

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

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

Augusta, Maine
2013

Legislature having jurisdiction over education matters a report that includes the following information regarding first-generation college students, as defined by the trustees of the respective institutions:

A. Data regarding enrollment of first-generation college students and educational outcomes, including graduation rates for first-generation college students compared with other college students;

B. A summary of strategies used and activities undertaken to increase enrollment and graduation rates of first-generation college students and any available data indicating the effect of those strategies and activities; and

C. Plans for or recommendations regarding new strategies or actions designed to increase enrollment and graduation rates of first-generation college students.

After receiving a report under this section, the committee may submit legislation relating to the subject matter of the report.

See title page for effective date.

CHAPTER 167

H.P. 335 - L.D. 485

An Act To Amend and Clarify Certain Education Laws

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

PART A

Sec. A-1. 20-A MRSA §1466, sub-§5, ¶D, as enacted by PL 2009, c. 580, §9, is amended to read:

D. In a warrant under paragraph C, the municipal officers shall direct that the polls are to be open at by 10 a.m. and remain open until 8 p.m.

Sec. A-2. 20-A MRSA §1466, sub-§13, as amended by PL 2011, c. 678, Pt. J, §4, is further amended to read:

13. Determination of results; execution of agreement. ~~If~~ Except for a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, if the commissioner finds that a majority of the voters voting on the article has voted in the affirmative and the total number of votes cast for and against the article equal or exceed 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election, the commissioner shall notify the municipal officers and the regional school unit board to take steps for the withdrawal in accordance with the terms of the agree-

ment for withdrawal. For a municipality that is part of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, if the commissioner finds that at least 2/3 of the votes validly cast in the municipality are in the affirmative, the commissioner shall notify the municipal officers and the regional school unit board to take steps for the withdrawal in accordance with the terms of the agreement for withdrawal.

This subsection is repealed January 1, 2015.

Sec. A-3. 20-A MRSA §6051, sub-§1, ¶I, as amended by PL 2011, c. 678, Pt. A, §3, is further amended to read:

I. A determination of whether the school administrative unit has exceeded its authority to expend funds, as provided by the total budget summary article; ~~and~~

Sec. A-4. 20-A MRSA §6051, sub-§1, ¶J, as enacted by PL 2011, c. 678, Pt. A, §4, is amended to read:

J. A determination of whether the school administrative unit has complied with the applicable provisions of the unexpended balances requirements established under section 15004-; ~~and~~

Sec. A-5. 20-A MRSA §6051, sub-§1, ¶K is enacted to read:

K. A schedule of expenditures of federal awards.

PART B

Sec. B-1. 20-A MRSA §15672, sub-§2-A, ¶A, as enacted by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

A. Principal and interest costs for approved major capital projects in the allocation year, ~~including the initial local share of school construction projects that received voter approval for all or part of their funding in referendum in fiscal year 1984-85, but~~ excluding payments made with funds from state and local government accounts established under the federal Internal Revenue Code and regulations for disposition of excess, unneeded proceeds of bonds issued for a school project and excluding any principal and interest costs attributable to a school closed for lack of need pursuant to chapter 202;

Sec. B-2. 20-A MRSA §15901, sub-§1, ¶D, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

D. The state board's intent to issue ~~final design~~ and funding approval subject to a favorable local vote and approval of final cost estimates.

Sec. B-3. 20-A MRSA §15901, sub-§1-A is enacted to read:

1-A. Design and funding approval. "Design and funding approval" means approval by the state board indicating that a school construction project's drawings and specifications have been developed to 100% completion, the project has gained the recommendations of the department and the school administrative unit is authorized to seek bids for the work.

Sec. B-4. 20-A MRSA §15904, first ¶, as amended by PL 1985, c. 248, §3, is further amended to read:

Prior to ~~final~~ design and funding approval by the state board, a school construction project, except a small scale school construction project as defined in section 15901, subsection 4-A, must receive a favorable vote conducted in accordance with the following.

Sec. B-5. 20-A MRSA §15905, sub-§3, as amended by PL 2011, c. 678, Pt. D, §1, is further amended to read:

3. Certificate of approval. A certificate of approval must be issued by the commissioner for each project ~~approved~~ for which design and funding approval has been given by the state board. The certificate must bear the amount approved for subsidy and other stipulations or conditions. The certificate must be signed by the commissioner and is conclusive evidence of the facts stated on it.

Sec. B-6. 20-A MRSA §15909, sub-§§5 and 6, as enacted by PL 2011, c. 678, Pt. A, §8, are amended to read:

5. Records. ~~Financial~~ All records ~~and accounts~~ for a school construction project must be kept for 7 years after the final ~~audit~~ compliance review.

6. Compliance review. ~~Financial~~ All records ~~and accounts~~ for state-funded school construction projects must be ~~audited~~ reviewed for compliance by department staff or certified public accountants ~~contracted by~~ under contract with the department.

PART C

Sec. C-1. 20-A MRSA §8601-A, sub-§1, as repealed and replaced by PL 2011, c. 517, §1, is amended to read:

1. Adult education. "Adult education" means an education program primarily operated for individuals beyond the compulsory school age that is administered by school administrative units through a career pathways and service system and that, except as provided in section 8602-B, includes intake, assessment, ~~career~~ advising, instruction and individual learning plans; is guided by data management and analysis, annual monitoring and annual professional development plans; uses appropriately certified staff; is designed to meet identified local needs; makes use of partnerships

and alignment with workforce development, postsecondary institutions and support services; and offers at least 3 of the following:

- A. Basic literacy instruction or instruction in English as a Second Language;
- B. High school completion courses;
- C. College transition courses;
- ~~D. Career pathways services; and~~
- E. Enrichment courses;
- F. Adult workforce training and retraining; and
- G. Adult career and technical education.

Sec. C-2. 20-A MRSA §8601-A, sub-§14, ¶¶B and C, as amended by PL 2011, c. 517, §5, are further amended to read:

B. Supplemental learners, who are adults pursuing courses or activities that are related, in a clear and applicable manner, to current full-time or part-time employment or wage-earning activities; and

C. Certificate learners, who are adults participating in a sequence of courses that provide individuals with the academic and technical knowledge and skills that individuals need to prepare for further education and careers in current or emerging employment sectors, including the skills and training and work credential programs conducted under the auspices of the boards of the local workforce investment areas designated pursuant to the federal Workforce Investment Act of 1998, Public Law 105-220, and the department; ~~and~~

Sec. C-3. 20-A MRSA §8601-A, sub-§14, ¶D, as enacted by PL 2011, c. 517, §5, is repealed.

Sec. C-4. 20-A MRSA §8601-A, sub-§22, as enacted by PL 2011, c. 517, §6, is repealed.

Sec. C-5. 20-A MRSA §8602-B is enacted to read:

§8602-B. Regions

Notwithstanding the other provisions of this chapter, a region may be reimbursed under section 8607-A, subsection 2 if it offers adult career and technical education courses and may be reimbursed under section 8607-A, subsection 9 if it offers adult workforce training and retraining courses. To be eligible for reimbursement for courses offered under section 8607-A, subsection 2 or 9, a region must perform intake and data management functions in the same manner as a school administrative unit as provided under section 8601-A, subsection 1.

Sec. C-6. 20-A MRSA §8607-A, sub-§7, as corrected by RR 2007, c. 1, §10, is amended to read:

7. **Other administrative costs.** Other administrative costs, including program promotion and related publicity, mailing and postage and telephone expenses for courses and programs described in subsections 2 to 5, 8 and 9, are reimbursed at the rate of 50% of these costs. The cost of interpreters for deaf students and deaf adult learners and the cost of translators for students and adult learners with limited English proficiency are reimbursed at the rate of 75% of these costs but only as a payment of last resort after the otherwise valid obligations of insurers or other 3rd parties to provide or pay for these services have been exhausted.

PART D

Sec. D-1. 20-A MRSA §13025 is enacted to read:

§13025. Investigations

When conducting an investigation relating to the certification of teachers and other professional personnel under this chapter and rules of the state board, the commissioner may issue subpoenas for education records relevant to that investigation.

See title page for effective date.

**CHAPTER 168
S.P. 198 - L.D. 508**

**An Act To Remove the
Disqualification from
Obtaining a Liquor License for
a Law Enforcement Officer
Who Does Not Directly Benefit
Financially**

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

Sec. 1. 28-A MRSA §601, sub-§2, ¶F, as amended by PL 1995, c. 192, §1, is repealed and the following enacted in its place:

F. The applicant is a law enforcement officer or if a law enforcement officer benefits directly from the issuance of the license;

See title page for effective date.

**CHAPTER 169
H.P. 404 - L.D. 585**

**An Act To Require the
Development of a Statewide
Approach to Seaweed
Management**

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

Sec. 1. 12 MRSA §6807, as reallocated by RR 1999, c. 1, §19, is amended to read:

§6807. Seaweed harvesting rules

The commissioner may adopt rules regulating the harvest of seaweed on a species-specific basis, including, but not limited to, the total number of licenses that may be issued, the designation of a harvesting season or seasons, the quantity of the resource that may be harvested in a season, areas that may be open or closed to harvest, the designation of sectors, limitations on harvest by sector, establishment of a process for allocation to sectors and gear and techniques that may be used in harvesting. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Sec. 2. Statewide fisheries management plan for seaweed. The Commissioner of Marine Resources shall develop a statewide fisheries management plan for seaweed pursuant to the Maine Revised Statutes, Title 12, section 6171, subsection 2-A and shall present that plan for review and comment to the Joint Standing Committee on Marine Resources no later than January 31, 2014. After review of the plan, the committee may report out a bill related to the plan to the Second Regular Session of the 126th Legislature.

See title page for effective date.

**CHAPTER 170
S.P. 236 - L.D. 645**

**An Act To Allow the
Adjustment of the Assessment
Rate for the Rural Medical
Access Program**

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

Sec. 1. 24-A MRSA §6305, sub-§3, as enacted by PL 2005, c. 122, §7, is amended to read:

3. Assessment rates; program fund balance. For assessment years prior to July 1, 2006, the assessment is 1.25% of premium. For assessment years