

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

E. "Swim line" means a line, rope or a series of buoys used to delineate an area of surface water for the purpose of swimming.

F. "Water safety zone" means the area of water within 200 feet of shoreline, whether the shoreline of the mainland or of an island.

2. Property rights. Nothing in this subchapter may be construed to affect private property rights or the State's ownership rights over inland waters.

3. Swim area prohibition. A person may not establish or maintain a swim line or a developed swim area without a permit issued under subsection 4.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged. Each day a person violates this subsection is a separate violation.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this subchapter within the previous 5-year period commits a Class E crime.

4. Issuance of permit. The director may issue a permit only to a qualified entity to establish and maintain a developed swim area within the water safety zone designed to provide recreational swimming opportunities for the public.

5. Fee; expiration. Permits issued under subsection 4 expire 5 years after the date of issuance. The director shall establish by rule a fee for the permits, except that a developed swim area established and operated by the State or a governmental entity or a recreational camp may not be charged a fee and its permit does not expire as long as no alterations to the developed swim area are made after the permit is issued.

6. Enforcement. A municipally appointed inland harbor master, code enforcement officer or law enforcement officer is primarily responsible for the enforcement of this subchapter.

7. Rules. The director shall adopt rules to implement and carry out the purposes of this subchapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

CONSERVATION, DEPARTMENT OF

Boating Facilities Fund 0226

Initiative: Provides one-time funding for costs associated with posting public notices and mailing permits.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$3,200	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,200	\$0

See title page for effective date.

CHAPTER 313

H.P. 929 - L.D. 1325

An Act Regarding Curriculum Requirements and Standards for Awarding a High School Diploma

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

Sec. 1. 20-A MRSA §4502, sub-§2, as amended by PL 2007, c. 141, §7, is further amended to read:

2. Curriculum requirements. Schools shall also must meet all curriculum standards requirements established in chapter 207-A. Schools that offer public preschool programs shall demonstrate curriculum practice for those programs that implements the Maine early childhood learning guidelines and is appropriate for the age and development level of the children.

Sec. 2. 20-A MRSA §4502, sub-§5, as amended by PL 2007, c. 141, §§8 to 10, is further amended to read:

5. Other requirements. The state board and the commissioner shall jointly adopt basic school approval rules governing school administrative units and elementary and secondary schools. These rules must set minimum standards requirements in the following areas, incorporating such standards requirements as are established by statute:

A. Instructional time, including a minimum school day and week;

B. Staffing, including student-teacher ratios, except that the approval rules in effect for the school years beginning in the fall of 1998 and 1999 must that permit maximum student-teacher ratios of 25:1 school-wide for kindergarten to grade 8 and maximum student-teacher ratios of 30:1 school-wide for grades 9 to 12;

C. Physical facilities, incorporating the school construction rules of the state board;

D. Standards Requirements for equipment and libraries;

E. Minimum school size, but including recognition of geographically isolated schools;

F. Grade and program organization;

G. Assessment and evaluation of student performance;

H. Student personnel services, including guidance and counseling and, notwithstanding any rules adopted by the department, comprehensive guidance plans to be approved by the commissioner ~~for implementation in the 2000-01 school year;~~

I. Records, record keeping and reporting requirements;

J. Health, sanitation and safety requirements, including compliance with section 6302;

K. School improvement;

L-1. A plan for training and development of all personnel that is aligned with the system of learning results as established in section 6209;

M. The use of time-out areas, administered in accordance with ~~standards~~ requirements adopted by the department and with this paragraph. The use of a time-out area is subject to the following:

(1) The time-out area must be well ventilated and sufficiently lighted. The time-out area may not be locked; and

(2) The time-out area must be designed to ensure the safety of the student so that the student is supervised by a professional staff member in the room or can be observed from outside of the time-out area and can be heard by a person supervising the time-out area;

N. Preparation of a written local policy and implementation of training for all unlicensed personnel who administer medication in accordance with the requirements under section 254, subsection 5;

O. Preparation of a written local policy and implementation of training for all guidance counselors and school personnel who administer reintegration planning pursuant to section 254, subsection 12, who participate in a reintegration team and who have access to confidential criminal justice information regarding juveniles pursuant to section 1055, subsection 12; and

P. Provision of family outreach and support programs designed to improve parent-school relations and parenting skills consistent with section 4252, subsection 8.

