

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

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Penmor Lithographers
Lewiston, Maine
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owner's expense. The commissioner may release those animals or avian hatching eggs from quarantine only after the commissioner is satisfied that they are not a disease threat to other animals or humans.

When an animal or avian hatching egg is brought into the State without a required permit, the commissioner or the Commissioner of Inland Fisheries and Wildlife may condemn the animal and order it euthanized without indemnity or condemn the avian hatching egg and order it destroyed without indemnity. For purposes of this section, "avian hatching egg" means an egg of a bird species that is fertile and handled, transported and stored in a manner that maintains its viability. "Avian hatching egg" does not include fertile eggs marketed for human consumption.

2. Rules. The commissioner shall adopt rules to establish importation requirements necessary to maintain the health of domestic animals. The commissioner, in consultation with the Commissioner of Inland Fisheries and Wildlife, shall maintain a list of animals for which a permit is required and conditions under which a permit is required for avian hatching eggs prior to entering the State. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

See title page for effective date.

CHAPTER 129

H.P. 1172 - L.D. 1663

An Act To Modify Daylight Savings Time According to Federal Statute

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

Sec. 1. 1 MRSA §151, as amended by PL 1987, c. 769, Pt. B, §1, is repealed and the following enacted in its place:

§151. "Standard Time"

The standard time for the State is the time as determined by 15 United States Code, Sections 260 to 267.

See title page for effective date.

CHAPTER 130

H.P. 1293 - L.D. 1857

An Act To Allow Members of the Maine National Guard To Run for Office in a Partisan Public Election

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

Sec. 1. 5 MRSA §7056-A, sub-§4, as enacted by PL 1997, c. 498, §6, is amended to read:

4. Candidacy for elective office. An officer or employee in the classified service or an employee from the executive branch in the unclassified service of this State, except for an officer or enlisted person in the Maine National Guard, may not be a candidate for elective office in a partisan public election other than for a local office. This subsection may not be construed as ~~to prohibit~~ prohibiting an officer or employee of the State from being a candidate in an election if none of the candidates is nominated or elected at that election as representing a party whose candidates for presidential elector received votes in the last preceding election during which presidential electors were selected. Law enforcement officers continue to be subject to departmental rules regarding procedures on candidacy.

See title page for effective date.

CHAPTER 131

S.P. 563 - L.D. 1619

An Act To Amend the Laws Regarding Adult Education

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

Sec. 1. 20-A MRSA §8601, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§8601. Purpose

Since education is a lifelong process, it is declared to be the policy of the State to provide and encourage the growth of educational opportunities and, where applicable, to ensure career, citizenship and college readiness for all adults.

Sec. 2. 20-A MRSA §8601-A, as amended by PL 2005, c. 519, Pt. I, §3, is further amended to read:

§8601-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Adult education. "Adult education" has the same meaning as in section 1, subsection 1 and also means courses of instruction approved in accordance with this chapter in the following categories: ~~general adult enrichment~~ courses; adult career and technical education courses; ~~handicapped~~ adult workforce training and retraining courses; courses for students with disabilities and adult learners with disabilities; high school completion courses, which include courses that are aligned with the system of learning results established in accordance with section 6209 and general educational development preparation courses for the Maine high school equivalency diploma; college transition courses; and basic literacy courses instruction, including English as a Second Language.

2. Adult education program costs. "Adult education program costs" means those costs identified in section 8607-A.

2-A. Career and technical education. "Career and technical education" has the same meaning as in section 8301-A, subsection 2-A, applicable to career and technical education for secondary students.

3. Center. "Center" has the same meaning as in section 8301-A, subsection 3, applicable to career and technical education for secondary students.

4. Foundation year. ~~"Foundation year" means the fiscal year 2 years prior to the fiscal year in which funds are allocated.~~

5. Maximum allowable expenditures. "Maximum allowable expenditures" means, for state subsidy purposes, an amount not to exceed the sum of funds appropriated through taxation and expended in accordance with section 8607-A in the ~~foundation~~ base year, plus the amount of subsidy paid by the State during the ~~foundation~~ base year.

6. Municipality. "Municipality" has the same meaning as in section 15672, subsection 21.

7. Parent. "Parent" means a parent, as defined in section 1, subsection 20, with legal custody of a minor child, except that "parent" of a child with disabilities means a parent as defined in the federal Individuals with Disabilities Act, 20 United States Code, Section 1401(23).

