

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

## CHAPTER 151

S.P. 295 - L.D. 887

**An Act To Amend the Education  
Laws Regarding Equivalent  
Instruction and Adult Education**

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

**Sec. 1. 20-A MRSA §5021, first ¶**, as amended by PL 2003, c. 181, §2, is further amended to read:

A school administrative unit shall conform to the following standards in making public school resources and services available to a student enrolled in a home instruction program under section 5001-A, subsection 3, paragraph A, subparagraph (4) for a student otherwise eligible to attend school in that school administrative unit, including a student who resides in the unorganized territory.

**Sec. 2. 20-A MRSA §8605, sub-§3** is enacted to read:

**3. Transfer student.** The following provisions apply to the transfer of a student who has not attained 20 years of age from one school administrative unit to another for the purposes of state subsidy when the student is not attending a public school and is enrolled in an adult education course.

A. The transferor superintendent and the transferee superintendent may approve the transfer of a student from one school administrative unit to another if they find that the transfer is in the student's best interest and the student is in agreement with that finding. If the student has not attained 18 years of age and is not an emancipated minor, the student's parent must approve of the transfer.

B. When a student has been denied a transfer under paragraph A, the student or the parent of a student who has not attained 18 years of age may request from the commissioner a review of the denial. The commissioner shall review the decision and may approve or disapprove the transfer. The commissioner's decision is final and binding.

C. A superintendent shall review annually any transfers made into or out of that superintendent's school administrative unit under this subsection.

D. For purposes of state subsidy, a student transferred under this subsection is considered a resident of the school administrative unit to which the student is transferred. The superintendent of the receiving unit shall certify to the commis-

sioner any transfer approved under this subsection when reporting to the department the number of adult education students who have not attained 20 years of age.

See title page for effective date.

## CHAPTER 152

H.P. 1010 - L.D. 1446

**An Act To Amend the Law  
Regarding Certification of  
Educational Personnel**

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

**Sec. 1. 20-A MRSA §13011, sub-§1, ¶E**, as amended by PL 1997, c. 452, §5, is further amended to read:

E. Certify or authorize personnel who provide early childhood educational programs or developmental therapy to children ~~with disabilities~~ from birth to ~~under 9~~ 5 years of age in the home, in community-based special purpose and integrated programs and in public schools; and

**Sec. 2. 20-A MRSA §13011, sub-§2**, as enacted by PL 1983, c. 845, §4, is amended to read:

**2. Moral character.** Rules adopted by the state board under this chapter ~~shall~~ **must** require that an applicant for certification furnish evidence of:

A. Good moral character; ~~and,~~

~~B. Knowledge of physiology and hygiene, with special reference to the effects of alcohol, stimulants and narcotics upon the human system.~~

**Sec. 3. 20-A MRSA §13019-F, first ¶**, as enacted by PL 1995, c. 282, §1, is amended to read:

An individual may be granted a maximum of 2 one-year, ~~nonrenewable~~ conditional administrator ~~certificate~~ certificates in a specific capacity if the individual:

**Sec. 4. 20-A MRSA §13019-F, sub-§1**, as enacted by PL 1995, c. 282, §1, is amended to read:

**1. Conditional administrator certificate.** Will be employed in this State under that one-year ~~nonrenewable~~ conditional administrator certificate;

See title page for effective date.