

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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

J.S. McCarthy Company
Augusta, Maine
1999

ther the municipal officer member or the public member must be received from the floor. The nominee for the category of member being chosen receiving the most votes is approved as a budget advisory committee member. The names of those elected by the caucus must be recorded and forwarded to the county commissioners.

B. Budget advisory committee members serve 3-year terms and no more than one member from each municipality may serve at a time. If a budget advisory committee member who is elected as a municipal officer member ceases to be a municipal officer during the term of membership, that committee member vacates membership and the next district caucus shall elect a qualified municipal officer to serve for the remainder of the unexpired term.

C. The county commissioners shall give public notice of the commissioner district caucuses at which budget advisory committee members are to be elected in the manner provided for town meetings in chapter 121.

See title page for effective date.

CHAPTER 441

S.P. 703 - L.D. 1978

An Act to Support the Graduate Education of Speech Pathologists for Maine Schools

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

Sec. 1. 20-A MRSA c. 428, as amended, is further amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 428

EDUCATORS FOR MAINE PROGRAM

Sec. 2. 20-A MRSA §12501, sub-§2-A is enacted to read:

2-A. Educator shortage area. "Educator shortage area" means a geographic region of the State for which there is an insufficient supply of teachers or speech pathologists, as determined by the chief executive officer in consultation with the commissioner.

Sec. 3. 20-A MRSA §12501, sub-§6-A, as enacted by PL 1991, c. 553, §2, is amended to read:

6-A. Students pursuing postbaccalaureate certification. "Students pursuing postbaccalaureate ~~teacher~~ certification" means students who have earned a Bachelor of Arts degree or its equivalent and are pursuing a program of studies leading to certification as a teacher or speech pathologist.

Sec. 4. 20-A MRSA §12501, sub-§6-B, as enacted by PL 1995, c. 117, Pt. E, §3 and affected by §13, is repealed.

Sec. 5. 20-A MRSA §12501, sub-§7, as amended by PL 1995, c. 117, Pt. E, §4 and affected by §13, is further amended to read:

7. Underserved subject areas. "Underserved subject areas" means those subjects or programs, required or authorized to be taught in the public schools for which there is an insufficient supply of teachers or speech pathologists, as determined by the chief executive officer in consultation with the ~~Commissioner of Education~~ commissioner.

Sec. 6. 20-A MRSA §12502, as amended by PL 1995, c. 117, Pt. E, §5 and affected by §13, is further amended to read:

§12502. Educators for Maine Program

There is established the ~~Teachers~~ Educators for Maine Program to provide financial assistance to college students, graduating high school seniors and students pursuing postbaccalaureate ~~teacher~~ certification who demonstrate an interest in pursuing a career in teaching in this State for postsecondary education and to teachers and speech pathologists for advanced degree or continued study. The program recognizes outstanding graduating high school seniors, college students and students pursuing postbaccalaureate ~~teacher~~ certification. The chief executive officer shall administer the program and shall establish by rule the rates of interest or fees to be charged.

Sec. 7. 20-A MRSA §12503, as amended by PL 1995, c. 117, Pt. E, §6 and affected by §13, is further amended to read:

§12503. Educators for Maine loan recipients

Each year graduating high school seniors, college students and students pursuing postbaccalaureate ~~teacher~~ certification who show evidence of academic achievement may be considered for recognition as ~~Teachers~~ Educators for Maine loan recipients. Applications must be submitted to the chief executive officer at a time and in a format to be determined by rule of the chief executive officer.

The Governor, after consultation with the chief executive officer, shall announce the names of those

individuals selected by the chief executive officer to be ~~Teachers~~ Educators for Maine loan recipients.

Sec. 8. 20-A MRSA §12504, as amended by PL 1997, c. 24, Pt. G, §1, is further amended to read:

§12504. Allocation of funds

The chief executive officer shall establish by rule the allocation of funds available under this chapter.

Loans of up to \$1,500 per academic year or \$6,000 total may be made to students pursuing postbaccalaureate ~~teacher~~ certification. Loans of up to \$3,000 per academic year or \$12,000 total may be made to eligible graduating high school seniors and college students. An individual who has received a ~~Teachers~~ Educators for Maine loan or a Blaine House Scholars Program loan as a graduating high school senior or as a college student may also receive a loan for students pursuing postbaccalaureate ~~teacher~~ certification or as a teacher or speech pathologist engaged in graduate education or continuing education. In no event may an individual receive more than \$18,000 in total. Loans for undergraduate students and postbaccalaureate recipients are for one academic year and are automatically renewed if the recipient maintains a grade point average of 2.5 based on a 4.0 grade point system or the equivalent.

In no event may an individual receive ~~Teachers~~ Educators for Maine loans or Blaine House Scholars Program loans totaling more than \$6,000.

Sec. 9. 20-A MRSA §12505, as amended by PL 1995, c. 117, Pt. E, §8 and affected by §13, is further amended to read:

§12505. Eligibility requirements

1. Eligibility for postsecondary education loans. A postsecondary education loan may be given only to a high school graduate, or the equivalent, who is a resident of the State, who has been recognized as a ~~Teachers~~ Educators for Maine loan recipient and who has met other eligibility criteria established by rule of the authority. Preference must be given to students enrolled in a program that has been determined to be an underserved subject area.

2. Eligibility for graduate study or continuing education loans. A graduate study or continuing education loan may be given only to a teacher or speech pathologist in a Maine school who has met other eligibility criteria established by rule of the chief executive officer. Preference must be given to teachers of subjects determined to be underserved.

