

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

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

**Sec. 1. 20-A MRSA §13032**, as enacted by PL 1983, c. 859, Pt. I, §§2 and 3, is amended to read:

**§13032. Qualifying examination**

The provisional teacher certificate ~~shall~~ may only be issued to those applicants who have taken the teacher qualifying ~~examinations~~ examination. The ~~examinations~~ examination may be administered in separate parts and may be taken by applicants for provisional teacher certificates at any time after completion of the sophomore year of attendance at a post-secondary higher education institution. The examination ~~shall~~ must test the applicant in the following ~~areas~~ area:

~~1. **Communication skills.**—Communication skills, which include listening, reading and writing;~~

~~2. **General knowledge.**—General knowledge, which includes concepts from a variety of disciplines, including literature and fine arts, mathematics, science and social studies; and~~

~~3. **Professional knowledge.**—Professional knowledge, which focuses on the knowledge and cognitive processes the teacher uses in decision-making, with emphasis on how those processes will be applied in the classroom.~~

4. **Basic skills.** Basic skills, which includes reading, writing and mathematics.

The applicant ~~shall be~~ is responsible for the costs associated with taking the teacher qualifying ~~examinations~~ examination.

**Sec. 2. 20-A MRSA §13035**, as enacted by PL 1983, c. 859, Pt. I, §§2 and 3, is repealed.

**Sec. 3. 20-A MRSA §13035-A** is enacted to read:

**§13035-A. Qualifying scores**

1. **Basic skills scores.** Beginning September 1, 2000, in order to be eligible for a provisional teacher certificate, an applicant must achieve the minimum qualifying scores on the teacher qualifying examination in basic skills pursuant to section 13032, subsection 4.

2. **Core battery scores.** Until September 1, 2004, notwithstanding subsection 1, an applicant that has taken and achieved minimum qualifying scores under former section 13035 on the communications skills and general knowledge sections of the core battery of a national teachers examination taken on or

after November 1, 1982 and before September 1, 2000 is eligible for a provisional teacher certificate.

**Sec. 4. 20-A MRSA §§13037 and 13038** are enacted to read:

**§13037. One-year, nonrenewable certificate**

An individual who has failed to achieve the minimum qualifying scores of this State on qualifying examinations taken pursuant to section 13035 on or after July 1, 1988 may be issued on or after September 1, 2000 a one-year, nonrenewable certificate as long as other criteria as required by the State Board of Education have been met.

**§13038. Rulemaking**

The State Board of Education may adopt rules to implement sections 13031 to 13036. Rules adopted pursuant to these sections are routine technical rules in accordance with Title 5, chapter 375, subchapter II-A.

**Sec. 5. Determination of minimum qualifying scores in basic skills.** The minimum qualifying scores in basic skills must be determined by the State Board of Education and the Commissioner of Education by August 1, 2000. These minimum qualifying scores must be based on a study of the data compiled during the 1999 standard-setting meetings.

**Sec. 6. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 20-A, section 13032, repeal section 13035 and enact sections 13035-A, 13037 and 13038 take effect September 1, 2000.

See title page for effective date, unless otherwise indicated.

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**CHAPTER 570**

**H.P. 1676 - L.D. 2342**

**An Act to Add Emergency Medical Services to the Municipal Fire Department Authority**

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

**Sec. 1. 30-A MRSA §3151, sub-§1**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**1. Municipal fire department.** "Municipal fire department" means an organized firefighting unit established under municipal charter, ordinance or bylaw to prevent and extinguish fires and, if autho-

ized by charter, ordinance or bylaw, to provide emergency services.

**Sec. 2. 30-A MRSA §3151, sub-§1-A** is enacted to read:

**1-A. Provide emergency services.** "Provide emergency services" means to respond to and manage other public safety emergencies, including, but not limited to, medical emergencies, hazardous materials incidents or natural or man-made disasters.

**Sec. 3. 30-A MRSA §3156**, as amended by PL 1989, c. 104, Pt. A, §30 and Pt. C, §§8 and 10, is further amended to read:

**§3156. Fire aid to other municipalities**

Unless otherwise provided by charter or ordinance, the municipal officers may authorize the municipal fire department to aid in extinguishing fires with any public safety emergencies in other municipalities by providing all the municipal fire department's available resources as needed. Municipal and volunteer firefighters when assisting other municipalities have the same privileges and immunities as when acting in their own municipality. Any municipality may compensate an aiding municipality or volunteer fire association for damage to the aiding department's or association's property and to any firefighter or to the firefighter's surviving spouse or dependents because of injury or death sustained in the course of rendering aid to that municipality.

**Sec. 4. 30-A MRSA §5725, sub-§9**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**9. Ambulance.** Provide for ~~a~~ public ambulance ambulances and ~~garage~~ garages for ~~them~~, or support an ambulance service serving its residents;

See title page for effective date.

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**CHAPTER 571**

**H.P. 1633 - L.D. 2285**

**An Act to Amend Maine's Probate Code**

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

**Sec. 1. 18-A MRSA §7-205**, as enacted by PL 1979, c. 540, §1, is amended to read:

**§7-205. Proceedings for review of employment of agents and review of compensation of trustee and employees of trust**

On petition of an interested person, after notice to all interested persons, the court may review the propriety of employment of any person by a trustee including any attorney, auditor, investment advisor or other specialized agent or assistant, and the reasonableness of the compensation of any person so employed, and the reasonableness of the compensation determined by the trustee for ~~his own~~ the trustee's services. Any person who has received excessive compensation from a trust may be ordered to make appropriate refunds. ~~The factors set forth in section 3-721, subsection (b) should be considered as guides in determining the reasonableness of fees under this section.~~

A percentage fee is allowable under this section only if the fee is reasonable. Among the factors the court may consider as guides in determining the reasonableness of fees under this section are the following:

(a) The time and labor required, the novelty and difficulty of the questions involved and the skill requisite to perform the service properly;

(b) The likelihood, if apparent to the trustee, that the acceptance of the particular employment will preclude the person employed from other employment;

(c) The fee customarily charged in the locality for similar services;

(d) The amount involved and the results obtained;

(e) The time limitations imposed by the trustee or by the circumstances; and

(f) The experience, reputation and ability of the person performing the services.

The order of the factors in the list under subsections (a) to (f) does not imply their relative importance.

See title page for effective date.

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**CHAPTER 572**

**H.P. 916 - L.D. 1294**

**An Act to Provide for a Limited Waiver of Immunity**

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