

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

change is verified by one of the following methods:

- (1) Written or electronically signed authorization from the customer;
- (2) Toll-free electronic authorization placed from the telephone number that is the subject of the change order; or
- (3) Oral authorization obtained by an independent 3rd party.

Sec. 2. 35-A MRSA §7106, sub-§1, ¶B, as enacted by PL 1997, c. 702, §1, is amended to read:

B. When a customer's service is changed to a new local or intrastate interexchange carrier, the new local or intrastate interexchange carrier shall maintain for ~~42~~ 24 months a record of nonpublic customer-specific information that establishes that the customer authorized the change.

Sec. 3. 35-A MRSA §7106, sub-§1, ¶C, as enacted by PL 1997, c. 702, §1, is repealed.

Sec. 4. 35-A MRSA §7106, sub-§3, ¶A, as enacted by PL 1997, c. 702, §1, is amended to read:

A. Except as otherwise provided in this subsection, rules adopted by the commission under this subsection, including rules regarding customer verification of a change of carrier, must be consistent with the rules adopted by the Federal Communications Commission governing the initiation of a change of a customer's interstate carrier, ~~except that the commission's rules on customer verification need not conform to the customer verification method involving a customer information package as defined in 47 Code of Federal Regulations, Section 64.1100(d).~~

See title page for effective date.

CHAPTER 531

H.P. 1290 - L.D. 1768

An Act To Authorize Certain School Children To Carry Emergency Medication on Their Persons

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each

House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §254, sub-§5, ¶C is enacted to read:

C. A public school or a private school approved pursuant to section 2902 must have a written local policy authorizing students to possess and self-administer emergency medication from an asthma inhaler or an epinephrine pen. The written local policy must include the following requirements.

(1) A student who self-administers an asthma inhaler or an epinephrine pen must have the prior written approval of the student's primary health care provider and, if the student is a minor, the prior written approval of the student's parent or guardian.

(2) The student's parent or guardian must submit written verification to the school from the student's primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in school.

(3) The school nurse shall evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school.

See title page for effective date.

CHAPTER 532

H.P. 1374 - L.D. 1848

An Act To Amend the Apportionment of Legislative House Districts 76 and 77

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

Whereas, the line between legislative House Districts 76 and 77 as enacted by the First Regular Session of the 121st Legislature bisects the Colby College campus in Waterville; and

Whereas, this legislation must be enacted as an emergency measure to ensure that the necessary records, lists and other information are prepared and

that voters have adequate notice well in advance of the June primary elections; 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. 21-A MRSA §1204-A, sub-§§76 and 77, as enacted by PL 2003, c. 289, §1, are amended to read:

76. House District 76. House District 76 consists of:

A. In Kennebec County, the following census units of the minor civil division of Oakland: Block 1000, Block 1003, Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4014, Block 4015, Block 4031, Block 4032, Block 4033, Block 4034, Block 4035, Block 4036, Block 4037, Block 4038, Block 4997, Block 4998 and Block 4999 of Tract 025000; and the following census units of the minor civil division of Waterville: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, and Block

4998 of Tract 024101; Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, ~~Block 3015~~, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3998, Block 3999, Block 5000, Block 5001, Block 5002, Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 7000, Block 7001, Block 7002, Block 7003, Block 7004, Block 7012, Block 7013, Block 7014 and Block 7999 of Tract 024102; and Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029 and Block 1999 of Tract 024200.

77. House District 77. House District 77 consists of:

A. In Kennebec County, the following census units of the minor civil division of Waterville: Block 4999 of Tract 024101; Block 3015, Block 3016, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 6000, Block 6001, Block 6002, Block 6003, Block 6004, Block 6005, Block 6006, Block 6007, Block 6008, Block 6009, Block 6010, Block 7005, Block 7006, Block 7007, Block 7008, Block 7009, Block 7010, Block 7011, Block 7015, Block 7016, Block 7017, Block 7018, Block 7019, Block 8000, Block 8001, Block 8002, Block 8003, Block 8004, Block 8005, Block 8006, Block 8007, Block 8008, Block 8009, Block 8010, Block 8011, Block 8012, Block 9000, Block 9001, Block 9002, Block 9003, Block 9004, Block 9005, Block 9006, Block 9007, Block 9008, Block 9009, Block 9010, Block 9011, Block 9012, Block 9013, Block 9997, Block 9998 and Block 9999 of Tract 024102; and Block 1020, Block 1021, ~~Block 1022~~, Block 1030, Block 1031, Block 1032, Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2999, Block 3000, Block 3001,

Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 5000, Block 5001, Block 5002, Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016, Block 5998 and Block 5999 of Tract 024200.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 3, 2004.

CHAPTER 533

H.P. 800 - L.D. 1082

An Act Regarding Habitual Truants

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

Sec. 1. 20-A MRSA §5001-A, sub-§2, ¶C, as amended by PL 1985, c. 123, §1, is further amended to read:

C. A person whose absence is excused under section 5051. ~~The parent of an habitual truant who has been denied a waiver of this paragraph, may appeal to the commissioner in accordance with section 5051, subsection 2, paragraph E 5051-A; or~~

Sec. 2. 20-A MRSA §5051, as amended by PL 1999, c. 198, §§1 and 2, is repealed.

Sec. 3. 20-A MRSA §5051-A is enacted to read:

§5051-A. Habitual truancy

1. Habitually truant. A student is habitually truant if the student:

A. Is subject to section 5001-A; and

B. Has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year.

2. Procedures. This subsection governs the procedure to be followed when a student is habitually truant.

A. If a principal of a public school and the attendance coordinator determine that a student is habitually truant, the principal shall inform the superintendent. The superintendent or the superintendent's designee shall first try to correct the problem informally. Informal attempts to correct the problem must include meeting with the student and the student's parents to identify possible causes of the habitual truancy and develop a plan to implement solutions to the problem. If an initial meeting does not resolve the problem, the superintendent or superintendent's designee shall implement interventions that best address the problem. The interventions may include, but are not limited to:

- (1) Frequent communication between the teacher and the family;
- (2) Changes in the learning environment;
- (3) Mentoring;
- (4) Student counseling;
- (5) Tutoring, including peer tutoring;
- (6) Placement into different classes;
- (7) Evaluation for alternative education programs;
- (8) Attendance contracts;
- (9) Referral to other agencies for family services; and
- (10) Other interventions, including, but not limited to, referral to the school attendance coordinator, student assistance team or dropout prevention committee.

Failure of the student or the student's parents to appear at scheduled meetings does not preclude the school administrators from implementing a plan to address the student's habitual truancy.

B. As part of correcting the problem informally, the superintendent or superintendent's designee shall require the student and the student's parents to attend one or more meetings with the student's teacher or other school personnel designated by the superintendent. The purpose of the meetings is to reinforce the plan developed in paragraph A or to develop an alternative plan. The meeting or meetings may involve the presence of others, including, but not limited to, case managers, therapeutic treatment providers and representatives of