3. Eligibility for postbaccalaureate certification. A loan to a student pursuing postbaccalaureate ~~teacher~~ certification may be given only to a resident of

the State who has shown academic achievement, who has a baccalaureate degree, who is not eligible for a loan for graduate study or continuing education pursuant to subsection 2, and who has met other eligibility criteria established by rule of the authority.

Sec. 10. 20-A MRSA §12507, first ¶, as amended by PL 1995, c. 117, Pt. E, §9 and affected by §13, is further amended to read:

Each graduating high school senior or college student who receives a loan may cancel the total amount of the loan by completing one year of return services in the public schools or private schools approved for tuition purposes in the State for each year the individual receives a loan. The return service requirement is one year for every 2 years or less that the individual receives a loan if return service is performed in underserved subject areas or in ~~teacher~~ educator shortage areas. Return service for this purpose must be performed within 5 years of graduation from the institution of higher education. If the chief executive officer grants a deferment, the time period for performance of return service may be extended for the same period as the deferment. Return service may not be credited for the same semester for which an individual receives a loan pursuant to this chapter. Failure to fulfill the return service option necessitates repayment to the authority as follows.

Sec. 11. 20-A MRSA §12508, as amended by PL 1997, c. 24, Pt. G, §2, is further amended to read:

§12508. Repayment and return service provisions - loans for teachers and speech pathologists and students pursuing postbaccalaureate certification

Each recipient of a loan designated for students pursuing postbaccalaureate ~~teacher~~ certification may cancel the total amount of the loan by completing one year of return service for each year a loan is received in the public schools or private schools approved for tuition purposes in the State. The return service requirement is one year of return service for 2 loans received if return service is performed in underserved subject areas or in ~~teacher~~ educator shortage areas. Return service for this purpose must be performed within 3 years of graduation from the institution of higher education or completion of the course or courses for which the funds were given. In no event may return service be credited for the same semester for which an individual receives a loan pursuant to this chapter. An individual receiving loan forgiveness for a loan for a postbaccalaureate ~~teacher~~ certification loan may not receive loan forgiveness for any undergraduate loan simultaneously. If the chief executive officer grants a deferment, the time period for performance of return service may be extended for

the same period as the deferment. Failure to fulfill the return service option will necessitate repayment to the authority as follows.

1. Debt calculation. The debt must include the total amount of the loan less the amount, if any, that has been canceled by return service.

2. Time for repayment. The total debt must be repaid to the authority within 3 years of graduation from the institution of higher education or courses for which the funds were given or within 3 years of repayment of any other loans made pursuant to this chapter. If the chief executive officer grants a deferment, the time period may be extended up to the period of the deferment. A repayment schedule including due dates must be set by the chief executive officer.

3. Deferment. A recipient of a loan may seek a deferment of the annual payments for a period or periods as established by the chief executive officer who shall make a determination on a case-by-case basis. The chief executive officer may grant a deferment in the event that a recipient of a loan evidences intent to teach or practice speech pathology and inability to secure employment necessary to obtain forgiveness of the loan at the time the deferment is sought. The chief executive officer shall require certification of the intent annually and grant a one-year deferment for each successful request for deferment. A recipient may not receive more than 5 one-year deferments. The decision of the chief executive officer is final.

Sec. 12. 20-A MRSA §12509, as amended by PL 1995, c. 117, Pt. E, §11 and affected by §§12 and 13, is further amended to read:

§12509. Nonlapsing revolving fund

The ~~Teachers~~ Educators for Maine fund is created under the jurisdiction of the authority as a nonlapsing, interest-earning, revolving fund to carry out the purposes of this chapter. Any unexpended balance in the ~~Teachers~~ Educators for Maine fund carries over for continued use under this chapter. The authority may receive, invest and expend, on behalf of the funds, money from gifts, grants, bequests, loans, including loans obtained pursuant to chapter 417-B, and donations, in addition to money appropriated or allocated by the State. Loan repayments under this section or other repayments to the authority must be invested by the authority, as provided by law, with the earned income to be added to the fund. Money received by the authority on behalf of the fund, except interest income, must be used for the designated purpose; interest income may be used for the designated purpose or to pay student financial assistance

administrative costs incurred by the authority as determined appropriate by the authority.

See title page for effective date.

CHAPTER 442

H.P. 963 - L.D. 1361

**An Act to Increase the Requirement
that Drugs be Confiscated from 48
Hours to 6 Months**

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

Sec. 1. 17-A MRSA §1103, sub-§5, as enacted by PL 1989, c. 924, §9, is repealed.

Sec. 2. 17-A MRSA §1106-A is enacted to read:

§1106-A. Aggregation of amounts of drugs seized

1. Quantities of scheduled drugs involved in violations of section 1103, 1105 or 1106 committed pursuant to one scheme or course of conduct and confiscated within a 6-month period may be aggregated to charge a single violation of appropriate class. Subject to the requirement that the conduct of the defense may not be prejudiced by lack of fair notice or by surprise, the court may at any time order that a single aggregate count be considered as separate violations. An aggregate count of violations may not be deemed duplicative because of such an order and no election may be required. Prosecution may be brought in any venue in which one of the violations aggregated was committed.

2. Quantities of scheduled drugs involved in violation of section 1107 committed pursuant to one scheme or course of conduct and confiscated within a 48-hour period may be aggregated to charge a single violation of appropriate class. Subject to the requirement that the conduct of the defense may not be prejudiced by lack of fair notice or by surprise, the court may at any time order that a single aggregate count be considered as separate violations. An aggregate count of violations may not be deemed duplicative because of such an order and no election may be required. Prosecution may be brought in any venue in which one of the violations aggregated was committed.

See title page for effective date.
