

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

§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 MRSA §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;

(3) Has actual knowledge of the suspension or revocation;

(4) Has been sent written notice in accordance with section 2482 or former Title 29, section 2241, subsection 4; or

(5) Has failed to answer or to appear in court pursuant to a notice or order specified in section 2605 or 2608;

B. Violates paragraph A and the suspension was for OUI or an OUI offense;

C. Violates paragraph A and the suspension was for OUI or an OUI offense, the person was subject to the mandatory minimum sentence and the person:

(1) Has one prior conviction for violating this section;

(2) Has 2 prior convictions for violating this section; or

(3) Has 3 or more prior convictions for violating this section; or

D. Violates paragraph A, the suspension was not for OUI or an OUI offense and the person has one or more prior convictions for violating this section.

Except for an offense under subsection 8 or as otherwise provided, operating while license suspended or revoked is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. 2. 29-A MRSA §2412-A, sub-§8 is enacted to read:

8. Traffic infraction. A person commits a traffic infraction operating while license suspended if the person has not been convicted or adjudicated of a prior offense under this section and the sole basis for the suspension is:

A. Failure to pay a fine;

B. Failure to pay a license reinstatement fee; or

C. Suspension for a dishonored check.

Sec. 3. 29-A MRSA §2551-A, sub-§3, as amended by PL 2009, c. 58, §§1 to 3, is further amended to read:

3. Offenses not included. The following convictions are not included under subsection 1, paragraph A:

A. A conviction of operating a motor vehicle without a license if the license had expired and was not suspended or revoked;

B. A conviction of operating after suspension when the suspension is based upon a failure to pay child support; ~~and~~

C. A conviction of operating after suspension when the suspension is based solely on a failure to pay the reinstatement fee required by section 2486; ~~and~~

D. An adjudication for the traffic infraction of operating after suspension under section 2412-A, subsection 8.

See title page for effective date.

CHAPTER 298

S.P. 494 - L.D. 1359

An Act To Improve the Use of Data from the Controlled Substances Prescription Monitoring Program

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

Sec. 1. 22 MRSA §7250, sub-§4, ¶D, as enacted by PL 2003, c. 483, §1, is amended to read:

D. A patient to whom a prescription is written, insofar as the information relates to that patient; ~~and~~

Sec. 2. 22 MRSA §7250, sub-§4, ¶E, as enacted by PL 2003, c. 483, §1, is amended to read:

E. Office personnel or personnel of any vendor or contractor, as necessary for establishing and maintaining the program's electronic system; ~~and~~

Sec. 3. 22 MRSA §7250, sub-§4, ¶F is enacted to read:

F. The office that administers the MaineCare program pursuant to chapter 855 for the purposes of managing the care of its members, monitoring the purchase of controlled substances by its members and avoiding duplicate dispensing of controlled substances.

See title page for effective date.

CHAPTER 299

H.P. 995 - L.D. 1419

An Act To Implement Respectful Language Amendments

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