

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

**13. Conditions.** The commission is authorized to impose conditions on a license if one or more of the criteria established in this section are not met at the time the license is issued and the licensee is able to comply with the conditions within a specified time period during the licensing year or if the conditions are requested both by the municipality as a condition of its approval and by the applicant.

**Sec. 6. 8 MRSA §285,** as enacted by PL 1997, c. 474, §5, is reallocated to 8 MRSA §285-A.

**Sec. 7. 8 MRSA §285, sub-§3,** as enacted by PL 1997, c. 528, §46 and affected by §47, is repealed and the following enacted in its place:

**3. Membership.** The board consists of 9 members and 2 alternates appointed by the commissioner. Full, voting board members must be appointed by the commissioner as follows:

A. Two persons representing commercial tracks; one representing and recommended by each of the 2 commercial harness racing tracks in the State;

B. One person recommended by an association in the State representing harness horsemen;

C. Two persons recommended by an association in the State representing Standardbred breeders and owners;

D. One person nominated by the Maine Association of Agricultural Fairs;

E. One person who represents the interests of off-track betting facilities; and

F. Two persons who are members of the general public with an interest in harness racing.

Alternates must be members of the general public with an interest in harness racing. An alternate may cast a vote as a member of the board upon the absence of a full, voting member.

Members serve 3-year terms.

**Sec. 8. 8 MRSA §285, sub-§12,** as enacted by PL 1997, c. 528, §46 and affected by §47, is repealed and the following enacted in its place:

**12. Report to Legislature.** The board shall provide a report to the joint standing committee of the Legislature having jurisdiction over matters of harness racing on or before the 15th of February each year. The report must contain:

A. A discussion of any areas of policy or administration that, in the opinion of the board,

should be brought to the attention of the committee;

B. A review of the operations of the board, including a summary of income and expenses of the Harness Racing Promotional Fund and improvement to the economic condition of the harness racing industry in the State; and

C. A discussion of the progress toward meeting the goals of subsection 6.

**Sec. 9. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

**1998-99**

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

**Harness Racing Commission**

All Other (\$129,600)

Deappropriates funds designated to hire certain race track officials. These funds are no longer needed.

See title page for effective date.

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**CHAPTER 736**

**H.P. 1449 - L.D. 2040**

**An Act to Amend the Law Relating to Special Education Out-of-district Placements**

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

**Sec. 1. 20-A MRSA §7302, sub-§3, ¶B,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. Private schools that have an exclusive contract with a school administrative unit for the provision of secondary education or that have a student enrollment with greater than 60% public tuition students are exempted from the provision of paragraph A and ~~shall~~ must be treated as public schools for the computation of special education tuition rates.

**Sec. 2. 20-A MRSA §15612, sub-§11,** as repealed and replaced by PL 1989, c. 878, Pt. D, §7, is amended to read:

**11. Special education tuition and costs for out-of-district placement adjustment.** A school administrative unit ~~which that~~ places a student in an out-of-district placement ~~shall, in a regional program established consistent with section 7253 or in a regional program recognized by the department prior to July 1, 1997~~ must receive an adjustment equal to the amount, if any, by which the tuition, treatment and room and board costs for an approved out-of-district special education placement in the year of allocation exceeds 3 times the secondary foundation per pupil operating rate for that year, or a prorated amount if the placement is less than a full year. State payments to school administrative units pursuant to this subsection ~~shall~~ must be made during the year of allocation. The funds for the adjustment ~~shall be~~ are limited to the amount appropriated by the Legislature for that purpose, and the department is authorized to prorate payments to units if the amount appropriated is insufficient to make full payments to all units.

See title page for effective date.

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**CHAPTER 737**

**S.P. 782 - L.D. 2109**

**An Act to Reduce Motor Vehicle Fatalities and Injuries among Young Drivers**

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

**Sec. 1. 29-A MRSA §1256, sub-§1,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Educational need.** A person seeking to qualify for a special restricted license based on educational need must file an application. If the applicant qualifies under paragraph A, after passing an examination for operation of a motor vehicle as provided in section 1301, a special restricted license must be issued to the applicant. ~~A person who is between the ages of 16 and 17 is not required to complete a driver education course to qualify for a restricted license based on educational need.~~

A. An application must include:

- (1) A signed notarized statement from the applicant and the applicant's parent or guardian that:
  - (a) No readily available alternative means of transportation exists; and
  - (b) Use of a motor vehicle is necessary for transportation to and from a

public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education or an applied technology center or region that the applicant is attending;

- (2) A verification of school attendance; and
- (3) A statement by the principal of the school of the lack of a readily available alternative means of transportation.

B. This license only authorizes the holder to operate a motor vehicle between the holder's residence and school.

**Sec. 2. 29-A MRSA §1304, sub-§1, ¶ A,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. A person who is 15 years of age or older ~~and has completed a course in driver education~~ may apply for an instruction permit, ~~except that a person who is 15 years of age or older and has not attained 18 years of age must complete a course in driver education before applying for an instruction permit.~~

**Sec. 3. 29-A MRSA §1304, sub-§1, ¶E,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

E. Unless the permittee is operating a motorcycle or motor-driven cycle, the permit requires the permittee to be accompanied by a licensed operator who:

- (1) ~~Has at least one year of driving experience~~ held a valid license for 2 consecutive years;
- (2) Is at least ~~18~~ 20 years of age; and
- (3) Is occupying a seat beside the driver.

**Sec. 4. 29-A MRSA §1304, sub-§1, ¶G,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 5. 29-A MRSA §1304, sub-§1, ¶H** is enacted to read:

H. A person under 21 years of age may not apply for a license unless:

- (1) A period of 3 months has passed from the date the person was issued an instruction permit; and