

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.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE
1989

A. For an adjudication under section 3103, subsection 1, paragraph F, the juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle or right to apply for or obtain a license shall be suspended by the court for a period of 180 days. The period of suspension shall not be suspended by the court. The court shall give notice of the suspension and take physical custody of an operator's license or permit as provided in Title 29, section 2241-H. The court shall immediately transmit a certified abstract of the suspension to the Secretary of State. A further suspension may be imposed by the Secretary of State pursuant to Title 29, section 1312-D, subsection 1-A.

Sec. 9. Report. The Commissioner of Inland Fisheries and Wildlife shall report to the Legislature on the effectiveness of the law governing the operation of a watercraft while under the influence by February 1, 1991.

Sec. 10. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
MARINE RESOURCES, DEPARTMENT OF		
Bureau of Marine Patrol		
All Other	\$2,000	\$3,000
Provides funds for anticipated breath test kits, blood test kits and required laboratory analyses.		

Sec. 11. Allocation. The following funds are allocated from funds dedicated to the Department of Inland Fisheries and Wildlife to carry out the purposes of this Act.

	1989-90	1990-91
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Enforcement Operations - Inland Fisheries and Wildlife		
All Other	\$5,550	\$6,750
Provides funds for anticipated breath test kits, blood test kits and required analyses. In addition, this allocation provides funds for anticipated classroom costs and travel expenses associated with the training for the required breath alcohol test.		

See title page for effective date.

CHAPTER 540

H.P. 1171 - L.D. 1625

An Act to Authorize a Cooperative Agreement for the Construction and Operation of a Vocational Center Located in School Administrative District No. 33

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

Whereas, School Administrative District No. 27, School Administrative District No. 33 and the Madawaska School Department desire to enter into a cooperative agreement which would provide for the construction of a new vocational center located in Frenchville; and

Whereas, the participating units need legislative authority for such a cooperative undertaking immediately if School Administrative District No. 33 is to begin the school construction process in time to open the vocational center in September 1991; and

Whereas, the construction of the vocational center and the resulting improvement and coordination of programs are essential to the education and well-being of the students of northern Aroostook County; 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 §8401, as amended by PL 1985, c. 744, §1, is further amended to read:

§8401. Vocational centers

The vocational centers shall operate at Augusta; Bath; Biddeford; School Administrative District No. 61, (Bridgton); Caribou; School Administrative District No. 46, (Dexter); School Administrative District No. 9, (Farmington); School Administrative District No. 27 (Fort Kent); Lewiston; Madawaska; Portland; School Administrative District No. 1, (Presque Isle); School Administrative District No. 54, (Skowhegan); School Administrative District No. 24, (Van Buren); Waterville; and Westbrook. School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department are authorized to enter into a cooperative agreement which provides for the construction and operation of a vocational center in School Administrative District No. 33.

Sec. 2. 20-A MRSA §8404, sub-§3, ¶¶A and B, as enacted by PL 1981, c. 693 §§5 and 8, are amended to read:

A. Shall prepare and submit an annual report on the vocational center and vocational satellite programs, to the state board and to each municipality served by the center; and

B. May develop a cooperative agreement which shall delineate the duties and powers of the advisory committee and devise a formula for sharing costs. The agreement is subject to ratification by all of the school boards of the participating administrative units. This agreement shall be reviewed annually, with a copy being submitted to the commissioner. The cost-sharing formula shall pertain to the cost of vocational educational programs which exceed expenditures made for those programs in the base year; and

Sec. 3. 20-A MRSA §8404, sub-§3, ¶C is enacted to read:

C. In the event that the school boards of School Administrative District No. 27, School Administrative District No. 33, and Madawaska School Department enter into a cooperative agreement pursuant to section 8401 and a new vocational center in Maine School Administrative District No. 33 becomes operational, the cost sharing formula for the new vocational center established thereby shall pertain to the cost of vocational educational programs which exceed expenditures made for those programs in the base year as adjusted pursuant to section 15603, section 5 and to the local share of debt service costs attributable to construction of the vocational center in School Administrative District No. 33.

Sec. 4. 20-A MRSA §8451, sub-§5, as enacted by PL 1985, c. 744, §3, is repealed and the following enacted in its place:

5. Northern Aroostook County. Northern Aroostook County shall also be a vocational region and shall be organized in the following manner.

A. Public secondary schools located at Van Buren, Madawaska, St. Agatha, Fort Kent and Allagash shall be served by regional vocational centers located in Van Buren, Madawaska and Fort Kent, provided that in the event that the school boards of School Administrative District No. 27 (Fort Kent), School Administrative District No. 33 (St. Agatha) and Madawaska enter into a cooperative agreement pursuant to section 8401, the agreement shall provide that if a new vocational center located in Maine School Administrative District No. 33 becomes operational, vocational students from Maine School Administrative District No. 10 (Allagash) shall be allocated slots in the vocational programs at the center as tuition students on the same basis as students from the 3 participating units and that vocational students from School Administrative District No. 24 (Van Buren) shall be permitted to attend that vocational center on a tuition basis to the extent that there are unused slots available in the vocational programs at the center.

