

# 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**

**nities and efficiency in use of state and federal resources for eligible children from 3 years of age to under 6 years of age who have disabilities.** The Commissioner of Education shall develop and present a plan to ensure greater equity of education opportunities and greater efficiency in the use of early childhood education and preschool handicapped program resources, beginning no later than fiscal year 2005-06, for the continued implementation of free, appropriate public education services authorized in this Act for eligible children from 3 years of age to under 6 years of age who have a disability, pursuant to the Individuals with Disabilities Education Act, 20 United States Code, section 1400, et seq. In examining equity and efficiency in the use of state and federal resources for early childhood education and preschool handicapped programs, the commissioner shall take into consideration relevant factors, which may include, but are not limited to, data related to 5-year-old children in the general population who are eligible to enroll in kindergarten, child count, Medicaid eligibility rate and the reports of early childhood teams regarding the eligibility status of children with disabilities who will reach 5 years of age between September 1st and October 15th of each school year in the 2006-2007 state fiscal biennium. The commissioner shall present the plan described in this section to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs during the 122nd Legislature on or before December 31, 2004. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs is authorized to introduce legislation regarding the continued implementation of free, appropriate public education services authorized in this Act during the first regular session of the 122nd Legislature.

### **Sec. 11. Appropriations and allocations.**

The following appropriations and allocations are made.

#### **EDUCATION, DEPARTMENT OF**

##### **General Purpose Aid for Local Schools 0308**

Initiative: Deappropriates funds in fiscal year 2004-05 to recognize the savings to local schools as a result of parents choosing to delay the entry of children who are currently receiving free, appropriate public education services through the Child Development Services System into kindergarten until the start of the following school year.

<b>General Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$0	(\$791,955)
<b>General Fund Total</b>	<b>\$0</b>	<b>(\$791,955)</b>

##### **Child Development Services 0449**

Initiative: Appropriates funds in fiscal year 2004-05 for the provision of services to children who are currently receiving free, appropriate public education services through the Child Develop-

ment Services System and whose parents choose not to enroll them in kindergarten until the start of the following school year.

<b>General Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$0	\$475,519
<b>General Fund Total</b>	<b>\$0</b>	<b>\$475,519</b>
<b>EDUCATION, DEPARTMENT OF</b>	<b>2003-04</b>	<b>2004-05</b>
<b>DEPARTMENT TOTALS</b>		
<b>General Fund</b>	<b>\$0</b>	<b>(\$316,436)</b>
<b>DEPARTMENT TOTAL -</b>		
<b>ALL FUNDS</b>	<b>\$0</b>	<b>(\$316,436)</b>

#### **HUMAN SERVICES, DEPARTMENT OF**

##### **Medical Care - Payments to Providers 0147**

Initiative: Appropriates funds in fiscal year 2004-05 for the provision of services to MaineCare-eligible children who are currently receiving free, appropriate public education services through the Child Development Services System and whose parents choose not to enroll them in kindergarten until the start of the following school year.

<b>General Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$0	\$223,119
<b>General Fund Total</b>	<b>\$0</b>	<b>\$223,119</b>
<b>Federal Expenditures Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$0	\$421,184
<b>Federal Expenditures Fund Total</b>	<b>\$0</b>	<b>\$421,184</b>
<b>HUMAN SERVICES, DEPARTMENT OF</b>	<b>2003-04</b>	<b>2004-05</b>
<b>DEPARTMENT TOTALS</b>		
<b>General Fund</b>	<b>\$0</b>	<b>\$223,119</b>
<b>Federal Expenditures Fund</b>	<b>0</b>	<b>421,184</b>
<b>DEPARTMENT TOTAL -</b>		
<b>ALL FUNDS</b>	<b>\$0</b>	<b>\$644,303</b>
<b>SECTION TOTALS</b>	<b>2003-04</b>	<b>2004-05</b>
<b>General Fund</b>	<b>\$0</b>	<b>(\$93,317)</b>
<b>Federal Expenditures Fund</b>	<b>0</b>	<b>421,184</b>
<b>SECTION TOTAL -</b>		
<b>ALL FUNDS</b>	<b>\$0</b>	<b>\$327,867</b>

See title page for effective date.

## **CHAPTER 677**

### **S.P. 286 - L.D. 891**

#### **An Act To Require Law Enforcement Agencies To Adopt Policies Concerning Recording and Preservation of Interviews**

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

**Sec. 1. 25 MRSA §2803-B, sub-§1, ¶H**, as amended by PL 2003, c. 370, §1, is further amended to read:

H. Criminal conduct engaged in by law enforcement officers; ~~and~~

**Sec. 2. 25 MRSA §2803-B, sub-§1, ¶I**, as enacted by PL 2003, c. 370, §2, is amended to read:

I. Death investigations, including at a minimum the protocol of the Department of the Attorney General regarding such investigations; ~~and~~

**Sec. 3. 25 MRSA §2803-B, sub-§1, ¶J** is enacted to read:

J. Digital, electronic, audio, video or other recording of law enforcement interviews of suspects in serious crimes and the preservation of investigative notes and records in such cases.

**Sec. 4. 25 MRSA §2803-B, sub-§§2 and 3**, as amended by PL 2003, c. 370, §3, are further amended to read:

**2. Minimum policy standards.** The board shall establish minimum standards for each law enforcement policy no later than June 1, 1995, except that policies for expanded requirements for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be established no later than January 1, 2003 ~~and~~; policies for death investigations under subsection 1, paragraph I must be established no later than January 1, 2004; and policies for the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph J must be established no later than January 1, 2005.

**3. Agency compliance.** The chief administrative officer of each law enforcement agency shall certify to the board no later than January 1, 1996 that the agency has adopted written policies consistent with the minimum standards established by the board pursuant to subsection 2, except that certification to the board for expanded policies for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be made to the board no later than June 1, 2003 ~~and~~; certification to the board for adoption of a death investigation policy under subsection 1, paragraph I must be made to the board no later than June 1, 2004; and certification to the board for adoption of a policy for the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph J must be made to the board no later than June 1, 2005. ~~This~~ The certification must be accompanied by copies of the agency policies. The chief administrative officer of each agency shall certify to the board no later than June 1, 1996 that the agency has provided orientation and training for its members with respect to the policies, except that

certification for orientation and training with respect to expanded policies for domestic violence under subsection 1, paragraph D must be made to the board no later than January 1, 2004 ~~and~~; certification for orientation and training with respect to policies regarding death investigations must be made to the board no later than January 1, 2005; and certification for orientation and training with respect to policies regarding the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph J must be made to the board no later than January 1, 2005.

See title page for effective date.

## CHAPTER 678

S.P. 615 - L.D. 1683

### An Act Relating to the Establishment of a Central Maine Regional Public Safety Communication Center

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

**Sec. 1. 5 MRSA §12004-I, sub-§74-D** is enacted to read:

<b>74-D.</b>	<u>Maine</u>	<u>Not</u>	<u>25</u>
<u>Public</u>	<u>Communica-</u>	<u>Authorized</u>	<u>MRSA</u>
<u>Safety</u>	<u>tions System</u>		<u>§1531</u>
	<u>Policy Board</u>		

**Sec. 2. 25 MRSA c. 192-A** is enacted to read:

## CHAPTER 192-A

### MAINE COMMUNICATIONS SYSTEM POLICY BOARD

#### §1531. Maine Communications System Policy Board

This section governs the establishment and powers of the Maine Communications System Policy Board within the Department of Public Safety.

**1. Policy board established.** The Maine Communications System Policy Board, referred to in this chapter as "the board," is established within the Department of Public Safety, referred to in this chapter as "the department." The purpose of the board is to establish policies, procedures and standards for the cooperative use of the department's communication systems by municipal, county and state governmental entities. The board also shall carry out any other functions specified in this chapter.