

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

ing a regional collection or transfer facility networks statewide for persons generating up to 1,000 kilograms of hazardous waste per in a calendar month and for persons generating household hazardous waste, with the facilities being owned, operated and serviced by the public sector or private industry; and

5. **Directory.** A directory of hazardous waste generators in the State compiled by geographic regions and Maine-licensed hazardous waste transporters who serve those regions.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Bureau of Oil and Hazardous Materials Control

Personal Services	\$18,824
All Other	29,000
Capital Expenditures	750
Total	\$48,574

The purpose of this appropriation is to augment the allocation made pursuant to Public Law 1987, chapter 491, section 29. The additional funding is supplied to expand the study effort to cover household hazardous wastes. A project position is authorized. Funds are also provided in the All Other category for a pilot scale collection program for household hazardous waste.

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

Effective May 2, 1988.

CHAPTER 826

H.P. 1599 — L.D. 2188

AN ACT Relating to Shellfish Sanitation and Monitoring.

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

Sec. 1. 12 MRSA §6601, sub-§5, as amended by PL 1981, c. 480, §4, is further amended to read:

5. **Fee.** The fee for a shellfish license ~~shall be \$18~~ is \$38.

Sec. 2. 12 MRSA §6651, sub-§1, as amended by PL 1987, c. 328, §2, is further amended to read:

1. **Fees to be paid into fund.** ~~Fifty-three~~ Thirty-eight and one half percent of all fees from shellfish

licenses, mussel hand-raking and boat licenses, shellfish transportation licenses and wholesale seafood licenses shall be paid into the Shellfish Fund.

Sec. 3. 12 MRSA §6745, sub-§5, as enacted by PL 1987, c. 328, §3, is amended to read:

5. **Fee.** The fee for a hand-raking mussel license ~~shall be \$18~~ is \$38.

Sec. 4. 12 MRSA §6746, sub-§5, as enacted by PL 1987, c. 328, §3, is amended to read:

5. **Fee.** The fee for a mussel boat license is ~~\$53~~ \$78.

Sec. 5. 12 MRSA §6852, sub-§4, as amended by PL 1985, c. 379, §7, is further amended to read:

4. **Fee.** The fee for a retail seafood license ~~shall be \$26~~ is \$51.

Sec. 6. 12 MRSA §6855, sub-§6, as amended by PL 1985, c. 379, §9, is further amended to read:

6. **Fees.** The fee for a shellfish transportation license ~~shall be \$130~~ is \$155 and the fee for a supplemental license ~~shall be \$26~~ is \$51.

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

MARINE RESOURCES, DEPARTMENT OF

Bureau of Marine Development

Positions	(1)
Personal Services	\$ 40,500
All Other	73,714
Capital Expenditures	43,000

Total **\$157,214**

These funds will be used in conjunction with other funds appropriated in the Part II budget bill to establish new laboratory facilities in Lamoine, to provide an increased level of monitoring of shellfish for paralytic shellfish poisoning and to meet national shellfish sanitation standards. It provides funds for one new Marine Resource Scientist II position.

Effective August 4, 1988.

CHAPTER 827

H.P. 1700 — L.D. 2333

AN ACT to Provide for the Education of Students Residing in Long-Term Drug Treatment Centers.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjourn-

ment unless enacted as emergencies; and

Whereas, school-age residents of long-term drug treatment centers are urgently in need of educational programs while overcoming their dependency problems; and

Whereas, if these students are provided an educational program comparable to that of their peers in the public schools, there is an excellent chance that they will become productive members of society; and

Whereas, responsibility for their education is unclear in present law for students residing outside their own school units. The funding mechanism of 2-year-old cost subsidies is outdated. Current law impedes and discourages school units from undertaking educational programs for nonresident students being treated at drug treatment centers located within the unit; 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. 20-A MRSA c. 325 is enacted to read:

CHAPTER 325

STUDENTS IN LONG-TERM DRUG TREATMENT CENTERS

§9701. Definitions

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

1. Drug treatment center. "Drug treatment center" means a facility as defined in Title 22, section 8001, which provides drug and alcohol abuse treatment.

2. Eligible student. "Eligible student" means any resident of the State between the ages of 5 and 20 years who is otherwise eligible for public schooling under this Title.

3. Long-term treatment. "Long-term treatment" means treatment in a drug treatment center designed to provide treatment for a period in excess of 60 days.

§9702. Program responsibility

A school administrative unit in which a licensed drug treatment center is located or a nearby school administrative unit shall provide an educational program, as prescribed by the commissioner, for each eligible student residing in the center, notwithstanding the student's legal residence within the State. The selection of the

school administrative unit to provide that program shall be made by the commissioner pursuant to rules adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. The rules shall take into account the educational needs of students, the ability of a school administrative unit to meet those needs, the proximity of school administrative units to the facility, the expressed wishes of officials representing school administrative units and other appropriate considerations. The decision of the commissioner may be appealed to the State Board of Education. The decision of the board shall be final.