Sec. 3. 20-A MRSA §4502, sub-§5-A, as amended by PL 1999, c. 790, Pt. N, §1, is repealed.

Sec. 4. 20-A MRSA §4503, sub-§2, as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is amended to read:

2. Junior high school or middle school. A junior high school ~~or middle school~~ is a school ~~which that~~ maintains a diversified program of studies of 2 or more consecutive grades from grades 6 to 9, which meets basic school approval and applicable curriculum requirements. A junior high school ~~or middle school~~ may be maintained in connection with or as part of an approved secondary school.

Sec. 5. 20-A MRSA §4504, sub-§2, as amended by PL 2005, c. 446, §1, is further amended to read:

2. Comprehensive review. The commissioner shall conduct a comprehensive review of a school administrative unit in accordance with the school assistance process established in section 6210, based on a review of the school administrative unit's comprehensive education plan and ~~the local assessment system student achievement data~~, or as part of an inspection in accordance with section 258-A.

Sec. 6. 20-A MRSA §4517, amended by PL 1999, c. 790, Pt. N, §2, is repealed.

Sec. 7. 20-A MRSA §4703, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is amended to read:

§4703. Instruction for individual students

Elementary and secondary schools ~~may provide special instruction for gifted and talented~~ shall provide students with opportunities for learning in multiple pathways that may include the following:

1. Career and technical education. Career and technical education;

2. Alternative education programs. Alternative education programs;

3. Apprenticeships. Apprenticeships;

4. Career academies. Career academies;

5. Advanced placements. Advanced placements;

6. Online courses. Online courses;

7. Adult education. Adult education;

8. Dual enrollment. Dual enrollment; or

9. Gifted and talented programs. Gifted and talented programs.

Sec. 8. 20-A MRSA §4706, first ¶, as repealed and replaced by PL 2001, c. 667, Pt. A, §42, is amended to read:

Instruction in American history, government, citizenship and Maine studies must be taught as specified in aligned with the system of learning results parame-

ters for essential instruction and graduation requirements established ~~in~~ under section 6209.

Sec. 9. 20-A MRSA §4706, sub-§1, as amended by PL 2001, c. 403, §1, is further amended to read:

1. American history. American history ~~and civil government and citizenship~~, including the Constitution of the United States, the Declaration of Independence, the importance of voting and the privileges and responsibilities of citizenship, must be taught in and required for graduation from all elementary and secondary schools, both public and private.

Sec. 10. 20-A MRSA §4710 is enacted to read:

§4710. Kindergarten to grade 12 interventions

By the school year that begins in the fall of 2012 all school administrative units shall develop and implement a system of interventions for kindergarten to grade 12 that provide each student who is not progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements with different learning experiences or assistance to achieve the standard. The interventions must be specific, timely and based upon ongoing formative assessments that continuously monitor student progress.

Sec. 11. 20-A MRSA §4711, as amended by PL 2001, c. 454, §21, is further amended to read:

§4711. Elementary course of study

The basic course of study for the elementary schools must provide for the instruction of all students in career ~~preparation and education development~~, English language arts, ~~foreign world~~ languages, health ~~education~~ and physical education, mathematics, science and technology, social studies and visual and performing arts, as described in the ~~system of learning results parameters for essential instruction and graduation requirements~~ subject to the schedule specified in section 6209. ~~In furtherance of the content standards in section 6209, subsection 2, the course of study must also include physiology and hygiene, with special reference to the effects of substance abuse, including alcohol, tobacco and narcotics upon the human system.~~

Sec. 12. 20-A MRSA §4712 is enacted to read:

§4712. Junior high school or middle school course of study

The basic course of study for the junior high schools or middle schools must provide for the instruction of all students in career and education development, English language arts, health education and physical education, mathematics, science and technology, social studies, visual and performing arts and

world languages, as described in the parameters for essential instruction and graduation requirements subject to the schedule specified in section 6209.

Sec. 13. 20-A MRSA §4721, as amended by PL 2001, c. 454, §22, is repealed and the following enacted in its place:

§4721. General requirement

1. Comprehensive program of instruction. A secondary school shall provide a comprehensive program of instruction of at least 2 years in length, which must meet the requirements of this chapter and the parameters for essential instruction and graduation requirements established under section 6209. The program must include instruction for all students in career and education development, English language arts, health education and physical education, mathematics, science and technology, social studies, visual and performing arts and world languages.

