

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

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result of the exposure and the results of that test may not appear in a convicted offender's medical record. Counseling on risk reduction must be offered, but the convicted offender may choose not to be informed about the result of the test unless the court has ordered that the convicted offender be informed of the result.

Sec. 3. 5 MRSA §19203-E, as amended by PL 1993, c. 391, §§1 and 2, is repealed.

Sec. 4. 5 MRSA §19203-F is enacted to read:

§19203-F. HIV test after conviction for sexual assault

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

A. "Convicted offender" means a person who has been convicted of a sexual crime or, in the case of a juvenile, a person who has been adjudicated as having committed a sexual crime.

B. "Incapacitated adult" means an adult who is impaired by reason of mental illness, mental deficiency, physical illness or disability to the extent that the individual lacks sufficient understanding or capacity to make or communicate responsible decisions concerning that individual.

C. "Sexual crime" means a crime involving a sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C, subparagraph (1).

2. Request for testing. A person who is the victim of a sexual crime, or that person's parent, guardian or authorized representative if that person is a minor or incapacitated adult, may petition the court at any time prior to sentencing or no later than 180 days after conviction to order the convicted offender to submit to HIV testing and to order that the convicted offender be informed of the test results.

3. Duties of the court. Upon receipt of the petition, the court shall order that the convicted offender obtain HIV testing conducted by or under authority of the Department of Human Services and, if requested by the petitioner, that the convicted offender be informed of the test results.

4. Reporting and counseling. The health care facility in which a convicted offender is tested pursuant to this section shall disclose the results of the test to the victim-witness advocate, who shall disclose the result to the petitioner. The test result may not be disclosed to the petitioner until the petitioner has received counseling, pursuant to section 19204-A, regarding the nature, reliability and significance of the convicted offender's HIV test and has been offered

referrals for health care and support services for the victim. The health care facility shall, upon order of the court, disclose the results of the test to the convicted offender.

Sec. 5. 5 MRSA §19204-A, first ¶, as amended by PL 1991, c. 803, §4, is further amended to read:

Except as otherwise provided by this chapter, persons who obtain an HIV test must be offered pretest and post-test counseling. Persons who are authorized by section 19203-C or ~~19203-E~~ 19203-F to receive test results after exposure must be offered counseling regarding the nature, reliability and significance of the HIV test and the confidential nature of the test.

See title page for effective date.

CHAPTER 320

H.P. 759 - L.D. 1033

An Act Relating to the Renewal of a Teacher Certificate That Has Lapsed for More Than 5 Years

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

Sec. 1. 20-A MRSA §13012, sub-§2, ¶¶B and C, as enacted by PL 1983, c. 845, §4, are amended to read:

B. For secondary school, has graduated from an accredited, degree-granting, educational institution upon completion of:

(1) A 4-year program in liberal arts and sciences; or

(2) An approved 4-year teacher preparation program and has majored in the subject area to be taught; and

Has met other academic and preprofessional requirements established by the state board for teaching at the secondary school level; ~~or~~

C. Is otherwise qualified by having met separate educational criteria for specialized teaching areas including, but not limited to, special education, home economics, agriculture, vocational education, art, music, business education, physical education and industrial arts, as established by the state board for teaching in these specialized areas; ~~or~~

Sec. 2. 20-A MRSA §13012, sub-§2, ¶D is enacted to read:

D. Has completed 6 credit hours of approved study within 5 years prior to application, has met entry level standards and has held either a professional teacher certificate that expired more than 5 years prior to the application date or a provisional teacher certificate issued prior to July 1, 1988 that expired 5 years prior to the application date.

Sec. 3. 20-A MRSA §13013, sub-§2-A, ¶¶A and B, as amended by PL 1993, c. 435, §5, are further amended to read:

A. Holds a provisional teacher certificate and has taught in a classroom for 2 academic years or has held a professional teacher certificate that has lapsed within the last 5 years. In this case an applicant must receive a recommendation to the commissioner by an approved support system pursuant to section 13015; ~~or~~

B. Is a teacher with 5 or more years of experience teaching within the 7 years prior to application in the State under a valid certificate in another state and who has graduated from a state-approved preparation program that utilizes the standards of a national association of state directors of teacher education and certification or a national council for accreditation of teacher education or, with the exception of the national teachers exam, meets entry-level standards for the endorsement; ~~or~~

Sec. 4. 20-A MRSA §13013, sub-§2-A, ¶C is enacted to read:

C. Holds a provisional teacher certificate issued under section 13012, subsection 2, paragraph D and has taught for at least one year under a provisional teacher certificate.

See title page for effective date.

CHAPTER 321

S.P. 353 - L.D. 981

An Act to Amend the Teacher Certification Laws Relating to Certification Waivers

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

Sec. 1. 20-A MRSA §13011, sub-§7, as enacted by PL 1993, c. 200, §1, is amended to read:

7. Certification waiver. Under rules adopted by the state board, the commissioner may grant a waiver for an appropriate period of time to an

individual seeking the issuance or renewal of a certificate. The commissioner may grant a waiver to an individual who:

A. Receives allegedly inaccurate, incomplete or untimely information or action from the department ~~or its agents~~, the local support system or a regional support system. The waiver must be for a reasonable period of time to permit the applicant to complete certification requirements; or

B. Demonstrates compliance with certification requirements by ~~some means not anticipated in the certification rules~~ professional alternative methods, including the following:

(1) Scores on Graduate Record Examinations demonstrating content area proficiency equal to approved course work, with passing scores established under rules adopted by the state board;

(2) Examinations accepted by state-approved programs in lieu of course work, with passing scores established under rules adopted by the state board;

(3) Examinations from professional testing corporations demonstrating content area proficiency equal to approved course work, with professional testing corporations approved by the state board and passing scores established under rules adopted by the state board; and

(4) Work experience equivalent to outcomes for approved course work and a formal recommendation from the state professional organization in that content area. The professional organizations are established under rules adopted by the state board. The waiver is for the duration of the certificate or endorsement sought.

~~An individual who is denied the issuance or renewal of a certificate for reasons outlined in paragraphs A and B may apply for a waiver to an appeals committee selected by the state board. The appeals committee must consist of 4 permanent members who serve for terms of 3 years, including one school administrator, one teacher or educational specialist, one faculty member from a teacher education program approved by the state board and one public member who is not, and never has been, a professional educator. For each case considered by the appeals committee, the state board shall select a 5th appeals committee member representing the professional specialty organization in the discipline or level under review.~~

~~The appeals committee shall review the application for a waiver and make a recommendation to the commis-~~