

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**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**  
**2007**

seminated broadly to other early childhood programs in the community.

**Sec. 12. 20-A MRSA §5201, sub-§2, ¶C**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

C. A person who will be at least 4 years ~~old~~ of age on October 15th of the school year may enroll in a ~~2-year childhood education~~ public preschool program prior to ~~grade one~~ kindergarten if it is offered.

**Sec. 13. 20-A MRSA §15672, sub-§6**, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

**6. Elementary grades.** "Elementary grades" means ~~kindergarten public preschool programs to grade 8 and includes children enrolled in early kindergarten programs and 4 year old children enrolled in a 2-year childhood education program prior to grade one.~~

**Sec. 14. 20-A MRSA §15672, sub-§7**, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

**7. Elementary school level.** "Elementary school level" means the grades from ~~kindergarten public preschool programs to grade 5 and includes early kindergarten programs and 2-year childhood education programs enrolling 4-year-old children prior to grade one.~~

**Sec. 15. 20-A MRSA §15675, sub-§3**, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

**3. Public preschool program to grade 2 students.** If a school administrative unit is eligible to receive targeted funds for its ~~kindergarten public preschool~~ public preschool to grade 2 program under section 15681, then for each ~~kindergarten public preschool program~~ public preschool program to grade 2 student, the unit receives an additional weight of .10.

A. For purposes of the additional weight under this subsection, the count of ~~kindergarten public preschool program~~ public preschool program to grade 2 students is calculated based on the number of resident pupils in the most recent calendar year.

B. Only school administrative units with a ~~kindergarten public preschool~~ public preschool program approved by the department are eligible for funds pursuant to this subsection or other comparable index.

C. Funds provided pursuant to this subsection may be expended only on behalf of ~~kindergarten~~ public preschool program to grade 2 students.

**Sec. 16. 20-A MRSA §15681, sub-§1, ¶C**, as amended by PL 2005, c. 12, Pt. D, §2, is further amended to read:

C. To receive targeted ~~kindergarten public preschool program~~ public preschool program to grade 2 funds calculated pursuant to subsection 4, the school administrative unit must be in compliance with any applicable reporting requirements for local early childhood programs. Any program must be in compliance with chapter 203, subchapter 2.

**Sec. 17. 20-A MRSA §15681, sub-§4**, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

**4. Public preschool program to grade 2 funds.** For targeted ~~kindergarten public preschool program~~ public preschool program to grade 2 funds, the commissioner shall calculate the amount that may be made available to eligible school administrative units as follows.

A. For fiscal year 2005-06, the amount equals the product of the per-pupil guarantee calculated pursuant to section 15676 multiplied by the additional weight calculated pursuant to section 15675, subsection 3.

B. For fiscal year 2006-07 and each subsequent year, the commissioner shall recalculate the amount by using the amount calculated under paragraph A as a base and appropriate trends in the Consumer Price Index or other comparable index.

See title page for effective date.

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## CHAPTER 142

### H.P. 372 - L.D. 488

#### An Act To Amend the Child Support Laws

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

**Sec. 1. 19-A MRSA §1653, sub-§8, ¶A**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

A. Either parent of a minor child shall contribute reasonable and just sums as child support payable weekly, biweekly, monthly or quarterly. In an action filed under section 1654, the court may require the child's nonprimary care provider to pay past support. Availability of public welfare benefits to the family may not affect the decision of the court as to the responsibility of a parent to provide child support. The court shall inquire of the parties concerning the existence of a child support order entered pursuant to chapter 65, subchapter ~~H~~ 2, article 3. If an order exists, the court shall consider its terms in establishing a child support obligation. A determination or modification of child support under this section and a de-

termination of past support must comply with chapter 63.

See title page for effective date.

**CHAPTER 143**  
**S.P. 155 - L.D. 468**

**An Act To Amend the Laws  
Governing Compulsory School  
Attendance**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 20-A MRSA §5052-A, sub-§3**, as enacted by PL 1989, c. 415, §21, is amended to read:

**3. Duties.** The duties of an attendance coordinator ~~shall~~ include, but are not ~~be~~ limited to, the following:

- A. When notified by a principal that a student's attendance is irregular, interviewing the student and the parent or parents or guardian or guardians to determine the cause of the irregular attendance and file a written report with the principal;
- B. Filing an annual report with the superintendent summarizing school year activities, findings and recommendations regarding truants; ~~and~~
- C. Serving as a member of the dropout prevention committee in accordance with section 5103-; and
- D. Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under sections 5001-A and 5051-A.

See title page for effective date.

**CHAPTER 144**  
**S.P. 83 - L.D. 246**

**An Act To Protect the  
Solemnity and Dignity of a  
Funeral or Memorial Service in  
Maine**

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

**Whereas**, the Legislature recognizes that the State has an immediate interest in balancing the rights of the bereaved to mourn peacefully at funerals with others' rights to free expression; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 17-A MRSA §16, sub-§2, ¶A**, as amended by PL 1979, c. 127, §125, is further amended to read:

A. Any of the Class D or Class E crimes described in sections 207; 209; 211; 254; 255; 501, subsection 2; 503; 501-A, subsection 1, paragraph B; 751; 806; or 1002.

**Sec. 2. 17-A MRSA §501**, as amended by PL 1995, c. 258, §1, is repealed.

**Sec. 3. 17-A MRSA §501-A** is enacted to read:

**§501-A. Disorderly conduct**

**1. A person is guilty of disorderly conduct if:**

A. In a public place, the person intentionally or recklessly causes annoyance to others by intentionally:

- (1) Making loud and unreasonable noises;
- (2) Activating a device, or exposing a substance, that releases noxious and offensive odors; or
- (3) Engaging in fighting, without being licensed or privileged to do so;

B. In a public or private place, the person knowingly accosts, insults, taunts or challenges any person with offensive, derisive or annoying words, or by gestures or other physical conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in the