

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a ~~\$10,000,000~~
\$9,750,000 bond issue to invest in land conservation and working waterfront preservation and to preserve state parks to be matched by ~~\$9,500,000~~
\$9,250,000 in federal and other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

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

Effective April 12, 2010, unless otherwise indicated.

CHAPTER 646

S.P. 704 - L.D. 1799

An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data

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

Sec. 1. 20-A MRSA §6204, sub-§3, as enacted by PL 1983, c. 859, Pt. D, §§3 and 4, is repealed.

Sec. 2. 20-A MRSA §13802, as enacted by PL 1985, c. 173, is amended to read:

§13802. Teacher and principal evaluation models

1. Department to establish models. The department shall establish models for evaluation of the professional performance of teachers and principals employed in ~~any~~ a school administrative unit within

the State. The models must include multiple measures.

2. Use of models. Each school administrative unit within the State ~~shall have the option to~~ may select and incorporate one or more of the models developed pursuant to subsection 1 for the evaluation of the professional performance of ~~any~~ a teacher or principal employed by that school administrative unit. If a school administrative unit wants to include student assessments as part of teacher evaluations, that school administrative unit must use one of the models developed pursuant to subsection 1.

Sec. 3. Review of models. The Commissioner of Education shall convene a stakeholder group to review the models developed pursuant to the Maine Revised Statutes, Title 20-A, section 13802 for the evaluation of the professional performance of teachers and principals who are employed by a school administrative unit within the State. The Commissioner of Education, or the commissioner's designee, shall serve as a member of the stakeholder group. The commissioner shall invite representatives of the following educational associations that are appointed by their respective associations to serve as members of the stakeholder group:

1. The Maine Education Association;
2. The Maine Principals' Association;
3. The Maine School Boards Association;
4. The Maine School Superintendents Association; and
5. The Maine Administrators of Services for Children with Disabilities.

The stakeholder group shall review the models developed by the Department of Education for the evaluation of the professional performance of teachers and principals and shall approve models no later than July 1, 2011. The Department of Education may not finally adopt a model that is not approved by the stakeholder group pursuant to this section.

See title page for effective date.

CHAPTER 647

S.P. 705 - L.D. 1800

An Act To Adopt the Common Core State Standards Initiative

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, national education reform includes the so-called "Common Core State Standards Initiative"

standards for kindergarten to grade 12, which are internationally benchmarked and build toward college and career readiness by the time of high school graduation; and

Whereas, Maine's current system of learning results established under the Maine Revised Statutes, Title 20-A, section 6209, and its system of assessment, do not include the Common Core State Standards Initiative standards; and

Whereas, immediate enactment of this legislation is necessary to ensure the State's eligibility to apply for a significant amount of federal funding for continued education reform, which is jeopardized by significant and continuing reductions in state funding for education; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20-A MRSA §6209, first ¶, as corrected by RR 2007, c. 1, §8, is amended to read:

The department in consultation with the state board shall establish and implement a comprehensive, statewide system of learning results, which may include a core of standards in English language arts and mathematics for kindergarten to grade 12 established in common with the other states, as set forth in this section and in department rules implementing this section and other curricular requirements. The department must establish accountability standards at all grade levels in the areas of mathematics; reading; and science and technology. The department shall establish parameters for essential instruction and graduation requirements in English language arts; mathematics; science and technology; social studies; career and education development; visual and performing arts; health, physical education and wellness; and world languages. Only students in a public school or a private school approved for tuition that enrolls at least 60% publicly funded students, as determined by the previous school year's October and April average enrollment, are required to participate in the system of learning results set forth in this section and in department rules implementing this section and other curricular requirements. The commissioner shall develop accommodation provisions for instances where course content conflicts with sincerely held religious beliefs and practices of a student's parent or guardian. The system must be adapted to accommodate children with disabilities as defined in section 7001, subsection 1-A.

Sec. 2. Emergency rulemaking. In accordance with the Maine Revised Statutes, Title 5, section

8054, the Commissioner of Education may adopt emergency rules to include in the statewide system of learning results and assessment a core of standards in English language arts and mathematics for kindergarten to grade 12 established in common with the other states.

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

Effective April 12, 2010.

CHAPTER 648

H.P. 1167 - L.D. 1639

An Act To Stimulate the Maine Economy and Promote the Development of Maine's Priority Transportation Infrastructure Needs

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

PART A

Sec. A-1. 23 MRSA c. 410, sub-c. 5 is enacted to read:

SUBCHAPTER 5

PUBLIC-PRIVATE PARTNERSHIPS

§4251. Public-private partnerships; transportation projects

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Agreement" means a contract between the department and a private entity to create a public-private partnership that allows for private sector participation in the financing, development, operation, management, ownership, leasing or maintenance of a transportation facility and that sets forth rights and obligations of the department and the private entity in that partnership.

B. "Project" means the initial capital development of a transportation facility.

C. "Proposal" means a conditional offer of a private entity that, after review, negotiation, documentation and legislative approval, may lead to an agreement as provided in this subchapter.

D. "Transportation facility" means a facility that is or if developed would be within the jurisdiction of the department including a highway, bridge, railroad line, pier, airport, trail, ferry vessel, building or other improvement.