

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
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Augusta, Maine
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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:

4. Guidelines for updating adjustments and miscellaneous costs. The commissioner's recommendations regarding the adjustments and miscellaneous costs components as set forth in subsection 2 also must delineate each amount that is recommended for each subsection and paragraph under sections 15689 and 15689-A and the purposes for each cost in these sections. For each amount shown in the commissioner's recommendations, the commissioner's recommendation must also show the amount for the same component or purpose that is included in the most recently approved state budget, the differences between the amounts in the most recently approved state budget and the commissioner's recommendations and the reasons for the changes.

Sec. 3. 20-A MRSA §15689-D, as amended by PL 2007, c. 240, Pt. C, §7, is repealed and the following enacted in its place:

§15689-D. Governor's recommendation for funding levels

1. Annual recommendations. The Department of Administrative and Financial Services, Bureau of the Budget shall annually certify to the Legislature the funding levels that the Governor recommends under sections 15683, 15683-A, 15689 and 15689-A. The Governor's recommendations must be transmitted to the Legislature within the time schedules set forth in Title 5, section 1666 and in the form and manner described in subsection 2. The commissioner may adjust, consistent with the Governor's recommendation for funding levels, per-pupil amounts not related to staffing pursuant to section 15680 and targeted funds pursuant to section 15681.

2. Funding level computations. The Governor's recommendations under subsection 1 must specify the amounts that are recommended for the total operating allocation pursuant to section 15683, the total of other subsidizable costs pursuant to section 15681-A, the total debt service allocation pursuant to section 15683-A, the total adjustments pursuant to section 15689, the total miscellaneous costs pursuant to section 15689-A, the amount for any other components of the total cost of funding public education from kindergarten to grade 12 and the total cost of funding public education from kindergarten to grade 12 pursuant to this chapter. The Governor's recommendations regarding the adjustments and miscellaneous costs components also must delineate each amount that is recommended for each subsection and paragraph under sections 15689 and 15689-A and the purposes for each cost in these sections. For each amount shown in the Governor's recommendations, the Governor's recommendations must also show the amount for the same component or purpose that is included in the most recently approved state budget, the differences between the amounts in the most recently approved state budget

and the Governor's recommendations and the reasons for the changes.

See title page for effective date.

CHAPTER 276

S.P. 101 - L.D. 337

**An Act Regarding Emergency
Involuntary Admission of a
Participant in the Department
of Health and Human Services'
Progressive Treatment
Program to a State
Mental Institute**

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

Sec. 1. 34-B MRSA §3863, sub-§8, as enacted by PL 2005, c. 519, Pt. BBBB, §8 and affected by §20, is amended to read:

8. Rehospitalization from progressive treatment program. The assertive community treatment team physician ~~or~~ psychologist, certified psychiatric clinical nurse specialist or nurse practitioner may make a written application under this section to admit to a state mental health institute a person who fails to fully participate in the progressive treatment program in accordance with section 3873, subsection 5. The provisions of this section apply to that application, except that the standard for admission is governed by section 3873, subsection 5, paragraph B.

Sec. 2. 34-B MRSA §3873, sub-§5, ¶A, as enacted by PL 2005, c. 519, Pt. BBBB, §14 and affected by §20, is amended to read:

A. If the person does not fully participate in the program and follow the individualized treatment plan and if the assertive community treatment team physician ~~or~~ psychologist, certified psychiatric clinical nurse specialist or nurse practitioner determines, based on clinical findings, that as a result of failure to fully participate or follow the individualized treatment plan the person's mental health has deteriorated so that hospitalization is in the person's best interest and the person poses a likelihood of serious harm as defined in section 3801, subsection 4, paragraph D, the assertive community treatment team physician ~~or~~ psychologist, certified psychiatric clinical nurse specialist or nurse practitioner shall complete a certificate stating that the person requires hospitalization and the grounds for that belief. The person