

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

A. More than ~~48~~ 50 hours in any week when school is not in session;

B. More than 20 hours in any week when school is in session, ~~except that the minor may work up to 8 hours on each day that an authorized school closure occurs up to a total of 28 hours in that week. If requested, a school must provide verification of its closings to the minor's employer or the Department of Labor;~~

C. More than ~~8~~ 10 hours in any day when school is not in session;

D. More than 4 hours in any day when school is in session, except that the minor may work up to 8 hours on the last scheduled day of the school week;

E. More than 6 consecutive days; ~~or~~

F. ~~Between the hours of After 10 p.m. and 7 a.m. on a day preceding a school day or between the hours of after 12 a.m. and 7 a.m. midnight on a day that does not precede a school day; or~~

G. ~~Before 7 a.m. on a school day or before 5 a.m. on a day that is not a school day.~~

Sec. 4. 26 MRSA §774, sub-§2, ¶F, as enacted by PL 1991, c. 544, §5, is amended to read:

F. ~~Between the hours of 7 p.m. and 7 a.m. in any day when school is in session or except during summer vacation, when that minor may not work between the hours of 9 p.m. and 7 a.m. during summer school vacation.~~

Sec. 5. 26 MRSA §774, sub-§4, as amended by PL 1991, c. 713, §3, is further amended to read:

4. Exemptions. Work performed in the planting, cultivating or harvesting of field crops or other agricultural employment, including the initial processing of farm crops, not in direct contact with hazardous machinery or hazardous substances, work performed as an employed or in-training theatrical actor or film actor or work performed as a summer camp employee in a children's camp is exempt from this section, provided a minor under 16 years of age has been excused by the local superintendent of schools in accordance with the policy established by the Commissioner of Education and the Director of the Bureau of Labor Standards. Work performed in the taking or catching of lobsters, fish or other marine organisms by any methods or means, or in the operating of ferries or excursion boats, is exempt from subsection 1, paragraphs A and C.

Sec. 6. 26 MRSA §785 is enacted to read:

§785. Rulemaking

The Director of the Bureau of Labor Standards may adopt rules pursuant to Title 5, chapter 375, subchapter II that are consistent with this subchapter and considered appropriate or necessary for the proper administration and enforcement of this subchapter.

Sec. 7. Posting of notice. Notwithstanding the Maine Revised Statutes, Title 26, section 701, the Bureau of Labor Standards is not required to modify and redistribute the printed notice required by that section to reflect the changes in the laws resulting from this Act. The Bureau of Labor Standards shall modify the printed notice to reflect the changes contained in this Act when it becomes necessary, due to an insufficient supply of notices or future changes in the law, to print additional notices.

Sec. 8. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 26, section 664 takes effect on September 1, 1993.

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

Effective July 13, 1993, unless otherwise indicated.

CHAPTER 435

S.P. 405 - L.D. 1263

An Act to Amend and Improve the Laws Related to Education

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §1253, sub-§2, ¶A, as amended by PL 1983, c. 422, §2, is further amended to read:

A. Under ~~Methods~~ Method A and B:

(1) Within 60 days, but no earlier than 45 days after notification by the board of directors of the approval or reapportionment plan, the municipal officers shall call a special election to elect directors to serve under the plan for the school administrative district;

(2) Nomination papers ~~shall~~ must be furnished by the secretary of the district at least 10 days before the deadline for filing of nomination papers. Notwithstanding any other section of this Title, directors ~~shall~~ must be nominated by obtaining a minimum of 25 and a maximum of 50 signatures of registered voters residing within the subdistrict. The secretary shall notify the municipal officers of the names of candidates in each subdistrict;

(3) The ballots ~~shall~~ must be prepared in accordance with subparagraph (7);

(4) The clerks of each municipality shall forward to the secretary the results of the vote by subdistrict;

(5) The board of directors shall meet and total the votes cast for each candidate within each subdistrict and shall immediately notify the clerks in each municipality, the candidates and the commissioner of the results of the vote;

(6) The terms of the directors elected under the original municipal representation system ~~shall~~ cease on the date that the newly elected directors are sworn into office; and

(7) Notwithstanding any other provision of statute, directors ~~shall~~ must be elected by secret ballot. The ballots ~~shall~~ must be prepared for and distributed to the municipalities or subdistricts by the secretary of the district.

Sec. 2. 20-A MRSA §1253, sub-§2, ¶A-1 is enacted to read:

A-1. Under Method B:

(1) Reductions in the number of directors must take place in accordance with section 1255, subsection 1, paragraph B;

(2) Additional directors must be added in accordance with section 1255, subsection 1, paragraph C; and

(3) The term of office of additional directors must be determined in accordance with section 1251, subsection 3.

Sec. 3. 20-A MRSA §1255, sub-§10, ¶D, as amended by PL 1983, c. 485, §10, is repealed.

