

# 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**

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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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 refiling 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 refiling 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

(2) Must state in a conspicuous location where the Secretary of State's certified copy is located.

Sec. 3. 5 MRSA §8056-A, as enacted by PL 1989, c. 574, §6, is amended to read:

**§8056-A. Technical assistance; annual report**

1. **Checklist.** The Secretary of State shall establish and implement a checklist that ~~shall~~ must be completed by agencies and attached to ~~proposed and~~ adopted rules filed with the Secretary of State after December 31, 1989. The checklist ~~shall~~ must include the timing of filing and notices as well as other procedural requirements of this subchapter.

2. **Technical assistance.** The Secretary of State shall develop uniform drafting instructions for use by all agencies that propose rules under this subchapter and shall compile those instructions in a drafting manual. In addition, the Secretary of State shall provide assistance to any agency regarding the form for drafting of rules and supporting materials and the other requirements of this subchapter.

3. **Report.** The Secretary of State shall report to the Governor and the joint standing committee of the Legislature having jurisdiction over state and local government prior to February 1st of each year with respect to rule-making activities for the prior year. The report ~~shall~~ must include statistical information on agency rule-making activities, agency experience with procedural requirements of this subchapter, an evaluation of the codification process, the impact of the electronic text file data base on state agencies and users of the rules and recommendations for improvements to the rule-making process. In preparing the report, the Secretary of State shall solicit comments on this subchapter from agencies and their legal counsels, the ~~Director of Legislative Oversight~~ Executive Director of the Legislative Council and the public ~~on this subchapter and recommended improvements.~~

See title page for effective date.

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**CHAPTER 555**

**H.P. 335 - L.D. 465**

**An Act to Extend Coverage to Veterans' Stepchildren for Educational Assistance**

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

Sec. 1. 37-B MRSA §505, sub-§2, ¶A, as enacted by PL 1983, c. 460, §3, is amended by amending sub-¶(1) to read:

(1) "Child" means a child whose mother or father is or was a veteran and the child:

(a) Is at least 16 years of age;

(b) Has graduated from high school; and

(c) Is not over 21 years of age at the time of first entering a vocational school or post-secondary educational institution or, if over 21 years of age upon that entry, is not over 25 years of age and had been unable to enter before the age of 21 years due to service in the United States Armed Forces.

"Child" also means a stepchild who is a member of a veteran's household either at the time of application or, in the event of the veteran's death, at the time of death, and who continues as a member of the household after the death of the veteran.

**Sec. 2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
<b>DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF</b>		
<b>Bureau of Veterans' Services</b>		
All Other	\$1,500	\$1,500
Provides funds for tuition and educational assistance to veterans' stepchildren.		

See title page for effective date.

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**CHAPTER 556**

**H.P. 190 - L.D. 283**

**An Act to Provide Due Process in Employment Decisions Affecting Public School Principals**

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

Sec. 1. 20-A MRSA c. 504 is enacted to read:

**CHAPTER 504**

**EMPLOYMENT OF PRINCIPALS**