

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

A. The discharge was in existence prior to January 1, 1986;

B. The fish hatchery is licensed to cultivate fish by the Department of Inland Fisheries and Wildlife on the effective date of this subsection; and

C. An application from the hatchery for a waste discharge license is accepted as complete for processing by the Department of Environmental Protection within 90 days of notification that a waste discharge license is required pursuant to section 413.

The Department of Environmental Protection shall notify a fish hatchery with an unlicensed discharge that a waste discharge license is required pursuant to section 413 within 90 days of the effective date of this subsection or within 90 days of finding the unlicensed discharge.

See title page for effective date.

CHAPTER 721

H.P. 1858 - L.D. 2593

An Act to Extend the Use of Emotional Disability as an Indicator in the Identification of Exceptional Children

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

Sec. 1. 20-A MRSA §7001, sub-§2, ¶C, as amended by PL 1999, c. 424, Pt. A, §2, is further amended to read:

C. Requires special education because of one or more of the following:

- (1) Visual impairments, including blindness;
- (2) Hearing impairments, including deafness;
- (3) Speech and language impairments;
- (4) Specific learning disabilities;
- (5) Orthopedic impairments;
- (6) Emotional disability. This subparagraph is repealed June 30, 2000;
- (6-A) Emotional disability. This subparagraph is repealed June 30, 2002;
- (7) Mental retardation;

- (8) Autism;
- (9) Traumatic brain injury;
- (10) Other health impairment;
- (11) Deafness and blindness; or
- (12) Multiple disabilities.

Sec. 2. 20-A MRSA §7001, sub-§4, ¶C, as amended by PL 1999, c. 424, Pt. A, §4, is further amended to read:

C. Requires special services because of one or more of the following:

- (1) Visual impairments, including blindness;
- (2) Hearing impairments, including deafness;
- (3) Speech and language impairments;
- (4) Specific learning disabilities;
- (5) Orthopedic impairments;
- (6) Emotional disability. This subparagraph is repealed June 30, 2000;
- (6-A) Emotional disability. This subparagraph is repealed June 30, 2002;
- (7) Mental retardation;
- (8) Autism;
- (9) Traumatic brain injury;
- (10) Other health impairment;
- (11) Deafness and blindness; or
- (12) Multiple disabilities.

Sec. 3. Study of use of emotional, behavioral and developmental delay categories in identification of exceptional students and preschool handicapped children. The Department of Education shall study and compare the rate of identification of exceptional students and preschool handicapped children using emotional and behavioral indicators among school units within the State and between the State and other states. The department shall analyze the use of emotional and behavioral indicators within the State to identify inconsistencies and instances of over-identification and under-identification. The department shall also study the appropriateness and likely impact of including developmental delay for children from 5 to 9 years of age and from birth to 5 years of age as a component in

the definitions of "exceptional student" and "preschool handicapped child" in the Maine Revised Statutes, Title 20-A, section 7001. The department shall issue an interim report on the status of its study to the joint standing committee of the Legislature having jurisdiction over education matters no later than March 1, 2001. The department shall issue its final report, including findings and recommendations, to the joint standing committee of the Legislature having jurisdiction over education matters no later than February 1, 2002. The committee may introduce legislation concerning the use of emotional, behavioral and developmental delay categories in the identification of exceptional students and preschool handicapped children to the Second Regular Session of the 120th Legislature.

Sec. 4. Retroactivity. Those sections of this Act that enact the Maine Revised Statutes, Title 20-A, section 7001, subsection 2, paragraph C, subparagraph 6-A and subsection 4, paragraph C, subparagraph 6-A take effect retroactively to June 30, 2000.

See title page for effective date.

CHAPTER 722

H.P. 1843 - L.D. 2581

An Act to Prevent the Spread of Invasive Aquatic Plants

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, invasive aquatic plants present an imminent threat to state waters; and

Whereas, it is important to prevent the transport of invasive aquatic plants into the State on boats and trailers because eradication is nearly impossible once an infestation occurs; and

Whereas, the summer boating season will begin prior to 90 days after adjournment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §410-N is enacted to read:

§410-N. Aquatic nuisance species control

1. Definitions. As used in this section and section 419-C, unless the context otherwise indicates, the following terms have the following meanings.

A. "Aquatic plant" means a vascular plant species that requires a permanently flooded freshwater habitat.

B. "Invasive aquatic plant" means a species identified by the department through rulemaking as an invasive aquatic plant or one of the following species:

(1) Eurasian water milfoil, *Myriophyllum spicatum*;

(2) Variable-leaf water milfoil, *Myriophyllum heterophyllum*;

(3) Parrot feather, *Myriophyllum aquaticum*;

(4) Water chestnut, *Trapa natans*;

(5) Hydrilla, *Hydrilla verticillata*;

(6) Fanwort, *Cabomba caroliniana*;

(7) Curly pondweed, *Potamogeton crispus*;

(8) European naiad, *Najas minor*;

(9) Brazilian elodea, *Egeria densa*;

(10) Frogbit, *Hydrocharis morsus-ranae*; and

(11) Yellow floating heart, *Nymphoides peltata*.

Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

2. Education. The department shall prepare educational materials that inform the public about problems associated with invasive aquatic plants, how to identify invasive aquatic plants, why it is important to prevent the transportation of aquatic plants and the prohibitions relating to aquatic plants contained in section 419-C. The department shall make the materials available to municipalities, lake associations, water quality monitors, law enforcement agents, businesses that sell aquatic plants in the State and other interested individuals.

A. The department shall provide signs for installation at all state boat launch facilities on fresh waters informing the public about the prohibition of aquatic plant transportation on boats and trailers and may provide these signs, as available funds allow, for installation at other boat launch