

# 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**

Provides funds from the vendor tax to be used for dues associated with membership in the Northeast States Association for Agricultural Stewardship.

See title page for effective date.

## CHAPTER 770

H.P. 1872 - L.D. 2608

### An Act to Improve Educational Programming at Juvenile Correctional Facilities

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

**Whereas,** there is a need to study educational programming at juvenile correctional facilities to determine their educational programming needs and the best way to meet those needs; 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. 20-A MRSA §4502, sub-§1,** as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is amended to read:

**1. General requirements.** Elementary and secondary schools and school administrative units, including an educational program or school located in or operated by a juvenile correctional facility, shall meet all requirements of this Title and other statutory requirements applicable to the public schools and basic school approval standards.

**Sec. 2. 20-A MRSA §4502, sub-§7** is enacted to read:

**7. Juvenile corrections facilities.** An educational program or school for juveniles located in or operated by a correctional facility must be reviewed for approval by the department on an annual basis, with special attention paid to alternative educational programming. The department shall report to the joint standing committees of the Legislature having jurisdiction over appropriations, criminal justice and

education matters on the results of the review by January 15th of each year.

**Sec. 3. 34-A MRSA §3002-A, first ¶,** as enacted by PL 1997, c. 752, §34, is amended to read:

The commissioner and the Commissioner of Education shall appoint a ~~7-member~~ 9-member policy review council, referred to in this section as the "council," as authorized by Title 5, chapter 379.

**Sec. 4. 34-A MRSA §3002-A, sub-§§1 and 2,** as enacted by PL 1997, c. 752, §34, are amended to read:

**1. Term.** Legislative members serve as voting, ex officio members. The term of office for nonlegislative members is 3 years. The initial appointments are as follows:

- A. Three members for 3 years;
- B. Two members for 2 years; and
- C. Two members for one year.

Replacements for council members who do not complete their terms of office are for the remainder of the unexpired terms.

**2. Council members.** The cochairs of the joint standing committee of the Legislature having jurisdiction over education matters or their designees are members. The other council members must be representative of a broad range of professionals, parents and citizens interested in the education of students confined in the department's juvenile facilities and include the parents of a current or former student. In addition, council members may include:

- A. Professionals not employed by the department who serve or have served students in a corrections setting;
- B. Representatives of advocacy groups for children with special needs;
- C. School administrative unit administrators or special education directors; and
- D. Interested citizens.

~~A Legislator may not serve on the council.~~

**Sec. 5. 34-A MRSA §3002-A, sub-§5** is enacted to read:

**5. Meetings; report.** The council shall meet at least 4 times a year and keep minutes and records of the meetings. The council shall submit a report each year to the joint standing committee of the Legislature having jurisdiction over education matters.

**Sec. 6. Establish task force on educational programming at juvenile correctional facilities.**

**1. Task force on educational programming at juvenile correctional facilities established.** The task force on educational programming at juvenile correctional facilities, referred to in this section as the "task force," is established.

**2. Membership.** The task force consists of 13 members as follows:

A. Two members from the Senate, with one member from the political party holding the largest number of seats in the Senate and one member who is not a member of the political party holding the largest number of seats in the Senate; a representative from the field of special education; and a parent of a student at the Southern Maine Juvenile Facility, all of which are to be appointed by the President of the Senate;

B. Two members from the House of Representatives, with one member from the political party holding the largest number of seats in the House of Representatives and one member who is not a member of the political party holding the largest number of seats in the House of Representatives; a representative from the field of alternative education; and a representative from the field of correctional education, all of which are to be appointed by the Speaker of the House; and

C. A representative from the Department of Education; a representative from the Department of Corrections; a representative from the Department of Mental Health, Mental Retardation and Substance Abuse Services; a representative from the Policy Review Council; and a teacher from the Southern Maine Juvenile Facility, all of which are to be appointed by the Governor.

**3. Appointments; chairs; convening of task force; meetings.** All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The first named Senate member is the Senate chair and the first named House member is the House chair. The first meeting must be called by the chairs no later than 30 days after all appointments have been made. The task force shall meet at least once with students of the Southern Maine Juvenile Facility and hold at least one public hearing.

**4. Duties.** The task force shall:

A. Determine the best methods of delivery of educational services for students at educational programs and facilities located in or operated by

juvenile correctional facilities, with an emphasis on special education and alternative education;

B. Study how to integrate mental health and substance abuse services into an educational setting;

C. Determine the general type of student who will be served by juvenile correctional educational programming;

D. Develop an appropriate set of outcomes for the juvenile correctional educational program;

E. Determine whether juvenile correctional educational programs should seek educational or correctional accreditation; and

F. Determine the necessary qualifications for faculty, administration, recruitment and retention.

**5. Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

**6. Compensation.** The members of the task force who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the task force. Other members of the task force who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

**7. Report.** The task force shall submit its report, along with any legislation necessary to implement its recommendations, to the 120th Legislature by November 1, 2000. If the task force requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

**8. Budget.** The chairs of the task force, with the assistance of the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force chairs and staff with a status report on the task force's budget, expenditures incurred and paid and available funds.

**Sec. 7. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

## LEGISLATURE

### Task Force on Educational Programming at Juvenile Correctional Facilities

Personal Services	\$880
All Other	3,000

Provides funds for the per diem and expenses of legislative members and expenses for other eligible members of the task force on educational programming at juvenile correctional facilities and to print the required report.

## LEGISLATURE

<b>TOTAL</b>	\$3,880
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**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 8, 2000.

## CHAPTER 771

H.P. 182 - L.D. 260

### An Act to Enhance the Enforcement of Civil and Criminal Violations

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

## PART A

**Sec. A-1. 12 MRSA §7053, sub-§2, ¶A,** as enacted by PL 1979, c. 420, §1, is amended to read:

A. Arrest, summons and prosecute all violators of the following:

- (1) Chapters 701 to 721;
- (2) All rules ~~promulgated~~ adopted by the commissioner; and
- (3) The United States Federal Migratory Bird Treaty Act, Public Law, July 3, 1918, chapter 128, as amended, and all rules and

regulations ~~promulgated~~ adopted in pursuance thereof.

A game warden shall, without unnecessary delay, take any person so arrested before the District Court nearest the place of violation;

**Sec. A-2. 12 MRSA §7901, sub-§§19 to 23** are enacted to read:

**19. Violations of chapter 703.** The following violations of chapter 703 are civil violations for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged:

A. Violation of rules concerning water-skiing adopted under section 7036, subsection 1; and

B. Defacement of notices as described in section 7036, subsection 2.

**20. Violations of chapter 715, subchapter I.** The following violations of chapter 715, subchapter I are civil violations for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged:

A. Violation of rules adopted pursuant to section 7792, subsection 2 concerning:

- (1) Operation of watercraft without lights;
- (2) Towing of a water-skier without an observer; and
- (3) Violating the water safety zone;

B. Violation of rules adopted pursuant to section 7792, subsection 3 concerning inadequate personal flotation devices;

C. Operating a motorboat without a certificate of number as described in section 7801, subsection 1;

D. Illegal operation of watercraft on inland waters without a holding tank or with a holding tank with through-hull fittings as described in section 7801, subsection 2-A;

E. Leasing or renting a motorboat without a certificate of number as described in section 7801, subsection 6-A;

F. Operating a motorboat while underage as described in section 7801, subsection 13;

G. Operating a motorboat without a muffler as described in section 7801, subsection 15;

H. Operating a watercraft without proper safety equipment as described in section 7801, subsection 16;