

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

satellites or applied technology regions, under chapter 313, may charge a tuition rate not to exceed 2/3 ~~of~~ of the maximum tuition rate as computed under sections 5805 or 5806.

**Sec. 5. 20-A MRSA §6209, first ¶,** as enacted by PL 1995, c. 649, §1, is amended to read:

The department in consultation with the state board shall establish and implement a comprehensive, statewide system of learning results, referred to in this section as the "system," no later than the 2002-03 school year. The system, based broadly upon guiding principles set forth in this section, must establish high academic standards at all grade levels in the areas of math; English; science and technology; social studies, including history, economics and civics; career preparation; visual and performing arts; health and physical education; and foreign languages. Only students in a public school or a private school approved by the State pursuant to section ~~2902~~ 2901 and approved for the receipt of public funds by private secondary schools pursuant to section 2951 are required to participate in the system of learning results. The commissioner shall develop accommodation provisions for instances where course content conflicts with sincerely held religious beliefs and practices of a student's parent or guardian. The system ~~shall~~ must be adopted to accommodate exceptional students as defined in section 7001, subsection 2.

**Sec. 6. 20-A MRSA §13013, sub-§2-A, ¶B,** as amended by PL 1997, c. 266, §17, is further amended to read:

B. Is a teacher with 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 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 a national board certificate issued by the National Board for Professional Teaching Standards, or its successor organization, or, with the exception of the national teachers exam, meets entry-level standards for the endorsement;

See title page for effective date.

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## CHAPTER 76

H.P. 514 - L.D. 721

### An Act to Amend the Radon Registration Act

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

**Sec. 1. 22 MRSA §772, sub-§2, ¶C,** as enacted by PL 1989, c. 657, §1, is amended to read:

C. Has been determined to be acceptable by the United States Environmental Protection Agency under the Radon Measurement Proficiency Program conducted under 15 United States Code, Section 2661, ~~et. seq~~ or other means of proving proficiency as determined by the department.

**Sec. 2. 22 MRSA §772, sub-§4,** as enacted by PL 1989, c. 657, §1, is amended to read:

**4. Listed facility.** "Listed facility" means a radon testing facility that is designated as ~~a primary company by the Radon Measurement Proficiency Program of the United States Environmental Protection Agency under 15 United States Code, Section 2661, et. seq~~ providing radon analysis services and that has proven its proficiency to the department.

See title page for effective date.

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## CHAPTER 77

H.P. 802 - L.D. 1125

### An Act to Modify the State's Safe Drinking Water Laws

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

**Sec. 1. 22 MRSA §2615-A** is enacted to read:

#### §2615-A. Consumer confidence reports

**1. Annual reports to customers.** The commissioner shall require each community water system, as defined in section 2660-B, subsection 2, to prepare and provide to each customer of the system at least once annually a consumer confidence report, which must include, but is not limited to, the source of drinking water and potential contamination sources, the level of detected regulated contaminants and detected unregulated contaminants for which monitoring is required by the primacy agency, the health risks associated with detected contaminants, the status and notice of public input in the renewal of variances or exemptions, the nature of applicable compliance violations, including remedial action, and access to additional information from the community water system and the United States Environmental Protection Agency's safe drinking water hotline.

**2. Reports to State.** Each community water system shall mail to the department a copy of the consumer confidence report and a signed certification that the report is accurate and was delivered to each customer of the system.

**3. Delivery to customers.** Each community water system shall mail a copy of the consumer confidence report to each customer of the system. The Governor may waive the mailing requirement for community water systems serving fewer than 10,000 persons and require those systems to publish the consumer confidence report in a newspaper of general circulation to inform customers that the report will not be mailed and to make the report available upon request. If the Governor waives the mailing requirement for systems serving fewer than 10,000 persons, community water systems serving 500 or fewer persons have the option of posting the consumer confidence report in an appropriate public location.

Each community water system serving 100,000 or more persons shall also post its current year's report to a publicly accessible site on the Internet.

**4. Rulemaking.** The commissioner shall adopt rules establishing the requirements with respect to the form, content and delivery of consumer confidence reports under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**Sec. 2. 30-A MRSA §5953-B, sub-§2, ¶A,** as amended by PL 1997, c. 555, §3, is further amended to read:

A. The bank may make loans from the fund to a public water system for one or more of the purposes set forth in subsection 1. Each of the loans is subject to the following conditions.

(1) The total amount of loans outstanding at any one time from the fund may not exceed the balance of the fund, provided that the proceeds of bonds or notes of the bank deposited in the fund, revenues from other sources deposited in the fund and binding financial commitments of the United States to deposit money in the fund are included in determining the fund balance.

(2) The loan must be evidenced by a municipal bond or other debt instrument in a form acceptable to the bank, payable by the public water system over a term not to exceed 20 years from completion of construction of the project, or 30 years from completion of construction of the project in the case of a public water system that the bank and the Department of Human Services have determined serves a disadvantaged community, with annual principal or interest payments commencing not later than one year after the project being financed is completed.

(3) The rate of interest charged for the loans must be at or below market interest rates, including an interest-free loan.

(4) Subject to the limitations of subparagraph (3), the rate of interest charged for the loans made to public water systems under this section or the manner of determining the rate of interest must be established from time to time by direction of the bank, taking into consideration the current average rate on outstanding marketable obligations and the policies of the Department of Human Services.

See title page for effective date.

## CHAPTER 78

### H.P. 515 - L.D. 722

#### An Act to Increase Adoptions

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

**Sec. 1. 18-A MRSA §9-308, §(b), ¶(2),** as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

(2) The capacity and disposition of the adopting person or persons, the biological parent or biological parents or the putative father to educate and give the adoptee love, affection and guidance and to meet the needs of the adoptee, ~~taking into account the adoptee's cultural, ethnic or racial background.~~ An adoption may not be delayed or denied ~~solely~~ because the adoptive parent and the child do not share the same race, color or national origin; and

See title page for effective date.

## CHAPTER 79

### H.P. 549 - L.D. 770

#### An Act to Make the Laws Governing State Ambient Air Quality for Ozone and Particulate Matter Consistent with Federal Requirements

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

**Sec. 1. 38 MRSA §584-A, sub-§1, ¶A,** as repealed and replaced by PL 1989, c. 155, §1, is amended to read: