

# MAINE STATE LEGISLATURE

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

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

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

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J.S. McCarthy Company  
Augusta, Maine  
1989

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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ducting relocation assistance programs; and is authorized and empowered to make all contracts and do all things necessary to fulfill the intent and purposes of this subchapter.

**Sec. 18. 23 MRSA §245-B**, as amended by PL 1971, c. 593, §22, is further amended to read:

**§245-B. Guidelines and rules**

The department may adopt guidelines and procedures, or promulgate rules and regulations consistent with this subchapter as it ~~deems~~ determines necessary or appropriate to carry out this subchapter and to include the standards of "decent, safe and sanitary."

**Sec. 19. 23 MRSA §246, sub-§2**, as amended by PL 1987, c. 395, Pt. A, §104, is further amended to read:

**2. Commissioner of Transportation.** Any person aggrieved by a determination as to eligibility for any payment, except those enumerated in subsection 1, authorized by this subchapter may have ~~his~~ that person's application reviewed by the ~~Commissioner of Transportation commissioner~~ or ~~his~~ the commissioner's delegate whose determination shall be final and nothing ~~herein shall in~~ this section may be construed to give any person a cause of action in the State Claims Commission or the Superior Court.

**Sec. 20. 23 MRSA §753**, as amended by PL 1985, c. 554, §4, is further amended by adding a 2nd ¶ to read:

The department may adopt its own standard contract specifications. Notwithstanding any other federal or state law, the department's standard specifications shall be utilized in lieu of federally mandated contract clauses.

**Sec. 21. Application.** Sections 4 to 19 of this Act shall apply only to persons who become displaced persons, within the meaning of this Act, on or after April 2, 1989.

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

Effective June 2, 1989.

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## CHAPTER 209

S.P. 148 - L.D. 268

**An Act to Amend the School Finance Act to Clarify that Certain Educational Costs Provided to Special Populations are Allowable Special Education Costs**

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

**Sec. 1. 20-A MRSA §15603, sub-§2, ¶¶D and E**, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are amended to read:

D. Major capital costs; ~~and~~

E. Expenditures from all federal revenue sources, except for amounts received under United States Public Law 81-874; and

**Sec. 2. 20-A MRSA §15603, sub-§2, ¶F** is enacted to read:

F. Special education costs which are the costs of educational services provided to students who are temporarily unable to participate in regular school programs. Students who may be included are pregnant students, hospitalized students or those confined to their homes for illness or injury, students involved in substance abuse programs within hospital settings or in residential rehabilitation facilities licensed by the Department of Human Services, Office of Alcoholism and Drug Abuse Prevention for less than 6 weeks duration or students suffering from other temporary conditions which prohibit their attendance at school. Students served under this paragraph shall not be counted as exceptional students for federal reporting purposes.

See title page for effective date.

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## CHAPTER 210

H.P. 176 - L.D. 241

**An Act to Prohibit Smoking in Enclosed Areas on Ferries**

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

**22 MRSA §1580-B** is enacted to read:

**§1580-B. Smoking in enclosed areas on ferries prohibited**

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

A. "Ferry" includes a ferry operated under the jurisdiction of the Department of Transportation pursuant to Title 23, chapter 412, subchapter I or the Public Utilities Commission pursuant to Title 35-A, chapter 51 or any ferry used for the purpose of transporting vehicles, freight or passengers not otherwise covered within those chapters.

B. "Smoking" includes carrying or having in one's possession a lighted cigarette, cigar, pipe or other object giving off smoke or containing any substance giving off smoke.

**2. Smoking prohibited.** No person may smoke tobacco or any other substance in any enclosed area in which the public is allowed on any ferry.