

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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
1995

B. Staffing, including student-teacher ratios, except that the approval rules in effect for the school years beginning in the fall of 1991, 1992, 1993, 1994 ~~and~~, 1995, 1996 and 1997 must permit maximum student-teacher ratios of 25:1 school-wide for kindergarten to grade 8 and maximum student-teacher ratios of 30:1 school-wide for grades 9 to 12;

Sec. 2. 20-A MRSA §4502, sub-§5, ¶H, as amended by PL 1991, c. 9, Pt. II, §2, is further amended to read:

H. Student personnel services, including guidance and counseling and, notwithstanding any rules adopted by the department, comprehensive guidance plans to be approved by the commissioner for implementation in the ~~1995-96~~ 2000-01 school year;

Sec. 3. 20-A MRSA §4502, sub-§5-A, as enacted by PL 1991, c. 622, Pt. X, §3, is amended to read:

5-A. Application. The provisions of subsection 5, paragraph H do not apply to the school years beginning in the fall of 1991, 1992, 1993, 1994 ~~and~~, 1995, 1996 and 1997.

Sec. 4. 20-A MRSA §4504, sub-§2, as amended by PL 1993, c. 435, §4 and affected by §14, 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. During the school years beginning in the fall of 1991, 1992, 1993, 1994 ~~and~~, 1995, 1996 and 1997, the comprehensive reviews required by this subsection may include site visits.

Sec. 5. 20-A MRSA §4517, as enacted by PL 1991, c. 622, Pt. X, §5, is amended to read:

§4517. Waiver of requirements

The provisions of this subchapter do not apply to the school years beginning in the fall of 1991, 1992, 1993, 1994 ~~and~~, 1995, 1996 and 1997.

Sec. 6. 20-A MRSA §8104, sub-§1, as amended by PL 1991, c. 622, Pt. X, §6, is further amended to read:

1. Establishment. Each school administrative unit must, commencing with the 1987-88 school year, establish a plan for phasing in gifted and talented educational programs by ~~1995-96~~ 1998-99. ~~No~~ A school administrative unit or part of a school administrative unit is not required to comply with the provisions of its plan during the school years beginning in the fall of 1991, 1992, 1993, 1994 ~~and~~, 1995, 1996 and 1997.

See title page for effective date.

CHAPTER 528

H.P. 1233 - L.D. 1693

An Act to Enhance Fireworks Safety

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

Sec. 1. 8 MRSA §222, as enacted by PL 1985, c. 23, §2, is amended to read:

§222. Possession of fireworks

~~No~~ A person may not possess or have under ~~his~~ that person's control fireworks, except if that person is issued a permit pursuant to section 227.

Sec. 2. 8 MRSA §229, sub-§1, as enacted by PL 1985, c. 23, §2, is amended to read:

1. Criminal penalties. ~~Any~~ A person who violates section 222, ~~where~~ if the value of the fireworks possessed exceeds \$100, or section 224 or 225 ~~is guilty of~~ commits a Class E crime. A person who violates section 227 by failing to obtain a permit for display commits a Class D crime. Any person who violates section 227 by conducting the display in violation of the permit commits a Class E crime.

See title page for effective date.

CHAPTER 529

H.P. 1247 - L.D. 1709

An Act to Describe Property Posting under the Criminal Trespass and Trespass by Motor Vehicle Laws

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

Sec. 1. 17-A MRSA §402, sub-§1, ¶C, as amended by PL 1989, c. 793, is further amended to read:

C. Enters any place from which that person may lawfully be excluded and that is posted in a ~~manner prescribed by law~~ accordance with subsection 4 or in a manner reasonably likely to come to the attention of intruders or that is fenced or otherwise enclosed in a manner designed to exclude intruders;

Sec. 2. 17-A MRSA §402, sub-§4 is enacted to read:

4. For the purposes of subsection 1, paragraph C, property is posted if it is marked with signs or paint in compliance with this subsection. Any posted sign or paint marking actually seen by an intruder is presumed to be posted in a manner reasonably likely to come to the attention of intruders.

A. Signs must indicate that access is prohibited, that access is prohibited without permission of the landowner or the landowner's agent, or that access for a particular purpose is prohibited.

B. Paint markings mean that access is prohibited without permission of the landowner or the landowner's agent. Paint markings must consist of 2 painted horizontal lines per tree, post or other object.

(1) Each line must be a minimum of 2 inches high and at least as long as the width of the object, but need not be more than 8 inches long.

(2) Lines must be painted on the side of the tree, post or other object that is visible to a person approaching the restricted property and must be painted within an area 3 feet to 6 feet above ground level.

(3) The paint must be silver or aluminum colored.

C. Signs or paint must mark the property at intervals no greater than 100 feet and at all vehicular access entries from a public road.

D. Signs or paint markings are required only on the portion of the property where access is prohibited or limited. Signs or paint posted in accordance with this section have no effect on boundaries of property and do not constitute claims of possession or adverse use in accordance with state law.

E. A person commits criminal mischief and is subject to prosecution under section 806 if that person, without permission of the owner or owner's agent:

(1) Knowingly posts the property of another with a sign or paint mark indicating

that access is prohibited, that access is prohibited without permission or that access for a particular purpose is prohibited; or

(2) Removes, mutilates, defaces or destroys a sign or paint mark placed for purposes of this section.

Nothing in this subsection limits any manner of posting reasonably likely to come to the attention of intruders.

Sec. 3. 17-A MRSA §404, sub-§1, as enacted by PL 1975, c. 499, §1, is amended to read:

1. A person is guilty of trespass by motor vehicle if, knowing that ~~he~~ that person has no right to do so, ~~he~~ that person intentionally or knowingly permits a motor vehicle belonging to ~~him~~ that person or subject to ~~his~~ that person's control to enter or remain in or on:

- A. The residential property of another; ~~or~~
- B. The nonresidential property of another for a continuous period in excess of 24 hours; ~~or~~
- C. The nonresidential property of another that is:

(1) Posted in accordance with section 402, subsection 4;

(2) Posted to prohibit access by motor vehicles; or

(3) Posted in a manner reasonably likely to come to the attention of intruders.

For purposes of this paragraph, property is posted to prohibit access by motor vehicles if the property owner or the owner's agent has posted the property boundaries at points where they are crossed by roads or trails with signs indicating that motor vehicle access is prohibited or with paint markings that comply with section 402, subsection 4, paragraph B.

See title page for effective date.

CHAPTER 530

S.P. 655 - L.D. 1715

An Act to Create a Scallop Diving Tender License

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

Sec. 1. 12 MRSA §6535, sub-§§1 and 2, as enacted by PL 1995, c. 392, §2, are amended to read: