

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

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

partnership under section 421, a certificate of amendment under section 422 or a certificate of cancellation under section 423, a fee in the amount of \$250;

8. Foreign limited partnerships. For filing of an application for authority to do business as a foreign limited partnership under section 492, a certificate of amendment under section 495 or a certificate of cancellation under section 496, a fee in the amount of \$250;

9. Change of registered agent or registered office for foreign limited partnerships. For filing of a certificate by a registered agent under section 494, changing the registered agent or address of the registered office or resigning, a fee in the amount of \$30;

10. Photocopies. For all photocopies, whether certified or not, a fee in the amount of \$2 per page. The Secretary of State may issue photocopies of instruments on file as well as other copies;

11. Certified copies. For providing certified copies of any paper on file as provided for by this chapter, a fee in the amount of \$5 for each copy certified in addition to any fee due under subsection 10;

12. Issuing certificate. For issuing any certificate of the Secretary of State, including but not limited to a certificate of existence, other than a certification of a copy under subsection 11, a fee in the amount of \$25;

13. Preclearance of document. For preclearance of any document for filing, a fee in the amount of \$100; and

14. All other filings. For receiving and filing any certificate, affidavit, agreement or any other paper provided for by this chapter, for which no different fee is specifically prescribed, a fee in the amount of \$20.

All fees collected as provided by this chapter must be remitted to the Treasurer of State for the use of the State with the exception of those fees established by rule and collected for expedited service. Fees for expedited service are deposited into a fund for use by the Secretary of State in providing an improved filing service.

§527. Reserved power of State to alter or repeal chapter

All provisions of this chapter may be altered from time to time or repealed and all rights of partners are subject to this reservation.

§528. Duty of Secretary of State

The Secretary of State's duty to file documents under this chapter is ministerial. The filing or refusal to file a document does not:

1. Validity of documents. Affect the validity or invalidity of the document in whole or in part;

2. Correctness of information. Relate to the correctness or incorrectness of information contained in the document; or

3. Presumption of validity or correctness. Create a presumption that the document is valid or invalid or that the information in the document is correct or incorrect.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1991-92

**SECRETARY OF STATE,
DEPARTMENT OF THE**

Administration - Secretary of State

Personal Services	\$14,284
All Other	3,000

Provides funds for a limited-period position and printing and postage costs to comply with the provisions of this Act.

**DEPARTMENT OF THE SECRETARY
OF STATE**

TOTAL	<u>\$17,284</u>
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Sec. 4. Effective date. This Act takes effect on January 1, 1992.

Effective January 1, 1992.

CHAPTER 553

H.P. 136 - L.D. 196

An Act to Expand the Blaine House Scholars Program to Assist in Teacher Certification

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

Sec. 1. 20-A MRSA §12501, sub-§1, as amended by PL 1989, c. 911, §4, is further 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 and all other postsecondary applicants. Eligibility for applicants not currently enrolled must be based upon their most recent cumulative grade point average.

Sec. 2. 20-A MRSA §12501, sub-§6-A is enacted to read:

6-A. Students pursuing postbaccalaureate teacher certification. “Students pursuing postbaccalaureate teacher certification” means students who have earned a Bachelor of Arts degree or its equivalent and are pursuing a program of studies leading to certification as a teacher.

Sec. 3. 20-A MRSA §12502, as amended by PL 1989, c. 698, §33 and affected by §76 and amended by c. 911, §7, is repealed and the following enacted in its place:

§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 schools, or the equivalent, who attain high academic achievement, and to provide financial assistance for postsecondary education of graduating high school seniors and college students and advanced degree or continued study by teachers. The program must recognize outstanding graduating high school seniors, college students and students pursuing postbaccalaureate teacher certification as described in section 12503 and disburse interest-free loans as described in section 12504. The chief executive officer shall administer the program.

Sec. 4. 20-A MRSA §12503, first ¶, as amended by PL 1989, c. 698, §34 and affected by §76, is further amended to read:

Each year graduating high school seniors ~~and~~, college students ~~and~~ students pursuing postbaccalaureate teacher certification who show evidence of academic achievement ~~shall~~ must be considered for recognition as Blaine House scholars. Nominations and applications must be submitted to the chief executive officer at a time and in a format to be determined by rule of the chief executive officer.

Sec. 5. 20-A MRSA §12504, as enacted by PL 1983, c. 859, Pt. F, §§1 and 2, is amended to read:

§12504. Allocation of funds

Funds available under this chapter ~~shall~~ must be allocated as follows: ~~Fifty percent~~ up to 50% for Blaine House scholars entering preservice; up to 25% for teachers engaged in graduate study or continuing education ~~and~~; up to 25% ~~to~~ for Blaine House scholars not entering preservice; and up to 15% for Blaine House scholars who are students pursuing postbaccalaureate teacher certification.

Loans of up to \$1,500 per academic year or \$6,000 total may be made to eligible individuals. Individuals who have received a Blaine House scholars loan as an undergraduate student may also receive a loan for students pursuing postbaccalaureate teacher certification or a loan for teachers engaged in graduate education or

continuing education. In no event may an individual receive more than \$12,000 in total. Loans ~~shall~~ be for one academic year and ~~shall~~ be automatically renewed if the recipient maintains a grade point average of 2.5 based on a 4.0 grade point system.

