

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

accompanied by the appropriate military certification verifying the applicant's service. One set of commemorative decals may be issued for each set of special veterans registration plates issued under this section. One set of 2 commemorative decals must be displayed on the front and back plate. The fee for a set of commemorative decals may not exceed \$5.

Special commemorative decals may be issued to applicants who served in the:

- A. United States Army;
- B. United States Air Force;
- C. United States Navy;
- D. United States Marine Corps; or
- E. United States Coast Guard.

Sec. 3. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	2001-02	2002-03
SECRETARY OF STATE, DEPARTMENT OF THE		
Bureau of Motor Vehicles		
All Other	\$62,237	\$3,724
Allocates funds for the cost of producing veterans decals for use on motor vehicle registration plates.		

Sec. 4. Effective date. This Act takes effect November 5, 2001.

Effective November 5, 2001.

CHAPTER 454

S.P. 582 - L.D. 1760

An Act to Implement Maine's System of Learning Results

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

Sec. 1. 20-A MRSA §201, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Supervise public education. Supervise, guide and plan for a coordinated system of public education for all citizens of the State based on the system of learning results as established in section 6209;

Sec. 2. 20-A MRSA §253, sub-§4, ¶¶C and D, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

C. Coordinate the purchase and use of all department equipment; ~~and~~

D. Review the function and operation of the department to ensure that overlapping functions and operations are eliminated; ~~and~~

Sec. 3. 20-A MRSA §253, sub-§4, ¶E is enacted to read:

E. Provide leadership in the implementation of the system of learning results as established in section 6209.

Sec. 4. 20-A MRSA §254, sub-§2, as enacted by PL 1983, c. 693, §§5 and 8, is amended to read:

2. Training and development. The commissioner shall ~~encourage in-service education and staff development for teachers in cooperation with school officers~~ promote the importance of ongoing training and development and encourage initiatives that prepare school personnel to fully implement the system of learning results as established in section 6209.

Sec. 5. 20-A MRSA §256, sub-§1, as amended by PL 1989, c. 889, §4, is further amended to read:

1. Report to Governor and Legislature. The commissioner shall prepare and deliver to the Governor and Legislature an annual report on the status of public education in the State regarding the implementation of the system of learning results as established in section 6209, including any suggestions and recommendations to improve public education and including the reporting requirements of section 13506, subsection 3-A. This annual report must also include a description of the activities and accomplishments of the state board.

The commissioner shall include in the annual report a listing of requests by school districts for affirmative action workshops and an assessment of the department's ability to meet past and projected demand for in-service training related to affirmative action or gender equity.

The commissioner may be invited by the Speaker of the House of Representatives and the President of the Senate annually, in January, to appear before a joint session of the Legislature to address the Legislature on the status of public education in the State and such related matters as the commissioner desires to bring to the Legislature's attention.

Sec. 6. 20-A MRSA §405, sub-§3, ¶S, as amended by PL 1995, c. 395, Pt. J, §3, is further amended to read:

S. Develop long-range education goals and standards for school performance and student performance to improve learning results as established in section 6209 and recommend to the commissioner and to the Legislature a plan for achieving those goals and standards;

Sec. 7. 20-A MRSA §1001, sub-§6, as amended by PL 1983, c. 859, Pt. C, §§1 and 7, is further amended to read:

6. General courses of study. They shall adopt and direct the general courses of study in alignment with the system of learning results as established in section 6209 in accordance with the requirements of this Title.

Sec. 8. 20-A MRSA §2703, sub-§1, ¶D, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

D. ~~Shall~~ Must be ratified by a majority vote of each of the governing bodies party to the contract; ~~and~~

Sec. 9. 20-A MRSA §2703, sub-§1, ¶E, as amended by PL 1983, c. 859, Pt. A, §§6 and 25, is further amended to read:

E. ~~Shall~~ Must meet any additional requirements set forth in rules established by the commissioner and ~~shall~~ must be filed with the commissioner. Contracts with private schools ~~shall~~ must be approved by the commissioner; ~~and~~

