

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND THIRTEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**December 3, 1986 to June 30, 1987**

**Chapters 1-542**

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

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**Twin City Printery**  
**Lewiston, Maine**  
**1987**

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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

**Sec. 1.** 36 MRSA §1760, sub-§48, as enacted by PL 1985, c. 504, §2, is repealed and the following enacted in its place:

48. Scheduled airlines. The sale or lease of an aircraft, or replacement or repair parts of an aircraft, used by a scheduled airline, based in this State, and which is regularly used in the performance of service under the regulations of the Civil Aeronautics Board, Part 298 or under the United States Code, Title 49, Section 1371. This subsection is repealed on October 1, 1989.

**Sec. 2. Allocation.** The following funds are allocated from the Local Government Fund for the purposes of this Act.

	1987-88	1988-89
TREASURER OF STATE, OFFICE OF		
State-Municipal Revenue Sharing		
All Other	\$(125,600)	\$(133,000)

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 30, 1987.

## CHAPTER 523

H.P. 1326 — L.D. 1810

### AN ACT to Create the Post-secondary Enrollment Options Act.

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

**Sec. 1.** 20-A MRSA c. 208 is enacted to read:

#### CHAPTER 208

#### POST-SECONDARY ENROLLMENT OPTIONS ACT

##### §4751. Citation

This chapter may be cited as the "Post-secondary Enrollment Options Act."

##### §4752. Definitions

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

1. Course. "Course" means a course or program offered by an eligible institution.

2. Eligible institution. "Eligible institution" means a public 2-year or 4-year post-secondary institution in the State.

##### §4753. Eligibility; notification; rules

1. Students. Students may take courses at eligible institutions under this chapter if they meet the admissions requirements of the institution and the requirements of their school administrative unit, established under subsection 3.

2. Eligible institutions. Eligible institutions which admit students under this chapter shall send written notice to the student, the school administrative unit in which the student normally attends school and the commissioner of:

A. The notification shall include a description of the course, the number of course hours, the date and time of classes, examinations and vacations; and

B. Formally reported interim and final grades.

3. Participating school administrative units. School administrative units shall count credits earned in eligible institutions toward high school graduation requirements in accordance with the following.

A. The school administrative unit has adopted a policy to allow students to participate under this chapter.

B. The school unit shall establish rules governing the following:

(1) Criteria for student participation under this chapter. Participation may not be limited to gifted and talented students;

(2) The method of determining the high school credit given for the course;

(3) An attendance policy; and

(4) A needs-based method of paying for any or all of the cost of textbooks, course fees and transportation for students participating under this chapter.

C. The school unit shall provide counseling or guidance services to the students and their parents before the students enroll in a course. This shall include:

(1) Information on the Post-secondary Enrollment Options Act;

(2) An assessment of the students strengths and appropriateness of the student taking a course;

(3) Information on how courses fit in with the school unit's high school graduation requirements; and

(4) A plan as to how a particular course to be at-

tended would fit in with the student meeting the school units graduation requirements.

#### §4754. Dissemination of information

School units shall provide general information about the options available to parents and students.

#### §4755. Credits

1. High school credit. A school unit shall grant academic credit toward a high school diploma in accordance with rules established under section 4753, subsection 3, to a student who successfully completes a course under this chapter.

2. Post-secondary credit. The eligible post-secondary institution shall grant full credit to any student who successfully completes a course at the institution under this chapter. The course shall count toward graduation requirements at the institution in which it was taken or be transferrable to another post-secondary institution on an equal basis with a course taken by any other student at the institution.

#### §4756. Financial arrangement

1. Distribution of costs. Costs shall be distributed in the following manner.

A. If an eligible institution requires tuition payment, a school administrative unit may pay up to the instate tuition rate for courses attended by students under this chapter.

B. An eligible institution may not assess fees unrelated to the courses attended by a student participating under this chapter.

C. The student or student's parents shall pay for textbooks, course fees and transportation costs. A school unit may pay all or part of these expenses in accordance with rules established under section 4753, subsection 3.

2. Tuition; textbooks; course fees; transportation costs. The tuition, textbooks, course fees and transportation costs paid by a school unit are allowable program costs under section 15603, subsection 22, paragraph E.

3. Per pupil count. At the time the final state subsidy calculation is made for a school unit participating under this chapter, the school unit's pupil count shall be reduced by .1 student for every 3 credit-hour semester course taken by a student under this chapter. This reduction shall not be applied to the first course taken by a student. The reduction shall be applied only to the calculation of the school unit's subsidy calculation and not to the State's calculation of the average per pupil expenditure under chapter 606.

