

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

A. The amount stated in the applicable trust agreement or other document used to establish the capital reserve fund, with respect to any capital reserve fund established before June 30, 2009; or

B. If paragraph A does not apply, the amount of principal of the bonds directly secured by that capital reserve fund becoming due by reason of maturity or a required sinking fund payment, and interest on bonds directly secured by that capital reserve fund, in any succeeding 12-month period.

4. Withdrawals from capital reserve fund.

Money in any capital reserve fund may not be withdrawn at any time in an amount that would reduce the amount of that capital reserve fund to less than the applicable capital reserve requirement under subsection 3, except for the purposes of:

A. Paying the amounts of principal and interest due on bonds directly secured by that capital reserve fund;

(1) At a maturity or sinking fund payment date of those bonds;

(2) On any date on which accelerated principal payment is required pursuant to a credit facility or liquidity facility applicable to those bonds; or

(3) On any interest payment date with respect to those bonds; or

B. Paying any other amount expressly permitted by subsection 2.

5. Issuance limit. The authority may provide in the applicable trust agreement or other document used to establish a capital reserve fund pursuant to subsection 1 that it may not issue bonds directly secured by the capital reserve requirement under subsection 3 with respect to bonds outstanding and then to be issued that are or will be directly secured by that capital reserve fund that will exceed the amount of that fund at the time of issuance, unless the authority, at the time of issuance of the bonds, deposits in that fund from proceeds of the bonds to be issued, or from other sources, an amount that, together with the amount then in that fund, is not less than the capital reserve requirement.

6. Appropriation. On or before December 1st, annually, the authority shall certify to the Governor the amount, if any, necessary to restore the amount in any capital reserve fund established pursuant to subsection 1, in accordance with the trust agreement or other document pursuant to which bonds secured by the capital reserve fund were issued, to the capital reserve requirement under subsection 3. The Governor shall transmit directly to the Legislature that certification and a statement of the amount, if any, remaining to be paid. The amount certified must be appropriated and paid to the authority during that state fiscal year.

7. Maturity of bonds. Notwithstanding Title 10, section 1044, subsection 5, a series of bonds that is directly secured by a capital reserve fund described in this section must mature no more than 50 years from its issue date.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 18, 2008.

CHAPTER 666

S.P. 912 - L.D. 2291

An Act To Amend Teacher Confidentiality Laws

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

Sec. 1. 20-A MRSA §13004, sub-§2-A, as enacted by PL 1983, c. 470, §11 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

2-A. Complaints confidential. Complaints, charges or accusations made and investigated pursuant to section ~~13004~~ 13020, replies to those complaints, charges or accusations, and any other information or materials that may result in action to deny, revoke or suspend certification ~~shall be~~ are confidential. Any charges or information filed by the commissioner with the District Court in support of a petition to revoke or suspend certification and any decision of the court ~~shall be~~ are public records. The department shall report all denials, revocations, suspensions, surrenders and reinstatements of certification that are not under appeal or still subject to appeal to a national association of state directors of teacher education and certification within 30 days of the action. In reports to the national association of state directors of teacher education and certification, the department may not disclose any information designated in this subsection as confidential.

Sec. 2. Study by Office of Policy and Legal Analysis. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall review and summarize the extent to which laws in other states and jurisdictions permit the dissemination of confidential information pertaining to denials, revocations, suspensions, surrenders and reinstatements of teaching certificates to applicants for teacher certification or recertification and for professional licenses or credentials for other comparable professions. In conducting this analysis, the Office of Policy and Legal Analysis shall review the apparent conflict between the confidentiality requirements placed on information received by the Commissioner of Education as set forth in the

criminal history record check provisions of the Maine Revised Statutes, Title 20-A, section 6103 and the provisions set forth in Title 22, section 4011-A that require persons, when acting in a professional capacity, to report their knowledge or reasonable suspicions of the abuse or neglect of a child to the Department of Health and Human Services. The Office of Policy and Legal Analysis shall submit a report with findings to the Joint Standing Committee on Education and Cultural Affairs by November 5, 2008.

See title page for effective date.

CHAPTER 667 H.P. 1661 - L.D. 2303

An Act To Implement the Recommendations of the Alternative Education Programs Committee

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

Sec. 1. 20-A MRSA §1, sub-§1-B is enacted to read:

1-B. Alternative education program. "Alternative education program" means a program in which the primary purpose is to provide at-risk students with curricula and assessment in a setting designed to effectively meet the student's academic, social and relational needs.

Sec. 2. 20-A MRSA §1, sub-§1-C is enacted to read:

1-C. Alternative learning. "Alternative learning" means an educational option that a public school or publicly supported program offers at-risk students by offering some combination of the following: alternative education programs; small class size; flexible scheduling; relevant alternative curricula and assessment; mentoring adults; skilled teachers; a focus on social, emotional and relationship skills; collaboration among home, school and social service agencies; and any other measures designed to accommodate the needs of at-risk students.

Sec. 3. 20-A MRSA §1, sub-§2-A is enacted to read:

2-A. At-risk student. "At-risk student" means a student who:

- A. Is not meeting the requirements for promotion to the next grade level or graduation from high school;
- B. Is at risk for dropping out of school;
- C. Is habitually truant; or

D. Is economically disadvantaged as signified by qualification for the National School Lunch Program under 7 Code of Federal Regulations, Part 210 (2007).

Sec. 4. 20-A MRSA §3271, sub-§2, ¶B, as enacted by PL 1985, c. 490, §8, is amended to read:

B. The person obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner.

Sec. 5. 20-A MRSA §3271, sub-§3, as enacted by PL 1985, c. 490, §8, is amended to read:

3. Exceptions. Attendance at school or an alternative education program ~~shall~~ is not be required of the following:

A. A person who has graduated from high school before ~~his~~ the person's 17th birthday;

B. A person who is at least 15 years old, has completed the 9th grade and has permission to leave school to participate in a suitable program of training or combined work and study from a parent and the commissioner; and

C. A person who has been adjudged an habitual truant and has been excused from attendance pursuant to procedures established by the commissioner.

Sec. 6. 20-A MRSA §4729, as amended by PL 2001, c. 454, §25, is further amended to read:

§4729. Alternative education programs

A school administrative unit may establish one or more alternative education programs that are in alignment with the system of learning results established in section 6209 as alternatives to the regular course of study, including options allowed in sections 5104-A and 8605, to meet the needs of at-risk students.

1. Coordination. These programs shall operate as part of the elementary or secondary school program.

2. Alternative schedules. Alternative education programs may allow students to attend school part-time. Alternative education programs may be scheduled apart from the regular school day.

Sec. 7. 20-A MRSA §5103, sub-§5, as corrected by RR 2001, c. 1, §24, is amended to read:

5. Responsibilities. The following provisions apply to responsibilities of the dropout prevention committee.

A. The dropout prevention committee shall:

- (1) Study the problem of dropouts, and habitual truancy and the need for alternative education programs, kindergarten to grade 12;