

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

lected under this arrangement ~~shall~~ may not be considered to have been received by the bank until they are actually delivered to the teller at the bank's premises.

See title page for effective date.

CHAPTER 493

S.P. 606 - L.D. 1704

An Act Regarding the Implementation of the Provisions of the Higher Education Act of 1965 as Amended

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

Whereas, the Higher Education Act of 1965 as amended by the Higher Education Amendments of 1992 requires that each state designate a State Postsecondary Review Entity or SPRE; and

Whereas, the Maine Department of Education has been designated as the SPRE for the State and must develop standards and rules that are enforceable and consistent with the Constitution and laws of the State; and

Whereas, it is necessary that the Commissioner of Education be given statutory authority to make rules thereby giving a legal base to the standards as developed; and

Whereas, the standards as established by the SPRE must be submitted for approval to the Secretary of the United States Department of Education before being placed into the rule-making process required by the Maine Administrative Procedure Act; and

Whereas, the start up of the SPRE and the development and integration of the standards as rules should occur before June 30, 1994, in order for the SPRE to be able to apply for federal fiscal year 1994 funds for program implementing activities; and

Whereas, failure to fulfill the requirements as specified for the SPRE could mean the loss of eligibility for certain federal student aid programs for some state postsecondary educational institutions; 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. 20-A MRSA §10005 is enacted to read:

§10005. State postsecondary review entity

1. Department as state postsecondary review entity. The department is designated as the state postsecondary review entity for the purpose of carrying out the program integrity triad of the Higher Education Act of 1965, 20 United States Code, Sections 1099a to 1099a-3, as amended.

2. Rule-making authority. The commissioner has rule-making authority to implement the program integrity triad of the Higher Education Act of 1965, 20 United States Code, Sections 1099a to 1099a-3, as amended, concerning the conduct of the activities of the state postsecondary review entity.

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

Effective March 9, 1994.

CHAPTER 494

S.P. 600 - L.D. 1698

An Act to Eliminate the Maine School Building Authority

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

Sec. 1. 5 MRSA §12004-F, sub-§7, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 2. 20-A MRSA §3305, sub-§4, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

4. Enlargement or extension of lot. The commissioner may extend or enlarge a schoolhouse lot ~~according to the procedure and conditions in section 15705, subsection 10 by purchase or otherwise, on the terms and conditions and in the manner the commissioner determines proper, or by the exercise of eminent domain or property rights.~~ Using eminent domain, the commissioner may not take more than 25 acres for one project. In using eminent domain, the commissioner is governed by Title 35-A, chapter 65. Land taken may not be within 50 feet of a dwelling.

Sec. 3. 20-A MRSA c. 607, as amended, is repealed.