

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

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PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

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1991

CHAPTER 289

S.P. 388 - L.D. 1065

An Act Relating to the Finalization of Divorces

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

19 MRSA §662, sub-§3 is enacted to read:

3. Finalization. In an action for annulment or divorce under sections 632 or 691, the trial court may, upon motion for entry of final judgment during the pendency of the appeal period, grant a final judgment of annulment or divorce between the parties provided that the court expressly finds that there is not just cause for delay and entry of judgment will not prejudice the legal or equitable rights of a party during the pendency of an appeal. The filing of a motion under this subsection does not stay an award of child or spousal support or parental rights and responsibilities, except by order of the court under the Maine Rules of Civil Procedure.

See title page for effective date.

CHAPTER 290

S.P. 377 - L.D. 1054

An Act to Revise the Laws Concerning Innovative Educational Grants

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

20-A MRSA §17103, as amended by PL 1989, c. 548, §9, is repealed and the following enacted in its place:

§17103. School-based innovative projects

1. Objectives. Innovative project matching grants may be awarded to local school administrative units for projects that promote improvement on a school-wide basis. Allowable costs for school-based innovative grant projects are the excess cost of implementing approved projects. Allowable costs in all eligible years must be funded through a grant made on the same matching basis as the division of state and local shares in a school administrative unit's state and local allocation in the year prior to the year of allocation with the minimum state share being 50%. Each project must include a plan to more effectively meet the learning needs and improve the academic performance of all students through:

A. The development of comprehensive goals prescribing what all students should know, the skills they should possess and the attitudes they should hold upon completing school; and

B. A commitment to revise the basic school structure to achieve the comprehensive goals.

2. Competitive awards. Matching grants must be awarded on a competitive basis to local school administrative units. Priority must be given to proposals that the commissioner determines are most likely to make a lasting contribution to education in the State, that are reasonably cost-effective and that can be replicated elsewhere. The commissioner shall identify additional priority areas using information from basic school approval, accreditation and statewide student assessment programs. In exceptional circumstances, the commissioner may waive the local-state matching fund requirement.

A. Local school administrative units may be awarded matching grants up to \$30,000.

B. Local school administrative units are eligible for up to 5 years of continuing funding.

C. Awards in subsequent years may be made for projects identified by the commissioner as having exceptional merit.

See title page for effective date.

CHAPTER 291

H.P. 737 - L.D. 1041

An Act to Amend the Laws Governing the Office of Information Services and the Information Services Policy Board

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

Sec. 1. 5 MRSA §1885, sub-§1, as amended by PL 1989, c. 857, §25, is further amended to read:

1. Appointment of director. The deputy commissioner shall appoint the Director of Data Processing with the approval of the commissioner and in accordance with the Civil Service Law. The director of the bureau must be a person with demonstrated knowledge, training and skills and significant experience in data processing and computer services. In addition, the director must have a high record of achievement in providing data processing and computer programming services to multiple and diverse users.

~~A. The director shall serve at the pleasure of the deputy commissioner.~~

Sec. 2. 5 MRSA §1892, first ¶, as amended by PL 1989, c. 857, §34, is further amended to read:

The board consists of 45 17 voting members and 2 advisory members appointed as provided in this sec-

tion. For the purpose of this section, the word "designee" means a person in a major policy-influencing position as defined in chapter 71. When appointing a designee, a board member shall select one person to be the sole designee representing the particular agency.

Sec. 3. 5 MRSA §1892, sub-§1, ¶¶G and H, as repealed and replaced by PL 1989, c. 857, §35, are amended to read:

G. One member appointed by the Governor from the ~~Office of the Governor~~ Executive Department;

H. ~~Two~~ One member appointed by the Governor representing a criminal justice agency of State Government, one member appointed by the Governor representing a natural resource agency of State Government, and 2 members appointed by the Governor representing the remaining state agencies of State Government;

Sec. 4. 5 MRSA §1892, sub-§5, as amended by PL 1989, c. 857, §36, is further amended to read:

5. **Chair.** The chair of the board is ~~the member appointed by the Governor from the office of the Governor~~ Executive Department, except that the commissioner of the department in which the Office of Information Services is located is not eligible to chair the board.

Sec. 5. 5 MRSA §1893, sub-§5, as amended by PL 1989, c. 857, §39, is further amended to read:

5. **Rules, policies and fees.** The board shall assist in the development of and give its approval to ~~the commissioner for:~~

A. Rules and policies relating to data processing and telecommunications; ~~and~~

B. The schedule of charges: for services rendered by the Office of Information Services through its internal services fund accounts; and

C. Any schedule of fees and charges for services rendered by other state agencies in accordance with the board's policies regarding public access to information.

Sec. 6. 5 MRSA §1896, sub-§§1 and 2, as enacted by PL 1985, c. 785, Pt. A, §78, are amended to read:

1. **Appeal.** A state agency may appeal the decision or action of the deputy commissioner or Office of ~~Informational~~ Information Services to:

A. The Information Services Policy Board ~~and then to;~~

~~B. The commissioner.~~

2. **Appeal to the Governor.** In the event that an agency is aggrieved by the decision of the ~~commissioner~~ Information Services Policy Board, the agency may appeal to the Governor to alter the decision or action and the decision of the Governor ~~shall be~~ is final.

See title page for effective date.

CHAPTER 292

H.P. 656 - L.D. 935

An Act to Incorporate Braille Reading and Writing in a Blind Student's Individual Education Plan

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

Sec. 1. 20-A MRSA §4708 is enacted to read:

§4708. Blind students; instruction in Braille

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

A. "Braille" means the system of reading and writing through touch, commonly known as standard English Braille.

B. "Student" means any student who is blind or any student eligible for special education services for the visually impaired.

2. **Level of instruction; individualized education plan.** Instruction in Braille reading and writing for a student who has been evaluated as needing Braille through the individualized education plan should be sufficient to enable each student to communicate effectively and efficiently at that student's intellectual level. The individualized education plan for each student who has been evaluated as needing Braille must specify:

A. The method of implementation utilizing Braille as a primary mode of learning through integration with normal classroom activities; and

B. The level of competency in Braille reading and writing to be achieved by the end of the period covered by the individualized education plan.

3. **Certification.** The department shall report to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 1992 on the status of national efforts to certify teachers of blind and visually impaired students.