

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

promoting prevention of work-related injuries in the State.

See title page for effective date.

CHAPTER 472

S.P. 96 - L.D. 262

An Act To Require That Disciplinary, Attendance and Health Records Be Included in the Records That Follow a Student Who Transfers to Another School

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

Sec. 1. 20-A MRSA §6001-B, sub-§2, as amended by PL 2001, c. 452, §14, is further amended to read:

2. Transfer of records. Upon application of a student to transfer to another school administrative unit in this State or to enroll at a school administrative unit in this State from an educational program or school for juveniles located in or operated by a correctional facility or a school outside of the State, and upon the written request of the superintendent of the school administrative unit into which the student seeks admission, school administrators at the school administrative unit from which the student is transferring shall provide all of the student's education records, including disciplinary records, attendance records, health records other than confidential health records for which consent for dissemination has not been obtained and special education records, to school administrators at the school administrative unit to which the student is seeking a transfer. Confidential health records may be provided under this subsection only if the school administrator at the school administrative unit from which the student is transferring receives the authorization or consent necessary for the dissemination of information contained in the following records:

A. Records concerning information on a person's HIV infection status, including the results of an HIV test, as those records are described in Title 5, section 19203-D;

B. Records concerning information on a person's alcohol and other drug abuse treatment as those records are described in Title 5, section 20047;

C. Records concerning information on a person's health care and treatment as those records are described in Title 22, section 1711-C; and

D. Records concerning information on a person's mental health treatment as those records are described in Title 34-B, section 1207.

See title page for effective date.

CHAPTER 473

H.P. 387 - L.D. 502

An Act To Expand the Education Tax Credit

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

Sec. 1. 10 MRSA §1100-Y, sub-§1, ¶A, as enacted by PL 2001, c. 700, §1, is amended to read:

A. "Eligible student" means a student who:

(1) Is a resident of the State;

(2) Is a graduate of an approved secondary school or the equivalent, including, but not limited to, a student who received equivalent instruction through home instruction, a student who matriculated at an accredited public or private institution of higher education in the State prior to high school graduation or a student who successfully completed a general educational development examination or its equivalent; and

(3) Is or will be matriculated at an institution of higher education; ~~and~~

~~(4) Signs a statement of intent to reside in the State upon graduation from that institution of higher education.~~

Sec. 2. 10 MRSA §1100-Y, sub-§2, ¶B, as enacted by PL 2001, c. 700, §1, is repealed and the following enacted in its place:

B. Following initial certification pursuant to paragraph A, annual certification standards for a qualified scholarship organization must include the requirement that the qualified scholarship organization:

(1) Has awarded in the form of need-based scholarships an amount equal to at least 95% of the contributions received during the preceding calendar year that are eligible for a tax credit under Title 36, section 2527 or 5219-U; or

(2) Demonstrate that it is a need-based scholarship-granting organization possessing an endowment or endowments with a

value of not less than \$1,000,000 that makes a commitment to spend on need-based scholarships an amount equal to 100% of the contributions that are eligible for the tax credit received during the preceding calendar year and to spend no more than 2% of the value of the endowment or endowments of the organization on administrative expenses related to the distribution of scholarships, exclusive of investment management fees and awarded grants.

Sec. 3. 10 MRSA §1100-Y, sub-§2, ¶C is enacted to read:

C. A qualified scholarship organization must demonstrate that it encourages scholarship recipients to stay in this State or to return to this State upon completion of education. The organization may meet this requirement by demonstrating that it requires scholarship recipients to sign a statement of intent to reside in this State upon graduation from institutions of higher education or by providing organized community service opportunities, fellowships, job assistance, professional development or other activities designed to connect Maine students with businesses and communities in this State.

See title page for effective date.

CHAPTER 474

H.P. 77 - L.D. 69

An Act To Clarify the Intent of School Budget Referendum Language

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

Sec. 1. 20-A MRSA §15614, sub-§1, ¶A, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

A. An article in substantially the following form ~~shall~~ must be used when a school administrative unit is considering the appropriation of the foundation allocation.

(1) "Article : To see what sum the municipality/district will appropriate from the foundation allocation for school purposes (Recommend \$) and to see what sum the municipality/district will raise as the local share of the foundation allocation (Recommend \$). Explanation: The local share of the foundation allocation is the amount of

money determined by state law to be the minimum amount that a municipality/district must raise in order to receive the full amount of state dollars."

Sec. 2. 20-A MRSA §15614, sub-§2, ¶A, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

A. An article in substantially the following form ~~shall~~ must be used when a school administrative unit is considering the appropriation for debt service allocation.

(1) "Article : To see what sum the municipality/district will raise as the local share of debt service (Recommend \$). Explanation: Debt service is the amount of money needed to repay the municipality/district's long-term debt for construction. In this municipality/district, the total debt owed is (\$). The local share of that debt is (\$) and the state-reimbursed share of that debt is (\$)."

Sec. 3. 20-A MRSA §15614, sub-§3, as amended by PL 1999, c. 710, §12, is further amended to read:

3. Additional local appropriation. A school administrative unit may raise and expend funds for educational purposes in addition to the funds under subsections 1 and 2. An article in substantially the following form must be used when a school administrative unit is considering the appropriation of additional local funds:

"Article : To see what sum the municipality/district will raise and to appropriate the sum of (Recommend \$) in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15614. Explanation: The additional local funds are those locally raised funds over and above the total of local amounts raised that are described in the foundation and debt service budget articles that will help achieve the municipality/district's budget for educational programs."

See title page for effective date.

CHAPTER 475

S.P. 317 - L.D. 976

An Act To Ensure Effective Prosecution of Certain Repeat Offenders