Sec. 4. 20-A MRSA §4504, sub-§2, as amended by PL 1991, c. 622, Pt. X, §4, is further amended to read:

2. Comprehensive reviews. The commissioner shall, on a one-year to 5-year cycle, make a comprehensive review of each public school to determine whether the school is in compliance with basic school approval standards. These reviews must, insofar as is practicable, be coordinated with reviews of other schools in the school unit, accreditation visits, special education reviews, federal program reviews and other required reviews or inspections, so as to reduce administrative burdens on school personnel. ~~The provisions of this subchapter do not apply to the school years beginning in the fall of 1991, 1992, 1993, 1994 and 1995. During the school years beginning in the fall of 1991, 1992, 1993, 1994 and 1995, the comprehensive reviews required by this subsection may include site visits.~~

Sec. 5. 20-A MRSA §13013, sub-§2-A, ¶¶A and B, as enacted by PL 1991, c. 682, §4, are amended to read:

A. Holds a provisional teacher certificate and has taught in a classroom for 2 academic years or has held a professional teacher certificate that has lapsed within the last 5 years ~~and has taught in a classroom for 2 academic years~~. In this case an applicant must receive a recommendation to the commissioner by an approved support system pursuant to section 13015; or

B. Is a teacher with 2 5 or more years of experience teaching within the 7 years prior to application in the State under a valid certificate in another state and who has graduated from a state-approved preparation program approved by that utilizes the standards of a national association of state directors of teacher education and certification or a national council for accreditation of teacher education or, with the exception of the national teachers exam, meets entry-level standards for the endorsement.

Sec. 6. 20-A MRSA §15617, sub-§1, ¶¶A and B, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are amended to read:

A. Its foundation allocation, its debt service allocation, if any, any additional expenditures authorized by statute; ~~and~~

B. A summary of anticipated revenues and estimated school expenditures for the fiscal year; ~~and~~

Sec. 7. 20-A MRSA §15617, sub-§1, ¶C is enacted to read:

C. The following statement, including the estimated dollar amount of state retirement payments: "This budget does not include the estimated amount of \$..... in employer share of teacher retirement costs that is paid directly by the State."

Sec. 8. 27 MRSA §455, as amended by PL 1989, c. 912, §5, is further amended to read:

§455. Determination of amount for acquisition of art

The commission, in consultation with the Bureau of ~~Public Improvements~~ General Services, the ~~Bureau of School Management~~ Department of Education, the Office of Facilities within the University of Maine System or the Maine Technical College System, whichever has budgetary authority over the project, shall determine the minimum amount to be made available for the purchase of art for each public building or facility.

Sec. 9. 27 MRSA §457, sub-§2, as repealed and replaced by PL 1989, c. 912, §6, is amended to read:

2. Procedures for participation of architect. Advise the Bureau of ~~Public Improvements~~ General Services, the ~~Bureau of School Management~~ Department of Education, the Office of Facilities within the University of Maine System and the Maine Technical College System concerning procedures for participation and compensation of the architect in connection with the acquisition of works of art under this chapter;

Sec. 10. 30-A MRSA §7206, sub-§1, ¶A, as amended by PL 1989, c. 700, Pt. A, §131, is further amended to read:

A. The ~~associate commissioner for the Bureau of School Management~~ Commissioner of Education or the associate commissioner's designee ~~within the Department of Education~~;

Sec. 11. 32 MRSA §2202-B, sub-§1, as enacted by PL 1991, c. 591, Pt. III, §24, is amended to read:

1. Fees authorized. The Commissioner of Education may assess fees for certification of nursing assistants ~~and~~ for the competency testing of nursing assistants and for validation of test results to determine eligibility for certification and charge fees for certificates issued and duplicated for out-of-state vocational reciprocity, renewal of certificates and replacement of certificates.

Sec. 12. 32 MRSA §2202-B, sub-§2, ¶¶A, E and F, as enacted by PL 1991, c. 591, Pt. III, §24, are amended to read:

A. For competency testing, \$15 ~~20~~;

E. For converted certificate, \$5; ~~and~~

F. For renewal certificate, \$5; ~~and~~

Sec. 13. 32 MRSA §2202-B, sub-§2, ¶G is enacted to read:

G. For validation of test results, \$5.

Sec. 14. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 20-A, section 4504, subsection 2 applies retroactively to December 23, 1991.

See title page for effective date.

CHAPTER 436

H.P. 51 - L.D. 67

An Act to Amend the Public Works Contractors' Surety Bond Law of 1971

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

Sec. 1. 14 MRSA §871, sub-§3, as amended by PL 1989, c. 483, Pt. A, §31, is further amended to read:

3. Surety bonds. Except as provided in Title 5, section 1745, before any contract; exceeding ~~\$50,000~~ \$100,000 in amount; for the construction, alteration or repair of any public building or other public improvement or public work, including highways, is awarded to any person by the State or by any political subdivision or quasi-municipal corporation, or by any public authority, ~~such that that person shall must~~ such that person shall must furnish to the State or to ~~such the~~ other contracting body, as the case may be, the following surety bonds:

A. A performance bond in an amount equal to the full contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions thereof. Such bond ~~shall be~~ is solely for the protection of the State or the contracting body awarding the contract, as the case may be; and

B. A payment bond in an amount equal to the full amount of the contract solely for the protection of claimants supplying labor or materials to the contractor or ~~his the contractor's~~ his the contractor's subcontractor in the prosecution of the work provided for in ~~such the~~ such the contract. The term "materials" ~~shall include~~ includes rental of equipment.

When required by the contracting authority, the contractor shall furnish bid security in an amount which the contracting authority considers sufficient to guarantee that if the work is awarded the contractor will contract with the contracting agency.

The bid security may be in the form of United States postal money order, official bank checks, cashiers' checks, certificates of deposit, certified checks, money in escrow, bonds from parties other than bonding companies subject to an adequate financial standing documented by a