

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

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~~vices with local transitional services coordination projects for youth with disabilities, as established in Title 20-A, chapter 308, assigning appropriate regional staff and resources as available and necessary in each region to be served by a project with school administrative units in transition planning for each student receiving special education services who is 16 years of age or older, or 14 years of age if determined appropriate by the student's individualized education program team, and shall assign appropriate staff as a transition contact person and as a member of the transition planning team for each student.~~

Sec. 9. 34-B MRSA §3004, sub-§3, ¶D, as amended by PL 2009, c. 147, §12, is further amended to read:

~~D. Participate in the coordination of services for persons with school administrative units in transition planning for each student with chronic mental illnesses with local transitional services coordination projects for students with disabilities, as established in Title 20-A, chapter 308, assigning appropriate regional staff and resources as available and necessary in each region to be served by a project who is receiving special education services and who is 16 years of age or older, or 14 years of age if determined appropriate by the student's individualized education program team, and shall assign appropriate staff as a transition contact person and as a member of the transition planning team for each student.~~

Sec. 10. 34-B MRSA §5433, sub-§5, as amended by PL 2009, c. 147, §13, is further amended to read:

5. Transitional services coordination. ~~Participate in the coordination of services for individuals with school administrative units in transition planning for each student with developmental disabilities with local transitional services coordination projects for students with disabilities, as established in Title 20-A, chapter 308, assigning appropriate regional staff and resources as available and necessary in each region to be served by a project who will be eligible for services under chapter 5 or 6 who is receiving special education services and who is 16 years of age or older, or 14 years of age if determined appropriate by the student's individualized education program team, and shall assign appropriate staff as a transition contact person and as a member of the transition planning team for each student.~~

Sec. 11. 34-B MRSA §6004, first ¶, as amended by PL 2007, c. 356, §28 and affected by §31, is further amended to read:

The commissioner shall submit a report in coordination with the Commissioner of Education on efforts to plan for and develop social and habilitative services for persons who have autism and other pervasive de-

velopmental disorders to the Governor and the joint standing ~~committee~~ committees of the Legislature having jurisdiction over health and institutional services matters and educational and cultural affairs. This report must be submitted no later than January 15th of every odd-numbered year and must be submitted in conjunction with the plan required by section 5003-A, subsection 3.

Sec. 12. Interagency Transition Coordination Services. The Department of Education shall form a work group, including representation from the Department of Labor, Department of Corrections, Department of Health and Human Services and other public and private stakeholders, to review current requirements for transition services in the Maine Revised Statutes, Title 20-A, section 7258 and to determine the appropriate location and content of those requirements in statute to reflect the responsibilities of each agency related to transition planning for students with disabilities. The Department of Education shall report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by January 15, 2012 on the findings and recommendations of this work group. The committees are authorized to submit legislation related to the report to the Second Regular Session of the 125th Legislature to facilitate the implementation of the work group's recommendations.

See title page for effective date.

CHAPTER 349

H.P. 105 - L.D. 123

An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements

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

Sec. 1. 25 MRSA §2452, first ¶, as amended by PL 2007, c. 632, §1, is further amended to read:

The Commissioner of Public Safety shall adopt and may amend rules governing the safety to life from fire in or around all buildings or other structures and mass outdoor gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's jurisdiction. These rules do not apply to nursing homes having 3 or fewer patients. Automatic sprinkler systems may not be required in existing noncommercial places of assembly. Noncommercial places of assembly include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation that have a capacity of 100 to 300 persons. Automatic sprinkler systems may not be required in existing commercial places of assembly that are open for no more than 50 days per calendar

year. "Commercial places of assembly" includes bars with live entertainment, dance halls, nightclubs, assembly halls with large open areas in which patrons stand or sit, commonly referred to as "festival seating," and restaurants. Rules adopted pursuant to this section are routine technical rules, except that rules pertaining to fire sprinklers are major substantive rules, both of which are defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 350
S.P. 87 - L.D. 281

**An Act To Create a 6-year
Statute of Limitations for
Environmental Violations**

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

Sec. 1. 38 MRSA §347-A, sub-§8, as enacted by PL 2007, c. 337, §1, is repealed.

Sec. 2. 38 MRSA §347-A, sub-§9 is enacted to read:

9. Limitations on enforcement actions. This subsection applies to enforcement actions for civil penalties.

A. An enforcement action must be commenced by the commissioner or the Attorney General within 6 years of the following, whichever occurs latest:

- (1) The discovery by the commissioner or the Attorney General of an act or omission giving rise to a violation;**
- (2) The identification by the commissioner or the Attorney General of the person responsible for the violation; and**
- (3) The last day of an ongoing violation.**

B. For purposes of this subsection, an enforcement action is commenced when any of the following occurs:

- (1) The commissioner proposes an administrative consent agreement in writing to the violator pursuant to subsection 4;**
- (2) The commissioner schedules an enforcement hearing on the alleged violation pursuant to subsection 2;**
- (3) The commissioner, with the prior approval of the Attorney General, files a complaint in District Court pursuant to section 342, subsection 7 and the Maine Rules of Civil Procedure, Rule 3; and**

(4) The Attorney General files a complaint in District Court or Superior Court.

C. The commencement of an enforcement action by any of the means set forth in paragraph B tolls the running of the 6-year limitation period for the purpose of bringing any other action pursuant to subsection 1, paragraph A.

See title page for effective date.

CHAPTER 351
H.P. 585 - L.D. 778

**An Act To Amend the Process
of Federal Aviation
Administration Airport
Improvement Program Grants**

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

Sec. 1. 6 MRSA §3, sub-§25-C is enacted to read:

25-C. Primary airport. "Primary airport" means an airport that has at least 10,000 passenger boardings per year.

Sec. 2. 6 MRSA §17, sub-§1, as enacted by PL 1977, c. 678, §30, is amended to read:

1. Development. Aid and assist municipalities and other political subdivisions in the development, ~~maintenance and operation~~ of their public airports;

Sec. 3. 6 MRSA §17, sub-§9, as enacted by PL 1977, c. 678, §30, is repealed.

Sec. 4. 6 MRSA §18, sub-§2-A is enacted to read:

2-A. Primary Airport Capital Improvement Grant Program; administration approval. Notwithstanding subsection 2, the Primary Airport Capital Improvement Grant Program, referred to in this subsection as "the state grant program," is established as a discretionary grant program administered by the department. The department shall distribute available state grant program funds to primary airports for eligible capital improvement projects as determined by the department. Funds may also be distributed to an eligible municipality or political subdivision of the State for airport equipment that is eligible under the administration's airport improvement program. The department shall provide state grant program funds to evenly share the local match with the eligible municipality or political subdivision of the State for the administration's airport improvement program grant offer and award an amount contingent upon the availability of state grant program funds. State grant program funds may be distributed only to projects ready for construc-