

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,
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J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

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Sec. 3. 20-A MRSA §11608, sub-§3, as amended by PL 1989, c. 443, §26 and as repealed by PL 1989, c. 559, §9, is repealed.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

B. The rate of reimbursement per student may not exceed the state average tuition rates in effect during the year of placement as computed under sections 5804 and 5805. The tuition rates will be computed based on the state average secondary tuition rate and may be adjusted if the program is approved to operate beyond the 180-day school year.

C. The funds for the adjustment must be limited to the amount appropriated by the Legislature for that purpose.

Sec. 9. 20-A MRSA §15905, sub-§1, ¶A, as repealed and replaced by PL 1987, c. 803, §§1 and 5, is amended to read:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15603, subsection 8, paragraphs A and D, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Maximum Debt Service Limit
1990	\$48,000,000
1991	\$57,000,000
1992	\$63,000,000 \$65,000,000
1993	<u>\$67,000,000</u>
1994	<u>\$67,000,000</u>

Sec. 10. 20-A MRSA §15905, sub-§4, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

4. Rules. The state board may adopt or amend rules relating to the approval of school construction projects.

The state board is encouraged to review school construction rules regarding costs per square foot, consider other measures for containing building costs and report on these efforts to the joint standing committee of the Legislature having jurisdiction over education matters during the First Regular Session of the 115th Legislature.

See title page for effective date.

CHAPTER 912

S.P. 834 - L.D. 2142

An Act to Amend the Percent for Art Act

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

Sec. 1. 27 MRSA §451 as amended by PL 1987, c. 469, §§1 and 11, is further amended to read:

§451. Purpose

Recognizing the need to enhance culture and the arts and to encourage the development of artists, it is the intent of the Legislature to establish ~~a program~~ the Percent for Art Program to provide funds for and authorize the acquisition of works of art for certain public buildings and public facilities.

Sec. 2. 27 MRSA §452, sub-§2, as enacted by PL 1979, c. 525, is amended to read:

2. Artist. "Artist" means a practitioner in the ~~visual~~ arts, generally recognized as a professional by critics and his peers ~~as a professional~~, who produces works of art and who is not the architect or ~~a member~~ an employee of the ~~architectural~~ architectural firm retained by the contracting agency.

Sec. 3. 27 MRSA §452, sub-§6, as amended by PL 1987, c. 469, §§6, 11, is further amended to read:

6. Works of art. "Works of art" ~~mean~~ means any of the following original creations of ~~visual~~ art:

- A. Sculpture in any material or combination of materials;
- B. Painting;
- C. Graphic arts, printmaking and drawing;
- E. Photography, video or electronic media;
- F. Crafts in clay, fiber and textiles, wood, metal, plastics and other materials; and
- H. Mixed or conceptual media, or any combination of forms or media, including collage.

Sec. 4. 27 MRSA §453, sub-§1, as repealed and replaced by PL 1987, c. 469, §§7 and 11, is amended to read:

1. Amount; gifts and donations. Any contracting agency, except a school administrative unit, shall expend out of any money appropriated or allocated by the Legislature for the construction of any public building or facility, except for correctional facilities, a minimum amount of 1% of the construction portion of the appropriation or allocation, for the purpose of acquiring, transporting and installing works of art. School units which have decided to participate in the Percent for Art Program shall expend a minimum amount of 1% of the cost of the eligible school construction project or of any building or facility ~~which that~~ is part of an eligible project or ~~\$25,000~~ \$40,000, whichever is less.

Donations and gifts to the contracting agency may be used to offset the minimum amount identified in this subsection. The value of works of art received as a donation or a gift shall be determined by the commission.