

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**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**  
**2002**

**1. Inspection required.** A license may not be issued by the department to a residential care facility until the department has received from the Commissioner of Public Safety a written statement signed by one of the officials designated under Title 25, section 2360, 2391 or 2392, to make fire safety inspections. This statement, ~~which~~ must indicate that the residential care facility has complied with applicable fire safety provisions referred to in Title 25, section 2452; ~~must be furnished annually to the department.~~

**Sec. 2. 22 MRSA §7904-A, sub-§§3, 4 and 5,** as amended by PL 1997, c. 728, §9, are repealed.

**Sec. 3. 22 MRSA §7904-A, sub-§§8, 9, 10 and 11** are enacted to read:

**8. Requirements for residential care facilities.** Residential care facilities must comply with the following provisions of the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal.

A. A residential care facility that has one to 3 beds must comply with the one-family and 2-family dwelling chapter of the Life Safety Code.

B. A residential care facility with 4 to 16 beds must comply with the sections of the Life Safety Code that apply to small facilities and with the new residential board and care occupancy chapter if that facility is a new facility or with the existing residential board and care occupancy chapter if that facility is an existing facility.

C. A residential care facility with more than 16 beds must comply with the sections of the Life Safety Code that apply to large facilities and with the new residential board and care occupancy chapter if that facility is a new facility or with the existing residential board and care occupancy chapter if that facility is an existing facility.

**9. Fire safety inspection and certificate of compliance required for licensure.** A fire safety inspection must be performed and a certificate of compliance must be provided to the department before a license to a residential care facility is issued. Inspections must be scheduled to coincide with the term of the license.

**10. Timed drills.** Timed drills, as described in the applicable chapters of the National Fire Protection Association Life Safety Code, must be used to determine a residential care facility's capability to evacuate its residents, unless the facility has elected to complete evacuation scores in lieu of timed drills in accordance with the standards described in the National Fire Protection Association Life Safety Code

101A or when timed drills are not required pursuant to the Life Safety Code. When a new resident has participated in a timed drill in another residential care facility within the previous 2 months, the results of that drill may be used to determine evacuation capability in the resident's new facility for a period of up to 4 months. A person who violates or fails to comply with this subsection commits a civil violation for which a forfeiture of not more than \$25 per bed for each occurrence of failure to comply may be adjudged.

**11. Requirement for manual fire alarm activation may be waived.** For a residential care facility with 4 to 8 beds, the requirement for manual fire alarm activation may be waived at the discretion of the Commissioner of Public Safety.

**Sec. 4. 22 MRSA §7912-A,** as amended by PL 1999, c. 384, §1, is repealed.

See title page for effective date.

## CHAPTER 532

S.P. 697 - L.D. 1899

### An Act Relating to the Dissemination of Intelligence and Investigative Information

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

**Sec. 1. 16 MRSA §614, sub-§2,** as amended by PL 1999, c. 305, §1, is repealed.

**Sec. 2. 16 MRSA §614, sub-§3** is enacted to read:

**3. Exceptions.** Nothing in this section precludes dissemination of intelligence and investigative information to:

A. Another criminal justice agency;

B. A state agency responsible for investigating abuse, neglect or exploitation of children under Title 22, chapter 1071 or incapacitated or dependent adults under Title 22, chapter 958-A for use in the investigation of suspected abuse, neglect or exploitation; or

C. An accused person or that person's agent or attorney if authorized by:

(1) The district attorney for the district in which that accused person is to be tried;

(2) A rule or ruling of a court of this State or of the United States; or

(3) The Attorney General.

See title page for effective date.

## CHAPTER 533

H.P. 1564 - L.D. 2069

### An Act to Require Additional Transportation Information on the Maine Chemical Inventory Reporting Form

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

**Sec. 1.** 37-B MRSA §797, sub-§7, as amended by PL 1989, c. 929, §2, is further amended to read:

**7. Transportation.** A description of the manner in which the substance is shipped to the facility, including standard and alternate transportation routes taken through the State from point of origin or entry to the facility. Records held by the commission regarding standard and alternate transportation routes are confidential records for the purposes of Title 1, chapter 13, subchapter I. The commission may provide those records to state, county or local emergency management agencies or public officials, as the commission determines necessary, but shall require those agencies or officials to hold those records as confidential; and

See title page for effective date.

## CHAPTER 534

H.P. 1517 - L.D. 2021

### An Act Regarding Provisional Certification for Teachers and Administrators

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

**Sec. 1.** 20-A MRSA §13012, sub-§2, as amended by PL 1995, c. 320, §§1 and 2, is repealed.

**Sec. 2.** 20-A MRSA §13012, sub-§§2-A and 2-B are enacted to read:

**2-A. Qualifications.** State board rules governing the qualifications for a provisional teacher certificate must require that a certificate may only be issued to an applicant who meets the requirements of subsection 2-B and:

A. For elementary school, has met academic and preprofessional requirements established by the state board for teaching at the elementary school level and has graduated from an accredited, degree-granting educational institution upon completion of:

(1) A bachelor's degree from a 4-year accredited college or university;

(2) A 4-year program in liberal arts and sciences; or

(3) An approved 4-year teacher preparation program and has majored in the subject area to be taught or an interdisciplinary program in liberal arts;

B. For secondary school, has met academic and preprofessional requirements established by the state board for teaching at the secondary school level and has graduated from an accredited, degree-granting educational institution upon completion of:

(1) A bachelor's degree from a 4-year accredited college or university;

(2) A 4-year program in liberal arts and sciences; or

(3) An approved 4-year teacher preparation program and has majored in the subject area to be taught;

C. Is otherwise qualified by having met separate educational criteria for specialized teaching areas, including, but not limited to, special education, home economics, agriculture, vocational education, art, music, business education, physical education and industrial arts, as established by the state board for teaching in these specialized areas; or

D. Has completed 6 credit hours of approved study within 5 years prior to application, has met entry-level standards and has held either a professional teacher certificate that expired more than 5 years prior to the application date or a provisional teacher certificate issued prior to July 1, 1988 that expired more than 5 years prior to the application date.

**2-B. Learning results.** In order to help students achieve learning results as established in section 6209, a provisional teacher certificate may be issued only if the applicant:

A. Demonstrates knowledge of the central concepts, tools of inquiry and structures of the discipline that the applicant teaches and can create