

# 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

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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**CHAPTER 531**

S.P. 420 - L.D. 1131

**An Act to Prohibit Injurious Hazing  
of Public School Students**

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

20-A MRSA §6553 is enacted to read:

**§6553. Prohibition of hazing**

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

**A.** "Injurious hazing" means any action or situation which recklessly or intentionally endangers the mental or physical health of a student enrolled in a public school.

**B.** "Violator" means any person or any organization which engages in injurious hazing.

**2. Adoption of policy.** The school board shall adopt a policy which establishes that "injurious hazing," either on or off school property, by any student, staff member, group or organization affiliated with the public school is prohibited.

**3. Penalties.** The school board shall establish penalties for violation of the rules established in subsection 2. The penalties shall include, but not be limited to, provisions for:

**A.** In the case of a person not associated with the public school, the ejection of the violator from school property;

**B.** In the case of a student, administrator or staff violator, the individual's suspension, expulsion or other appropriate disciplinary action; and

**C.** In the case of an organization affiliated with the public school which authorizes hazing, rescission of permission for that organization to operate on school property or receive any other benefit of affiliation with the public school.

These penalties shall be in addition to any other civil or criminal penalty to which the violator or organization may be subject.

**4. Administrative responsibility.** The school board shall assign responsibility for administering the policy to the superintendent of schools and establish procedures for appealing the action or lack of action of the superintendent.

**5. Dissemination.** The school board shall clearly set forth the policy and penalties adopted and shall distribute copies of them to all students enrolled in the public school.

See title page for effective date.

**CHAPTER 532**

S.P. 462 - L.D. 1247

**An Act to Expand the  
Maine Job Training Partnership Program**

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

**Sec. 1. 26 MRSA §2012, first ¶,** as enacted by PL 1987, c. 466, §3, is amended to read:

Each private industry council shall operate programs under this subchapter based on an annual plan. The annual plan shall reflect local needs, program strategies and activities, training and services, projected expenditures and anticipated outcomes based on the private industry councils' analyses of local needs within the job training program.

**Sec. 2. 26 MRSA §2013, sub-§9,** as enacted by PL 1987, c. 466, §3, is amended to read:

**9. Dependent care and transportation services.** No person eligible for services under Titles II and III of the United States Job Training Partnership Act, Public Law 97-300, as amended by the Omnibus Trade and Competitiveness Act, Public Law 100-418, and displaced homemakers, as defined in section 1601, may be denied access to or participation in these programs as a result of dependent care needs, transportation needs or other supportive services necessary; and

**Sec. 3. 26 MRSA §2013-A** is enacted to read:

**§2013-A. Appeal procedure**

**1. Notice provided.** Each person who requests or receives job training services provided under section 2013 shall be given written notice describing the right and procedure of appeal provided by this section. This notice shall:

**A.** Be uniform throughout the State;

**B.** Be written in language that is clear and understandable and must have a readability score, as determined by a recognized instrument for measuring adult literacy reading levels, equivalent to no more than a 6th grade level; and

**C.** Include a statement that:

(1) Any decision regarding the type of training or the type, amount or duration of support services offered may be appealed;

(2) Hearings provided under subsection 3 will be conducted by an impartial hearing officer whose decision may be appealed to court; and

(3) The person may be eligible to receive free legal assistance in pursuing an appeal. This statement shall also provide a list of organizations that provide legal assistance to persons of low income.

2. Appeal provided. Any person who requests or receives job training services provided under section 2013 may obtain a review of any decision made by the job training agency related to those services. When an individual requests a review, the agency shall promptly investigate and attempt to resolve the complaint informally. If the problem is not resolved to the complainant's satisfaction through this informal process, a hearing to review the agency's decision shall be scheduled before an impartial hearing officer as provided in subsection 3.

3. Hearing standards. Hearings provided under this section shall be held pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.

**Sec. 4. 26 MRSA §2015, first ¶,** as enacted by PL 1987, c. 466, §3, is amended to read:

This subchapter is intended to serve individuals whose participation in the labor force might be dependent on, or significantly enhanced by, the training and services provided under this subchapter. The objective of the Act is to serve additional persons who are eligible for services under Titles II and III of the United States Job Training Partnership Act, Public Law 97-300, as amended by the Omnibus Trade and Competitiveness Act, Public Law 100-418, and displaced homemakers, as defined in section 1601. Innovative approaches will be authorized under this subsection. Traditionally noneligible persons may be served if they are marginally employed, or when their enrollment will result in additional training and employment opportunities for the traditionally eligible population. For the purposes of this section, "marginally employed" means that a person is employed at or near minimum wage, is not a member of a group traditionally eligible for job training services and is in need of job training to enhance that person's earning capacity. These individuals may include, but are not limited to:

**Sec. 5. 26 MRSA §2017, sub-§1,** as enacted by PL 1987, c. 466, §3, is amended to read:

**1. Legislative review.** The joint standing committee of the Legislature having jurisdiction over economic development matters shall review and make recommendations to the Commissioner of Labor, the private industry councils and the Governor with respect to the program defined in this subchapter. The committee:

A. Shall be notified of any hearing held pursuant to section 2012;

B. Shall be provided with copies of any draft plans and actual plans developed pursuant to this subchapter;

C. Shall be provided with any reports, research findings, evaluations and any other materials requested by the committee or any member of the committee to undertake its review; and

D. May make recommendations to the appropriate joint standing committee of the Legislature or any agency or organization concerned with the program established pursuant to this subchapter.

**Sec. 6. 26 MRSA §2017, sub-§2, ¶¶B and D,** as enacted by PL 1987, c. 466, §3, are amended to read:

B. Enrollments, including the number of individuals participating who are eligible for services under Titles II and III of the United States Job Training Partnership Act, Public Law 97-300, as amended by the Omnibus Trade and Competitiveness Act, Public Law 100-418, and Displaced Homemakers displaced homemakers, as defined in section 1601;

D. The number of persons who applied and were not enrolled, including served in the job training system and the primary reasons that why they were not enrolled served.

See title page for effective date.

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## CHAPTER 533

H.P. 975 - L.D. 1353

### An Act Relating to Sales Tax Exemptions and Revenues

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

**Whereas,** it is necessary for certain organizations to begin using their sales tax exemptions before the expiration of the 90-day period in order to receive the full benefits of the exemptions; and

**Whereas,** granting sales tax exemptions should occur on a full fiscal year basis whenever possible in order to ensure consistent tax policy and administrative procedures; 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,