

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

B. Solving particular problems that relate to the state's State's commercial, marine recreational and anadromous fishing industry; and

Effective August 4, 1988.

CHAPTER 600

H.P. 1540 — L.D. 2095

AN ACT to Clarify the Authority of Local Health Officers.

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

22 MRSA §454, last 2 paragraphs are repealed and the following enacted in their place:

The local health officer shall guard against the introduction of contagious and infectious diseases by the exercise of proper and vigilant medical inspection and control of all persons and things, which either come within the limits of the health officer's jurisdiction from infected places or which, for any cause, are likely to communicate contagion. The local health officer shall report promptly to the Commissioner of Human Services, or his designee, facts which relate to infectious and epidemic diseases occurring within the limits of the health officer's jurisdiction, and shall report to the commissioner, or his designee, every case of such infectious or contagious disease as the rules of the department require. Those diseases which the rules of the department may require to be reported shall be known, under the terms of this Title, as notifiable diseases. Those diseases which, under the rules of the department, may necessitate quarantine or isolation may be known as quarantinable diseases.

The local health officer shall receive and evaluate complaints made by any of the inhabitants concerning nuisances dangerous to life and health within the limits of the health officer's jurisdiction. With the consent of the owner, agent or occupant, the local health officer may enter upon or within any place or premises where nuisances or conditions dangerous to life and health are known or believed to exist, and personally, or by appointed agents, inspect and examine the same. If entry is refused, the municipal health officer shall apply for an inspection warrant from the District Court, pursuant to Title 4, section 179, prior to conducting the inspection. When the local health officer has reasonable cause to suspect the presence of a notifiable disease, he shall consult with the commissioner, or his designee. The health officer shall then order the suppression and removal of nuisances and conditions detrimental to life and health found to exist within the limits of the health officer's jurisdiction.

Effective August 4, 1988.

CHAPTER 601

S.P. 893 — L.D. 2305

AN ACT Concerning the Use of Flashing Lights on School Buses.

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

Sec. 1. 29 MRSA §2012, sub-§§3 and 4, as repealed and replaced by PL 1973, c. 780, §4, are amended to read:

3. Other passengers. School buses being operated on a public way and transporting passengers ~~other than provided in section 2011~~ who do not include school-age persons, as defined in section 2019, shall have the words "school bus" covered, removed or otherwise concealed and the school bus signal lamps shall not be operable.

4. Application. No vehicle ~~shall~~ may be operated on any public way displaying the words "school bus" or with any of the equipment provided for by this section unless it is being used for ~~transportation provided by section 2011~~ school-age persons, as defined in section 2019.

Sec. 2. 29 MRSA §2019 sub-§1, as amended by PL 1979, c. 670, §25, is further amended to read:

1. Receiving or discharging passengers. ~~All The operator of any school bus operators carrying school-age persons shall activate the system of flashing lights at least 100 feet before any stop is made to receive or discharge its passengers and these lights shall be continually continue to be displayed until after the bus has received or discharged its passengers.~~

Sec. 3. 29 MRSA §2019 sub-§2, as amended by PL 1979, c. 101, is further amended to read:

2. Stopping. The operator of a vehicle on a way or on school property, upon meeting or overtaking ~~a school bus from either direction a school bus which has stopped; with its red lights flashing, on the way to receive or discharge school children;~~ shall stop the vehicle before reaching the school bus, and the operator shall not proceed until the school bus resumes motion or until signaled by the school bus operator to proceed.

Sec. 4. 29 MRSA §2019, sub-§4, as repealed and replaced by PL 1977, c. 78, §168, is amended to read:

4. Use of flashing lights restricted. The operator of any A school bus operator shall not use the system of flashing lights on a school bus for any purpose other than controlling traffic in connection with the stopping of that bus for the purpose of receiving or discharging school children school-age persons.

Sec. 5. 29 MRSA §2019, sub-§6 is enacted to read:

6. Definition: school-age person. As used in this section, unless the context otherwise indicates, "school-age person" means all children up to the age of 18 years, as well as persons 18 years and older who are enrolled in a state-approved program of primary or secondary education, as defined in Title 20-A.

Effective August 4, 1988.

CHAPTER 602

S.P. 779 — L.D. 2036

AN ACT Concerning the Carrying of Concealed Firearms by Licensed Private Investigators.

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

Sec. 1. 25 MRSA §2001, sub-§5, as enacted by PL 1985, c. 478, §2, is repealed and the following enacted in its place:

5. Private investigators. Private investigators licensed under Title 32, chapter 89, while performing the duties of a private investigator.

Sec. 2. 32 MRSA §8105, sub-§7-A, ¶¶A and D, as enacted by PL 1985, c. 141, §2, are amended to read:

A. Has been employed for a minimum of one year as an investigative assistant possessing a valid license issued by the commissioner ~~and has passed a firearms examination prescribed by the commissioner;~~

D. ~~Has passed a firearms examination prescribed by the commissioner and possesses~~ Possesses a minimum of 6 years of preparation consisting of a combination of:

- (1) Work experience, including at least 2 years in a nonclerical occupation related to law or the criminal justice system; and
- (2) Educational experience, including at least:
 - (a) Sixty academic credits of post-secondary education acquired at an accredited junior college, college or university; or
 - (b) An associate degree in law enforcement, based on 2 years of post-secondary instruction, conferred by an established vocational-technical institute; and

Sec. 3. 32 MRSA §8120 is enacted to read:

§8120. Firearms proficiency

1. Requirement. A private investigator licensed under this chapter may carry a firearm while performing

the duties of a private investigator only after being issued a certificate of firearms proficiency under this section.

2. Certificate. The commissioner shall issue a certificate of firearms proficiency to any private investigator licensed under this chapter if the private investigator:

A. Passes the firearms examination prescribed by the commissioner; or

B. Meets the requirements established by the commissioner as equivalent to the firearms examination.

Effective August 4, 1988.

CHAPTER 603

H.P. 1469 — L.D. 1980

AN ACT to Clarify the Method of Computing Unusual Enrollment Adjustments.

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

20-A MRSA §15612, sub-§3, ¶A, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

A. A school administrative unit may qualify for an unusual enrollment adjustment when the increase in pupils between October 1st of the year of allocation of funds and October 1st of the year prior to the year of allocation of funds is 3% or more. The number of pupils in excess of a 3% increase shall be multiplied by the foundation per pupil operating rate as established in section 15603 to determine the allowable adjustment. The amount of the adjustment shall be the sum of the following:

- (1) The number of elementary pupils in excess of a 3% increase in the elementary enrollment times the elementary foundation per pupil operating rate; and
- (2) The number of secondary pupils in excess of a 3% increase in the secondary enrollment times the secondary foundation per pupil operating rate.

If the number of excess elementary pupils in subparagraph (1) is zero or if the number of excess secondary pupils in subparagraph (2) is zero, then the amount of the adjustment shall be the product of the number of elementary and secondary pupils in excess of 3% increase in the combined elementary and secondary enrollment times either the elementary foundation per pupil operating rate, if the number of excess elementary pupils in subparagraph (1) is greater than zero; or the secondary foundation per pupil operating rate, if the number of excess secondary pupils in subparagraph (2) is greater than zero.

Effective August 4, 1988.