

# 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

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

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**Sec. 3. 5 MRSA §1892, sub-§1, ¶¶G and H,** as repealed and replaced by PL 1989, c. 857, §35, are amended to read: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

**Sec. 2. 20-A MRSA §7201, sub-§5** is enacted to read:

**5. Blind students; Braille instruction.** All students may receive instruction in Braille reading and writing as part of their individualized education plans. A student may not be denied the opportunity of instruction in Braille reading and writing solely because the student has some remaining vision. If Braille is not provided to a child who is blind, the reason for not incorporating Braille in the individualized education plan must be documented in the individualized education plan.

See title page for effective date.

## CHAPTER 293

### H.P. 71 - L.D. 99

#### An Act to Amend the Penalties for Habitual Offenders and Operating After Suspension

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

**Sec. 1. 29 MRSA §7** is enacted to read:

#### §7. Prior convictions

For the purposes of this Title, a prior conviction has occurred within the period of time specified if the date of the new conduct or failure to act that is penalized or for which the penalty is or may be enhanced is within the stated period from the date of a docket entry of judgment of conviction.

**Sec. 2. 29 MRSA §2184, sub-§1**, as amended by PL 1989, c. 822, §2; c. 866, Pt. B, §16 and affected by §26 and amended by c. 891, Pt. A, §10, is repealed and the following enacted in its place:

**1. Offense; penalty.** A person may not operate a motor vehicle on any public way or parking area in this State at a time when that person's license or permit to operate, right to operate or right to apply for or obtain a license or permit has been suspended or revoked when that person:

A. Has received written notice of a suspension or revocation pursuant to section 1312-D, subsection 1, or section 2241-H or other written notice from the Secretary of State;

B. Has been orally informed of the suspension or revocation by a law enforcement officer who is aware of the information as a result of records maintained by the Secretary of State, including those obtainable by telecommunications;

C. Has actual knowledge of the suspension or revocation;

D. Is a person to whom written notice was sent in accordance with section 2241, subsection 4; or

E. Has failed to appear in court pursuant to any notice or order specified in section 2301-A.

This section does not apply to a person whose license or permit to operate, right to operate or right to apply for or obtain a license or permit has been revoked as an habitual offender under chapter 18-A or former chapter 18.

For the purposes of this section, the term "parking area" means any area designed for use as access or parking for patrons and customers of establishments to which the public is invited.

Violation of this section is a Class E crime.

**Sec. 3. 29 MRSA §2241, sub-§4**, as enacted by PL 1989, c. 866, Pt. B, §19 and affected by §26, is amended to read:

**4. Notice of suspension or revocation.** Notice of any suspension or revocation ordered or issued under this Title must be sent by regular mail or served in hand. Written notice is sufficient if sent by regular mail to the last known name and address provided by the person, as required by section 546, to the Secretary of State or, in the case of a person who has not applied for or who has not been issued a Maine operator's license, to the last address shown by the records maintained by the Secretary of State. The notice must also state that the license will not be reinstated and the person may not operate a motor vehicle before payment of the reinstatement fee as required under section 2241-D.

**Sec. 4. 29 MRSA §2298, sub-§1**, as amended by PL 1989, c. 866, Pt. B, §22 and affected by §26, is further amended to read:

**1. Prohibition; notice.** It is unlawful for any person to operate any motor vehicle on a public way, as defined in Title 17-A, section 505, subsection 2, in this State while the revocation prohibiting its operation remains in effect. Any person found to be an habitual offender under this chapter, or former chapter 18, who is thereafter convicted of operating a motor vehicle in this State while the revocation prohibiting operation is in effect ~~shall have committed~~ commits a Class C crime as defined in subsection 2. No A person found to be an habitual offender under this chapter or former chapter 18, may not operate a motor vehicle on a public way as defined in Title 17-A, section 505, subsection 2, when that person's license, permit or privilege to operate a motor vehicle has been revoked under this chapter, when that person: