

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

findings to the joint standing committee of the Legislature having jurisdiction over educational matters on or before January 1, 1995.

Sec. 2. 20-A MRSA §13017, as enacted by PL 1983, c. 845, §4, is repealed.

Sec. 3. 20-A MRSA §13017-A is enacted to read:

§13017-A. Professional certificate with experience

Notwithstanding any other requirements of this chapter, a teacher or educational specialist who holds a provisional certificate, has taught for fewer than 2 years in this State under a provisional certificate and who has taught for a minimum of 2 years in the same content area may be awarded a professional certificate if recommended by the administrative unit's support system and if otherwise determined eligible by the commissioner.

See title page for effective date.

CHAPTER 201

H.P. 184 - L.D. 236

An Act to Permit Children 5 Years of Age to Enter Grade One

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

Sec. 1. 20-A MRSA §5201, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is further amended to read:

2. Minimum ages. The following are minimum ages necessary for student enrollment in a school administrative unit.

~~A. A person who will be at least 6 years old on October 15th of the school year may enroll in grade one:~~

B. A person who will be at least 5 years old on October 15th of the school year may enroll in a one-year kindergarten if it is offered school.

C. A person who will be at least 4 years old on October 15th of the school year may enroll in a 2-year childhood education program prior to grade one if it is offered.

See title page for effective date.

CHAPTER 202

H.P. 468 - L.D. 605

An Act Concerning Termination of Tenancies at Will

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

Sec. 1. 14 MRSA §6002, first ¶, as amended by PL 1971, c. 544, §§46-A and 47, is further amended to read:

Tenancies at will must be terminated by either party by a minimum of 30 days' notice, except as provided in subsection 1, in writing for that purpose given to the other party, ~~and not otherwise, excepting but if the landlord or the landlord's agent has made at least 3 good faith efforts to serve the tenant, that service may be accomplished by both mailing the notice by first class mail to the tenant's last known address and by leaving the notice at the tenant's last and usual place of abode.~~ In cases where the tenant, if liable to pay rent, ~~shall is~~ not be in arrears at the expiration of the notice, ~~in which case the 30 days' notice shall must~~ be made to expire upon ~~a the date rent day, provided that either is due.~~ Either party may waive in writing said the 30 days' notice at the time said the notice is given, and at no other time prior to the giving of such the notice. Such The termination shall is not be affected by the receipt of ~~mon- eys money~~, whether previously owed or for current use and occupation, until the date a writ of possession is issued against the tenant during the period of actual occupancy after receipt of ~~said the~~ notice. When the tenancy is terminated, the tenant is liable to the process of forcible entry and detainer without further notice and without proof of any relation of landlord and tenant unless ~~he the tenant~~ has paid, after service of the notice, rent that accrued after the termination of the tenancy. These provisions apply to tenancies of buildings erected on land of another party. Termination of the tenancy ~~shall be is~~ deemed to occur at the expiration of the time fixed in the notice.

See title page for effective date.

CHAPTER 203

H.P. 417 - L.D. 536

An Act to Promote Competition in Motor Vehicle Glass Replacement and Repair

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

Sec. 1. 24-A MRSA §2164-C, as reallocated by PL 1979, c. 663, §143, is amended to read:

§2164-C. Free competition

~~No~~ An insurer, domestic or foreign, or its agent or employee, ~~shall~~ may not require, directly or indirectly, that appraisals or repairs to motor vehicle glass ~~should~~ or should not be made or not be made in a specified place of business.

A domestic or foreign insurer or its agent or employee may not contract with any person to act as its agent for purposes of managing, handling or arranging repair or replacement of motor vehicle glass when that person is compensated by payment of a portion of the difference between the list price of the product or services provided and the amount paid to the person providing repair and replacement service.

See title page for effective date.

CHAPTER 204**H.P. 179 - L.D. 231****An Act to Establish Uniform Procedures and Standards for Administrative Consent Agreements**

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

Whereas, the process of exploring and resolving violations of environmental laws is critical to the well-being of the State; and

Whereas, this legislation clarifies and improves that process; 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. 38 MRSA §347-A, sub-§1, as amended by PL 1989, c. 890, Pt. A, §31 and affected by §40, is repealed and the following enacted in its place:

1. General procedures. This subsection sets forth procedures for enforcement actions.

A. Whenever it appears to the commissioner, after investigation, that there is or has been a violation of this Title, of rules adopted under this Title or of the terms or conditions of a license, permit or order issued by the board or the commissioner,

the commissioner may initiate an enforcement action by taking one or more of the following steps:

(1) Resolving the violation through an administrative consent agreement pursuant to subsection 4, signed by the violator and approved by the board and the Attorney General;

(2) Referring the violation to the Attorney General for civil or criminal prosecution;

(3) Scheduling and holding an enforcement hearing on the alleged violation pursuant to subsection 2; or

(4) With the prior approval of the Attorney General, initiating a civil action pursuant to section 342, subsection 7.

B. Before initiating a civil enforcement action pursuant to paragraph A, the commissioner shall issue a notice of violation to the person or persons the commissioner considers likely to be responsible for the alleged violation or violations. The notice of violation must describe the alleged violation or violations, to the extent then known by the commissioner; cite the applicable law, rule and term or condition of the license, permit or order alleged to have been violated; and provide time periods for the alleged violator to take necessary corrective action and to respond to the notice. For violations the commissioner finds to be minor, the notice may state that further enforcement action will not be pursued if compliance is achieved within the time period specified in the notice or under other appropriate circumstances. The commissioner is not required to issue a notice of violation before issuing an emergency order pursuant to subsection 3 or other applicable provision of this Title; nor is the commissioner required to issue a notice of violation before referring an alleged violation to the Attorney General for criminal prosecution or in a matter requiring immediate enforcement action.

Sec. 2. 38 MRSA §347-A, sub-§4, as enacted by PL 1989, c. 890, Pt. A, §32 and affected by §40, is repealed and the following enacted in its place:

4. Administrative consent agreements. Following issuance of a notice of violation pursuant to subsection 1 and after receipt of the alleged violator's response to that notice or expiration of the time period specified in the notice for a response, in situations determined by the commissioner appropriate for further enforcement action, the commissioner may send a proposed administrative consent agreement to the alleged violator or violators.