

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

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SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
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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
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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 3-2;

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

related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the technical college or other college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of vocational education may also include alternative educational programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A.

Sec. 3. 20-A MRSA §8451-A, as enacted by PL 1991, c. 518, §18, is amended to read:

§8451-A. Programs

A region 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 region must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the technical college or college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of vocational education may also include alternative educational programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A.

Sec. 4. School-based decision making.

The Commissioner of Education shall encourage the use of school-based management and provisions for the ongoing engagement of parents and other members of the school community in school-based decision making, including the use of school councils on a pilot basis.

Sec. 5. Regional choice. In establishing criteria for grants as provided in Private and Special Law 1999, c. 56, the Commissioner of Education shall require each recipient regional alliance to establish consistent standards for regional public school choice using transfers as provided in the Maine Revised Statutes, Title 20-A, section 5205. The standards must include a common, comprehensible and concise application form for use by parents and students, a common set of transfer criteria to be mutually agreed upon by the sending and receiving school units, and the allowance of transfers in such numbers as to provide for meaningful public school choice.

Sec. 6. Charter schools stakeholders group. Not later than August 31, 2000, the Commissioner of Education or a designee shall convene a representative group of interested parties to determine the requirements and options for the State in applying for federal charter school grant funds. The group shall issue a report containing its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over educational matters on or before December 15, 2000. The committee may introduce a bill related to charter schools to the First Regular Session of the 120th Legislature.

See title page for effective date.

CHAPTER 684

H.P. 1529 - L.D. 2182

**An Act to Improve Air Quality
through Market Incentives for the
Purchase of Cleaner Vehicles**

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

Sec. 1. 10 MRSA c. 14 is enacted to read:

CHAPTER 14

CLEAN CAR INCENTIVES PILOT PROGRAM

§393. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Authority. "Authority" means the Finance Authority of Maine.

2. Certificate of verification. "Certificate of verification" means a certificate issued in accordance with department rules by a person who receives and scraps a high-pollution vehicle.

3. Cleaner vehicle. "Cleaner vehicle" means a vehicle that:

A. Is model year 1996 or later; and

B. Has an emission level that, as determined by the department by rule, is at least as low as the California low-emission vehicle certification standard.

4. Department. "Department" means the Department of Environmental Protection.