B. Notwithstanding sections 8452 to 8459, these regional centers shall be governed by their respective boards, but shall have an advisory committee for the northern Aroostook County area, provided that in the event that the school boards of School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a cooperative agreement pursuant to section 8401, the northern Aroostook County advisory committee shall be made up of representatives of those 3 administrative units and the advisory committee shall have authority to review applications for employment and personnel records relating to the vocational director and teachers in the vocational program in order for the advisory committee to make employment recommendations to the Superintendent of Schools of Maine School Administrative District No. 33.

C. In the event that School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a cooperative agreement pursuant to section 8401, not later than June 30, 1989, the school boards of the 3 participating units shall, in conjunction with the advisory committee, develop and submit a plan to the Commissioner of Educational and Cultural Services for delivery of secondary vocational services within the 3 participating units. The plan shall include:

(1) A proposal for the construction of a new vocational center in School Administrative District No. 33;

(2) Provisions for assignment without loss of salary of all continuing contract vocational teachers employed by School Administrative District No. 27 and Madawaska School Department to School Administrative District No. 33 if a new vocational center in School Administrative District No. 33 becomes operational;

(3) Assurances that all 3 participating administrative units and School Administrative District No. 10 on a tuition basis, shall have access to programs at the new vocational center in proportion to the number of high school juniors and seniors in each administrative unit.

D. The plan developed under paragraph C shall be submitted to the Commissioner of Educational and Cultural Services for approval. The commissioner may make necessary recommendations to the participating units to assist in the implementation of the plan for the school year 1991-92. The plan shall be approved by the commissioner by August 30, 1989.

E. If the school boards of School Administrative District No. 27, School Administrative District No. 33 and Madawaska enter into a cooperative agreement pursuant to section 8401 and if a plan devel-

oped under paragraph C is approved by the commissioner, School Administrative District No. 33 shall have the authority to undertake school construction projects for vocational education in accordance with the provisions of chapter 609 and to borrow money and issue bonds and notes of the district for school construction projects in accordance with section 1311 and sections 1351 to 1354.

F. Section 8301, subsection 5 and sections 8452 to 8467 shall not apply to the vocational region established for northern Aroostook County under this section.

Sec. 5. Reallocation of state subsidy. If the school boards of School Administrative District No. 27, School Administrative District No. 33 and Madawaska enter into a cooperative agreement pursuant to section 8401 and if a new vocational center becomes operative in School Administrative District No. 33, the Department of Educational and Cultural Services shall reallocate the state subsidy for vocational education to ensure that the subsidy goes to the unit actually providing vocational programs in that year rather than to the units which provided vocational programs during the 2 preceding base years. If the vocational center in School Administrative District No. 33 becomes operational in the middle of a fiscal year, the State Board of Education shall prorate the subsidy for vocational education paid in that fiscal year in proportion to the costs incurred by each unit for providing vocational education in that year.

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

Effective July 7, 1989.

CHAPTER 541

S.P. 606 - L.D. 1700

An Act to Continue the Strategic Training for Accelerated Reemployment Program

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

Whereas, unemployed and dislocated workers are eligible for the Strategic Training for Accelerated Reemployment (STAR) program and are in need of its services; and

Whereas, STAR participants currently being served need to have these services continued; 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. 26 MRSA §2015-A, sub-§2, as amended by PL 1989, c. 2, is further amended to read:

2. Program goals. The purpose of this section is to establish an employment training program to provide unemployed or displaced workers with skills training and support which lead to jobs in stable and expanding industries with, whenever possible, wages equal to or greater than the workers' customary prior employment, as well as support services so that individuals are able to take advantage of educational and training opportunities. A further purpose of the STAR program is to provide employers with trained workers by ensuring that the training provided is consistent with the needs of employers. Unemployed or displaced railroad and railway workers who are residents of the State ~~shall be~~ are eligible to participate in the program if they otherwise meet program eligibility requirements.

Sec. 2. 26 MRSA §2015-A, sub-§4, ¶¶A and C, as enacted by PL 1987, c. 775, §3, are amended to read:

A. During the first year of the STAR program, up to 14% of the funds may be used for grant administration. In the 2nd and subsequent years of the STAR program, up to ~~40%~~ 12% of the funds may be used for grant administration.

C. Each county shall receive an annual allocation, 50% of which shall be based on the number of individuals unemployed during the calendar year preceding the program year and 50% of which shall be based on the unemployment rate during the calendar year preceding the program year. These allocations may be shifted among counties within a service delivery area depending on the demand for STAR services and the availability of unexpended funds.

Sec. 3. 26 MRSA §2015-A, sub-§5, ¶A, as amended by PL 1987, c. 861, §22, is repealed and the following enacted in its place:

A. Be an unemployed resident of Maine receiving unemployment compensation benefits administered by the Bureau of Employment Security or the federal Railroad Retirement Board and have registered for the STAR program before the end of the 8th week of collecting unemployment compensation benefits.

(1) The "end of the 8th week of collecting unemployment compensation benefits" means either:

(a) The last day of the 8th week after the most recent total separation for which the claimant was issued a benefit check, offset credit or waiting period credit under any state or federal unemployment program administered by the Department of Labor; or