

# 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

**FIRST SPECIAL SESSION**

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

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 SPECIAL SESSION**

**of the**

**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**JULY 11, 1991 to JULY 18, 1991**

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Comprehensive Health  
Planner II position.

Division of Driver Education  
Evaluation Programs

Personal Services (\$1,500)

Deappropriates funds as a  
result of the sunset provision  
for the Driver Education  
Evaluation Programs Appeals  
Board.

DEPARTMENT OF HUMAN  
SERVICES

TOTAL (\$760,387) (\$1,049,439)

TOTAL APPROPRIATIONS (\$3,554) (\$5,693)

**Sec. 35. Allocation.** The following funds are  
allocated from Federal Block Grant funds to carry out  
the purposes of this Act.

	1991-92	1992-93
EXECUTIVE DEPARTMENT		

Office of Substance Abuse

Positions	(3.0)	(3.0)
Personal Services	\$86,066	\$121,863
All Other	63,236	77,207

Provides for the allocation of  
funds due to the transfer of  
the Office of Alcohol and  
Drug Abuse Prevention from  
the Department of Human  
Services.

EXECUTIVE DEPARTMENT		
TOTAL	\$149,302	\$199,070

HUMAN SERVICES, DEPARTMENT  
OF

Alcoholism and Drug Abuse  
Prevention - Human Services

Positions	(-3.0)	(-3.0)
Personal Services	(\$86,066)	(\$121,863)
All Other	(63,236)	(77,207)

Provides for the transfer of  
funds and functions from the  
Office of Alcohol and Drug  
Abuse Prevention to the  
Executive Department, Office  
of Substance Abuse.

DEPARTMENT OF HUMAN SERVICES		
TOTAL	(\$149,302)	(\$199,070)

TOTAL ALLOCATIONS \$-0- \$-0-

Effective October 17, 1991.

CHAPTER 602

H.P. 579 - L.D. 830

An Act Regarding Subsidies to Public Schools for  
Home School Students

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

**Sec. 1. 20-A MRSA §5001-A, sub-§3, ¶A,** as  
repealed and replaced by PL 1989, c. 537, is amended to  
read:

A. Equivalent instruction alternatives are as follows.

(1) A person ~~shall be~~ is excused from attend-  
ing a public day school if the person obtains  
equivalent instruction in:

(a) A private school approved for at-  
tendance purposes pursuant to section  
2901;

(b) A private school recognized by the  
department as providing equivalent in-  
struction;

(c) A manner approved by the commis-  
sioner pursuant to subparagraph (3); or

(d) Any other manner arranged for by  
the school board and approved by the  
commissioner.

(2) A student ~~shall be~~ is credited with attend-  
ance at a private school only if a certificate  
showing the name, residence and attendance  
of the person at the school, signed by the per-  
son or persons in charge of the school, has  
been filed with the school officials of the ad-  
ministrative unit in which the student resides.

(3) A person who wishes to obtain approval  
of equivalent instruction under rules established  
by the commissioner for equivalent instruction  
through home instruction shall simultaneously  
submit a completed application for approval  
to the local board and to the commissioner.  
~~The local board shall provide for review of the  
application. The purpose of local review shall  
only be to facilitate cooperation between local  
educators and students receiving equivalent in-  
struction and to permit local boards and edu-  
cators to provide initial review of the applica-  
tion for completion of information required by  
state rules. The local board may review the  
application and submit comments on the ap-  
plication to the commissioner within 30 days  
of receipt of the application. Within 30 60~~

days of receipt of the application, ~~the local board shall submit its comments on the completeness of the application to the commissioner.~~ Within 30 days of receipt of local comments, the commissioner, using state criteria established by rule, shall decide whether to approve the equivalent instruction application. If the commissioner denies the application, the applicant may, within 30 days of receiving the denial, amend and resubmit the application directly to the commissioner. The commissioner shall make a decision within 30 days of receiving the amended application. If ~~the amended~~ an application is approved, the ~~applicant commissioner~~ shall send ~~a copy~~ notice of the amended application approval to the local board ~~for information purposes.~~ Notice provided to local boards under this section of applications for approval of equivalent instruction through home instruction and of the commissioner's decision on those applications is only for informational purposes. Local boards are not required to play any role in the application, review and approval, or oversight of home instruction programs.

**Sec. 2. 20-A MRSA §5001-A, sub-§3, ¶C,** as enacted by PL 1987, c. 114, is repealed.

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

1992-93

**EDUCATION, DEPARTMENT OF**

**General Purpose Aid to Local Schools**

All Other (\$1,125,887)

Deappropriates funds no longer necessary due to the elimination of subsidy to school administrative units for home school students.

**Sec. 4. Effective date.** This Act takes effect on July 1, 1992.

Effective July 1, 1992.

**CHAPTER 603**

**H.P. 750 - L.D. 1070**

**An Act to Improve Student Financial Assistance Services**

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

**Whereas,** changes in existing law recommended by the Student Financial Aid Transition Advisory Committee are necessary to provide prompt, equitable access to financial assistance programs for students and families; and

**Whereas,** those changes need to be enacted before the start of the next school year in order to have the greatest impact; 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. 5 MRSA §145-C** is enacted to read:

**§145-C. Capital appreciation bonds**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "College savings bonds" means any general obligation bonds of the State that:

(1) The Treasurer of State is authorized to issue and sell;

(2) Are offered for initial sale at a substantial discount from face value with some or all of the payment to bondholders of principal or interest or both deferred until maturity; and

(3) Are designated by the Treasurer of State as college savings bonds.

**2. Authorization.** Any general obligation bonds of the State that the Treasurer of State now or after the effective date of this subsection is authorized to issue and sell may be issued and sold by the Treasurer of State as college savings bonds. The Treasurer of State, after consultation with the advisory committee established in subsection 3, may offer college savings bonds in such amounts and form and on such terms and conditions as the Treasurer of State determines necessary. Notwithstanding any contrary provision of any general obligation bond act, the Treasurer of State is authorized to issue bonds in serial or term form in the name of and on behalf of the State, in amounts that will raise usable bond proceeds equal to the total amount for the projects authorized by the general obligation bond act and approved at referendum. For purposes of determining the amount of bonds of the State being issued or outstanding as of any given time, the amount of capital appreciation bonds is the greater of the original issue amount and the accreted value, as determined by the Treasurer of State.