Sec. 10. 20-A MRSA §2902, sub-§4, as amended by PL 1991, c. 824, Pt. B, §5, is further amended to read:

4. Commissioner's basic curriculum. Provide instruction in the basic curriculum established by rule by the commissioner under section 4704 and in alignment with the system of learning results established in section 6209;

Sec. 11. 20-A MRSA §3251, as amended by PL 1985, c. 490, §2, is further amended to read:

§3251. School privileges in the unorganized territories

Subject to such reasonable rules as the commissioner may adopt, all persons who have attained the age of 5 years on October 15th and have not reached 20 years of age before the start of the school year and who reside with a parent in the unorganized territory or who are resident emancipated minors or residents at least 18 years old ~~shall be~~ are eligible to attend

elementary and secondary schools and to receive appropriate special education and related services without charge to themselves or their parents. Education ~~shall~~ must be provided in alignment with the system of learning results as established in section 6209 under the direction of the commissioner and ~~shall~~ must meet the general standards for elementary and secondary schooling and special education established pursuant to this Title.

Sec. 12. 20-A MRSA §4502, sub-§1, as amended by PL 1999, c. 770, §1, is further amended to read:

1. General requirements. Elementary and secondary schools and school administrative units, including an educational program or school located in or operated by a juvenile correctional facility, shall meet all requirements of the system of learning results as established in section 6209 as well as other requirements of this Title and other statutory requirements applicable to the public schools and basic school approval standards. Each school administrative unit shall prepare and implement a comprehensive education plan that is aligned with the system of learning results, focused on the learning of all students and oriented to continuous improvement. This plan must address all plans required by the department.

Sec. 13. 20-A MRSA §4502, sub-§5, ¶L, as amended by PL 1999, c. 669, §5, is repealed.

Sec. 14. 20-A MRSA §4502, sub-§5, ¶L-1 is enacted to read:

L-1. A plan for training and development of all personnel that is aligned with the system of learning results as established in section 6209;

Sec. 15. 20-A MRSA §4502, sub-§6, as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is repealed and the following enacted in its place:

6. Annual report on comprehensive education plan. The superintendent shall make an annual report of progress on the comprehensive education plan, developed pursuant to subsection 1, to the citizens of the school administrative unit. The board shall annually review and approve the plan. The superintendent shall certify progress on the plan to the commissioner on an annual basis.

Sec. 16. 20-A MRSA §4502, sub-§8 is enacted to read:

8. Waivers. The commissioner may grant a school administrative unit a waiver of one or more school approval requirements upon receipt of an application from the school administrative unit that includes the basis for the waiver request and a plan to

reduce reliance on waivers in subsequent years. Financial hardship is one criterion the commissioner must consider in determining whether to grant a waiver.

Sec. 17. 20-A MRSA §4504, sub-§2, as amended by PL 1997, c. 696, §3, is repealed and the following enacted in its place:

2. Comprehensive review. The commissioner shall conduct a comprehensive review of a school administrative unit in accordance with the school assistance process established in section 6210 or as part of an inspection in accordance with section 258-A.

Sec. 18. 20-A MRSA §4704, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is amended to read:

§4704. Courses prescribed by the commissioner

The commissioner shall prescribe by rule the basic courses of study that are in alignment with the system of learning results as established in section 6209 for the elementary and secondary schools, consistent with the requirements of this chapter, and may include minimum time requirements and performance standards.

Sec. 19. 20-A MRSA §4706, first ¶, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is repealed and the following enacted in its place:

American history and Maine studies must be taught as specified in the system of learning results established in section 6209.

Sec. 20. 20-A MRSA §4706, sub-§2, as amended by PL 1991, c. 655, §4, is further amended to read:

2. Maine studies. ~~A course in~~ Maine history, including the Constitution of Maine, Maine geography and environment and the natural, industrial and economic resources of Maine and Maine's cultural and ethnic heritage, ~~must be taught in at least one grade from grade 6 to grade 8, in all schools, both public and private. These concepts must be integrated into the curriculum in grades 9 to 12. A required component of Maine studies is Maine Native American studies, which must be included in the review of content standards and performance indicators of the learning results conducted in accordance with section 6202-A, subsection 4.~~

Sec. 21. 20-A MRSA §4711, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is amended to read:

§4711. Elementary course of study

The basic course of study for the elementary schools ~~shall~~ must provide for the instruction of all

~~students in the English language, including reading, writing, spelling and grammar; library instruction; mathematics; science; music, art and drama; American history and government; social studies; Maine studies, including the history, geography, culture and natural and industrial resources of the State; health, hygiene and safety; physical education; and career preparation. English language arts, foreign languages, health and physical education, mathematics, science and technology, social studies and visual and performing arts, as described in the system of learning results subject to the schedule specified in section 6209. In furtherance of the content standards in section 6209, subsection 2, the course of study must also include physiology and hygiene, with special reference to the effects of substance abuse, including alcohol, tobacco and narcotics upon the human system.~~

Sec. 22. 20-A MRSA §4721, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is amended to read:

§4721. General requirement

A secondary school shall provide a course of study of at least 2 years in length, which ~~shall~~ must meet the requirements of this chapter ~~and the system of learning results established in section 6209. The course of study must include instruction of all students in English language arts, mathematics, science and technology, social studies, health and physical education, career preparation, visual and performing arts and foreign languages.~~

Sec. 23. 20-A MRSA §4722, first ¶, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is amended to read:

A secondary school shall provide at least one course of study leading to a high school diploma ~~which shall~~ that must meet the following standards. The commissioner shall develop rules for the transition between the requirements of this section and the system of learning results as established in section 6209.

Sec. 24. 20-A MRSA §4722, sub-§3, as amended by PL 1991, c. 716, §7, is further amended to read:

3. Satisfactory completion. A diploma ~~shall~~ may be awarded only to secondary school students who have satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit, and effective with the class of 2007, with the requirements specified in section 6202-A, subsection 3. Applied technology students may, with the approval of the commissioner, satisfy the 2nd-year math and science, the 2nd-year social studies and the fine arts requirements of subsection 2 through separate or integrated

study within the applied technology school ~~curriculum~~ curriculum.

Sec. 25. 20-A MRSA §4729, first ¶, as repealed and replaced by PL 1989, c. 415, §12, is amended to read:

A school administrative unit may establish one or more 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 ~~in accordance with section 4502, subsection 5, paragraph L.~~

Sec. 26. 20-A MRSA c. 222 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 222

STANDARDS AND ASSESSMENT OF STUDENT PERFORMANCE

Sec. 27. 20-A MRSA §6201, 2nd and 3rd ¶¶, as enacted by PL 1983, c. 859, Pt. D, §§3 and 4, are amended to read:

There is a need for assessment information at both the state and local level to ~~identify the need for educational changes measure progress and ensure accountability regarding the system of learning results, which must be accomplished through a comprehensive system of local and state assessments, involving multiple measures to determine what each student knows and is able to demonstrate regarding the standards of the system of learning results.~~

~~The development of a state wide assessment program necessitates an immediate effort to develop tests to allow testing to begin during the 1985-86 school year. The program shall~~ This comprehensive local and state assessment system must have the following objectives:

Sec. 28. 20-A MRSA §6201, sub-§§2 and 4, as enacted by PL 1983, c. 859, Pt. D, §§3 and 4, are amended to read:

2. State goals. To establish a process for a continuing evaluation of ~~state educational goals~~ the system of learning results established in section 6209 and to aid in the development of educational policies, standards and programs;

4. Individual students. To provide school staffs with information about the individual students ~~which that~~ may be used, with other information, to meet individual and educational needs of the student. The statewide assessment program shall ~~may~~ not be the only criteria for judging student performance;

Sec. 29. 20-A MRSA §6202, as amended by PL 1985, c. 797, §37, is further amended to read:

§6202. State assessment program established; content

The commissioner shall establish a statewide assessment program, known as the Maine Education Assessment, to measure and evaluate on a continuing basis the academic achievements of students at grades 4, 8 and 11 in the content areas of the system of learning results established in section 6209 specified by the commissioner. ~~This assessment applies to students~~ in the public elementary and secondary schools and in all private schools approved for tuition whose school enrollments include at least 60% publicly-funded students, as determined by the previous school year's October and April average enrollment. The assessment program ~~shall~~ must be adapted to meet the needs of exceptional students as defined in section 7001, subsection 2 or other students as defined under rules by the commissioner. ~~The program shall include the following components:~~

~~**1. Assessment in basic subjects.** The program shall provide an annual assessment of student performance in the curriculum areas of reading, writing and mathematics.~~

~~**2. Additional subjects.** The assessment program may be extended, consistent with available resources, to include assessments in science and social studies on a sampling basis in alternate years.~~

Sec. 30. 20-A MRSA §6202-A is enacted to read:

§6202-A. Local assessment system established; content

Each school administrative unit shall establish a local assessment system to measure student achievement of the learning results established in section 6209. Local assessments may include portfolios, performances and demonstrations in addition to other measures of achievement. Commercially produced assessment tools may be part of a local assessment system but may not carry a majority of the weight in determining student performance. The local assessment system must be implemented as follows.

1. Technical assistance. During the 2001-2002 and 2002-2003 school years, the department shall provide technical assistance to school administrative units in developing local assessment systems and setting standards for local assessment systems. By the end of the 2003-2004 school year, the superintendent of each school administrative unit shall certify to the commissioner that the local assessment system meets these standards.

2. Implementation. By the end of the 2003-2004 school year, the local assessment system established pursuant to this section must be fully implemented in school administrative units as the measure of student progress.

3. Public high school graduation decisions. By the 2006-2007 school year, public high school graduation must be determined by student achievement of the standards of the system of learning results in English language arts, health and physical education, mathematics, science and technology and social studies, based on the school administrative unit's local assessment system established pursuant to this section in addition to other requirements as established by school board policy. By the 2009-2010 school year, public high school graduation must be determined by student achievement of the standards of the system of learning results in all content areas of the system of learning results, based on the school administrative unit's assessment system established pursuant to subsection 1 in addition to other requirements as established by policy of the school board.

4. Graduation decisions at certain private high schools. By the 2006-2007 school year, high school graduation for publicly funded students in private schools approved for tuition that enroll at least 60% publicly funded students, as determined by the previous school year's October and April average enrollment, must be determined by student achievement of the standards of the system of learning results in English language arts, health and physical education, mathematics, science and technology, and social studies, in addition to other requirements that may be established by the trustees. By the 2009-2010 school year, high school graduation for publicly funded students in private schools must be determined by student achievement of the standards of the system of learning results in all content areas of the system of learning results, in addition to other requirements as established by the trustees.

Sec. 31. 20-A MRSA §6209, first ¶, as amended by PL 1999, c. 75, §5, is further amended to read:

The department in consultation with the state board shall establish and implement a comprehensive, statewide system of learning results, referred to in this section as the "system," no later than the 2002-03 school year. The system, based broadly upon guiding principles set forth in this section, must establish high academic standards at all grade levels in the areas of math; English; science and technology; social studies, including history, economics and civics; career preparation; visual and performing arts; health and physical education; and foreign languages. Only students in a public school or a private school approved by the State pursuant to section 2901 and

~~approved for the receipt of public funds by private secondary schools pursuant to section 2951 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. 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 adopted to accommodate exceptional students as defined in section 7001, subsection 2.~~

Sec. 32. 20-A MRSA §6209, sub-§§3 and 4 are enacted to read:

3. Career preparation; foreign languages; visual and performing arts. By the end of the 2002-2003 school year, each school administrative unit shall address in the comprehensive education plan, as required in section 4502, subsection 1, how the school administrative unit will implement for all students the content areas of career preparation, foreign languages and visual and performing arts, including interim targets for partial implementation. By the end of the 2006-2007 school year, each local school administrative unit shall implement standards in these additional content areas of the system of learning results, contingent upon funding based on essential programs and services or its equivalent. Notwithstanding any other provision of this chapter, the commissioner is authorized to establish rules for inclusion of some portion of the standards in visual and performing arts for the graduating class of 2006-07.

