

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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.

J.S. McCarthy Company
Augusta, Maine
2000

Sec. 115. 25 MRSA §2902, sub-§4, as repealed and replaced by PL 1993, c. 349, §55, is repealed.

Sec. 116. 29-A MRSA §1354, sub-§6, ¶A, as amended by PL 1995, c. 605, §2, is further amended to read:

A. The Secretary of State shall establish the Technical Review Panel that includes representatives from the Department of Education, the Department of Public Safety, the American Automobile Association, ~~the Maine Highway Safety Commission~~, law enforcement agencies, the insurance industry, the motor carrier industry and a driver education teacher and instructor. The Technical Review Panel shall assist the Secretary of State in developing curriculum and teacher and instructor training and certification.

Sec. 117. 30-A MRSA §5953-D, sub-§6, as enacted by PL 1993, c. 721, Pt. D, §3 and affected by Pt. H, §1, is repealed.

Sec. 118. 30-A MRSA §5959, sub-§1, ¶A, as corrected by RR 1993, c. 2, §29, is amended to read:

A. Implement sections 5953-A, 5953-B, ~~5953-D~~, 6006-A, 6006-B and 6006-D to ensure the self-sustaining nature of the funds created under sections 6006-A and 6006-B and that portion of the fund under section 6006-D determined to be self-sustaining; and

Sec. 119. 32 MRSA §2261, as amended by PL 1989, c. 443, §§86 and 87, is repealed.

Sec. 120. 32 MRSA §2265, as amended by PL 1997, c. 245, §19, is repealed.

Sec. 121. 34-A MRSA §1211, as amended by PL 1989, c. 654, §§5 to 9 and 13, is repealed.

Sec. 122. 34-B MRSA §1209-A, as amended by PL 1989, c. 503, Pt. B, §161, is repealed.

Sec. 123. 34-B MRSA §1803, first ¶, as amended by PL 1995, c. 560, Pt. K, §29, is further amended to read:

~~With the assistance and advice of the councils established in sections 1804 and 1805, the~~ The commissioner shall coordinate the development and implementation of consistent family support policies and services. The commissioner shall assign at least one person from each region to carry out the duties of this subchapter. The duties include but are not limited to the following.

Sec. 124. 34-B MRSA §§1804 and 1805, as enacted by PL 1991, c. 316, §2, are repealed.

Sec. 125. 34-B MRSA §3624, as amended by PL 1995, c. 560, Pt. K, §36, is repealed.

Sec. 126. 34-B MRSA §6241, as amended by PL 1995, c. 560, Pt. K, §§73 and 74, is repealed.

Sec. 127. 38 MRSA §§1380 and 1381, as enacted by PL 1987, c. 799, §2, are repealed.

Sec. 128. 38 MRSA §1382, as amended by PL 1995, c. 465, Pt. A, §25 and affected by Pt. C, §2, is repealed.

Sec. 129. 38 MRSA §§1383 to 1390, as enacted by PL 1987, c. 799, §2, are repealed.

See title page for effective date.

CHAPTER 669

S.P. 424 - L.D. 1261

An Act to Require the Training of School Personnel Who Administer Medications

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 §254, sub-§5, as enacted by PL 1983, c. 693, §§5 and 8, is repealed and the following enacted in its place:

5. Medication. The commissioner shall provide for the administration of medication within schools as follows.

A. The commissioner shall adopt or amend rules for the administration of medication in public or approved private schools, including the training of unlicensed personnel to administer medication. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

B. Any public or approved private school shall have a written local policy and procedure for administering medication. The written local policy must include the requirement that all unlicensed personnel who administer medication receive training before receiving authorization to

do so. Compliance with the provisions of this subsection is a requirement for basic school approval pursuant to sections 2902 and 4502.

Sec. 2. 20-A MRSA §2902, sub-§7, as amended by PL 1997, c. 266, §5, is further amended to read:

7. Approval rules. Meet the requirements applicable to the approval of private schools for attendance purposes adopted jointly by the state board and the commissioner; ~~and~~

Sec. 3. 20-A MRSA §2902, sub-§8, as enacted by PL 1997, c. 266, §6, is amended to read:

8. Release of student records. Upon the request of a school unit, release copies of all student records for students transferring from the private school to the school unit; ~~and~~

Sec. 4. 20-A MRSA §2902, sub-§9 is enacted to read:

9. Medication. Meet the requirements for administering medication under section 254, subsection 5.

Sec. 5. 20-A MRSA §4502, sub-§5, ¶L, as amended by PL 1997, c. 428, §2, is further amended to read:

~~L. Prepare~~ Preparation and implement implementation of an ongoing school improvement process and annually the annual update of a written school improvement plan, including a fully developed staff development plan for identifying at-risk students in kindergarten to grade 12, including, but not limited to, truants and dropouts and the development of appropriate alternative programs to meet their needs; and

Sec. 6. 20-A MRSA §4502, sub-§5, ¶M, as enacted by PL 1997, c. 428, §3, is amended to read:

M. The use of time-out areas, administered in accordance with standards adopted by the department and with this paragraph. The use of a time-out area is subject to the following:

(1) The time-out area must be well ventilated and sufficiently lighted. The time-out area may not be locked; and

(2) The time-out area must be designed to ensure the safety of the student so that the student is supervised by a professional staff member in the room or can be observed from outside of the time-out area and can be heard by a person supervising the time-out area; ~~and~~

Sec. 7. 20-A MRSA §4502, sub-§5, ¶N is enacted to read:

N. Preparation of a written local policy and implementation of training for all unlicensed personnel who administer medication in accordance with the requirements under section 254, subsection 5.

Sec. 8. Policy implementation. The Commissioner of Education in cooperation with public and approved private schools shall establish and implement the provisions of the Maine Revised Statutes, Title 20-A, section 254, subsection 5, paragraph B, no later than the start of the 2001-02 school year.

Sec. 9. Rule-making guidelines. The rules developed by the Commissioner of Education for the training of unlicensed personnel who administer medications pursuant to the Maine Revised Statutes, Title 20-A, section 254, subsection 5, paragraph A must follow the training model and use the training manual developed by the School Health Advisory Committee.

See title page for effective date.

CHAPTER 670

S.P. 942 - L.D. 2472

An Act to Increase the Penalty for Leaving the Scene of a Motor Vehicle Accident

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

Sec. 1. 29-A MRSA §2252, sub-§5 is enacted to read:

5. Aggravated punishment category. Notwithstanding subsection 4, a person commits a Class C crime if that person intentionally, knowingly or recklessly fails to comply with this section and the accident resulted in serious bodily injury, as defined in Title 17-A, section 2, subsection 23, or death.

See title page for effective date.

CHAPTER 671

H.P. 1760 - L.D. 2466

An Act to Promote the Safe Conduct of Fireworks Displays in the State of Maine