

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

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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
2002

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Sec. 1. 20-A MRSA §13012, sub-§2, as amended by PL 1995, c. 320, §§1 and 2, is repealed.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

learning experiences that make these aspects of the subject matter meaningful to students;

B. Demonstrates the ability to integrate the concepts, tools of inquiry and structures among the disciplines that the applicant teaches;

C. Demonstrates a knowledge of the diverse ways in which students learn and develop by providing learning opportunities that support their intellectual, physical, emotional and social development;

D. Plans instruction based upon knowledge of subject matter, students and curriculum goals;

E. Understands and uses a variety of instructional strategies and appropriate technologies;

F. Creates and maintains a classroom environment that supports and encourages learning;

G. Demonstrates the ability to support students' learning and well-being by engaging students and their homes, school, colleagues and community;

H. Understands and uses a variety of formal and informal assessment strategies to evaluate and support the development of the student;

I. Demonstrates an awareness of and commitment to the ethical and legal responsibilities of a teacher; and

J. Demonstrates a strong professional ethic and a desire to contribute to the education profession.

Sec. 3. 20-A MRSA §13012, sub-§6 is enacted to read:

6. Rulemaking. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 4. 20-A MRSA §13013, sub-§2-A, ¶C, as amended by PL 1997, c. 266, §17, is further amended to read:

C. Holds a provisional teacher certificate issued under pursuant to section 13012, subsection 2 2-A, paragraph D and has taught for at least one year under a provisional teacher certificate; or

Sec. 5. 20-A MRSA §13019-A, sub-§1, ¶D, as amended by PL 1989, c. 889, §9, is further amended to read:

D. A basic level of knowledge in the following areas: competency areas determined by the state board; and

- ~~(1) Community relations;~~
- ~~(2) School finance and budget;~~
- ~~(3) Supervision and evaluation of personnel;~~
- ~~(4) Federal and state civil rights and education laws;~~
- ~~(5) Organizational theory and planning;~~
- ~~(6) Educational leadership;~~
- ~~(7) Educational philosophy and theory;~~
- ~~(8) Effective instruction;~~
- ~~(9) Curriculum development;~~
- ~~(10) Staff development;~~
- ~~(11) Cultural differences and discriminatory and nondiscriminatory hiring practices; and~~
- ~~(12) Other competency areas as determined by state board rule; and~~

Sec. 6. 20-A MRSA §13019-A, sub-§3 is enacted to read:

3. Rulemaking. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 7. 20-A MRSA §13019-B, sub-§1, ¶C, as amended by PL 1989, c. 889, §10, is further amended to read:

C. A basic level of knowledge in the following areas: competency areas determined by the state board; and

- ~~(1) Community relations;~~
- ~~(2) School finance and budget;~~
- ~~(3) Supervision and evaluation of personnel;~~
- ~~(4) Federal and state civil rights and education laws;~~
- ~~(5) Organizational theory and planning;~~
- ~~(6) Educational leadership;~~
- ~~(7) Educational philosophy and theory;~~
- ~~(8) Effective instruction;~~
- ~~(9) Curriculum development;~~

- ~~(10) Staff development;~~
- ~~(11) Cultural differences and discriminatory and nondiscriminatory hiring practices; and~~
- ~~(12) Other competency areas as determined by state board rule; and~~

Sec. 8. 20-A MRSA §13019-B, sub-§3 is enacted to read:

3. Rulemaking. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 9. 20-A MRSA §13019-C, sub-§1, ¶C, as repealed and replaced by PL 1989, c. 878, Pt. B, §18, is amended to read:

C. A basic level of knowledge in ~~the following areas:~~ competency areas determined by the state board; and

- ~~(1) Community relations;~~
- ~~(2) School finance and budget;~~
- ~~(3) Supervision and evaluation of personnel;~~
- ~~(4) Federal and state civil rights and education laws;~~
- ~~(5) Organizational theory and planning;~~
- ~~(6) Educational leadership;~~
- ~~(7) Educational philosophy and theory;~~
- ~~(8) Effective instruction;~~
- ~~(9) Curriculum development;~~
- ~~(10) Staff development; and~~
- ~~(11) Other competency areas as determined by state board rule; and~~

Sec. 10. 20-A MRSA §13019-C, sub-§3 is enacted to read:

3. Rulemaking. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 535

S.P. 688 - L.D. 1890

An Act Concerning Confidentiality of Investigations by the Commission on Governmental Ethics and Election Practices

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

Sec. 1. 21-A MRSA §1003, sub-§2-A, as enacted by PL 2001, c. 237, §1, is repealed.

See title page for effective date.

CHAPTER 536

H.P. 1467 - L.D. 1968

An Act to Require the Owner of a Submerged Snowmobile or Boat to Remove the Snowmobile or Boat

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

Whereas, submerged snowmobiles and motorboats in inland waters are a public health and safety hazard; 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. 12 MRSA §7827, sub-§22-A is enacted to read:

22-A. Operating snowmobile on open water. A person is guilty of operating a snowmobile on open water if that person operates or attempts to operate a snowmobile on open water. For purposes of this subsection, "open water" means any area of an inland water body that is free of ice and snow. This subsection does not apply to private ponds.

Notwithstanding Title 17, section 2267-A, subsection 3, the owner or operator of a snowmobile that has been submerged or partially submerged as a result of a violation of this subsection shall remove the snowmobile within 24 hours of its submersion. The owner or operator of a snowmobile submerged or partially