

# 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**

**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**  
**2005**

**7. Recovery of expenses and costs.** The costs for telecommunications relay services must be recovered ~~in the same manner as any other costs for the provision of services by local exchange carriers. Nothing in this section limits the ability of the commission to determine the reasonableness of the costs for providing these services through the state universal service fund pursuant to section 7104, subsection 7.~~

See title page for effective date.

## CHAPTER 306

H.P. 557 - L.D. 780

### An Act To Allow a Landlord To Discover Whether Sewer and Water Bills Have Been Paid

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

**Sec. 1. 30-A MRSA §3406-A** is enacted to read:

**§3406-A. Landlord access to tenant bill payment information**

If a tenant is billed for municipal sewer service provided to property rented by the tenant and non-payment for the service may result in a lien against the property, the municipality shall provide to the landlord or the landlord's agent, on request of the landlord or the landlord's agent, the current status of the tenant's sewer service account, including any amounts due or overdue.

**Sec. 2. 35-A MRSA §6111-B** is enacted to read:

**§6111-B. Landlord access to tenant bill payment information**

If a tenant is billed for water utility service provided to property rented by the tenant and nonpayment for the service may result in a lien against the property, the utility shall provide to the landlord or the landlord's agent, on request of the landlord or the landlord's agent, the current status of the tenant's account, including any amounts due or overdue.

**Sec. 3. 38 MRSA §1207-A** is enacted to read:

**§1207-A. Landlord access to tenant bill payment information**

If a tenant is billed for sewer service provided to property rented by the tenant and nonpayment for the service may result in a lien against the property, the sanitary district shall provide to the landlord or the

landlord's agent, on request of the landlord or the landlord's agent, the current status of the tenant's account, including any amounts due or overdue.

**Sec. 4. 38 MRSA §1252, sub-§11** is enacted to read:

**11. Landlord access to tenant bill payment information.** If a tenant is billed for sewer service provided to property rented by the tenant and non-payment for the service may result in a lien against the property, the sewer district shall provide to the landlord or the landlord's agent, on request of the landlord or the landlord's agent, the current status of the tenant's account, including any amounts due or overdue.

See title page for effective date.

## CHAPTER 307

H.P. 419 - L.D. 564

### An Act To Amend the Laws Governing the Student Code of Conduct

**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 §1001, sub-§15, ¶F,** as amended by PL 2001, c. 644, §1, is further amended to read:

F. Establish policies and procedures concerning the removal of disruptive or violent students or students threatening death or bodily harm to others from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate; ~~and~~

**Sec. 2. 20-A MRSA §1001, sub-§15, ¶G,** as enacted by PL 1999, c. 351, §2, is amended to read:

G. Establish guidelines and criteria concerning the appropriate circumstances when the superintendent or the superintendent's designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed

by any person on school grounds or other school property; and

**Sec. 3. 20-A MRSA §1001, sub-§15, ¶H** is enacted to read:

H. Establish policies and procedures to address bullying, harassment and sexual harassment.

**Sec. 4. Development of model policies to address bullying, harassment and sexual harassment.** The Commissioner of Education shall direct the Subcommittee on School and Community Climate of the Children's Cabinet to develop model policies to address bullying, harassment and sexual harassment in schools. In developing these model policies, the subcommittee shall, no later than February 15, 2006:

1. Provide a description of behaviors that constitute bullying, harassment and sexual harassment;
2. Provide specific guidelines for the enhancement and enforcement of student codes of conduct adopted in accordance with the Maine Revised Statutes, Title 20-A, section 1001, subsection 15;
3. Present the guidelines in a manner appropriate for inclusion in staff and faculty handbooks;
4. Develop a manual to instruct parents, teachers and school administrators on how to implement policies on bullying, harassment and sexual harassment, including recommendations for procedures to be included in a school handbook; and
5. Create training modules for school staff and administration specific to recognizing and implementing procedures to address bullying, harassment and sexual harassment. Training modules must be developed for delivery regionally via interactive television, in person at workshops and conferences and online as Internet-based teaching tools.

By February 1, 2006 the commissioner shall report to the Joint Standing Committee on Education and Cultural Affairs on the subcommittee's progress in developing model policies, procedures and training materials.

**Sec. 5. Implementation of policies and procedures to address bullying, harassment and sexual harassment.** School administrative units shall establish or modify policies and procedures to address bullying, harassment and sexual harassment in a manner consistent with the model policies developed in accordance with section 4. Each school administrative unit must have such policies and procedures in place by September 1, 2006.

See title page for effective date.

## CHAPTER 308

H.P. 771 - L.D. 1118

### An Act Relating to Disclosures in Political Advertising

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

**Sec. 1. 21-A MRSA §1014, sub-§3-B** is enacted to read:

**3-B. Newspapers.** A newspaper may not publish a communication described in subsection 1 or 2 without including the disclosure required by this section. For purposes of this subsection, "newspaper" includes any printed material intended for general circulation or to be read by the general public. When necessary, a newspaper may seek the advice of the commission regarding whether or not the communication requires the disclosure.

**Sec. 2. 21-A MRSA §1055**, as amended by PL 2003, c. 615, §2, is further amended by adding after the 2nd paragraph a new paragraph to read:

A newspaper may not publish a communication described in this section without including the disclosure required by this section. For purposes of this paragraph, "newspaper" includes any printed material intended for general circulation or to be read by the general public. When necessary, a newspaper may seek the advice of the commission regarding whether or not the communication requires the disclosure.

See title page for effective date.

## CHAPTER 309

H.P. 779 - L.D. 1136

### An Act To Implement the Recommendations of the Legislative Youth Advisory Council

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

**Sec. 1. 22 MRSA §4067** is enacted to read:

**§4067. Permission for participation in school activities**

The department shall develop and disseminate a standard form to be used by school administrative units to authorize participation by children in the custody of the department in school athletics, field trips and other extracurricular activities. This form