

# MAINE STATE LEGISLATURE

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**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.**

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**Twin City Printery**  
**Lewiston, Maine**  
**1988**

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**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

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D. Appointments shall be for terms of 2 years. Appointing persons shall review their appointments after 2 years in conjunction with the commission chairman and the commissioner and may reappoint or replace the appointees as the appointing officer determines. A vacancy shall be filled by the appointing authority for a full 2-year term. A commission member may be removed by the appointing authority for cause which shall include poor attendance. The chairman shall make recommendations to the appointing authority concerning a removal.

E. Commission members shall receive expenses but not per diem.

F. The commission shall have the responsibilities, powers and duties to:

(1) Develop qualifications for the certifying of pull superintendents and guidelines for dealing with violations of this section;

(2) Periodically review the rules for pulls as contained in subsection 2 and recommend to the Legislature such changes as necessary;

(3) Hold hearings as required on its rule-making activities and on individual violations. These hearings shall be held in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375; and

(4) Give advice and recommendations to the commissioner on request or as the commission deems necessary.

7. Rules. Following the Maine Administrative Procedure Act, Title 5, chapter 375, and with the advice of the Pull Events Commission, the commissioner may adopt rules necessary to carry out the purposes of this chapter.

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

1988-89

AGRICULTURE, FOOD AND RURAL  
RESOURCES, DEPARTMENT OF

Animal Welfare	
Personal Services	\$6,300
All Other	2,600
Total	\$8,900
Provides funds for intermittent humane agent services and travel costs.	
Pull Events Commission	
All Other	\$2,400
Provides for member meeting expenses for 6 meetings.	

Total

\$11,300

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

Effective May 3, 1988.

## CHAPTER 850

H.P. 1607 — L.D. 2198

### AN ACT to Reduce Special Education Costs to Local School Administrative Units.

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

**Sec. 1.** 20-A MRSA §15603, sub-§22, ¶B, as amended by PL 1985, c. 487, §4, is further amended to read:

B. The costs of tuition and board to other schools for programs which have been approved by the commissioner and not paid directly by the State under section 15607, subsection 9, paragraph A. Medical costs shall not be allowable as part of a tuition charge;

**Sec. 2.** 20-A MRSA §15607, sub-§§10 and 11, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are amended to read:

10. Appropriation for audit adjustments. Appropriate the necessary funds for audit adjustments; and

11. Appropriation for nonpublic school services. Appropriate the necessary funds for reimbursement for nonpublic school services under section 15613, subsection 4; and

**Sec. 3.** 20-A MRSA §15607, sub-§12 is enacted to read:

12. Appropriation for special education tuition and costs for out-of-district placements. Appropriate the necessary funds for special education tuition under section 15612, subsection 10.

**Sec. 4.** 20-A MRSA §15612, sub-§10 is enacted to read:

10. Special education tuition and cost for out-of-district placement adjustment. The following provisions shall apply to payment of tuition, treatment and room and board costs for out-of-district placements. Based on the costs under section 15605, subsection 2, paragraph E, the State shall annually pay each local unit a per pupil adjustment determined by dividing the amount of funds made available to the department for carrying out the purposes of this Act by the number of children in out-of-district placements. The local school administrative unit shall pay the balance. This program shall be phased in based on the annual appropriation for this purpose.

**Sec. 5. Effective date.** This Act shall take effect on July 1, 1989.

Effective July 1, 1989.

## CHAPTER 851

H.P. 1756 — L.D. 2405

### AN ACT to Enhance and Clarify the Role of the State Board of Education.

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

**Sec. 1.** 20-A MRSA §401, first ¶, as amended by PL 1983, c. 812, §101, is further amended to read:

The State Board of Education is established by Title 5, section 12004, subsection 8. The State Board of Education shall be an autonomous body and shall maintain an office in Augusta. The appointments, terms and expenses of the State Board of Education members shall be as follows.

**Sec. 2.** 20-A MRSA §401, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Composition. The membership of the state board shall be broadly representative of the public and the regions of the State. A person whose income is derived in substantial portion from income work as a teacher or as an administrator in an educational institution, other than as a college president, may not be eligible for appointment to or service on the state board. Members must have strong interest in and knowledge of education.

**Sec. 3.** 20-A MRSA §401, sub-§3, as repealed and replaced by PL 1983, c. 812, §102, is amended to read:

3. Expenses. Members of the state board shall be compensated according to the provisions of Title 5, chapter 379; a member shall receive compensation whenever that member fulfills any board duties in accordance with board bylaws.

**Sec. 4.** 20-A MRSA §401, sub-§4, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

4. Term. The term of office of each member shall be 5 years. Any vacancy shall be filled for the remainder of the unexpired term. The state board shall promulgate rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, which establishes the procedure and criteria by which the state board may recommend to the Governor the removal of a member from office prior to completion of the term of appointment for failure to perform the duties of office.

**Sec. 5.** 20-A MRSA §401, sub-§5 is enacted to read:

5. Assistance. The department shall provide staff assistance to the state board in carrying out its functions.

**Sec. 6.** 20-A MRSA §404, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Records. The state board shall keep in the office of the commissioner a complete record of the minutes of its meetings and other procedures.

**Sec. 7.** 20-A MRSA §405, sub-§9 is enacted to read:

9. Contract for services. The state board may contract for any necessary consultative services or support staff.

**Sec. 8. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1988-89
<u>EDUCATION, STATE BOARD OF</u>	
State Board of Education	
Personal Services	\$21,500
All Other	66,500
Capital Expenditures	2,000
Provides funds for rent, contracting for legal services and other state board expenses.	
STATE BOARD OF EDUCATION	
TOTAL	<u>\$90,000</u>
<u>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</u>	
Administration — Education	
Personal Services	\$(21,500)
All Other	(68,500)
Deappropriates funds budgeted for the State Board of Education within the office of the Commissioner of Educational and Cultural Services.	
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES	
TOTAL	<u>\$(90,000)</u>

Effective August 4, 1988.

## CHAPTER 852

H.P. 1591 — L.D. 2177

### AN ACT to Amend the Maine Tree Growth Tax Law.

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

**Sec. 1.** 36 MRSA §578, sub-§1, as amended by PL 1981, c. 706, §7, is further amended to read: