

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

Sec. 4. Initial rules. In the rules initially adopted pursuant to the Maine Revised Statutes, Title 12, section 6072-C, the Commissioner of Marine Resources shall include the following as approved aquaculture gear: floating upwelling systems, shellfish rafts, shellfish tray racks, floating trays, soft bags, semirigid bags, over-wintering cages, lantern nets, spat collectors, predator netting, fencing and brushing. The commissioner may amend the rules to exclude any of the initial approved gear if the commissioner determines the gear generates a discharge into the coastal waters.

Sec. 5. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

2000-01

**MARINE RESOURCES,
DEPARTMENT OF**

**Bureau of Resource
Management**

All Other	\$5,000
Allocates funds from the Aquaculture Research Fund for research and management related to the aquaculture industry.	

See title page for effective date.

CHAPTER 568

H.P. 1147 - L.D. 1644

**An Act to Clarify Laws Governing
Simulcasting**

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

Whereas, confusion now exists in the interpretation of statutes governing simulcasting; and

Whereas, it is imperative that ambiguity in the law be eliminated as quickly as possible; 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. 8 MRSA §275-N, as amended by PL 1997, c. 528, §33, is further amended to read:

§275-N. Limitations on off-track betting facilities

The commission may not allow interstate simulcasting or license any off-track betting facility for any calendar year unless during the preceding calendar year there ~~was~~ were at least 150 race dates on which live racing ~~was~~ actually was conducted at the commercial tracks. Interstate simulcasting ~~must~~ must always must be allowed at any commercial track that conducted at least 136 race dates during the immediately preceding calendar year or at an existing commercial track as defined in section 275-A, subsection 1, paragraph B at which at least 35 race dates were conducted during the immediately preceding year if the interstate simulcasting at the commercial track is conducted during the regular meeting. For the purposes of this section, any race date that the commission determines was canceled due to a natural or other disaster must be counted as a race date.

Sec. 2. 28-A MRSA §1065, sub-§4, as repealed and replaced by PL 1987, c. 342, §90, is amended to read:

4. Minors not allowed on premises. Minors are not permitted to remain on the premises except when:

A. The minor is accompanied by a parent, legal guardian or custodian as defined in Title 22, section 4002; ~~or~~

B. The licensee does not permit consumption of liquor on the premises for a specific period of time or event; or

C. Wagering on harness horse racing is being conducted in accordance with Title 8, chapter 11 and the minor is at least 18 years of age.

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

Effective March 21, 2000.

CHAPTER 569

S.P. 937 - L.D. 2387

**An Act to Amend the Qualifying
Examination for Initial Teacher
Certification**

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

Sec. 1. 20-A MRSA §13032, as enacted by PL 1983, c. 859, Pt. I, §§2 and 3, is amended to read:

§13032. Qualifying examination

The provisional teacher certificate ~~shall~~ may only be issued to those applicants who have taken the teacher qualifying ~~examinations~~ examination. The ~~examinations~~ examination may be administered in separate parts and may be taken by applicants for provisional teacher certificates at any time after completion of the sophomore year of attendance at a post-secondary higher education institution. The examination ~~shall~~ must test the applicant in the following ~~areas~~ area:

~~1. **Communication skills.**—Communication skills, which include listening, reading and writing;~~

~~2. **General knowledge.**—General knowledge, which includes concepts from a variety of disciplines, including literature and fine arts, mathematics, science and social studies; and~~

~~3. **Professional knowledge.**—Professional knowledge, which focuses on the knowledge and cognitive processes the teacher uses in decision-making, with emphasis on how those processes will be applied in the classroom.~~

4. **Basic skills.** Basic skills, which includes reading, writing and mathematics.

The applicant ~~shall be~~ is responsible for the costs associated with taking the teacher qualifying ~~examinations~~ examination.

Sec. 2. 20-A MRSA §13035, as enacted by PL 1983, c. 859, Pt. I, §§2 and 3, is repealed.

Sec. 3. 20-A MRSA §13035-A is enacted to read:

§13035-A. Qualifying scores

1. **Basic skills scores.** Beginning September 1, 2000, in order to be eligible for a provisional teacher certificate, an applicant must achieve the minimum qualifying scores on the teacher qualifying examination in basic skills pursuant to section 13032, subsection 4.

2. **Core battery scores.** Until September 1, 2004, notwithstanding subsection 1, an applicant that has taken and achieved minimum qualifying scores under former section 13035 on the communications skills and general knowledge sections of the core battery of a national teachers examination taken on or

after November 1, 1982 and before September 1, 2000 is eligible for a provisional teacher certificate.

Sec. 4. 20-A MRSA §§13037 and 13038 are enacted to read:

§13037. One-year, nonrenewable certificate

An individual who has failed to achieve the minimum qualifying scores of this State on qualifying examinations taken pursuant to section 13035 on or after July 1, 1988 may be issued on or after September 1, 2000 a one-year, nonrenewable certificate as long as other criteria as required by the State Board of Education have been met.

§13038. Rulemaking

The State Board of Education may adopt rules to implement sections 13031 to 13036. Rules adopted pursuant to these sections are routine technical rules in accordance with Title 5, chapter 375, subchapter II-A.

Sec. 5. Determination of minimum qualifying scores in basic skills. The minimum qualifying scores in basic skills must be determined by the State Board of Education and the Commissioner of Education by August 1, 2000. These minimum qualifying scores must be based on a study of the data compiled during the 1999 standard-setting meetings.

Sec. 6. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 20-A, section 13032, repeal section 13035 and enact sections 13035-A, 13037 and 13038 take effect September 1, 2000.

See title page for effective date, unless otherwise indicated.

CHAPTER 570

H.P. 1676 - L.D. 2342

An Act to Add Emergency Medical Services to the Municipal Fire Department Authority

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

Sec. 1. 30-A MRSA §3151, sub-§1, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Municipal fire department. "Municipal fire department" means an organized firefighting unit established under municipal charter, ordinance or bylaw to prevent and extinguish fires and, if autho-