8. Region. "Region" has the same meaning as in section 8301-A, subsection 6, applicable to career and technical education for secondary students.

9. Residence. "Residence" means, with reference to a person's eligibility to receive adult education, the school administrative unit in which is located the legal residence of the person's parent if the person has not reached 18 years of age, the legal residence of the person after the person reaches 18 years of age, or the legal residence of the person after the person becomes an emancipated minor. A federal reservation or in-

stallation is considered part of the school administrative unit in which it is located.

10. Unit. "Unit" means a school administrative unit.

12. Adult career and technical education. "Adult career and technical education" means organized educational activities, eligible for federal or state funding, that:

A. Offer a sequence of courses that provide individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers, other than careers requiring a baccalaureate, master's or doctoral degree, in current or emerging employment sectors; and

B. Include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills and occupation-specific skills of an individual.

"Adult career and technical education" includes career and technical education as defined in subsection 2-A, and similar educational activities for postsecondary students.

13. Adult learners with disabilities. "Adult learners with disabilities" means adults who cannot benefit from a regularly scheduled adult education course because of a disability and are found by the unit, region or center to be capable of benefiting from a course for adult learners with disabilities designed to help adults learn basic life skills through practical instruction related to their needs and goals. Adult learners with disabilities are those students who are not eligible, due to age, for services under the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400, et seq.

14. Adult workforce training and retraining. "Adult workforce training and retraining" means courses or activities eligible for state funding that serve any of the following adult learners:

A. Preparatory learners, who are adults learning new skills in preparation for employment in a job or occupation that is new to them;

B. Supplemental learners, who are adults pursuing courses or activities that are related, in a clear and applicable manner, to current full-time or part-time employment or wage-earning activities; or

C. Certificate learners, who are adults participating in a sequence of courses that provide individuals with the academic and technical knowledge and skills that individuals need to prepare for

further education and careers in current or emerging employment sectors.

15. Base year. "Base year" has the same meaning as in section 15672, subsection 1-B.

16. Basic literacy instruction. "Basic literacy instruction" means instruction, based on individual needs and goals, for adults whose skills in reading, writing, numeracy, speaking or listening are below the grade 12 level. It includes adult basic education and English as a Second Language instruction described in the State's plan for the implementation of the federal adult education program and adult literacy and English as a Second Language instruction provided with state and local funding.

17. College transition course. "College transition course" means a course to support adults with high school diplomas who are not academically prepared to take college courses.

18. Enrichment course. "Enrichment course" means a noncredit course provided under the supervision of an instructor and in accordance with a course outline identifying instructional goals for its participants. "Enrichment course" does not include offerings for the sole purpose of recreation.

19. High school completion course. "High school completion course" means a course that is aligned with the system of learning results established in accordance with section 6209 and includes general educational development preparation courses for the Maine high school equivalency diploma.

20. Instructional supplies. "Instructional supplies" means those supplies that fulfill the purpose of a specific instructional program and, during the teaching process, are actually consumed or worn out through use, or lose their identity through fabrication or incorporation into different or more complete units or substances. Instructional supplies do not include those items that result in a product or service for the student for which lab or materials fees may be assessed, or those items that result in a product or service for the unit, region or center.

21. Student with disabilities. "Student with disabilities" has the same meaning as "child with a disability" as defined in section 7001, and any such students are included under the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400, et seq.

Sec. 3. 20-A MRSA §8603-A is enacted to read:

§8603-A. Warrant to raise, appropriate, receive and expend money

1. Warrant language. In order to fund adult education and educational activities and tuition costs under section 8603, a unit must use the following war-

rant language at a duly called special or regular meeting or city election:

"Article: To see if (the school administrative unit) will appropriate \$..... for adult education and raise \$..... as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program."

2. Approval. Approval of the warrant must be by majority vote of those voting and, if in more than one municipality, by a majority of those voting in each municipality.

3. Effect on multiple municipalities. If individual municipalities in a unit are approving the budget, the appropriation line must still be the total amount of the adult education budget, but the amount raised must be the amount of that specific municipality's local share.