2. Secondary school organization and delivery of instruction. A secondary school shall provide a structure that allows for student achievement of the parameters for essential instruction and graduation requirements established under section 6209 in multiple pathways as set out under section 4703.

Sec. 14. 20-A MRSA §4722, first ¶, as amended by PL 2001, c. 454, §23, is further amended to read:

A secondary school shall provide at least one course of study a comprehensive program of instruction leading to a high school diploma that must meet the following standards as set out in section 4721. The commissioner shall develop rules for the transition between the requirements of this section and the system of learning results as the parameters for essential instruction and graduation requirements established in under section 6209.

Sec. 15. 20-A MRSA §4722, sub-§1, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is amended to read:

1. Minimum instructional requirements. A diploma course of study shall comprehensive program of instruction must include a minimum 4-year program of instruction which that meets the curriculum requirements established by this chapter and any other instructional requirements established by the commissioner and the school board.

Sec. 16. 20-A MRSA §4722, sub-§2-A is enacted to read:

2-A. Implementation of multiple pathways and opportunities. Students may demonstrate achievement of the standards through multiple pathways as set out under section 4703 and multiple opportunities. Achievement may be demonstrated by evidence documented by course and learning experiences using

multiple measures, such as, but not limited to, examinations, quizzes, portfolios, performances, exhibitions and projects.

Sec. 17. 20-A MRSA §4722, sub-§3, as amended by PL 2007, c. 451, §2, is further amended to read:

3. Satisfactory completion. A diploma may be awarded to secondary school students who have satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit and this chapter. All secondary school students must ~~work toward achievement of~~ achieve the content standards of the ~~system of learning results parameters for essential instruction and graduation requirements~~ established pursuant to section 6209. Children with disabilities, as defined in section 7001, subsection ~~1-A~~ 1-B, who successfully meet the content standards of the ~~system of learning results parameters for essential instruction and graduation requirements~~ in addition to any other diploma requirements applicable to all secondary school students, as specified by the goals and objectives of their individualized education plans, may be awarded a high school diploma. Career and technical students may, with the approval of the commissioner, satisfy the 2nd-year math and science, the 2nd-year social studies and the fine arts requirements of subsection 2 through separate or integrated study within the career and technical school curriculum.

Students who experience education disruption, as defined in section 5001-A, subsection 4, paragraph F, who successfully demonstrate achievement of the content standards of the ~~system of learning results parameters for essential instruction and graduation requirements~~ in addition to any other diploma requirements applicable to secondary school students as set forth in their school work recognition plans as defined in section 5161, subsection 6 must, with the approval of the commissioner, be awarded a Department of Education diploma as defined in section 5161, subsection 2.

Sec. 18. 20-A MRSA §4728, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is repealed.

Sec. 19. 20-A MRSA §6201, as amended by PL 2001, c. 454, §§27 and 28, is further amended to read:

§6201. Legislative intent

The Legislature ~~concurs with the recommendation of the 1984 report of the Commission on the Status of Education in Maine~~ finds that all students graduating from high school must be prepared for success in post-secondary education, careers and citizenship and that a state-wide statewide educational assessment program must be implemented.

There is a need for assessment information at both ~~the state and local level levels~~ to measure progress and ensure accountability regarding the ~~system of learning results, which~~ implementation of the parameters for essential instruction and graduation requirements under section 6209 and in the department rules implementing that section and other curricular requirements. ~~This must be accomplished through a comprehensive system of local and state assessments, involving multiple measures~~ to determine what each student knows and is able to demonstrate regarding the ~~standards of the system of learning results parameters for essential instruction and graduation requirements.~~

~~This comprehensive local and state~~ The assessment system must have the following objectives:

1. Statewide assessment. To provide information on the academic achievement and progress of Maine students;

2. State goals. To establish a process for a continuing evaluation of the system of learning results established in section 6209 and to aid in the development of educational policies, standards and programs;

3. Local programs. To provide school officials with information to assess the quality, effectiveness and appropriateness of educational materials; and methods and curriculum needs, including remediation, interventions and enrichment in their schools;

4. Individual students. To provide school staffs with information about the individual students that may be used, with other information, to meet individual and ~~educational~~ education needs of the student. The statewide assessment program may not be the only criteria for judging student performance;

5. Trends. To identify year-to-year trends in student achievement; and

6. Parents. To provide parents with information about the achievements of their children ~~on the assessment program.~~

Sec. 20. 20-A MRSA §6202, first ¶, as amended by PL 2005, c. 662, Pt. A, §13, is further amended to read:

The commissioner shall establish a statewide assessment program to measure and evaluate on a continuing basis the academic achievements of students ~~at in grades 4, 8 and 11 in the content areas of the system of learning results established 3 to 12 on the accountability standards set forth in section 6209 specified by the commissioner and in department rules implementing that section and other curricular requirements.~~ The commissioner may elect to provide for the use of alternative measures of student achievement in ~~grade 11~~ grades 9 to 12. This assessment applies to students in the public elementary and secondary schools and in all private schools approved for tuition whose school enrollments include at least 60% publicly funded stu-

dents, as determined by the previous school year's October and April average enrollment. The assessment program must be adapted to meet the needs of children with disabilities as defined in section 7001, subsection 1-A or other students as defined under rules by the commissioner.

Sec. 21. Requirements for awarding high school diplomas. The Commissioner of Education shall convene a working group of interested parties to work together, in good faith, as educational partners to develop requirements for awarding high school diplomas that permit school administrative units to award high school diplomas based on standards, credits or a combination of standards and credits. The commissioner shall invite the participation of the Maine School Boards Association, the Maine School Superintendents Association, the Maine Principals' Association, the Maine Education Association, the Maine Administrators of Services for Children with Disabilities and other interested entities. The commissioner shall submit a report on the requirements for awarding high school diplomas to the Joint Standing Committee on Education and Cultural Affairs no later than January 29, 2010. After receipt and review of the report, the joint standing committee may report out legislation regarding the requirements for awarding high school diplomas to the Second Regular Session of the 124th Legislature.

Sec. 22. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 20-A, chapter 207-A, subchapter 2, in the subchapter headnote, the words "elementary schools" are amended to read "elementary and junior high schools or middle schools" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 314

S.P. 511 - L.D. 1392

An Act To Promote Economic Development and Reduce Reliance on Automobiles through Transit-oriented Tax Increment Financing Districts

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

Sec. 1. 30-A MRSA §5221, sub-§2, ¶A, as amended by PL 2007, c. 413, §1, is further amended to read:

A. To provide impetus for industrial, commercial, transit-oriented or arts district development, or any combination;

Sec. 2. 30-A MRSA §5222, sub-§19 is enacted to read:

19. Transit. "Transit" means transportation systems in which people are conveyed by means other than their own vehicles, including, but not limited to, bus systems, street cars, light rail and other rail systems.

Sec. 3. 30-A MRSA §5222, sub-§20 is enacted to read:

20. Transit facility. "Transit facility" means a place providing access to transit services, including, but not limited to, bus stops, bus stations, interchanges on a highway used by one or more transit providers, ferry landings, train stations, shuttle terminals and bus rapid transit stops.

Sec. 4. 30-A MRSA §5222, sub-§21 is enacted to read:

21. Transit-oriented development. "Transit-oriented development" means a type of development that links land use with transit facilities to support and be supported by a transit system. It combines housing with complementary public uses such as jobs, retail or services establishments that are located in transit-served nodes or corridors. Transit-oriented development is intended through location and design to rely on transit as one of the means of meeting the transportation needs of residents, customers and occupants as demonstrated through such factors as transit facility proximity, mixed uses, off-street parking space ratio less than industry standards, architectural accommodation for transit and marketing that highlights transit.

Sec. 5. 30-A MRSA §5222, sub-§22 is enacted to read:

22. Transit-oriented development area. "Transit-oriented development area" means an area of any shape such that no part of the perimeter is more than 1/4 mile from an existing or planned transit facility.

Sec. 6. 30-A MRSA §5222, sub-§23 is enacted to read:

23. Transit-oriented development corridor. "Transit-oriented development corridor" means a strip of land of any length and up to 500 feet on either side of a roadway serving as a principal transit route.

Sec. 7. 30-A MRSA §5222, sub-§24 is enacted to read:

24. Transit-oriented development district. "Transit-oriented development district" means a tax increment financing district consisting of a transit-oriented development area or a transit-oriented development corridor.