4. Review cycle. The commissioner shall conduct a review of the content standards and performance indicators by content area on a 4-year cycle beginning in the 2003-2004 school year. Any changes that are recommended must be approved through the same process used for establishment of the system of learning results.

Sec. 33. 20-A MRSA §§6210 and 6211 are enacted to read:

§6210. School assistance

The commissioner shall provide assistance to a school administrative unit when student performance in a school in the school administrative unit beginning in the 2003-2004 school year indicates that assistance is needed. This assistance must be based on a thorough review of the comprehensive education plan, as required in section 4502, subsection 1, and the evidence of student performance provided by the school administrative unit's local assessment system. This may include assignment of an assistance team by the commissioner to work with the school administra-

tive unit over a period of not less than one year. The commissioner shall pilot this process during the 2001-2002 and 2002-2003 school years and shall develop rules for school administrative unit assistance and accountability to safeguard the learning of the students in the school administrative unit.

§6211. Rulemaking

The commissioner shall develop rules to accomplish the purposes of this chapter. Rules adopted pursuant to this chapter are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 34. 20-A MRSA §8101, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§8101. Purpose

The Legislature recognizes that gifted and talented students, who comprise approximately 3% to 5% of Maine's students, require differentiated education programs ~~and services~~ that are aligned with the system of learning results as established in section 6209, beyond those normally provided by the regular school program in order to realize their educational potential and contribution to themselves and to society.

Sec. 35. 20-A MRSA §8202, sub-§1, as enacted by PL 1993, c. 706, Pt. A, §4, is amended to read:

1. Curriculum. The school's curriculum is designed to exceed existing state educational standards in the content areas of the system of learning results established in section 6209.

Sec. 36. 20-A MRSA §8306-A, first ¶, as enacted by PL 1991, c. 518, §6, is amended to read:

The commissioner may adopt rules to establish requirements for vocational education programs and courses in alignment with the system of learning results established in section 6209, to establish procedures for approving vocational education programs and courses and to otherwise carry out the purposes of this chapter.

Sec. 37. Legislative intent; application of system of learning results to certain private schools. It is the intent of the Legislature that the system of learning results reflect high expectations for all students and create conditions where these expectations can be met. To achieve this intent, while the Legislature recognizes the distinct character of Maine's private schools that enroll 60% or more publicly funded students, as determined by the previous school year's October and April average enrollment, such schools are required to participate in the system of learning results to the extent specifically

provided in the Maine Revised Statutes, Title 20-A, section 6202; section 6202-A, subsection 4; and section 6209.

Sec. 38. Contributions from General Fund. It is the intent of the Legislature to provide adequate funding from the State in order to finance the requirements of the Maine Revised Statutes, Title 20-A, chapter 222 in implementing this Act. The state funding requirements to implement this Act must be addressed by the Joint Standing Committee on Education and Cultural Affairs during the Second Regular Session of the 120th Legislature as the Legislature considers the transition of the school funding formula to a formula based on the essential programs and services model.

See title page for effective date.

CHAPTER 455

S.P. 82 - L.D. 302

An Act to Designate the Ryefield Bridge an Historic Bridge

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

Sec. 1. 23 MRSA §603, first ¶, as amended by PL 1987, c. 107, is further amended to read:

The State shall be responsible for the management of and all costs for maintenance and rehabilitation for the following historic bridges: Lovejoy Bridge, Andover; Robyville Bridge, Corinth; Hemlock Bridge, Fryeburg; Bennett Bridge, Lincoln Plantation; Watson's Bridge, Littleton; Artist's Bridge, Newry; Lowe's Bridge, Sangerville-Guilford; Babb's Bridge, Windham-Gorham; Wire Bridge, New Portland; Porter Bridge, Porter-Parsonsfield; Bailey Island Bridge, Harpswell; Sewall's Bridge, York; ~~and~~ Waldo-Hancock Bridge, Prospect-Verona; and Ryefield Bridge, Harrison-Otisfield.

See title page for effective date.

CHAPTER 456

H.P. 980 - L.D. 1304

An Act to Create the Maine Health Data Processing Center

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