

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

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

Penmor Lithographers

Lewiston, Maine

2006

implemented under this subsection in meeting the wetland management priorities identified pursuant to subparagraph (1).

Sec. 5. Rules regarding wetland compensation. The Department of Environmental Protection shall amend the rules regarding wetland compensation to require wetland compensation for 15,000 square feet or more of impact to freshwater wetlands. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 593

H.P. 989 - L.D. 1425

An Act To Support the Efficient Implementation of Maine's Learning Results

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

Sec. 1. 20-A MRSA §6202-A, sub-§1, as enacted by PL 2001, c. 454, §30, is amended to read:

1. Technical assistance. ~~During the 2001-2002 and 2002-2003 school years, the~~ The department shall provide technical assistance to school administrative units in ~~developing local assessment systems and setting standards for local assessment systems using student achievement data to inform teaching and learning. 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. The department shall establish quality standards for the statewide assessment program and the local assessment systems.~~

Sec. 2. 20-A MRSA §6202-A, sub-§2-A is enacted to read:

2-A. Moratorium. Notwithstanding subsection 2, a moratorium is imposed for the 2006-2007 school year for activities associated with assessments designed to certify student achievement. Assessments used for informing teaching and learning are exempt from this moratorium. This subsection is repealed June 30, 2007.

Sec. 3. Moratorium; intent. The moratorium established pursuant to the Maine Revised Statutes, Title 20-A, section 6202-A, subsection 2-A, is intended to suspend those activities associated with local assessment system activities designed to certify student achievement. This moratorium does not

suspend or revise other statutory requirements for implementation of the system of learning results, including the implementation timeline that was established for the awarding of a high school diploma that is aligned with the system of learning results pursuant to Public Law 2005, chapter 446.

Sec. 4. Commissioner of Education to convene committees. During the moratorium established pursuant to the Maine Revised Statutes, Title 20-A, section 6202-A, subsection 2-A, the Commissioner of Education shall convene:

1. A representative committee to design a growth model using the revised Maine education assessment for grades 3 to 8, thereby redefining the statewide assessment program as defined in the Maine Revised Statutes, Title 20-A, section 6202; and

2. A representative committee to:

A. Design a course of study and common state assessments for language arts and mathematics for high school students;

B. Provide recommendations for the remaining content areas; and

C. Design a pilot program to provide models for the determination of student achievement that merits the attainment of a learning results endorsement diploma, evaluated through a facilitated process.

Sec. 5. Professional development funds; technical assistance. For fiscal year 2006-07, the Commissioner of Education may expend and disburse up to \$1,000,000 of the \$2,000,000 appropriated by the Legislature to carry out the purposes of Public Law 1995, chapter 649, sections 6 and 7 to provide targeted professional development or technical assistance to increase the capacity of school administrative units to:

1. Develop data systems that:

A. Integrate assessments and assessment data into curriculum and instruction;

B. Design, validate, score and interpret assessments; and

C. Develop standards-based reporting systems;

2. Understand and implement Department of Education requirements;

3. Communicate standards-based assessment programs to stakeholders; and

4. Provide models of established, successful and balanced local assessment systems from school administrative units.

The Department of Education may collaborate with other organizations in defining and providing targeted professional development or technical assistance to school administrative units in promoting the efficient and effective implementation of the system of learning results.

See title page for effective date.

CHAPTER 594

H.P. 1252 - L.D. 1812

An Act To Correct Deficiencies in the Divorce Laws

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

Sec. 1. 19-A MRSA §901, sub-§2, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

2. Guardian ad litem. If the alleged cause is ~~mental illness~~ that one of the parties is an incapacitated person, as provided in section 902, subsection 1, paragraph F J, the court shall appoint a guardian ad litem to represent the interests of the ~~defendant~~ incapacitated person.

Sec. 2. 19-A MRSA §902, sub-§1, ¶I, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed.

Sec. 3. 19-A MRSA §902, sub-§1, ¶J is enacted to read:

J. A judicial determination has been made that one of the parties is an incapacitated person, as defined in Title 18-A, section 5-101, for whom a guardian with full powers has been appointed, other than a temporary guardian appointed pursuant to Title 18-A, section 5-310-A.

Sec. 4. 19-A MRSA §951-A, sub-§11 is enacted to read:

11. Support while pending. The trial court may make, modify or enforce an award of spousal support under this section while an action is pending, including while on appeal.

See title page for effective date.

CHAPTER 595

S.P. 844 - L.D. 2104

An Act Relating to Secondary School Construction Projects

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

Sec. 1. 20-A MRSA §15905, sub-§4, as amended by PL 1993, c. 324, §3, is further amended to read:

4. Rules. The state board may adopt or amend rules relating to the approval of school construction projects. Rules adopted pursuant to this subsection relating to the approval of major capital secondary school construction projects under this chapter are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

The state board is encouraged to review school construction rules regarding costs per square foot, consider other measures for containing building costs and report on these efforts to the joint standing committee of the Legislature having jurisdiction over education matters during the First Regular Session of the 115th Legislature. On or before February 1, 1994 the state board shall adopt rules for approving movable equipment costs for school construction.

Sec. 2. Effective date. This Act takes effect January 1, 2007.

Effective January 1, 2007.

CHAPTER 596

H.P. 1260 - L.D. 1820

An Act To Allow Small Businesses To Participate in Liquor Sales

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

Sec. 1. 28-A MRSA §453-A, sub-§5, as amended by PL 2001, c. 711, §5, is further amended to read:

5. Licensing decisions. The bureau shall conduct an investigation to determine the feasibility of the location and type of facility for the agency liquor store and shall issue the license to one or more of the applicants, taking into consideration the absence of an existing agency liquor store with less than 3,000 square feet of retail space in a downtown location and any other factors the bureau considers appropriate. The bureau is not required to consider the availability