

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.

J.S. McCarthy Company
Augusta, Maine
2000

Sec. B-13. 7 MRSA §3153, sub-§4, ¶A, as amended by PL 1991, c. 12, is further amended to read:

A. If any Boston market producer whose farm is located within 140 miles of Boston receives a plant price, excluding deductions or additions imposed by the ~~so-called Louisville Plan as defined by Part 1001, Federal Milk Order No. 1, Section 1001.61, Subsections c and d, or any amendment thereto,~~ northeast marketing area milk marketing order or imposed by any other seasonal balancing plan subsequently adopted by ~~Federal Order No. 1~~ the northeast marketing area milk marketing order, ~~which~~ that is an amount greater than the amount initially payable to Maine market producers under subsection 2, paragraph A, the commissioner shall credit that additional amount against the redistribution from the Maine Milk Pool to which that producer would otherwise be entitled in order to avoid potential inequities arising from equal redistribution;

Sec. B-14. Retroactivity. This Part applies retroactively to January 1, 2000.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 12, 2000.

CHAPTER 680

H.P. 1921 - L.D. 2667

An Act to Implement Recommendations of the Joint Standing Committee on Transportation Relating to the Review of the Department of the Secretary of State, Bureau of Motor Vehicles under the State Government Evaluation Act

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

Sec. 1. 29-A MRSA §204, sub-§4, as enacted by PL 1995, c. 645, Pt. B, §5 and affected by §24, is amended to read:

4. Rules. The Secretary of State may adopt rules to implement the provisions of this section. The rules ~~must~~ may include limits on agent fees, requirements for training of registration agents, ~~for~~ accounting standards and inventory control processes and requirements for the electronic collection and transmission of data and funds between registrants,

registration agents and the bureau. By rule, the Secretary of State may also designate specific registration requirements that can not be met by filing electronically with an agent. 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 681

H.P. 101 - L.D. 114

An Act Regarding Medicaid Managed Care Ombudsman Services

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

Sec. 1. 22 MRSA §3174-X is enacted to read:

§3174-X. Contracted ombudsman services

The department shall contract for ombudsman services for the Medicaid managed care population as long as nonstate funding is available for use as the state seed money for such a contract and General Fund money is not required. The department shall contract with the Maine nonprofit organization, other than the health benefits advisor already under contract with the department, best able to provide ombudsman services.

See title page for effective date.

CHAPTER 682

H.P. 404 - L.D. 546

An Act to Exempt Certain Law Enforcement Officers from the Full Course of Training at the Maine Criminal Justice Academy

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

Sec. 1. 12 MRSA §6671, sub-§8, ¶C, as amended by PL 1999, c. 255, §6 and affected by §8, is further amended to read:

C. A certified municipal shellfish conservation warden shall enforce the shellfish ordinances of the municipality employing the warden and, if the warden is authorized by the municipality and meets the training requirements of Title 25, ~~chapter 341~~ section 2804-I, may arrest all violators. The warden may serve all process pertaining to the ordinance. The warden also has, within that warden's jurisdiction, the powers of a marine

patrol officer provided in section 6025, subsection 4. All of the powers conferred in this subsection are limited to the enforcement of a municipal shellfish conservation ordinance.

At the commissioner's request, a certified municipal shellfish conservation warden may collect samples and otherwise assist the department in the detection of pollutants and contaminants. The commissioner is not required to conduct tests on samples not requested by the commissioner.

Sec. 2. 25 MRSA §2801-B, sub-§1, ¶B, as amended by PL 1997, c. 678, §21, is further amended to read:

B. Agents or representatives of the Department of Conservation, Bureau of Parks and Lands, whose law enforcement powers are limited to those specified in Title 12, section 1821; ~~or~~

Sec. 3. 25 MRSA §2801-B, sub-§1, ¶C, as amended by PL 1989, c. 936, §2, is further amended to read:

C. Agents or representatives of the Department of Conservation, Bureau of Forestry, whose law enforcement powers are limited to those specified by Title 12, section 8901, subsection 3-~~i~~

Sec. 4. 25 MRSA §2801-B, sub-§1, ¶¶E and F are enacted to read:

E. Harbor masters; or

F. Municipal shellfish conservation wardens.

Sec. 5. 25 MRSA §2804-I is enacted to read:

§2804-I. Law enforcement training for harbor masters and municipal shellfish conservation wardens

Harbor masters and municipal shellfish conservation wardens must successfully complete the preservice law enforcement training requirements in section 2804-B and the in-service law enforcement training requirements in section 2804-E in order to have the power to make arrests or to carry a firearm. Harbor masters and municipal shellfish conservation wardens are exempt from section 2804-C.

Sec. 6. 38 MRSA §1, as amended by PL 1987, c. 655, §1, is further amended to read:

§1. Appointment; compensation

The municipal officers of a town, on request by any person desiring mooring privileges or regulation of mooring privileges for boats or vessels, shall appoint a harbor master for a term of not less than one

year, who ~~shall be~~ is subject to all the duties and liabilities of that office as prescribed by state law, municipal ordinances and regulations adopted by the municipal officers, municipal harbor commissioners, municipal port authorities or other such bodies empowered to regulate municipal harbors. The municipal officers may establish the harbor master's compensation and, for cause by them declared in writing, after due notice to the officer and hearing, if requested, remove the harbor master and appoint another one.

The municipal officers may prohibit a harbor master from making ~~arrest~~ arrests or carrying a weapon. A harbor master may not make arrests or carry a firearm unless the harbor master has successfully completed the training requirements prescribed in Title 25, section 2804-I. Any law enforcement officer vested with the authority to carry a weapon and make arrests has the authority to enforce this subchapter.

See title page for effective date.

CHAPTER 683

H.P. 1420 - L.D. 2027

An Act to Encourage Educational Options

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

Sec. 1. 20-A MRSA §2501, first ¶, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

The school boards of 2 or more administrative units may file an application to the commissioner for the purpose of entering a shared service agreement to carry out a specified educational function. A shared service agreement may include, but is not limited to, the provision of an alternative educational program or an educational program setting in which some students may achieve at higher levels than with the prevailing modes of regular classroom instruction.

Sec. 2. 20-A MRSA §8402, as amended by PL 1991, c. 518, §12, is further amended to read:

§8402. Programs

A center shall provide programs of vocational education. Programs of vocational education are eligible to receive state subsidy pursuant to chapters 606 and 609. All programs of vocational education offered by a center must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly