

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

mission from the commissioner to use that vessel to fish for or take lobsters;

C. Documents to the commissioner by December 31, 2000 that that person fished for or took lobsters during the qualifying period in each of calendar years 1995, 1996 and 1997 from the same vessel and that vessel did not have on board an individual who meets the criteria of subsection 2, paragraph A or B. A person may not qualify for the exemption under this paragraph unless that person continues to fish for or take lobsters from the vessel from which the person harvested lobsters during the qualifying period in each of calendar years 1995, 1996 and 1997, or from a replacement vessel; or

D. An individual, partnership, corporation or other entity documents to the commissioner by December 31, 2000 that that individual or partnership, corporation or other entity rented, leased or otherwise made available that vessel to the holder of a Class I, Class II or Class III lobster and crab fishing license during the qualifying period in each of calendar years 1995, 1996 and 1997 for the purpose of fishing for or taking lobsters. A person authorized under this paragraph may fish for or take lobsters only from the vessel that was made available during the qualifying period in each of calendar years 1995, 1996 and 1997, or a replacement vessel.

4. Rules. The commissioner may adopt rules to implement and administer this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 2. Report. By January 1, 1999, the Commissioner of Marine Resources shall submit to the joint standing committee of the Legislature having jurisdiction over marine resources matters a report and recommendations on funding through dedicated revenues the registration of marine resources license holders and other persons pursuant to laws that restrict participation in a fishery conducted in the coastal waters of the State. The commissioner shall examine existing sources of dedicated revenues derived under the Maine Revised Statutes, Title 12, Part 9 and the appropriateness of utilizing those revenues to fund registering license holders and other persons. The joint standing committee of the Legislature having jurisdiction over marine resources matters may report out legislation during the First Regular Session of the 119th Legislature regarding the use of dedicated revenues by the Department of Marine Resources to fund the registration of marine resources license holders and other persons pursuant to laws that limit participation in a fishery conducted in the coastal waters of the State.

Sec. 3. Contingent effective date. Section 1 of this Act is effective only if the State Budget Officer certifies by August 1, 1999 that dedicated revenues have been allocated to the Department of Marine Resources to fund the department's costs of registering license holders under the Maine Revised Statutes, Title 12, Part 9 and other persons pursuant to laws that limit participation in fisheries conducted in the coastal waters of the State.

See title page for effective date, unless otherwise indicated.

CHAPTER 694

H.P. 200 - L.D. 253

An Act Concerning Entry to Investigate Private Property for the Purpose of Forestry Examinations

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

Sec. 1. 12 MRSA §8869, sub-§11, as enacted by PL 1989, c. 555, §10, is amended to read:

11. Right of entry. Agents of the bureau ~~shall~~ have rights of access to all lands within the State to carry out the duties they are authorized by law to administer and enforce. ~~Entry into private property under this subsection is not a trespass.~~ This subsection does not authorize entry into any building or structure.

See title page for effective date.

CHAPTER 695

S.P. 407 - L.D. 1302

An Act to Amend the Temporary Assistance for Needy Families Program

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

Sec. 1. 22 MRSA §3762, sub-§15 is enacted to read:

15. Conditions of continued assistance. The following provisions apply to families that have received assistance for more than 60 months.

A. A family in which an adult has received benefits for 60 months may continue to receive TANF assistance as long as the adult members of the family comply in all respects with TANF program rules, except that the department may

not consider the need of an adult for whom 3 or more sanctions have been imposed under TANF while that person was an adult or minor parent until the adult has served a penalty period equal to the length of the last penalty period imposed. A penalty period under this paragraph may not be imposed on a family that has experienced domestic violence, as defined in PROWRA, Section 408(a)(7)(C)(iii), that has a member with an illness or incapacity, or when the department determines that good cause exists, in accordance with rules adopted by the department.

An adult subject to a penalty period under this subsection must comply with all TANF requirements during the penalty period including participation in ASPIRE-TANF unless exempt or subject to the good cause provisions of section 3785.

B. If an adult in a family receiving assistance 60 months or longer fails to comply with TANF program rules without good cause, as used in chapters 1053-B and 1054-A and department rule, sanctions may be imposed in accordance with rules uniformly applicable to all families receiving TANF benefits.

C. At the time a family applies for TANF benefits and at least annually thereafter, the department shall notify the applicant or recipient of the requirements for receiving benefits beyond 60 months.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 696

H.P. 1665 - L.D. 2289

An Act to Make Certain Changes in the Educational Law

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

Sec. 1. 20-A MRSA §4502, sub-§5, ¶B, as amended by PL 1995, c. 527, §1, is further amended to read:

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, 1995, 1996~~ 1998 and ~~1997~~ 1999 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-A, as amended by PL 1995, c. 527, §3, is further 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, 1995, 1996~~ 1998 and ~~1997~~ 1999.

Sec. 3. 20-A MRSA §4504, sub-§2, as amended by PL 1995, c. 527, §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. During the school years beginning in the fall of ~~1991, 1992, 1993, 1994, 1995, 1996~~ 1998 and ~~1997~~ 1999, the comprehensive reviews required by this subsection may include site visits.

Sec. 4. 20-A MRSA §4517, as amended by PL 1995, c. 527, §5, is further 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, 1995, 1996~~ 1998 and ~~1997~~ 1999.

Sec. 5. 20-A MRSA §8104, sub-§1, as amended by PL 1995, c. 527, §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 1998-99~~. 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, 1995, 1996~~ 1998 and ~~1997~~ 1999.

Sec. 6. P&SL 1991, c. 26, §4, last sentence, as enacted by P&SL 1995, c. 35, §1, is amended to read: