to sales to certain incorporated nonprofit educational organizations. Reference in the subsection is changed from the Department of Educational and Cultural Services to the Department of Education.

Fiscal Impact

This technical change will have no fiscal impact.

cc: Office of Revisor of Statutes - Sta. 7
Office of Fiscal & Program Review - Sta. 5
State Budget Officer - Sta. 58
Commissioner, Finance - Sta. 78
Mark LeDuc, Executive Dept. - Sta. 1
Clerk, Taxation Committee - Sta. 115
Office of Policy & Legal Analysis - Sta. 13
Clerk, Committee on Appropriations & Financial Affairs-Sta.115
Clerk, Committee on State & Local Government

DRAFT

COMMITTEE: State and Local
LA: PN 03/01/90
LR (item)# 3515
Doc. #689GEA
New Title?: NO
Emergency?: NO

STATE OF MAINE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "." TO L.D. 2254, An Act to Implement the Recommendations of the Special Commission to Study the Organization of the State's Cultural Agencies.

Amend Sec. B-17. to read:

Sec. B-17. 27 MRSA §34, as amended by PL 1973, c. 626, §2, is repealed and the following enacted in its place:

§34. Library development

~~The-Maine-State-Library-shall-maintain-a-school-library media-section-which-shall-carry-on-activities-in-cooperation with-the-Department-of-Education-including:~~

The Department of Education shall maintain a school library media section within the Maine State Library which must carry on the following activities:

1. **Media center standards.** Recommending school library media center standards and evaluation of programs;

2. **Certification of media professionals.** Assisting in the certification and recertification of school library media professionals;

3. **Construction and renovation projects.** Reviewing State funded school library media center construction and renovation projects;

4. **Expenditures for school library media programs.** Advising the Commissioner of the Department of Education with regard ~~to~~ on the expenditure of state and federal grants for school library media programs;

DRAFT

5. **School approval.** Assisting the Commissioner of the Department of Education with basic school approvals as it pertains to library instruction;

6. **School accreditation.** Assisting with local school accreditation visits;

7. **School library staff.** Providing leadership in staff development and continuing education of school library staff;

8. **Information for local school systems.** Providing educational research and resource information for local school systems; and

9. **Video tape library.** Maintaining and providing a video tape library service for use by elementary and secondary education.

10. Related activities. Related activities in cooperation with the Maine State Cultural Affairs Council.

Further amend the bill by amending Sec.B-42., §553 to read:

§553. Membership

The Maine State Cultural Affairs Council shall consist of the chair of the State Cultural Affairs Council, appointed pursuant to subsection 1. and the chair and vice-chair from the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine Library Commission and the Maine State Museum Commission. The Governor may designate a staff member of the Office of the Governor to serve as a nonvoting member. The directors of the 4 cultural agencies shall be nonvoting ex officio members of the council. ~~The-chair-shall-be-elected-by and-from-the-membership-of-the-council.~~

1. Appointment of chair. The Governor shall appoint a chair of the Maine State Cultural Affairs Council from among the members of the Maine Library Commission, the Maine Historic Preservation Commission, the Maine Arts Commission or the Maine State Museum Commission, provided that the appointed chair is not from the same commission as the previous chair. The Joint Standing Committee on State and Local Government must confirm the appointment and the Senate must concur by an affirmative vote of at least one third its members.

2. Term of chair. The chair of the Maine State Cultural Affairs Council shall serve a term of two years, except that the chair's term shall not extend beyond his or her term as a commission member.

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L.D. 2254

(Filing No. S-)

STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " to S.P. 885, L.D. 2254, Bill, "An Act to Implement the Recommendations of the Special Commission to Study the Organization of the State's Cultural Agencies"

Amend the bill by striking out all of section B-17 and inserting in its place the following:

'Sec. B-17. 27 MRSA §34, as amended by PL 1973, c. 626, §2, is repealed and the following enacted in its place:

§34. Library development

The Department of Education shall maintain a school library media section in cooperation with the Maine State Library that must carry on the following activities:

1. Media center standards. Recommending school library media center standards and evaluation of programs;

2. Certification of media professionals. Assisting in the certification and recertification of school library media professionals;

3. Project review. Reviewing state funded school library media center construction and renovation projects;

4. Expenditures for school library media programs. Advising the Commissioner of Education on the expenditure of state and federal grants for school library media programs;

5. School approval. Assisting the Commissioner of Education with basic school approvals as it pertains to library instruction;

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COPY

2 6. School accreditation. Assisting with local school
3 accreditation visits;

4 7. School library staff. Providing leadership in staff
5 development and continuing education of school library staff;

6 8. Information for local school systems. Providing
7 educational research and resource information for local school
8 systems;

9 9. Video tape library. Maintaining and providing a video
10 tape library service for use by elementary and secondary
11 education; and

12 10. Related activities. Related activities in cooperation
13 with the Maine State Cultural Affairs Council.'

14
15 Further amend the bill in section B-42 by striking out all
16 of that part designated "§553." and inserting in its place the
17 following:

18
19 '§553. Membership

20
21 The Maine State Cultural Affairs Council shall consist of
22 the chair of the State Cultural Affairs Council, appointed
23 pursuant to subsection 1, and the chair and vice-chair from the
24 Maine Arts Commission, the Maine Historic Preservation
25 Commission, the Maine Library Commission and the Maine State
26 Museum Commission. The Governor may designate a staff member of
27 the Office of the Governor to serve as a nonvoting member. The
28 directors of the 4 cultural agencies shall be nonvoting ex
29 officio members of the council.

30
31 1. Appointment of chair. The Governor shall appoint the
32 chair of the Maine State Cultural Affairs Council from among the
33 members of the Maine Library Commission, the Maine Historic
34 Preservation Commission, the Maine Arts Commission or the Maine
35 State Museum Commission, provided that the appointed chair is not
36 from the same commission as the previous chair. The appointment
37 is subject to review by the joint standing committee of the
38 Legislature having jurisdiction over state and local government
39 matters and confirmation by the Legislature.

40
41 2. Term of chair. The Chair of the Maine State Cultural
42 Affairs Council shall serve a term of 2 years, except that the
43 chair's term shall not extend beyond the chair's term as a
44 commission member.'

45
46 Further amend the bill by striking out all of section B-52.

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COMMITTEE AMENDMENT " " to S.P. 885, L.D. 2254.

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

This bill appropriates \$40,000 from the General Fund in fiscal year 1990-91 to the Maine State Cultural Affairs Council for the executive secretary and council expenses. Other additional administrative burdens shifted from the Department of Educational and Cultural Services to the 4 cultural agencies can be absorbed by the directors and the staffs of the cultural agencies without additional resources in excess of this \$40,000.'

STATEMENT OF FACT

This amendment places the school library media responsibilities under the administrative direction of the Commissioner of Education. The amendment also requires that the Governor appoint the chair of the Maine Cultural Affairs Council from among the members of the 4 commissions. The appointment requires the approval of the Legislature. The term of the chair is set at 2 years, except that the chair's term may not extend beyond the chair's term as a commission member.

These changes eliminate the need for the allocation section included in the original bill.

This amendment also adds a fiscal note.

BENT SCHLOSSER
Director

Date: 2/26/90 ORIGINAL

JOHN D. WAKEFIELD
Deputy Director

Maine State Legislature
OFFICE OF FISCAL AND PROGRAM REVIEW
Augusta, Maine 04333

TO: Senate Chairman - Sen. G. Berube State and Local Government
House Chairman - Rep. R. Joseph
Sponsor -
FROM: John D. Wakefield, Deputy Director
SUBJECT: FISCAL NOTE INFORMATION FOR LD # 2254

**An Act to Implement the Recommendations of the Special
Commission to Study the Organization of the State's Cultural
Agencies (Reported Pursuant to Public Law 1989, Chapter 501)**

- I. The estimated INC/DEC. of APPROPRIATION and ALLOCATION
required if this Legislative Document is approved.

	1989-90	1990-91
Positions		1.0
Personal Services		35,000
All Other		3,500
Capital Expenditures		1,500
Unallocated		
TOTAL		40,000

- II. Estimated INCREASE of UNDEDICATED
Fund Revenues for the biennium is as follows:

	1989-90	1990-91
Undedicated Revenue		
Highway Fund Revenue		
Dedicated Revenue		

- III. Remarks:

This bill appropriates \$40,000 from the General Fund to the Maine State Cultural Affairs Council in Fiscal Year 1990-91 for the Executive Secretary of the proposed Council. In addition, this bill transfers one federal block grant position from the Department of Education to the Council. The total amount of this transfer for Fiscal Year 1990-91 should be \$49,468 instead of \$42,423.

The allocation section should be amended to correct the amount of the transfer.

VOTING TALLY SHEET

Committee: STATE AND LOCAL GOVERNMENT

Date: 3-2-90

Question: LD 2254 OTP Am

Motion by: Wentworth, Carpenter

SENATORS		Yea	Nay	Absent	Abstained
1	SENATOR BERUBE	X			
2	SENATOR ESTY			X	
3	SENATOR CARPENTER	X			
REPRESENTATIVES					
1	REPRESENTATIVE JOSEPH	X			
2	REPRESENTATIVE ROTONDI	X			
3	REPRESENTATIVE DAGGETT			X	
4	REPRESENTATIVE HEESCHEN			X	
5	REPRESENTATIVE LARRIVEE			X	
6	REPRESENTATIVE CAHILL	X			
7	REPRESENTATIVE WENTWORTH	X			
8	REPRESENTATIVE BEGLEY	X			
9	REPRESENTATIVE MCCORMICK			X	
10	REPRESENTATIVE CURRAN			X	
TOTAL		7		6	

SENATE REPORT
THE COMMITTEE ON

State and Local Government

to which was referred the Bill, entitled "An Act
to Implement the Recommendations
of the Special Commission to
Study the Organization of the
State's Cultural Agencies."

S. P. 885 L. D. 2254

have had the same under consideration, and ask
leave to report that the same

Ought to Pass as Amended by
Committee Amendment " "

3-5-90

George H. Berube

For the Committee
Sen. Berube of Androscoggin

STUDY

SENATE REPORT

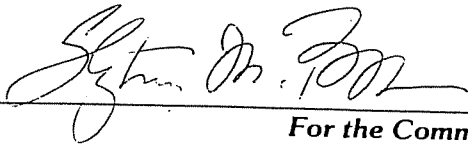
THE Commission to Study the
Organization of the State's
Cultural Agencies pursuant
to Public Law 1989, chapter 501.

have had the same under consideration and ask leave
to submit its findings and to report that the
accompanying Bill, "An Act to Implement
the Recommendations of the Special
Commission to Study the Organization
of the State's Cultural Agencies."

S. P. L. D.

be referred to the Joint Standing Committee
on State and Local Government

_____ for public
hearing and printed pursuant to Joint Rule 18.



For the Committee