

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
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

This section applies to a significant groundwater well that requires approval pursuant to Title 12, chapter 206-A or Title 38, chapter 3, subchapter 1, article 5-A or 6.

Sec. 4. PL 2007, c. 399, §15 is amended to read:

Sec. 15. Rulemaking independent monitoring; fees. The Department of Environmental Protection and the Maine Land Use Regulation Commission shall periodically contract with independent environmental professionals to provide a technical review and assessment of monitoring information submitted to the Department of Environmental Protection or the Maine Land Use Regulation Commission related to significant groundwater wells that are part of projects or developments permitted under the Maine Revised Statutes, Title 12, chapter 206-A or Title 38, chapter 3, subchapter 1, article 5-A or 6, and each shall through rulemaking develop a fee structure to provide funding for the contracts. Rules adopted pursuant to this section are routine technical rules as defined in ~~the Maine Revised Statutes,~~ Title 5, chapter 375, subchapter 2-A.

For purposes of this section, "significant groundwater well" has the same meaning as in the Maine Revised Statutes, Title 38, section 480-B, subsection 9-A, except that a development or part of a development requiring a permit pursuant to Title 38, chapter 3, subchapter 1, article 6 or a structure or development requiring a permit from the Maine Land Use Regulation Commission is not excluded from the definition of "significant groundwater well."

The Department of Environmental Protection or the Maine Land Use Regulation Commission may exclude certain types of pumping or certain significant groundwater wells or portions of significant groundwater wells from a fee requirement when appropriate based upon considerations such as the applicability of other fees, the type or amount of pumping or insignificant risk to protected natural resources or other wells.

See title page for effective date.

CHAPTER 296

S.P. 528 - L.D. 1443

An Act To Support the Center of Excellence for At-risk Students

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 rising dropout rate in the State derives an increasing number of youth of education essential to their future success, while creating the

potential for greater costs on the State's social welfare system; and

Whereas, many school administrative units have limited resources available to tailor programs to address the needs of youth at risk of failing or dropping out of school; and

Whereas, a private, nonprofit charitable organization with a long history of education and caring for children at risk is currently working with a major Maine charitable foundation to create a statewide center of excellence to serve students at risk of failure; and

Whereas, immediate support for that effort is essential to ensure that the organization can begin serving students in the 2009-2010 school year; 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. 20-A MRSA c. 227 is enacted to read:

CHAPTER 227

CENTER OF EXCELLENCE FOR AT-RISK STUDENTS

§6951. Center establishment

1. Center established. The Center of Excellence for At-risk Students is established.

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

A. "At-risk student" means an elementary student or secondary student who is at risk of failing or dropping out of a regular public school program.

B. "Center" means the Center of Excellence for At-risk Students established in subsection 1.

3. Center requirements. The center shall provide a comprehensive residential and nonresidential program for educating at-risk students. The center shall also provide information and resources for other schools serving at-risk students. The center may be administered by a private, nonprofit charitable corporation with a public purpose that meets the requirements of section 2951. The commissioner may grant a waiver from any requirements of sections 2901, 2902 and 2951 that the commissioner determines appropriate in consideration of the special characteristics of the center.

§6952. Center criteria

To qualify for support, approval and funding under this chapter, the center must provide services to at-risk students who are or have been enrolled in one or more of grades 7 to 12. The admission of an at-risk student to the center is subject to approval by the center based upon criteria of the center approved by the commissioner. The center shall provide residential and nonresidential instruction that is approved pursuant to section 6951 and designed to effect positive, sustainable change in the lives of at-risk students through comprehensive on-site education services in 4 major areas, including high-quality scholastic, vocational and behavioral health education; training and support for families of students; training and support for public school teachers in dealing with students who are at risk of failing or dropping out of school; and providing an environment conducive to research aiding the improvement of education for at-risk students.

The center shall collaborate with the department, public school administrators and other public and private organizations with an interest in the support and education of at-risk students.

§6953. Transfers

Students in school administrative units may be transferred to and become students of the center by agreement between the school administrative unit responsible for the student and the chief executive officer of the corporation administering the center.

§6954. Rules

The department may adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 2. Nonprofit corporation; timeline. The Department of Education shall arrange with the Good Will-Hinckley school to serve as the nonprofit charitable corporation with a public purpose to implement the Center of Excellence for At-risk Students, established in the Maine Revised Statutes, Title 20-A, section 6951, referred to in this Act as "the center." The Commissioner of Education and the Chief Executive Officer of the Good Will-Hinckley school shall jointly develop a plan for funding and delivering an approved program pursuant to Title 20-A, section 6951, subsection 3 and section 6952, including a timeline for commencing operation of the center. The Commissioner of Education may convene an advisory group to include representatives of school boards, superintendents, alternative educators and students to participate in developing the plan. The goal of the plan is to begin providing services by September 1, 2010. The Commissioner of Education may modify the plan in consultation with the Chief Executive Officer of the Good Will-Hinckley school.

Sec. 3. Funding proposal. Taking into consideration the plan developed pursuant to section 2 for implementing the center, the Commissioner of Education shall develop a proposal for funding the center. The funding proposal must take into account the unique needs of at-risk students and the resources required to meet those needs, as well as the availability, restrictions and limitations of private and other sources of funds. On or before November 1, 2009, the Commissioner of Education shall report to the Joint Standing Committee on Education and Cultural Affairs on a recommended plan for funding the center and a recommended timeline for commencing the center's operations, providing access to the center for students from school administrative units throughout the State and the number of students that the center is able to serve. Following receipt and consideration of the Commissioner of Education's report, the Joint Standing Committee on Education and Cultural Affairs may submit to the Second Regular Session of the 124th Legislature any legislation that may be necessary to accomplish the funding plan and the implementation timeline for the center.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 8, 2009.

CHAPTER 297**H.P. 862 - L.D. 1243**

An Act To Amend Operating After Suspension Laws by Creating an Infraction Alternative for Certain Kinds of Operating After Suspension

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

Sec. 1. 29-A MRS §2412-A, sub-§1-A, as enacted by PL 2003, c. 452, Pt. Q, §85 and affected by Pt. X, §2, is amended to read:

1-A. Offense; penalty. A person commits operating while license suspended or revoked if that person:

A. Operates a motor vehicle on a public way or in a parking area when that person's license has been suspended or revoked, and that person:

- (1) Has received written notice of a suspension or revocation from the Secretary of State or a court;
- (2) Has been orally informed of the suspension or revocation by a law enforcement officer or a court;