

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

2. Rate impacts. Near-term benefits to ratepayers will substantially exceed future adverse impacts estimated by the commission;

See title page for effective date.

CHAPTER 594

H.P. 1006 - L.D. 1398

An Act to Clarify the Law Regarding the Discipline of Exceptional Students

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

Sec. 1. 20-A MRSA §1001, sub-§9-B is enacted to read:

9-B. Disciplinary sanctions for exceptional students. They retain the authority to sanction an exceptional student as defined in section 7001, subsection 2 for misconduct that violates school rules. Notwithstanding the duties of school administrative units as described in section 7202, the school board may authorize the superintendent, principal or assistant principal to enforce this subsection by allowing the superintendent, principal or assistant principal to suspend an exceptional student up to a maximum of 10 days individually or cumulatively for infractions of school rules. When an exceptional student is suspended for 10 days or less for a violation of school rules, the school board is not required to provide a tutor, transportation or any other aspect of the student's special education program.

Sec. 2. Amend rules. The Department of Education shall amend the special education rules to remove any requirements that school administrative units must provide educational services to an exceptional student that has been expelled or suspended from school for 10 days or less for violating school rules.

See title page for effective date.

CHAPTER 595

H.P. 1445 - L.D. 2036

An Act to Amend the Act to Implement the Maine Indian Claims Settlement

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

Sec. 1. 30 MRSA §6209-B, sub-§1, ¶A, as enacted by PL 1995, c. 388, §6 and affected by §8, is amended to read:

A. Criminal offenses for which the maximum potential term of imprisonment does not exceed one year and the maximum potential fine does not exceed \$5,000 and that are committed on the Indian reservation of the Penobscot Nation by a member of any federally recognized Indian tribe, nation, band or other group, except when committed against another a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of another a person who is not a member of any federally recognized Indian tribe, nation, band or other group;

Sec. 2. Effective date; certification. This Act does not take effect unless, within 60 days of the adjournment of the Second Regular Session of the 118th Legislature, the Secretary of State receives written certification by the Tribal Chief and the Council of the Penobscot Nation that the nation has agreed to the provisions of this Act pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes; except that in no event may this Act become effective until 90 days after the adjournment of the Second Regular Session of the 118th Legislature.

See title page for effective date, unless otherwise indicated.

CHAPTER 596

S.P. 683 - L.D. 1908

An Act to Conform the Maine Tax Laws for 1997 with the United States Internal Revenue Code

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

Whereas, the 90-day period would delay the processing of the 1997 income tax returns; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the Maine Income Tax Law and certain other state taxes; 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 preserva-