

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 445

H.P. 714 - L.D. 957

**An Act To Retain Teachers Holding
Targeted Need Area Certificates,
Conditional Certificates or
Transitional Endorsements**

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

Sec. 1. 20-A MRSA §13011, sub-§9, as enacted by PL 1999, c. 673, §1, is amended to read:

9. Targeted need area certificate; exception.

The state board shall adopt rules that establish criteria under which a targeted need area certificate may be issued. This certificate may be issued only to a person holding a bachelor's degree and teaching in a teacher shortage area. The teacher shortage area is determined by the commissioner. Rules adopted pursuant to this subsection are major substantive rules in accordance with Title 5, chapter 375, subchapter ~~H-A~~ 2-A. Any amendment to the rules adopted pursuant to this subsection that revises the qualifications for a targeted need area certificate does not apply to a person who was issued a targeted need area certificate prior to or during the school year preceding the adoption of revisions to the original rules as long as the holder of the targeted need area certificate annually completes the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.

Sec. 2. 20-A MRSA §13011, sub-§10 is enacted to read:

10. Conditional certificate; transitional endorsement; exception. Any amendment to the rules adopted pursuant to this chapter that revises the qualifications for a conditional certificate or transitional endorsement does not apply to a person who was issued a conditional certificate or transitional endorsement prior to or during the school year preceding the adoption of revisions to the rules as long as the holder of the conditional certificate or transitional endorsement annually completes the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.

Sec. 3. Targeted need area certificate; exceptions for prelingually deaf applicants. Until the Department of Education adopts revised rules under the Maine Revised Statutes, Title 20-A, section 13011, subsection 9, the Department of Education may issue a 2nd targeted need area certificate to a prelingually deaf applicant provided that the applicant can show evidence of having

attempted the Pre-professional Skills Test during the first year of holding the targeted need area certificate. A prelingually deaf applicant may also be issued a 3rd targeted need area certificate provided that the applicant can show evidence of having attempted the Pre-professional Skills Test during the 2nd year of holding the targeted need area certificate.

It is the intent of the Legislature that, in the Department of Education's proceeding with the filing of the revised rule for the remaining portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, the department shall consider the concerns raised by the Superintendent of the Governor Baxter School for the Deaf and advocates for teachers of the deaf who are prelingually deaf regarding the need for accommodations for prelingually deaf applicants for targeted need area certificates.

See title page for effective date.

CHAPTER 446

S.P. 248 - L.D. 710

**An Act To Amend the Membership
of the Plumbers' Examining Board**

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

Sec. 1. 32 MRSA §3401, as amended by PL 2003, c. 107, §1, is repealed and the following enacted in its place:

§3401. Membership; vacancies; removal; compensation

The Plumbers' Examining Board, as established by Title 5, section 12004-A, subsection 32, consists of 5 members, who are appointed by the Governor as follows.

1. Representative of public. One of the members of the board must be a representative of the public.

2. Master plumbers. Two of the members of the board must be master plumbers as defined in section 3301, and one of those 2 members must be a member of a bona fide labor organization.

3. Journeyman plumbers. Two of the members of the board must be journeyman plumbers as defined in section 3301, and both of those members must have been engaged in the business of plumbing for at least 2 years. This subsection is repealed June 19, 2005.

3-A. Journeyman plumber. One of the members of the board must be a journeyman plumber, as defined in section 3301, who has been engaged in the business of plumbing for at least 2 years. This subsection takes effect June 19, 2005.

4. Local plumbing inspector. One of the members of the board must be a local plumbing inspector who has been engaged in plumbing inspections for at least 4 years and is employed by a municipality. This subsection takes effect June 19, 2005.

Members are appointed for terms of 4 years. Appointments of members must comply with section 60.

Any member of the board may be removed from office for cause by the Governor.

Sec. 2. PL 2003, c. 107, §2 is repealed.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Licensing and Enforcement 0352

Initiative: Allocates funds for the per diem, travel and meeting costs associated with increasing the membership of the Plumbers' Examining Board by one member effective September 21, 2004.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$0	\$245
All Other	0	350
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Other Special Revenue Funds Total	\$0	\$595

Sec. 4. Effective date. This Act takes effect September 21, 2004.

Effective September 21, 2004.

CHAPTER 447

H.P. 1134 - L.D. 1548

An Act To Amend the Election Laws

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

Sec. 1. 21-A MRSA §1, sub-§1-A is enacted to read:

1-A. Affidavit. "Affidavit" with respect to an absentee ballot envelope means the portion of the

envelope that includes the voter's signature, the aide certificate and the witness certificate.

Sec. 2. 21-A MRSA §1, sub-§7, as enacted by PL 1985, c. 161, §6, is amended to read:

7. Challenged ballot. "Challenged ballot" means a ballot cast by one whose eligibility to vote has been questioned during election day.

Sec. 3. 21-A MRSA §1, sub-§48-A is enacted to read:

48-A. Voting indicator. "Voting indicator" means the space provided for marking a vote in accordance with a particular type of ballot.

Sec. 4. 21-A MRSA §23, sub-§14, as amended by PL 1997, c. 436, §11, is further amended to read:

14. Destruction of records. After the records and other materials have been kept for the required period, they may be destroyed. Posted notices, sample ballots and instruction posters may be destroyed as soon as the election to which they pertain is past. Ballots must be destroyed using a method that makes the contents unreadable.

Sec. 5. 21-A MRSA §115, sub-§2, as amended by PL 1995, c. 459, §13, is further amended to read:

2. Voting restricted to district. In a municipality that has voting districts, a voter may, ~~except as provided in section 630,~~ vote using only the ballot or ballots for the district in which the voter resides on election day.

Sec. 6. 21-A MRSA §122, sub-§7, ¶A, as enacted by PL 1985, c. 307, §1, is amended to read:

A. The registrar shall, after finding an applicant qualified, issue a certificate ~~entitling~~ requiring the voter voter's name to be placed written on the original or any supplemental voting list at the voting place on election day. The certificate must be attached to, or included with, the voting list and sealed as provided in section 698. Only one certificate may be issued to any person recorded for any voter at an election; or

Sec. 7. 21-A MRSA §122, sub-§7, ¶B, as amended by PL 1997, c. 436, §23, is further amended to read:

B. The registrar shall, after finding the applicant qualified, ~~place the names of those voters on~~ add the voter's name to the voting list or on a supplemental voting list. Before the polls are opened, the registrar shall deliver the voting list and the supplemental list or lists to the clerk. The