An eligible individual who has received a loan as a student pursuing postbaccalaureate teacher certification may subsequently receive a loan as a teacher engaged in graduate study or continuing education, including undergraduate courses. However, in no event may an individual receive Blaine House loans totaling more than \$6,000 for students pursuing postbaccalaureate teacher certification and teachers engaged in graduate education or continuing education.

Sec. 6. 20-A MRSA §12505, as amended by PL 1989, c. 698, §35 and affected by §76, is further amended to read:

§12505. Eligibility requirements

1. Eligibility for postsecondary education loans. A post-secondary postsecondary education loan ~~must~~ may be given only to a high school graduate who is a resident of the State, who has been recognized as a Blaine House scholar and who has met other eligibility criteria established by rule of the authority. Preference must be given to students enrolled in a program which has been determined to be an underserved subject area.

2. Eligibility for graduate study or continuing education loans. A graduate study or continuing education loan ~~must~~ may be given only to a teacher in a Maine school who has met other eligibility criteria established by rule of the chief executive officer. Preference must be given to teachers of subjects determined to be underserved.

3. Eligibility for postbaccalaureate teacher certification. A loan to a student pursuing postbaccalaureate teacher certification may be given only to a resident of the State who has shown academic achievement, who has a baccalaureate degree, who is not eligible for a loan for graduate study or continuing education pursuant to subsection 2, and who has met other eligibility criteria established by rule of the authority.

Sec. 7. 20-A MRSA §12508, as amended by PL 1989, c. 698, §§40 and 41 and affected by §76, is further amended to read:

§12508. Repayment and return service provisions - loans for teachers and postbaccalaureate teacher certification

Each recipient of a loan designated for teachers pursuing ~~an advanced degree or continued study graduate study or continuing education~~ or for students pursuing postbaccalaureate teacher certification may cancel

the total amount of the loan by completing 2 years of return service in the public schools or private schools approved for tuition purposes in the State. The repayment period ~~shall be~~ is one year if return service is performed in underserved subject areas or in geographically isolated areas as determined by the commissioner. Return service may also cancel the loan on a proportional basis, reducing the total amount of the debt by 50% for each year of return service. Return service for this purpose ~~shall~~ must be performed within 3 years of graduation from the institution of higher education or completion of the course or courses for which the funds were given. Failure to fulfill the return service option will necessitate repayment to the authority as follows.

1. Debt calculation. The debt ~~shall~~ must include total amount of the loan less the amount, if any, ~~which~~ that has been canceled by return service.

2. Time for repayment. The total debt must be repaid to the authority within 3 years of graduation from the institution of higher education or courses for which the funds were given ~~according to a schedule established by the chief executive officer or within 3 years of repayment of any other loans made pursuant to this chapter. Due dates for repayments are set by the chief executive officer.~~ A repayment schedule including due dates must be set by the chief executive officer.

See title page for effective date.

CHAPTER 554

H.P. 1 - L.D. 1

An Act to Codify the Rules of Maine

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

Sec. 1. 5 MRSA §8056, sub-§3, as amended by PL 1979, c. 425, §§8 and 9, is further amended to read:

3. Secretary of State. The Secretary of State shall:

A. Maintain and make available at ~~his~~ the Secretary of State's office, for inspection at no charge and for copying or purchase at actual cost, current copies of complete rules for all agencies filed in accordance with subsection 1, paragraph B;

A-1. Compile, edit, index and arrange for publication and distribution all current rules of state agencies. Compilations ~~shall~~ must be supplemented or revised at least annually; ~~and~~

B. Supply, at actual cost, annually updated copies of complete sets of rules of an agency to any person

who has filed with the Secretary of State within the past year a written request for such sets of rules; ~~and~~

C. Codify all current state agency rules in an electronic text file data base, in consultation with affected state agencies and in accordance with subsections 7 and 8, as available resources permit.

Sec. 2. 5 MRSA §8056, sub-§§7 to 9 are enacted to read:

7. Codification of rules. The Secretary of State, in consultation with affected state agencies, shall develop a plan to codify all current rules of state agencies within its available resources. The codified rules must be maintained on an electronic text file data base. To develop the electronic text file data base, agencies may refile an existing rule or parts of an existing rule. If an agency refiles a rule or portion of a rule:

A. The agency may not make at the time of refileing any substantive changes in that rule or portion of that rule; and

B. The refiled rule or portion of the rule must be adopted in accordance with the Maine Administrative Procedure Act except that public comment on the refileing under section 8057-A, subsection 3 is limited to documenting where the refiled rule or portion of the rule is substantively different from the existing rule.

8. Electronic text file procedures. Under subsection 1, the Secretary of State may establish by rule in accordance with the Maine Administrative Procedure Act procedures and criteria for the filing of rules in electronic text file format.

9. Certification of published rules. The Secretary of State may certify that a publication of the codified rules and any supplements or replacement volumes to that publication are a correct transcript of the text of the original rules.

A. Certified publications must contain a printed certificate of the Secretary of State stating that the publication is the official copy. A facsimile of the signature of the Secretary of State imprinted by or at the direction of the Secretary of State has the same validity as a written signature of the Secretary of State.

B. A publication of the rules certified by the Secretary of State constitutes prima facie evidence of the rules.

C. Any publication of a rule or rules that is not certified by the Secretary of State:

(1) May neither state nor imply that the publication is an official copy of the rules; and