

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

**CHAPTER 274
H.P. 711 - L.D. 1036**

**An Act To Amend the
Education Laws Regarding the
State Board of Education's
Degree-granting Authority, the
Telecommunications Education
Access Fund and Certain
Definitions and Programs**

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

Sec. 1. 5 MRSA §17001, sub-§13, ¶B, as amended by PL 1999, c. 489, §1, is further amended to read:

B. "Earnable compensation" does not include:

(1) For any member who has 10 years of creditable service by July 1, 1993 or who has reached 60 years of age and has been in service for a minimum of one year immediately before that date, payment for more than 30 days of unused accumulated or accrued sick leave, payment for more than 30 days of unused vacation leave or payment for more than 30 days of a combination of both and, effective October 1, 1999, whether or not the member is in service on October 1, 1999, the 30-day limitation may not be decreased and the exclusion set out in subparagraph (2) may not be made applicable to such a member;

(2) For any member who is not covered by subparagraph (1), payment for any unused accumulated or accrued sick leave or payment for any unused vacation leave; or

(3) Any other payment that is not compensation for actual services rendered or that is not paid at the time the actual services are rendered; ~~or.~~

(4) ~~Teacher recognition grants paid pursuant to Title 20-A, section 13503-A.~~

A payment for unused sick leave or unused vacation leave may not be included as part of earnable compensation unless it is paid upon the member's last termination before the member applies for retirement benefits.

Sec. 2. 20-A MRSA §1, sub-§13, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 3. 20-A MRSA §1, sub-§16, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 4. 20-A MRSA §1, sub-§35, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 5. 20-A MRSA §1, sub-§37, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 6. 20-A MRSA §202, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 7. 20-A MRSA §256, sub-§1, as amended by PL 2001, c. 454, §5, is further amended to read:

1. Report to Governor and Legislature. The commissioner shall prepare and deliver to the Governor and Legislature an annual report on the status of public education in the State regarding the implementation of the system of learning results as established in section 6209, including any suggestions and recommendations to improve public education ~~and including the reporting requirements of section 13506, subsection 3-A.~~ This annual report must also include a description of the activities and accomplishments of the state board.

The commissioner shall include in the annual report a listing of requests by school districts for affirmative action workshops and an assessment of the department's ability to meet past and projected demand for in-service training related to affirmative action or gender equity.

The commissioner may be invited by the Speaker of the House of Representatives and the President of the Senate annually, in January, to appear before a joint session of the Legislature to address the Legislature on the status of public education in the State and such related matters as the commissioner desires to bring to the Legislature's attention.

Sec. 8. 20-A MRSA §256, sub-§10 is enacted to read:

10. Telecommunications education access fund. The commissioner or the State Librarian may enter into contracts or order services on behalf of schools and libraries in connection with the telecommunications education access fund pursuant to Title 35-A, section 7104-B. The commissioner or the State Librarian may take advantage of any discounts available pursuant to the federal Telecommunications Act of 1996.

Sec. 9. 20-A MRSA §5804, first ¶, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

Tuition charged for elementary school students ~~shall~~ including students who attend public preschool programs must be as follows:

Sec. 10. 20-A MRSA §10701, sub-§2, as amended by PL 2007, c. 572, Pt. A, §7, is further amended to read:

2. Degree. "Degree" means a document of achievement at the associate level or higher conferred by a postsecondary educational institution authorized

to confer that degree in its home state. It includes educational, academic, literary and professional degrees. It also includes associate, baccalaureate, master's, first professional and doctoral degrees and certificates of advanced graduate studies.

Sec. 11. 20-A MRSA §10705, as amended by PL 2007, c. 572, Pt. A, §11, is further amended to read:

§10705. Courses for credit

An educational institution may offer courses or programs for academic credit leading to degree-completion requirements only if:

1. Authority. It has been authorized under sections 10704 and 10704-A to grant degrees;

2. State board authority. It has been given temporary authority by the state board to use the name "community college," "college" or "university"; or

3. Out-of-state institution. It is:

A. Located outside the State; and

B. Authorized by the state board to offer courses for academic credit leading to degree-completion requirements; or

4. Coordinated programs. It is offering courses or programs in coordination with an educational institution in the State that is authorized to grant degrees and the state board has approved the coordination.

Sec. 12. 20-A MRSA §10708, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Prior to September 18, 1981. ~~Have specific degree granting authority granted to them by the Legislature~~ Had been authorized by the Legislature or the state board to grant undergraduate or graduate degrees prior to September 18, 1981 and are offering additional or different degrees at the same level;

Sec. 13. 20-A MRSA §10712, sub-§4, as enacted by PL 1991, c. 563, §4, is amended to read:

4. Merger; consolidation; reorganization. The merger or consolidation of the educational institution with ~~any other~~ an external entity, or the reorganization of the educational institution, including, but not limited to, reorganization in bankruptcy. This subsection does not apply and authority to confer degrees is not terminated if degree programs are consolidated or reorganized within an educational institution and are at the same level as those authorized by the Legislature or the state board prior to the consolidation or reorganization.

Sec. 14. 20-A MRSA c. 506, as amended, is repealed.

Sec. 15. 20-A MRSA §15001, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8 and amended by PL 2005, c. 397, Pt. D, §3, is repealed.

Sec. 16. 20-A MRSA c. 612, as amended, is repealed.

Sec. 17. 27 MRSA §40, sub-§3 is enacted to read:

3. Telecommunications education access fund. The State Librarian or the Commissioner of Education may enter into contracts or order services on behalf of schools and libraries in connection with the telecommunications education access fund pursuant to Title 35-A, section 7104-B. The State Librarian or the Commissioner of Education may take advantage of any discounts available pursuant to the federal Telecommunications Act of 1996.

Sec. 18. 35-A MRSA §7104-B, sub-§4-A is enacted to read:

4-A. State Librarian; Commissioner of Education. The State Librarian or the Commissioner of Education may enter into contracts or order services on behalf of qualified schools and qualified libraries in connection with the fund and may take advantage of any discounts available pursuant to the federal Telecommunications Act of 1996.

See title page for effective date.

CHAPTER 275
S.P. 417 - L.D. 1126

**An Act To Limit the Scope of
Miscellaneous Costs within the
General Purpose Aid for Local
Schools Appropriation**

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

Sec. 1. 20-A MRSA §15689-C, sub-§1, as enacted by PL 2005, c. 2, Pt. D, §61 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

1. Annual recommendation. Prior to December 15th of each year, the commissioner, with the approval of the state board, shall recommend to the Governor and the Department of Administrative and Financial Services, Bureau of the Budget the funding levels that the commissioner recommends for the purposes of this chapter. Beginning with the recommendations due in 2009, the commissioner's annual recommendations must be in the form and manner described in subsection 4.

Sec. 2. 20-A MRSA §15689-C, sub-§4 is enacted to read: