

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

CHAPTER 908

H.P. 1505 - L.D. 2085

An Act Concerning Growth Management

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

Whereas, public notice requirements for comprehensive planning under the growth management laws should be consistent with other public notice requirements for municipalities; and

Whereas, municipalities in designated job opportunity zones are suffering from major declines in manufacturing and industrial employment, a lower than average per capita income and severe economic distress; and

Whereas, undertaking comprehensive planning, in conjunction with the administrative support that funding under the job opportunity zones program provides, may foster regional coordination programs encouraged by the growth management laws; 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. 30-A MRSA §4324, sub-§4, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

4. Meetings to be public. The local planning committee shall conduct all of its meetings in open, public session ~~with prior notice posted in one or more conspicuous places designed to provide public notice.~~ Prior public notice must be given for all meetings of the local planning committee pursuant to Title 1, section 406. Prior to April 1, 1990, if the local planning committee provided notice in compliance with Title 1, section 406, that notice was sufficient for all legal purposes.

Sec. 2. 30-A MRSA §4344, sub-§1, ¶¶A and B, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

A. Scheduled comprehensive plan development under section 4343, subsection 1; ~~and~~

B. Population growth rates, seasonal population estimates, commercial and industrial development rates, the existence and quality of a comprehensive plan and other relevant factors; ~~and~~

Sec. 3 30-A MRSA §4344, sub-§1, ¶C is enacted to read:

C. Designation as a job opportunity zone as defined in Title 5, chapter 403.

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

Effective April 24, 1990.

CHAPTER 909

H.P. 1358 - L.D. 1875

An Act to Repeal Hospital Assessments Used to Fund State Programs

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

36 MRSA §2801, as amended by PL 1989, c. 501, Pt. P, §31, is further amended by adding at the end a new paragraph to read:

This section is repealed June 30, 1992.

See title page for effective date.

CHAPTER 910

S.P. 770 - L.D. 1995

An Act to Clarify the Laws Relating to Audit Reports, Audit Adjustments and Withholding State Subsidy

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

Sec. 1. 20-A MRSA §6801-A, sub-§2, as amended by PL 1989, c. 414, §19, is further amended to read:

2. Authority to withhold state subsidy until reports are received. Notwithstanding any other provision of law, if a school administrative unit has failed to file the reports required by ~~sections 6004, 6151 and 8606-A~~ this Title in the format and within the time periods specified, the commissioner may withhold state subsidy payments until these reports are received.

Sec. 2. 20-A MRSA §15612, sub-§7, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

7. Audit adjustments. The following provisions apply to audit adjustments.

A. If errors are revealed by audit and by the commissioner, the school administrative unit's ~~foundation allocation~~ state subsidy shall be adjusted to include corrections.

B. If audit adjustments are discovered after the funding level is certified by the commissioner and the state board on December 15th pursuant to section 15605, the department may request the necessary additional funds, if any, to pay for these adjustments. These amounts, if any, shall be in addition to the audit adjustment amount certified by the commissioner and state board on the prior December 15th.

See title page for effective date.

CHAPTER 911

S.P. 830 - L.D. 2138

An Act to Amend and Improve the Education Laws of Maine

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

Sec. 1. 20-A MRSA §6001, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§6001. Dissemination of information

The United States Family ~~Education~~ Education Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568, and the United States Education of All Handicapped Children Act, Public Law 94-142, ~~shall govern~~ governs the dissemination of information about students, as well as applications for equivalent instruction through home instruction, comments on the completeness of those applications and all education records of students receiving equivalent instruction through home instruction.

Sec. 2. 20-A MRSA §9703, sub-§5, as enacted by PL 1987, c. 827, §1, is amended to read:

5. Line-item budget. A line-item budget submitted no later than 90 days prior to the fiscal year in which the program will operate. The proposed budget request may not exceed, on a per student basis, the state average tuition rate for a total of 12 students as provided in sections 5804 ~~and~~ , 5805 ~~and~~ 15612.

Sec. 3. 20-A MRSA §11608, sub-§3, as amended by PL 1989, c. 443, §26 and as repealed by PL 1989, c. 559, §9, is repealed.

Sec. 4. 20-A MRSA §12501, sub-§1, as enacted by PL 1983, c. 859, Pt. F, §§1 and 2, is amended to read:

1. Academic achievement. "Academic achievement" means graduation in the top 1/2 of the class for graduating high school seniors, or earning a grade point average of 3.0 or more, based on a 4.0 grade point system, or the equivalent, for currently enrolled college students.

Sec. 5. 20-A MRSA §12501, sub-§1-A, as amended by PL 1989, c. 414, §21 and c. 596, Pt. M, is further amended to read:

1-A. College students. "College students" means those students who graduated from a Maine high school or the equivalent and are residents of Maine or who did not graduate from a Maine high school or the equivalent but have been residents of Maine for 5 years and are attending an institution of higher education on a full-time basis at the time of application for program participation.

Sec. 6. 20-A MRSA §12501, sub-§3-A, as amended by PL 1989, c. 414, §22, is further amended to read:

3-A. Graduating high school seniors. "Graduating high school seniors" means those students who are residents of Maine, who graduate from high school or its equivalent at the end of the academic year and who will be entering their first year in an institution of higher education at the beginning of the next academic year. Academic year is considered to be a September to June time period.

Sec. 7. 20-A MRSA §12502, as amended by PL 1987, c. 611, §2, is further amended to read:

§12502. Blaine House Scholars and Financial Assistance Program

There is established the Blaine House Scholars and Financial Assistance Program to recognize graduates from Maine high school graduates schools, or the equivalent, who attain high academic achievement, and to provide financial assistance for post-secondary education of graduating high school seniors and college students and advanced degree or continued study by teachers. The program shall recognize outstanding graduating high school seniors and college students as described in section 12503 and disburse interest free loans as described in section 12504. The program shall be administered by the commissioner.

Sec. 8. 20-A MRSA §15612, sub-§10, as repealed and replaced by PL 1989, c. 502, Pt. B, §19, and as repealed and replaced by PL 1989, c. 554, §2, is repealed and the following enacted in its place:

10. Adjustment for cost of educating eligible students in long-term drug treatment centers. A school administrative unit that operates an educational program, approved pursuant to sections 9701 to 9706 to serve eligible students in licensed drug treatment centers, must be reimbursed in the year in which costs are incurred as follows.

A. Reimbursements must be limited to a maximum of 12 state average tuition rates a year for each approved plan.