

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

CHAPTER 129

H.P. 640 - L.D. 921

An Act To Restructure the Board of Trustees of the Maine School of Science and Mathematics**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 20-A MRSA §8204, sub-§1, ¶E, as enacted by PL 1993, c. 706, Pt. A, §4 and amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is repealed.

Sec. 2. 20-A MRSA §8204, sub-§1, ¶G, as enacted by PL 1993, c. 706, Pt. A, §4, is amended to read:

G. ~~Eight Ten~~ members of the general public appointed by the Governor, at least ~~5~~ 4 of whom must be scientists, engineers or mathematicians employed within the business or industrial community ~~and one of whom must have expertise in instructional television, appointed by the Governor~~, one of whom must be a graduate of the Maine School of Science and Mathematics and one of whom must be a parent of a student or of a graduate who graduated within 5 years prior to the parent's appointment to the board of trustees. All appointments under this paragraph are subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and subject to confirmation by the Legislature;

Sec. 3. 20-A MRSA §8204, sub-§1, ¶H, as enacted by PL 1993, c. 706, Pt. A, §4, is repealed.

Sec. 4. 20-A MRSA §8204, sub-§6, as enacted by PL 1993, c. 706, Pt. A, §4, is amended to read:

6. Terms. The terms of the members of the board of trustees who are appointed by the Governor are for 4-year terms unless otherwise designated. The terms of the 2 teachers appointed by the Governor are staggered. Of the initial appointees, one is appointed for a term of 2 years and one is appointed for a term of 4 years.

~~The terms of the 8- 10 members of the general public are serve 4-year staggered terms. Of the initial appointees, 4 are appointed for terms of 2 years and 4 for terms of 4 years. Members may be appointed for consecutive terms.~~

See title page for effective date.

CHAPTER 130

H.P. 607 - L.D. 856

An Act Allowing School Unions To Improve Efficiency**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 20-A MRSA §1902, sub-§3, ¶E, as amended by PL 1993, c. 131, §1, is further amended to read:

E. May authorize a school administrative unit within the school union to serve as a contractual employer of teachers and other personnel who provide services to more than one unit in the union. Employment is subject to section 13201 and Title 26, chapter 9-A; and

Sec. 2. 20-A MRSA §1902, sub-§3, ¶F, as enacted by PL 1993, c. 131, §1, is amended to read:

F. May assume additional responsibilities delegated by the school boards of the school administrative units comprising the school union. ~~—A~~ Except as provided in section 1904, a plan for the delegation of additional responsibilities under this section must be approved by a majority of the members of each school board. The plan must include, but is not limited to, a description of the delegated responsibilities, apportionment of costs among the member school administrative units and consideration of appropriate time limits on contracts for purchases of school supplies. Funds to support additional responsibilities under this section must be budgeted and approved as part of each school administrative unit's budget.

Sec. 3. 20-A MRSA §1904 is enacted to read:

§1904. Fiscal authority

The superintendent of a school union may be designated as the treasurer of the school union and, notwithstanding section 1902, subsection 3, paragraph F, the union committee of a school union may perform the functions of fiscal agent for the school administrative units in the school union if a majority of the voters in each municipality agree to these designations through a referendum or at a town meeting. The article that is placed before the voters in each municipality must state the specific functions to be performed by the fiscal agent, must state that the agreement under which the union committee may perform the functions of fiscal agent may not exceed a period of 3 years and must also include a schedule for regular payment of the warrants approved in each municipality to the union committee. The school union must provide the

municipalities with accounting records after an audit has been completed and delivered to the superintendent. An agreement under which the union committee performs the functions of fiscal agent may be renewed for a period not to exceed 3 years. Each renewal may be approved only in accordance with the procedures described in this section.

See title page for effective date.

CHAPTER 131

H.P. 754 - L.D. 1101

An Act To Designate Pay Phone Locations in the Public Interest

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

Sec. 1. 35-A MRSA §7104, sub-§6 is enacted to read:

6. Public-interest pay phone support. The commission may require contributions to a state universal service fund established pursuant to this section in an amount sufficient to collect up to \$50,000 each year to fund public-interest pay phones pursuant to section 7508. The commission shall maintain an accounting of all funds contributed to the state universal service fund pursuant to this subsection and all funds expended pursuant to section 7508. Funds contributed to the state universal service fund pursuant to this subsection may be expended only for the purposes of section 7508.

Sec. 2. 35-A MRSA §7508 is enacted to read:

§7508. Public-interest pay phones

1. Public-interest pay phone locations. In order to ensure access to pay phones in a manner that fulfills the requirements of the public health, safety and welfare, the commission shall establish by rule a process for reviewing and approving requests for public-interest pay phones in accordance with this section.

A. The commission shall establish procedures by which citizens may petition to have a public-interest pay phone at a particular location.

B. Consistent with the following general criteria, the commission shall establish procedures and standards for responding to a petition for a public-interest pay phone.

(1) A proposed public-interest pay phone must fulfill a public welfare, health or safety policy objective.

(2) A pay phone would not otherwise remain or be placed at a proposed public-interest pay phone location by the operation of the competitive marketplace.

C. A public-interest pay phone may not be removed from service unless its owner provides written notice to the commission 30 days prior to removal, except that the commission, pursuant to rules adopted under this section, may grant a waiver of this requirement.

2. Recovery of costs. The costs associated with installing and maintaining public-interest pay phones pursuant to this section must be paid from funds available pursuant to section 7104, subsection 6.

3. Rules. The commission shall adopt rules that are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement this section.

4. Report. Annually prior to February 1st, the commission shall provide a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters detailing activities undertaken pursuant to this section. The report must include information on the number of petitions for public-interest pay phones the commission has received, the number of such pay phones the commission has approved and the amount of available funds expended.

Sec. 3. Authority to report out legislation. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may report out legislation to the First Regular Session of the 123rd Legislature concerning public-interest pay phones.

See title page for effective date.

CHAPTER 132

H.P. 418 - L.D. 563

An Act To Assist Persons with Pulmonary Disabilities

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

Sec. 1. 35-A MRSA §3214, sub-§5 is enacted to read:

5. Ensuring equitable treatment for persons with certain disabilities. If the commission establishes or approves one or more low-income assistance programs under subsection 2 or 3 that result in similarly situated persons receiving different levels of assistance depending solely upon which transmission