§9703. Initial program approval

Each such school unit shall submit a program plan for educational services to be approved by the commissioner. The program plan shall include the following components:

1. Planning; approved. Evidence of collaborative planning with officials and staff of the center and approval of the center's governing board;

2. Licensure. Proof that the facility is licensed by the Department of Human Services and complies with the rules adopted by that department;

3. Educational activities. Educational activities and an evaluation component suitable to the age and educational needs of the eligible students;

4. Accounting. An accounting of all eligible students who will be provided educational services by the program and a plan for continued accurate accounting of the students; and

5. Line-item budget. A line-item budget submitted no later than 90 days prior to the fiscal year in which the program will operate. The proposed budget request may not exceed, on a per student basis, the state average tuition rate for a total of 12 students as provided in sections 5804 and 5805.

The commissioner or a designee shall approve the program plan in a timely manner in order that appropriate budgeting may occur before the start of the school unit's fiscal year. Approval shall include a payment schedule for disbursement of program funds to the school unit in the fiscal year of the program's operation.

§9704. Appeal process

A school unit required to offer an educational program or a drug treatment center which treats eligible students may appeal to the commissioner in the event agreement cannot be reached between them. The commissioner's decision on the program in such an appeal shall be rendered within 60 days and shall be final.

§9705. Renewal of program approval

Each school unit operating an educational program for

eligible students at drug treatment centers shall file an annual report, a proposed budget for the ensuing fiscal year and an application for renewal of program approval as prescribed by the commissioner.

§9706. Rule-making authority

The commissioner shall adopt rules to implement this chapter and the funding scheme under the School Finance Act.

Sec. 2. 20-A MRSA §15612, sub-§10 is enacted to read:

10. Adjustment for cost of educating eligible students in long-term drug treatment centers. A school administrative unit which operates an educational program, approved pursuant to sections 9701 to 9706 to serve eligible students in licensed drug treatment centers, shall be reimbursed in the year in which costs are incurred as follows:

A. Reimbursements shall be limited to a maximum of 12 state average tuition rates a year for each approved plan;

B. The rate of reimbursement per student shall not exceed the state average tuition rates in effect during the year of placement as computed under sections 5804 and 5805; and

C. The funds for the adjustment shall be limited to the amount appropriated by the Legislature for that purpose.

Sec. 3. **Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>EDUCATIONAL AND CULTURAL SERVICES,</u>		
<u>DEPARTMENT OF</u>		

Alcohol and Drug Education Services

All Other	\$ (5,520)	\$ 5,520
-----------	------------	----------

Deappropriates funds in fiscal year 1987-88 and reappropriates the same funds in fiscal year 1988-89 for educational programs provided through 2 local school administrative units at Day One and Wellspring.

Sec. 4. **Allocation.** The following funds are allocated from Other Special Revenue Funds to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>EDUCATIONAL AND CULTURAL SERVICES,</u>		
<u>DEPARTMENT OF</u>		

Alcohol and Drug Education Research Fund

All Other	\$(59,520)	\$59,520
-----------	------------	----------

Deallocates funds in fiscal year 1987-88 and reallocates the same funds in fiscal year 1988-89 for educational programs provided through 2 local school administrative units at Day One and Wellspring.

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

Effective May 2, 1988.

CHAPTER 828

S.P. 974 — L.D. 2587

AN ACT to Enhance Enforcement of the Handicapped Parking Laws.

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

Sec. 1. 30 MRSA c. 1, sub-c. VI, article 9 is enacted to read:

ARTICLE 9. PARKING ENFORCEMENT SPECIALISTS

§1130-A. Volunteer parking enforcement programs

1. Programs established. Each sheriff's department may establish a program to deputize volunteer parking enforcement specialists to enforce handicapped parking laws and ordinances in private parking lots within the county, in localities which do not have municipal police departments, pursuant to enforcement agreements entered into between the sheriff's department and the owners of such lots pursuant to section 2151, subsection 2, paragraph K.

2. Qualifications. The sheriff's department should seek candidates who are handicapped. To qualify for the position of volunteer parking enforcement specialist, an applicant:

A. Must be at least 18 years of age;

B. Must successfully complete a criminal history check to standards officially adopted by the sheriff's department; and

C. Must successfully complete an examination and training program, as established in section 1130-B.

3. Duties. After a qualified applicant has met all the requirements of subsection 2, the sheriff's department shall deputize the applicant to act as a volunteer parking enforcement specialist. The duties of the parking enforcement specialist are to:

A. Issue parking citations, tickets or oral warnings to operators of motor vehicles parked in violation of any handicapped parking law or ordinance, but only