Sec. 4. 20-A MRSA §8604, as amended by PL 1991, c. 518, §36, is further amended to read:

§8604. Authority to operate programs not receiving state subsidy

A unit, region or center may make available facilities for adults for day and evening educational and recreational activities not reimbursable by the State. These courses and activities may be financed by tuition fees, by funds made available by the unit, by funds from other sources or by a combination of these.

Sec. 5. 20-A MRSA §8606-A, as amended by PL 2005, c. 12, Pt. D, §1 and affected by Pt. WW, §18, is further amended to read:

§8606-A. Reimbursement procedures

2. Budget recommendation. Prior to December 15th of each year, the commissioner shall certify to the Governor and to the Bureau of the Budget the funding levels for the various program categories in adult education for payment in the next fiscal year. The commissioner shall include these funding levels in the department's request to the Legislature for appropriations from the General Fund to carry out the purposes of this chapter.

A. The recommended funding level must ~~be for the authorized~~ include funds in an amount that is sufficient to provide for state administration of adult education programs including funds for the cost of general educational development tests and administration; supporting a statewide volunteer program of literacy outreach; state-sponsored professional development; state-level data collection, including the required software for units, regions or centers providing adult education programs; and reimbursement of the costs listed in section 8607-A at the rates established in that section 8607-A and. The recommended funding level

may not exceed the maximum allowable expenditures in the ~~foundation~~ base year, adjusted pursuant to paragraph C.

B. A unit, region or center shall provide the commissioner with information requested by the commissioner to carry out the purpose of this chapter. The commissioner may withhold state subsidy payment or a portion of the state subsidy payment from a unit, region or center if the unit, region or center does not provide requested information to the commissioner in compliance with the specified format, content and time schedule established by the commissioner.

C. The recommendation in the commissioner's funding level certification must include local adult education program cost adjustment to the equivalent of the year prior to the year of allocation. This adjustment is calculated according to the same guidelines established, for purposes of chapter 606-B, by section 15689-C, subsection 3.

3. State reimbursement. State reimbursement for expenditures on adult education programs must be based on each unit's, region's or center's actual adult education program costs in the ~~foundation~~ base year, except that in fiscal years 1991-92 and 1992-93 available state funding is limited to the fiscal year 1990-91 level, and in fiscal years 1995-96 and 1996-97 available state funding is limited to the fiscal year 1994-95 level.

A. The state reimbursement must be based on the unit's, region's or center's expenditures for the ~~foundation~~ base year in accordance with the maximum allowable expenditures and the local program cost adjustment to the equivalent of the year prior to the year of the allocation.

B. State reimbursement must be paid to each eligible unit, region or center during the 2nd quarter of the State's fiscal year.

4. Action by Legislature. The Legislature shall appropriate the necessary funds to meet the State's obligation for reimbursement of adult education program costs as provided in this section.

~~**6. State administration.** The commissioner shall add to the funding level certification an amount sufficient to provide for the administration of this section.~~

Sec. 6. 20-A MRSA §8607-A, as amended by PL 2005, c. 519, Pt. I, §4, is further amended to read:

§8607-A. Reimbursement rates

Reimbursement for the following costs are made in the year following the incurring of those costs, and the rates are as follows.

1. Administrative costs. ~~Units are reimbursed 70% of the administrative~~ Administrative costs for all

adult education courses and educational activities for adults in the year following the expenditure for those listed in section 8601-A, subsection 1 are reimbursed at the rate of 70% of the costs, so long as at least one basic literacy, high school completion or college transition course is offered. Administrative costs include administrative, supervisory and clerical salaries; and fringe benefits as required for salaried positions; the costs of maintaining and operating citizens' advisory committees, ~~administrative fringe benefits as required for salaried positions and;~~ administrative travel to state meetings related to administering adult education courses and educational activities; the costs of operating and maintaining a state-approved data collection system; and the costs of administering state-approved assessments other than the general educational development tests.

2. Adult career and technical education courses. Adult career and technical education courses ~~offered provided~~ in compliance with ~~section 8610 this chapter, if state-funded,~~ are reimbursed at the rate of 75% of the cost of required instructional salaries and fringe benefits for those courses and 50% of the cost of ~~consumable~~ instructional supplies and textbooks used in those courses.

