

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.

Penmor Lithographers
Lewiston, Maine
2005

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

must be signed once each year by a representative of the department following the enrollment of the child in a school and forwarded to the school administrative unit attended by the child. This form provides the necessary legal permission for the child to participate in such activities. A child in the custody of the department must secure the signature of a caretaker on permission slips for specific activities as do other students in order to ensure notice to the caretaker of the child's participation in those activities.

See title page for effective date.

CHAPTER 310

S.P. 230 - L.D. 693

An Act To Increase Public Safety through the Enhancement of Law Enforcement for the Houlton Band of Maliseet Indians

Sec. 1. 30 MRSA §6206-B is enacted to read:

**§6206-B. Law enforcement powers of Houlton
Band of Maliseet Indians**

1. Appointment of tribal law enforcement officers. The Houlton Band of Maliseet Indians may appoint law enforcement officers who have the authority to enforce all the laws of the State within the Houlton Band Trust Land. This section does not limit the existing authority of tribal officers under tribal law or affect the performance of federal duties by tribal officers.

2. Authority of state, county and local law enforcement officers. State and county law enforcement officers and law enforcement officers appointed by the Town of Houlton have the authority to enforce all laws of the State within the Houlton Band Trust Land.

3. Agreements for cooperation and mutual aid. The Houlton Band of Maliseet Indians and any state, county or local law enforcement agency may enter into agreements for cooperation and mutual aid.

4. Powers, duties and training requirements. Law enforcement officers appointed by the Houlton Band of Maliseet Indians pursuant to this section possess the same powers, enjoy the same immunities and are subject to the same duties, limitations and training requirements as other corresponding law enforcement officers under the laws of the State.

5. Report to Legislature. By January 1, 2010, the Houlton Band of Maliseet Indians shall file a report with the joint standing committee of the Legislature having jurisdiction over judiciary matters

detailing the band's experience with the exercise of law enforcement authority under this section. The report must include observations and comments from the state and county law enforcement agencies providing law enforcement services in Aroostook County and from the Houlton Police Department.

6. Repeal. This section is repealed July 1, 2010.

Sec. 2. Contingent effective date. This Act does not take effect unless, within 60 days after the adjournment of the Legislature, the Secretary of State receives written certification from the Houlton Band Council of the Houlton Band of Maliseet Indians that the band has agreed to the provisions of this Act pursuant to the United States Code, Title 25, Section 1725(e)(2), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes, except that in no event may this Act take effect until 90 days after adjournment of the Legislature.

See title page for effective date, unless otherwise indicated.

CHAPTER 311

H.P. 199 - L.D. 260

An Act To Amend the Laws Governing Mechanics Liens

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

Sec. 1. 10 MRSA §3255, sub-§2, as amended by PL 1993, c. 137, §2, is repealed and the following enacted in its place:

2. Bona fide purchaser. Any person who is a bona fide purchaser for value of a house, building or appurtenances, a public building erected or owned by any city, town, county, school district or other municipal corporation, or a wharf or pier or any building thereon, including the ground adjacent to and upon which any such objects are constructed, takes title free of the lien described in this chapter unless, before the bona fide purchaser takes title to the premises on which such lien attaches:

A. The person performing or furnishing that labor, materials or services either has filed the notice required by section 3253 or has filed a notice in the office of the register of deeds in the county or registry district in which these premises are located setting forth a description of the property sufficiently accurate to identify it; the names of the owners; that the claimant is going to perform or furnish, is performing or furnishing or has performed or furnished labor, materials or services;