

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

**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**  
**1995**

center or an applied technology region, other than the applicant's resident district is the responsibility of the home-schooled student, the student's parent or guardian or the student's resident school administrative unit, in accordance with local school unit policy. Participation may not be unreasonably withheld.

**3. Participation eligibility.** A tuitioned home-schooled student is subject to the rules relating to eligibility for participation in cocurricular or extracurricular activities as may apply at the receiving school unit.

**4. Interscholastic activities.** A tuitioned home-schooled student attending classes in more than one receiving school unit is not eligible for participation in interscholastic activities at any local school unit.

#### **§5024. Local school unit policy**

Each school administrative unit shall develop and adopt a policy consistent with this subchapter. Establishment and administration of the local school unit policy is subject to the following.

**1. Policy.** Local school unit policy must be submitted to and placed on file in the department by January 1, 1997.

**2. Implementation.** Locally approved policy is implemented and administered by the local school unit.

**3. Provision of information.** At the request of the student or the student's parent or guardian, public schools shall make available to home-schooled students, in a form determined by the school, information regarding access to public school resources and services, participation in public school activities and attendance at public schools. This information must include:

A. Requirements regarding initial health and developmental screening for motor skills, vision, hearing and immunization; and

B. Criteria for participation of home-schooled students in curricular, cocurricular and extracurricular activities.

**4. Appeals.** Appeals from administration and application of the local school unit policy are heard by the local school unit's school board, whose decision is final and binding.

#### **§5025. Compliance**

Appeals that question the local school unit's policy compliance with this subchapter must be made to the commissioner, whose decision is final and binding.

**Sec. 2. Construction; legislative intent; cooperation between the State and local school administrative units.** With respect to the provision for equivalent instruction under the Maine Revised Statutes, Title 20-A, section 5001-A, subsection 3, paragraph A, subparagraph (3), the Legislature recognizes that the term "equivalent" is intended to mean meeting state standards, for alternate or other instruction and is not intended to mean the same as the education delivered in the public school system. It is the intention of the Legislature that, to meet the State's obligation to educate its children, the State and local school administrative units shall cooperate in the home instruction of any child who resides in that school administrative unit to the degree that the level of cooperation does not interfere with the responsibilities to students enrolled in regular programs.

See title page for effective date.

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## **CHAPTER 611**

**S.P. 703 - L.D. 1792**

### **An Act Concerning the Number of Washington County Commissioners**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

#### **PART A**

**Sec. A-1. Special advisory referendum on the reapportionment of Washington County Commissioner Districts.** The municipal officers of Washington County shall, at the next general election in the month of November following the passage of this Act, hold a special advisory referendum to determine the sentiment of the people of Washington County on the reapportionment of Washington County into 5 County Commissioner Districts.

**Sec. A-2. Advisory referendum procedure; submission at general election.** This advisory referendum must be submitted to the legal voters of Washington County at the next general election in the month of November following passage of this Act. The municipal officers of Washington

County shall notify the inhabitants of their cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to give their opinion on this question by voting on the following:

"Do you favor the reapportionment of Washington County to increase the number of County Commissioner Districts from 3 Districts to 5 Districts?"

The legal voters of each city, town and plantation in Washington County shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings. The result of the vote must be declared by the municipal officers of Washington County and due certificate must be filed by the municipal officers with the Secretary of State.

### PART B

**Sec. B-1. 30-A MRSA §66, sub-§15**, as amended by PL 1995, c. 501, §1, is further amended to read:

**15. Creation of Washington County Commissioner Districts.** Washington County is divided into the following 3 districts.

A. Commissioner District Number 1 consists of the municipalities of Alexander, Baileyville, Baring Plantation, Calais, Charlotte, Codyville Plantation, Cooper, Crawford, Danforth, Grand Lake Stream Plantation, Meddybemps, Princeton, Robbinston, Talmadge, Topsfield, Waite and Vanceboro, Indian Township and the unorganized territory of North Washington. The term of office of the commissioner from this district expires in 1988 and every 4 years thereafter.

B. Commissioner District Number 2 consists of the municipalities of Beddington, Centerville, Cutler, Deblois, Dennysville, East Machias, Eastport, Lubec, Machiasport, Marshfield, Northfield, Pembroke, Perry, Wesley, Whiting and Whitneyville, Pleasant Point Passamaquoddy Indian Reservation and the unorganized territories of East Central Washington and North Washington. The term of office of the commissioner from this district expires in 1988 and every 4 years thereafter.

C. Commissioner District Number 3 consists of the municipalities of Addison, Beals, Cherryfield, Columbia, Columbia Falls, Harrington, Jonesboro, Jonesport, Machias, Milbridge, Roque Bluffs and Steuben. The term

of office of the commissioner from this district expires in 1990 and every 4 years thereafter.

~~In addition to the commissioners from the districts specified in paragraphs A, B and C, 2 commissioners must be elected at large. The terms of office of the at-large commissioners expire in 1998 and every 4 years thereafter.~~

See title page for effective date.

## CHAPTER 612

### H.P. 1320 - L.D. 1807

#### **An Act to Exclude Services Provided by Direct Sellers from the Definition of Employment for Purposes of Unemployment Compensation**

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

**Whereas**, unless immediate action is taken, an unnecessary burden will be imposed on suppliers of products to certain direct sellers; 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. 26 MRSA §1043, sub-§11, ¶F**, as amended by PL 1995, c. 204, §§1 and 2, is further amended by amending subparagraphs (36) and (37) to read:

(36) Service performed by a full-time student, as defined in subsection 30, in the employ of an organized camp if the full-time student performed services in the employ of the camp for less than 13 calendar weeks in the calendar year and the camp:

(a) Did not operate for more than 7 months in the calendar year and did not operate for more than 7 months in the preceding calendar year; or

(b) Had average gross receipts for any 6 months in the preceding calendar year that were not more than 33 1/3% of its average gross receipts