

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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Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

(1) Reasons why students drop out of school;

(2) Maintenance of continuing contacts with recent dropouts in order to extend opportunities for alternate educational programs, counseling and referral;

(3) Education of teachers and administrators about the dropout problem;

(4) Use of human services programs to help dropouts;

(5) The school administrative unit's policies on suspension, expulsion and other disciplinary action; and

(6) Discriminatory practices and attitudes within the school administrative unit.

6. Annual report. The dropout prevention committee shall meet at least annually to review its plan and to make recommendations to the school board.

7. Department assistance. The department shall provide technical assistance to a dropout prevention committee on request to the Office of Truancy, Dropout Prevention and Alternative Education.

Sec. 30. 20-A MRSA §5104, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 31. 20-A MRSA §5104-A is enacted to read:

§5104-A. Alternative programs outside the school administrative unit

1. Alternative programs. If the superintendents approve, a school administrative unit may enroll a student in an alternative program in another school administrative unit or in an approved private alternative program.

2. Student count. A student properly approved for enrollment under subsection 1 shall be counted as a 1.0 student on school administrative unit counts for each semester, or its equivalent, of alternative program.

3. Rules. The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to administer this section.

Sec. 32. 20-A MRSA §8605, sub-§1, ¶¶A and B, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

A. The commissioner shall grant exceptions under this subsection in admitting students to adult education programs at the local level to a student who has ~~left withdrawn from~~ school under the provisions of section ~~5004~~ 5001-A, subsection 2, paragraph B, on the recommendations of the school board.

B. Prior to requesting an exception, the school board shall seek and consider the recommendations of the ~~positive-action~~ dropout prevention committee.

Sec. 33. 26 MRSA §781, as amended by PL 1987, c. 665, §2, is further amended to read:

§781. Penalties; employers

Any person, firm or corporation, agent or manager of any firm or corporation, who, either for that person or entity or for some firm or corporation, or by that person or entity or through agents, servants or foremen, employs, permits or suffers any child to be employed, or to work in violation of any of the provisions of sections 771 to 780, or otherwise fails to comply with any of the provisions of these sections, or any firm or corporation or agent or manager of any firm or corporation who violates the provisions of Title 20-A, section 5054 shall be punished by a fine of not less than \$100 nor more than \$500.

See title page for effective date.

CHAPTER 416

S.P. 647 - L.D. 1742

An Act to Create the Maine Jail Industries Authority

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

34-A MRSA §1211 is enacted to read:

§1211. Jail Industries Authority

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

A. "Authority" means the Jail Industries Authority.

B. "Private Sector Prison Industry Enhancement Certification Program" means that program authorized by the United States Justice Assistance Act of 1984, United States Code, Title 18, Section 1761.

2. Authority created. The Jail Industries Authority is established to provide a means by which counties may voluntarily participate in the production of prisoner-made goods and services for interstate commerce, under the provisions of the Private Sector Prison Industry Enhancement Certification Program.

3. Board created. The authority shall be administered by a board of directors, comprised of the following members:

A. Two sheriffs, to be appointed by the commissioner, one from a list of 3 nominated by a statewide

sheriffs' association and one from the county that has been certified by the United States Department of Justice under the provisions of the Private Sector Prison Industry Enhancement Certification Program; and

B. One county commissioner, to be appointed by the commissioner from a list of 3 nominated by a statewide county commissioners' association.

4. Duties. The board of directors shall:

A. Establish procedures for determining whether a county jail program complies with the requirements of the Private Sector Prison Industry Enhancement Certification Program;

B. Determine whether a program shall be designated as a cost accounting center for the purposes of the Private Sector Prison Industry Enhancement Certification Program, and determine whether any such designation previously approved shall be revoked; and

C. Monitor all designated programs to ensure continuing compliance with the rules promulgated by the United States Department of Justice under the provisions of the Private Sector Prison Industry Enhancement Certification Program.

5. Fees and costs. The board of directors may receive funds from local, county, state or federal sources and may receive grants to support its activities. The board may establish a reasonable schedule of fees to be charged to participating counties.

6. Enterprise fund. Participating counties shall establish a separate account for the operation of the program. This account shall be operated as an enterprise fund, with continuing authority to receive income and pay expenses associated with the program. All funds remaining in such accounts shall not lapse at the end of the fiscal year, but shall be carried over to the next year.

See title page for effective date.

CHAPTER 417

H.P. 1153 - L.D. 1607

An Act Concerning Substance Abuse Treatment for Probationers

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

Sec. 1. 34-A MRSA §5402, sub-§2, ¶K, as amended by PL 1985, c. 821, §28, is further amended to read:

K. Provide instruction and training courses for probation and parole officers, for Intensive Supervi-

sion Program officers and for juvenile caseworkers; and

Sec. 2. 34-A MRSA §5402, sub-§2, ¶L, as enacted by PL 1983, c. 459, §6, is amended to read:

L. Be executive officer and secretary of the board; and

Sec. 3. 34-A MRSA §5402, sub-§2, ¶M is enacted to read:

M. Aggregate the statistics contained in any reports the division receives on individual probationers and make the aggregated statistics available to other state agencies provided the data is aggregated in such a way that statistics pertaining to any individual probationer cannot be disaggregated.

See title page for effective date.

CHAPTER 418

S.P. 589 - L.D. 1651

An Act to Modify the Recruitment and Retention Adjustment Process

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

Whereas, unless this legislation is enacted as an emergency measure, recruitment and retention provisions enacted by Public Law 1987, chapter 431, will be repealed before the expiration of the 90-day period; 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 §7065, sub-§2, as amended by PL 1987, c. 402, Pt. A, §§58 and 59, and c. 431, §§1 and 3, is repealed and the following enacted in its place:

2. Salary limits. No position may be assigned a salary greater than the maximum or less than the minimum rates fixed in the compensation plan except as provided by subsections 2-A and 2-B.

Sec. 2. 5 MRSA §7065, sub-§§2-A and 2-B, as enacted by PL 1987, c. 431, §§2 and 3, are repealed and the following enacted in their place:

2-A. Recruitment and retention adjustments. The director, with the agreement of the bargaining agent, if