

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

**3. Notice required.** Notice must be provided to the parent pursuant to section 5051-A, subsection 2, paragraph C before a prosecution for violating subsection 1 may be brought against the parent.

**4. Prima facie proof.** Evidence that shows that the parent received the notice under section 5051-A, subsection 2 and that the child has accumulated 10 absences that are not justified under the established attendance policies of the school administrative unit is prima facie proof that the child's parent failed to enroll the child in school, failed to send the child to school or failed to require the child to regularly attend school.

**5. Defense.** It is a defense to a prosecution under subsection 1 that the parent has exercised reasonable diligence in attempting to cause a child in the parent's custody to attend school or that the administrators of the child's school did not perform their duties as required by law.

**6. Process.** Service of a summons on the parent pursuant to subsection 1 must be in accordance with the Maine Rules of Civil Procedure.

**7. Jurisdiction.** The District Court has jurisdiction over violations under subsection 1.

**Sec. 6. 20-A MRSA §6810**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**§6810. Truancy**

The penalty for truancy is outlined in section ~~5053~~ 5053-A.

**Sec. 7. 20-A MRSA §7405, sub-§1**, as amended by PL 1999, c. 775, §6, is further amended to read:

**1. Enrollment.** The superintendent of the school administrative unit in which a deaf or hard-of-hearing student resides, with the consent of that student's parent or legal guardian and in accordance with the limitations in section ~~5054~~ 5051-A, may enroll that student in one of the center school programs or the satellite school programs. The sums necessary for tuition and room and board of the student while attending one of the center school programs or satellite school programs, as determined by the individualized education program of the student, must be paid by the school board.

See title page for effective date.

**CHAPTER 534**

**S.P. 604 - L.D. 1653**

**An Act To Authorize the Town of Verona To Change Its Name**

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

**Whereas**, the Town of Verona requires approval from the Legislature in order to hold an election on March 27, 2004 to change the name of the town to "Town of Verona Island"; 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-§41, ¶A**, as enacted by PL 2003, c. 289, §1, is amended to read:

A. In Hancock County, the minor civil divisions of Orland and Verona Island;

**Sec. 2. 30-A MRSA §66-A, sub-§5, ¶B**, as enacted by PL 2003, c. 291, §2, is amended to read:

B. Commissioner District Number 2, in the County of Hancock, consists of the minor civil divisions of Brooklin, Brooksville, Bucksport, Castine, Dedham, Deer Isle, Orland, Penobscot, Sedgwick, Stonington and Verona Island. The term of office of the commissioner from this district expires in 2006 and every 4 years thereafter.

**Sec. 3. 38 MRSA §469, sub-§2, ¶H**, as enacted by PL 1985, c. 698, §15, is amended to read:

H. Verona Island.

(1) Tidal waters lying northerly of the southernmost point of land on Verona Island - Class SC.

**Sec. 4. P&SL 1861, c. 25, §4** is enacted to read:

**Sec. 4.** Wherever the word "Verona" appears or reference is made to the Town of Verona it means "Verona Island."

**Sec. 5. Referendum; effective date.** This Act takes effect when approved only for the purpose

of permitting its submission to the legal voters within the Town of Verona at a special or regular town meeting or election held prior to January 1, 2005. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the town clerk to post a new list of voters. The registrar of voters must be in session on the secular day next preceding the election. The town clerk shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

"Do you favor changing the name of the Town of Verona to "Town of Verona Island"?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion on the question.

The results must be declared by the municipal officers of the Town of Verona and due certificate of the results filed by the town clerk with the Secretary of State.

This Act takes effect immediately upon its acceptance by a majority of the legal voters in the Town of Verona at the election.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective pending referendum.

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**CHAPTER 535**

**H.P. 1253 - L.D. 1731**

**An Act To Expand the State Fire Marshal's Responsibilities and To Clarify That the Commissioner of Public Safety Will Follow the Maine Administrative Procedure Act when Adopting Certain Rules**

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

**Sec. 1. 17-A MRSA §1001, sub-§2, ¶A,** as enacted by PL 1975, c. 499, §1, is amended to read:

A. "Explosives" means gunpowders, powders used for blasting all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds, mechanical mixtures or other ingredients in such proportions, quantities or packing that ignition by fire, by friction, by chemical re-

action, by concussion, by percussion or by detonation or deflagration of the compound or material or any part thereof may cause an explosion; and

**Sec. 2. 25 MRSA §2396, sub-§3,** as repealed and replaced by PL 1973, c. 632, §6, is amended to read:

**3. Explosives.** The storage, sale and use of combustibles, flammables, incendiary devices and explosives;

**Sec. 3. 25 MRSA §2452,** as amended by PL 2003, c. 411, §§2 and 3, is further amended to read:

**§2452. Life safety and property protection**

The Commissioner of Public Safety shall adopt and may amend, after notice ~~and public hearing~~ in accordance with the Maine Administrative Procedure Act, reasonable rules governing the safety to life from fire in or around all buildings or other structures and mass outdoor gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's jurisdiction. These rules do not apply to nursing homes having 3 or fewer patients. Automatic sprinkler systems may not be required in existing noncommercial places of assembly. Noncommercial places of assembly include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation that have a capacity of 100 to 300 persons.

**1. Effective date.** The rules, and amendments to the rules, become effective when reviewed for form and legality by the Office of the Attorney General and a certified copy of them has been approved in writing by the Commissioner of Public Safety and filed with the Secretary of State.

**2. Rights declared.** Any person aggrieved by a rule or by an act of the commissioner in enforcing the rule may have that person's rights declared by bringing an action for declaratory judgment under Title 14, chapter 707, naming the commissioner as defendant.

**3. Violation.** A person who violates a rule issued by the commissioner under this section ~~must be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both commits a Class E crime.~~ commits a Class E crime.

Existing buildings licensed pursuant to Title 22, Subtitle 6, having more than 6 boarders, with the exception of board and care facilities and children's homes, must comply with any rules for residential-custodial care facilities required by the Commissioner of Public Safety, except that such existing facilities of not more than 2 stories in height are not required to be fire resistive, protected or unprotected noncombusti-