

# 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**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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petitioner must submit to the Secretary of State a written request for delay, or an electronically transmitted facsimile of a written request for delay, stating the circumstances, at least 24 hours before the scheduled hearing.

15 - 17 days	5
18 - 20 days	6
21 - 23 days	7
24 - 26 days	8
27 - 29 days	9
30 days	10

See title page for effective date.

## CHAPTER 364

H.P. 1078 - L.D. 1572

### An Act to Amend the Laws Governing the Intensive Supervision Program

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

**Whereas,** certain provisions of the Intensive Supervision Program raise constitutional concerns and should be amended immediately; 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. 17-A MRSA §1253, sub-§3,** as amended by PL 1989, c. 693, §8, is further amended to read:

3. Beginning October 1, 1983, a person sentenced to imprisonment for more than 6 months ~~shall be~~ is entitled to receive a deduction of 10 days each month for observing all rules of the department and institution. The period from which the deduction is made ~~shall~~ must be calculated from the first day the person is delivered into the custody of the department and includes the full length of the unsuspended portion of the sentence. This provision does not apply to the suspended portion of the person's sentence, pursuant to section 1203 nor does it apply to the suspended portion ~~or to the period of intensive supervision~~ of a sentence under section 1262.

A. Deductions under this subsection must be calculated as follows for partial months.

Days of partial month	Maximum good time credit available
0 - 2 days	0
3 - 5 days	1
6 - 8 days	2
9 - 11 days	3
12 - 14 days	4

**Sec. 2. 17-A MRSA §1262, sub-§6,** as enacted by PL 1985, c. 821, §15, is repealed.

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

Effective June 18, 1991.

## CHAPTER 365

H.P. 726 - L.D. 1030

### An Act Relating to Financial Responsibility for Students Not Residing with Parents or Legal Guardians

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

**Sec. 1. 20-A MRSA §5205, sub-§2,** as amended by PL 1985, c. 797, §33, is further amended to read:

2. **Other students not living at home.** A student other than a state ward, a state agency client or a homeless child, residing with another person who is not the student's parent, ~~shall be~~ is considered a resident of the school administrative unit where the student resides if the superintendent of the unit determines that it is in the best interest of the student because of the following:

- A. It is undesirable and impractical for that student to reside with the student's parent, or that other extenuating circumstances exist which justify residence in the unit; and
- B. That person is residing in the school administrative unit for other than just education purposes.

The commissioner shall review the superintendent's determination on the request of the student's parent. The commissioner's decision ~~shall be~~ is final and binding. Upon request of the superintendent of schools in the unit in which a student is placed in accordance with this subsection, the state share percentage for subsidized educational costs for that student is equivalent to the state share percentage of the unit in which the student's parent or legal guardian resides or the average state share percentage, whichever is greater. If the parent or legal guardian does not reside in the State or can not be located, the subsidy is the state average subsidy.