

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.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

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1991

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.

Sec. 2. 20-A MRSA §5205, sub-§6, ¶D, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

D. For purposes of the state school subsidy, a student transferred under this subsection ~~shall be~~ is considered a resident of the school administrative unit to which transferred. ~~For purposes of local leeway under section 15511, subsection 3, a student transferred under this subsection shall be considered a resident of the largest municipality in the school administrative unit to which transferred.~~ 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.

Sec. 3. 20-A MRSA §5814, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§5814. Students not residing with parent or guardian

Whenever a student is ~~in the custody of persons other than~~ not residing with that student's parents or legal guardians because of a broken home or intolerable home conditions, the unit where the student is ~~placed for~~ attends school purposes may apply to the commissioner for a determination regarding which unit shall pay the cost of educating such a student. The determination of the commissioner ~~shall be~~ is binding upon the administrative units concerned.

In cases when the commissioner determines that a school unit must pay the tuition for a student described in this section who attends school in another unit, the student is considered a resident of the unit that pays tuition. If the student is not determined to be a tuition student, the student is considered a resident student in the school unit where the student is placed. If the superintendent of the unit in which the student is placed so requests, the subsidy 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.

See title page for effective date.

CHAPTER 366

H.P. 1155 - L.D. 1696

An Act Concerning the Unlawful Prohibition of Legal Activities as a Condition of Employment

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

26 MRSA §597 is enacted to read:

§597. Conditions of employment

An employer or an agent of an employer may not require, as a condition of employment, that any employee or prospective employee refrain from using tobacco products outside the course of that employment or otherwise discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment for using tobacco products outside the course of employment as long as the employee complies with any workplace policy concerning use of tobacco.

See title page for effective date.

CHAPTER 367

S.P. 566 - L.D. 1486

An Act to Continue Authority for Seasonal Agency Liquor Stores

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

Whereas, the authorization for seasonal agency liquor store licenses lapsed on January 15, 1991; and

Whereas, this legislation would enact authorization for seasonal agency liquor store licenses; and

Whereas, the summer tourist season is an appropriate time for seasonal agency liquor stores and begins before the end of the 90-day period; 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:

28-A MRSA §456-A is enacted to read:

§456-A. Special seasonal agency liquor stores

1. Licensing of seasonal agency liquor stores. The commission may issue 6-month seasonal licenses to no more than 6 special agency stores.

2. Locations and months of licenses. The commission shall determine the appropriate locations for the stores and the appropriate 6 consecutive months based on the seasonal tourist population and the sales volume at