

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

The department shall confer with the joint standing committee of the Legislature having jurisdiction over natural resource matters before it proposes any revisions to the state implementation plan, required in the federal Clean Air Act, Section 110, 42 United States Code, Section 7410, that would require the State to implement new emissions reduction strategies or programs or substantially revise or terminate existing emissions reduction strategies or programs.

Sec. 2. Budget authorization. The Legislature's existing budgeted resources must be utilized for the per diem and reimbursement for travel and other necessary expenses if it is necessary for all members or a subcommittee of the Joint Standing Committee on Natural Resources to meet before the Second Regular Session of the 118th Legislature convenes.

See title page for effective date.

CHAPTER 532

H.P. 29 - L.D. 54

An Act to Encourage Art Education in the State

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

Sec. 1. 27 MRSA §410 is enacted to read:

§410. Arts outreach program

1. Program established. The Maine Arts Commission shall administer an arts education outreach program with the advice of the Commissioner of Education.

2. Program functions. The program may provide professional development opportunities in arts education to public school teachers, including classroom teachers and special education teachers, statewide.

3. Purpose. The purpose of the program is to increase the availability of arts education to all public school students.

4. Resources of department. The Department of Education shall provide information, promotion, technical support, resources and personnel as necessary to ensure the proper operation of the arts education outreach program.

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

1998-99

MAINE ARTS COMMISSION

Arts - Administration

All Other	\$75,000
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Provides funds to administer an arts education outreach program for teachers.

See title page for effective date.

CHAPTER 533

H.P. 39 - L.D. 64

An Act to Provide Reimbursement to Counties for Persons Jailed on Probation Revocations

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

Sec. 1. 34-A MRSA §1210, sub-§2, as amended by PL 1995, c. 665, Pt. MM, §2 and affected by §3, is further amended to read:

2. Reimbursement. Except as provided in subsection 6-A, the department shall, under this section, reimburse each county quarterly for each actual day served at that county correctional facility by:

A. Persons convicted of a Class A, Class B or Class C crime sentenced after March 31, 1987 to serve a term of imprisonment pursuant to Title 17-A, section 1203, subsection 1; or section 1252, subsection 1; and

B. Persons convicted of a Class A, Class B or Class C crime sentenced after December 31, 1988 to serve a term of imprisonment pursuant to Title 17-A, section 1203, subsection 1 or section 1252, subsection 1; and

C. Persons convicted of a Class A, B or C crime sentenced after September 1, 1997, to serve a term of imprisonment pursuant to Title 17-A, section 1206, if the defendant is sentenced to a county jail.

Reimbursement for periods after June 30, 1987 may not be authorized until the reimbursable costs for the operations of the jail are agreed upon by the commissioner and the county commissioners for that county. Reimbursable costs for the operations of the jail must, to the extent practicable, be mutually agreed upon prior to the actual expenditures of funds for those costs. Prior approval of all capital expenditures is

required for reimbursement of that expense item. If the commissioner and the county commissioners are unable to agree upon reimbursable costs, they shall jointly select an arbitrator to determine those costs. The arbitrator's decision is final and both the commissioner and the county commissioners are bound by that decision.

The obligation of the Department of Corrections to reimburse counties pursuant to this section may not exceed the actual amount appropriated during fiscal years 1993-94, 1994-95, 1995-96 and 1996-97.

Notwithstanding any other statutory provision, funds provided as reimbursement to counties for housing state prisoners must be used to reduce the assessment of each municipality within the county for their due proportion of any county tax payable during the municipal year for which municipal taxes are being raised. County commissioners shall deduct from the total amount required to be assessed for county purposes an amount equal to the amount that the county commissioners estimate will be received pursuant to this subsection.

See title page for effective date.

CHAPTER 534

H.P. 1125 - L.D. 1581

An Act to Improve the Child Development Services System and Encourage Collaboration in Early Childhood Programs with School Administrative Units

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

Sec. 1. 20-A MRSA §4253, as amended by PL 1989, c. 548, §6, is further amended to read:

§4253. Local early childhood programs

School administrative units wishing to develop early childhood programs shall submit plan proposals for approval to the department. The department shall encourage broad participation and participation with regional Child Development Services System sites in the grant program under section 4253-A and shall provide technical assistance to local school administrative units in submitting proposals. ~~The department shall monitor the implementation of the plans and evaluate their effectiveness before the excess costs may be included as allowable costs under section 4254, subsection 3. There shall be a grant maximum of \$50,000 under this section.~~

Sec. 2. 20-A MRSA §4253-A, as enacted by PL 1989, c. 548, §7, is repealed.

Sec. 3. 20-A MRSA §4254, as amended by PL 1989, c. 548, §8, is further amended to read:

§4254. Funding

1. Allowable costs. Allowable costs ~~shall be~~ are the ~~excess~~ cost of implementing approved plans; these costs may be added to the school unit's subsidizable costs under chapter 606.

~~**2. First and 2nd years.** Allowable costs in the first and 2nd years shall be funded through a grant made from funds appropriated for that purpose.~~

~~**3. Third and subsequent years.** For plans which have been evaluated as effective by the department, allowable costs may be added to the school units subsidized cost under chapter 606.~~

Sec. 4. 20-A MRSA §7724, sub-§1, as amended by PL 1993, c. 625, §2, is further amended to read:

1. Establishment. The Child Development Services System is established for the purpose of maintaining a coordinated service delivery system for the provision of childfind activities for children, from birth to under age 3 ~~6~~, early intervention services for eligible children, from birth to under age 3, and free, appropriate and public education services for eligible children, from age 3 to under age 6, who have a disability. The Child Development Services System consists of regional sites organized as intermediate educational units or as private nonprofit corporations, one state-level intermediate educational unit and the Interdepartmental Coordinating Council for Early Intervention advisory board. The Child Development Services System shall ensure application of the provisions of this chapter statewide through a contractual or grant relationship between the Department of Education and each regional site.

Sec. 5. 20-A MRSA §7725, sub-§3, as enacted by PL 1991, c. 843, §3 and amended by PL 1995, c. 560, Pt. K, §82 and affected by §83, is further amended to read:

3. Department. ~~"Departments"~~ "Department" means ~~2 or more of the participating state agencies, the Department of Education, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services.~~

Sec. 6. 20-A MRSA §7725, sub-§4, as amended by PL 1993, c. 625, §3, is further amended to read:

4. Disability. "Disability" means: