

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

effective, whether savings were achieved and, if so, recommendations for use of those savings and the effect of the project on the mental health infrastructure in the State.

See title page for effective date.

CHAPTER 58

H.P. 1171 - L.D. 1596

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Guidelines for Requiring Handwashing Sinks in Certain Convenience Stores

Sec. 1. Guidelines for sinks in food establishments. Resolved: That the Department of Agriculture, Food and Rural Resources shall set forth guidelines in the State of Maine Food Code regarding handwashing sinks in certain convenience stores, upon completion of the department's database migration, but no later than April 1, 2004. These guidelines must include a procedure by which convenience stores with little food preparation will be assigned a low-risk code and will not be required to install a sink used exclusively for handwashing, as presently required in the department's food code.

See title page for effective date.

CHAPTER 59

H.P. 1130 - L.D. 1541

Resolve, Conveying The State's Interest in a Parcel of Property Located in Orrington

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House; and

Whereas, the real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Conservation may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 1837 and 1851; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands authorized to sell or convey certain real estate. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey the following property on such terms and conditions as the director may direct to Lillian King of Orrington, the current occupier of the property: a parcel of property in the Town of Orrington, identified on the town's current Tax Map 2 as Lot 47, said property also being described in a deed from Leland B. Blake to Harry A. Smith dated July 22, 1950 and recorded in Book 5728, Page 320, Penobscot County Registry of Deeds.

See title page for effective date.

CHAPTER 60

H.P. 1122 - L.D. 1530

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only for the part of the rule specified as

"Part I, Section 8, Administrator Certificates" and for the part of the rule specified as "Part II, Section 4, Administrator Certificates" only if the rules proposed for Part II, Section 4 are amended as follows.

1. The rule must be amended in the part designated "Part II, Section 4, subsection 4.1, paragraph B, subparagraph 1, division (g)" to clarify that the requirements for either eligibility pathway for a superintendent's certificate must include the completion of an approved internship or practicum based on the Interstate School Leaders Licensure Consortium standards.

2. The rule must be amended in the part designated "Part II, Section 4, subsection 4.1, paragraph B, subparagraph 2" to clarify that the eligibility pathway for a superintendent that meets the Interstate School Leaders Licensure Consortium standards must include a reference to the Maine-approved program for a superintendent's certificate.

3. The rule must be amended in the part designated "Part II, Section 4, subsection 4.3, paragraph B, subparagraph 1, division (e)" to clarify that the eligibility pathway for a special education administrator must include the satisfactory completion of an approved internship or practicum that is based on the Interstate School Leaders Licensure Consortium standards.

4. The rule must be amended in the part designated "Part II, Section 4, subsection 4.5, paragraph B, subparagraph 1, division (f)" to clarify that the eligibility pathway for a building administrator must include the satisfactory completion of an approved internship or practicum that is based on the Interstate School Leaders Licensure Consortium standards and also relates to the duties of a principal or career and technical education administrator.

5. The rule must be amended in the part designated "Part II, Section 4, subsection 4.10, paragraph B" to clarify that the eligibility pathway for a curriculum coordinator must include the satisfactory completion of an approved internship or practicum that is based on the Interstate School Leaders Licensure Consortium standards; and be it further

Sec. 2. Finding; filing of revised rule. Resolved: That the Joint Standing Committee on Education and Cultural Affairs has determined that the provisionally adopted major substantive rule may require significant revisions by the Maine Department of Education following the pending decision of the United States Department of Education regarding the Consolidated State Application for State Grants under Title IX, Part C, Section 9302 of the federal Elementary and Secondary Education Act, Public Law 107-110. The Joint Standing Committee on Education

and Cultural Affairs has determined that the Department of Education and the State Board of Education should review the remaining portions of the provisionally adopted major substantive rule that were not finally adopted, including but not limited to those portions of the rule pertaining to certification of teachers and authorization of educational technicians, and should file a revised rule in accordance with the requirements for state agency rule-making procedures for a major substantive rule pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. In proceeding with the filing of the revised rule for the remaining portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, the Department of Education shall also consider the concerns raised by interested parties during public hearings and work sessions on this rule conducted by the Joint Standing Committee on Education and Cultural Affairs related to other portions of the provisionally adopted major substantive rule that are not necessarily subject to the educator quality requirements of the federal Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001.

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

Effective June 3, 2003.

CHAPTER 61

H.P. 1158 - L.D. 1586

Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F, a Major Substantive Rule of the Department of Human Services

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and