3. Courses for students with disabilities and adult learners with disabilities. ~~Handicapped Courses for students with disabilities and adult courses learners with disabilities~~ are reimbursed at the rate of 75% of the cost of required instructional salaries and fringe benefits for those courses and 50% of the cost of ~~consumable~~ instructional supplies and textbooks used in those courses.

4. High school completion courses that are aligned with the system of learning results. High school completion courses that are aligned with the system of learning results established in accordance with section 6209 are reimbursed at the rate of 75% of the cost of required instructional salaries and fringe benefits for those courses and 50% of the cost of ~~consumable~~ instructional supplies and textbooks used in those courses.

5. Basic literacy instruction. Basic literacy ~~courses are~~ instruction is reimbursed at the rate of 75% of the cost of required instructional salaries and fringe benefits for those courses and 50% of the cost of ~~consumable~~ instructional supplies and textbooks used in those courses.

7. Other administrative costs. Other administrative costs, including program promotion and related publicity, mailing and postage and telephone expenses for courses and programs described in subsections 2 to 6, are reimbursed at the rate of 50% of these costs. The cost of interpreters for deaf students and deaf adult learners and the cost of translators for students and adult learners with limited English proficiency are reimbursed at the rate of 75% of these costs but only

as a payment of last resort after the otherwise valid obligations of insurers or other 3rd parties to provide or pay for these services have been exhausted.

8. College transition courses. College transition courses are reimbursed at a rate of 75% of the cost of required instructional salaries and fringe benefits for those courses and 50% of the cost of ~~consumable instructional~~ supplies and textbooks used in those courses.

9. Adult workforce training and retraining courses. Adult workforce training and retraining courses are reimbursed at the rate of 75% of the costs of required instructional salaries and fringe benefits for those courses and 50% of the cost of instructional supplies and textbooks used in those courses.

Sec. 7. 20-A MRSA §8608, as amended by PL 1991, c. 518, §40, is repealed.

Sec. 8. 20-A MRSA §8609, as amended by PL 1991, c. 518, §41, is further amended to read:

§8609. Fees for adult education

Fees for adult education are as follows.

1. Registration fee. A unit, region or center shall establish a registration fee schedule for adult education courses and determine the use of those registration fees.

2. Laboratory and materials fees. A unit, region or center may charge a person attending an adult education course a fee to cover the cost of laboratory supplies and materials used in such a course.

Sec. 9. 20-A MRSA §8611, as amended by PL 1991, c. 518, §43, is further amended to read:

§8611. Transportation

A unit, region or center may provide transportation for adults to and from adult education courses.

Sec. 10. 20-A MRSA §8612 is enacted to read:

§8612. Other supports

A unit, region or center that provides adult education shall ensure that adult education students are provided, when applicable, information regarding and referral to other state departments and agencies that provide support to adult education students, including, but not limited to, the Department of Health and Human Services and the Department of Labor.

Nothing in this section relieves a school administrative unit of its legal responsibility for the education of students with disabilities.

See title page for effective date.

CHAPTER 132

H.P. 1051 - L.D. 1501

**An Act To Set Standards for
Interviewing Children Who
Are Subjects of a Child
Protective Intervention**

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

Sec. 1. 22 MRSA §4021, sub-§3, ¶C, as enacted by PL 1981, c. 369, §10, is amended to read:

~~C. School~~ Upon the request of a department employee, school officials shall permit the department to meet with and interview the child ~~during school hours, if the interview is necessary to carry out the department's duties under this chapter when the child is present at the school.~~

(1) School officials may require that the department employee requesting to interview the child provide a written certification that in the department's judgment the interview is necessary to carry out the department's duties under this chapter.

(2) The department caseworker shall discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher or guidance counselor or the school's nurse, social worker or principal, as the caseworker determines is necessary for the provision of any needed emotional support to the child prior to and following the interview.

(3) In order for the department to be able to conduct interviews in a manner consistent with good forensic practice, except as provided in subparagraph (1), school officials may not place any conditions on the department's ability to conduct the interview. Without limiting the generality of this subparagraph, school officials are specifically prohibited from:

(a) Requiring that certain persons be present during the interview;

(b) Prohibiting certain persons from being present during the interview; and

(c) Requiring notice to or consent from a parent or guardian.

(4) School officials shall provide an appropriate, quiet and private place for the interview to occur.

(5) That the department intends to interview the child is confidential information and may not be disclosed to any person except those