#### §4757. Limit; state obligation

The cost of courses taken in addition to the normal per semester course load for high school students in the school unit may not be included as allowable expenditures under section 15603, subsection 22, paragraph E. This limitation shall not restrict students from taking courses during the summer vacation period under this chapter.

#### §4758. Space; assistance

The department shall make available reasonable office space, clerical assistance and other support to ensure that the purposes of this chapter will be carried out.

#### §4759. Guidelines; implementation

The commissioner shall promulgate guidelines to aid the implementation of this chapter.

#### §4760. Evaluation

The department shall evaluate the program and submit a report to the joint standing committee of the Legislature having jurisdiction over education on the implementation of this chapter by January 15, 1989. This evaluation shall include at a minimum information on the rules established by school administrative units governing student participation in the program, the guidelines suggested by the commissioner, the number of students participating in the program, appropriate statistics on the number of courses taken each semester and year per student, the grades received by students, the number failing to complete courses in which they enrolled, an analysis of the reasons for noncompletion and the cost of the program to the eligible institutions, school administrative units, the State and students or students' parents.

Sec. 2. 20-A MRSA §15603, sub-§22, ¶C, as repealed and replaced by PL 1985, c. 737, Pt. A, §45, is amended to read:

C. The cost of programs for gifted and talented students which have been approved by the commissioner. Federal and state grants used for gifted and talented programs approved by the commissioner may be included as allowable costs under this program; and

Sec. 3. 20-A MRSA §15603, sub-§22, ¶D, as amended by PL 1985, c. 487, §5, is further amended to read:

D. Starting in 1986-87 for expenditures in the base year 1984-85, the following preschool handicapped services:

(1) The salary and benefit costs of certified professional, assistants and aides or persons contracted to perform preschool handicapped services which have been approved by the commissioner; and

(2) The cost of tuition to other schools for programs which have been approved by the commissioner; ; and

Sec. 4. 20-A MRSA §15603, sub-§22, ¶E is enacted to read:

E. The cost of tuition, books, fees and transportation for courses taken at post-secondary institutions under chapter 208.

Effective September 29, 1987.

## CHAPTER 524

H.P. 884 — L.D. 1185

### AN ACT to Clarify the State's Responsibility to Establish Competitive Pay Schedules for State Teachers and Related Classifications.

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

20-A MRSA §13507-A, sub-§2, as enacted by PL 1985, c. 797, §52, is amended to read:

2. Minimums. Notwithstanding any other provision of law, the State and the bargaining agent for state teachers in state-operated schools and related classifications shall at a minimum, in accordance with bargaining procedures set forth in Title 26, chapter 9-B, negotiate as to the impact of implementation of sections 13403 and 13404. The negotiations shall be limited to salaries. Minimum salaries established by those negotiations shall be based upon a 180-day school year and shall be proportionately higher for positions whose incumbents work for longer terms. Negotiations shall establish pay schedules which enable the State to be competitive with local school administrative units in recruitment and retention with regard to teachers and related classifications. The term "teachers and related classifications" includes any classification in State Government which is a teaching classification, requires professional work in or around the classroom setting or is within the career ladder of the classifications by virtue of its relationship to educational supervision or programming.

Effective September 29, 1987.

## CHAPTER 525

H.P. 590 — L.D. 801

### AN ACT to Prohibit Drinking of Alcoholic Beverages in Motor Vehicles.

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

29 MRSA §1312-F is enacted to read:

§1312-F. Drinking while operating a motor vehicle

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Liquor" means any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption and which contains more than 1/2 of 1% of alcohol by volume.

2. Violation. No person may drink liquor while operating a motor vehicle on any public way.

3. Penalty. Any person who violates this section commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.

Effective September 29, 1987.

## CHAPTER 526

H.P. 999 — L.D. 1345

### AN ACT Relating to the Membership of the Atlantic Sea Run Salmon Commission.

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

Whereas, in order to most adequately ensure continuity of and provide regional representation on the Atlantic Sea Run Salmon Commission, it is necessary that this legislation become effective immediately upon enactment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §12004, sub-§8, ¶A, sub-¶(19-A) is enacted to read:

(19-A)	Marine Resources	Atlantic Sea Run Salmon Commission	Legislative Per Diem	12 MRSA §6251-A
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Sec. 2. 5 MRSA §12004, sub-§10, ¶A, sub-¶(54) is repealed.

Sec. 3. 12 MRSA §6251-A, sub-§2, ¶C, as enacted by PL 1985, c. 481, Pt. A, §39, is repealed and the following enacted in its place:

C. Three public members, who shall be residents of