

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 105
H.P. 685 - L.D. 930

**An Act To Give Maine Schools
Additional Options To Make
Up Missed School Days**

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

Sec. 1. 20-A MRSA §4801, sub-§1, ¶F, as enacted by PL 2015, c. 60, §1, is amended to read:

F. A school administrative unit operating under a plan approved by the commissioner may provide for a one-hour extension of the school day for up to 25 days in a school year. Notwithstanding the required number of school days under this subsection, 5 one-hour extensions may be counted as one additional school day. A school administrative unit may, with the approval of the commissioner pursuant to rules adopted in accordance with this subsection, implement extended days pursuant to this paragraph only for the purpose of making up school days missed due to weather or emergency closures. A school administrative unit may develop other ways to make up school days missed due to weather or emergency closures not included in this paragraph as long as they are incorporated into a plan approved by the commissioner.

See title page for effective date.

CHAPTER 106
S.P. 303 - L.D. 1024

**An Act To Destigmatize Mental
Illness through Health
Instruction That Emphasizes
the Relationship between
Physical and Mental Health in
Schools**

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

Sec. 1. 20-A MRSA §4711, as amended by PL 2009, c. 313, §11, is further amended to read:

§4711. Elementary course of study

The basic course of study for the elementary schools must provide for the instruction of all students in career and education development, English lan-

guage arts, world languages, health education and physical education, mathematics, science and technology, social studies and visual and performing arts, as described in the parameters for essential instruction and graduation requirements subject to the schedule specified in section 6209. Health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness.

Sec. 2. 20-A MRSA §4712, as enacted by PL 2009, c. 313, §12, is amended to read:

§4712. Junior high school or middle school course of study

The basic course of study for the junior high schools or middle schools must provide for the instruction of all students in career and education development, English language arts, health education and physical education, mathematics, science and technology, social studies, visual and performing arts and world languages, as described in the parameters for essential instruction and graduation requirements subject to the schedule specified in section 6209. Health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness.

Sec. 3. 20-A MRSA §4723, first ¶, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is amended to read:

The secondary course of study ~~shall~~ **must** include instruction in health, safety and physical education, as prescribed by the commissioner, and physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system. Health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness.

See title page for effective date.

CHAPTER 107
H.P. 782 - L.D. 1059

**An Act To Authorize the
Establishment of an
Apprentice License for the
Maine Scallop Fishery**

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

Sec. 1. 12 MRSA §6702, sub-§7 is enacted to read:

7. Apprentice license. The department may adopt rules to establish an apprentice program for entry into the scallop fishery that includes an apprentice license for a resident who is 18 years of age or older to engage in dragging for scallops under the supervision of a person licensed under this section. The fee for an apprentice scallop dragging license is \$250. The commissioner shall deposit license fees collected in this subsection into the Scallop Research Fund under section 6729-A. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 12 MRSA §6706, sub-§3, as amended by PL 2011, c. 237, §2, is further amended to read:

3. Scallop license limited entry system. Notwithstanding subsection 2, the commissioner shall establish by rule a limited entry system under which a person who did not hold a hand fishing scallop license or a scallop dragging license in the previous calendar year may become eligible to obtain that license. The rules for a limited entry system must include provisions for the method and administration of the program system. Rules adopted pursuant to this subsection are major substantive routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 12 MRSA §6729, sub-§1, ¶B, as amended by PL 2007, c. 607, Pt. A, §12, is further amended to read:

B. For a scallop draggers license, \$100, plus an additional \$250 to sponsor an apprentice pursuant to section 6702, subsection 7;

Sec. 4. 12 MRSA §6729-A, sub-§1, as amended by PL 2007, c. 607, Pt. A, §13, is further amended to read:

1. Uses of fund. The commissioner shall use the fund for research directly related to scallop fishery management information needs, for implementation of scallop management measures and, for reporting to licensed scallop harvesters on the results of research and the use of fund revenues and for the administration of an apprentice program established pursuant to section 6702, subsection 7. The commissioner may authorize the expenditure of money in the fund for research and development programs that address the restoration, development or conservation of scallop resources. The commissioner shall consult with the Scallop Advisory Council under section 6729-B before deciding upon research projects and awarding grants from the fund. The fund may also be used for support of the Scallop Advisory Council, including reimbursement for travel expenses.

Sec. 5. 12 MRSA §6729-A, sub-§2, as enacted by PL 2003, c. 319, §2, is amended to read:

2. Sources of revenue. The fund is capitalized by license fees and surcharges assessed under section 6702, subsection 7 and section 6729. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF
Bureau of Marine Science 0027**

Initiative: Provides an ongoing allocation for the administration of an apprentice license program, research and development programs that address the restoration, development or conservation of scallop resources.

	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS		
All Other	\$0	\$25,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$25,000

See title page for effective date.

CHAPTER 108

H.P. 786 - L.D. 1063

**An Act To Support the Role of
Municipalities in Expanding
Broadband Infrastructure**

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

Sec. 1. 30-A MRSA §5401, sub-§7, ¶B, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. Any of the following within or outside, or partly within and partly outside the corporate limits of the municipality:

- (1) A water system or part of that system;
- (2) A sewer system or part of that system;
- (3) An airport or part of an airport;
- (4) A telecommunications system or part of that system; or
- (5) An energy facility or part of that facility; or