

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

gram or course on a full-time and part-time basis. If a program is oversubscribed, a school district shall use a random lottery to select enrolled students, subject to any statutorily imposed enrollment preferences.

2. Eligibility. A kindergarten to grade 12 student enrolled in a public school residing in the State who is 20 years of age or younger is eligible to enroll in the program.

3. Agreements to access programs and courses. School administrative units may develop agreements to access online learning courses and programs offered by other school administrative units.

4. Assessment. Students enrolled in an online learning program or course for a unit of credit shall participate in any applicable final exams, grade-level assessments and state assessments in a proctored environment.

§19155. Report

The department shall provide the Legislature annually with a report that includes, but is not limited to, the following information:

1. Programs and courses. A list of programs and courses offered through the program;

2. Students. The number of students participating in the program, including the number of full-time students, part-time students and full-time equivalent students enrolled;

3. Student performance. Student performance for students enrolled in online learning programs or courses, including the academic achievement of students enrolled in each course offered through the program;

4. Expenditures. Expenditures of state and non-state funds made for online learning programs and courses; and

5. Limitation. The number of students who were unable to enroll in an online learning program or course because of space limitation.

Sec. 5. Department of Education review of online learning initiatives; report; additional necessary implementing legislation. In establishing the Maine Online Learning Program under the Maine Revised Statutes, Title 20-A, chapter 802, the Department of Education shall review the online learning initiatives established in other states and jurisdictions, including the best practices established by these online learning initiatives related to funding, governance, approval requirements for online learning providers, teacher quality, assessment of student performance, accessibility of programs and materials for individuals with disabilities, alignment with accessible instructional materials provisions of the federal Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446, and alignment with the

universal design provisions of the 1998 amendments to the federal Higher Education Act of 1965, Public Law 105-244. No later than January 1, 2010, the Commissioner of Education shall submit to the Joint Standing Committee on Education and Cultural Affairs a report that contains findings, recommendations and any proposed legislation necessary to further the implementation of the Maine Online Learning Program. Following receipt and review of the report, the Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 124th Legislature.

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

Effective June 9, 2009.

CHAPTER 331

S.P. 439 - L.D. 1191

An Act To Improve Teacher Confidentiality Laws

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

Sec. 1. 20-A MRSA §13004, sub-§2-A, as amended by PL 2007, c. 666, §1, is repealed and the following enacted in its place:

2-A. Confidentiality. The provisions of this subsection govern confidentiality. For the purposes of this subsection, the term "certification" means certification, authorization or approval under this chapter and chapter 502.

A. Complaints and responses pursuant to section 13020 and any other information or materials that may result in an action to deny, revoke or suspend certification are confidential, except when submitted in court proceedings to revoke or suspend certification.

B. Except for information designated confidential under section 6101 or section 6103, information designated confidential under paragraph A may be released or used by the department as necessary to:

- (1) Complete its own investigations;
- (2) Provide information to a national association of state directors of teacher education and certification to which the State belongs;
- (3) Assist other public authorities to investigate the same teacher's certification in another jurisdiction;

(4) Report or prevent criminal misconduct or assist law enforcement agencies in their investigations; or

(5) Report child abuse or neglect under Title 22, section 4011-A.

C. The department may publish and release as public information statistical summaries of complaints and dispositions as long as the release of such information does not jeopardize the confidentiality of individually identifiable information.

See title page for effective date.

CHAPTER 332

H.P. 663 - L.D. 961

An Act To Amend the Maine Condominium Act Regarding Escrow of Assessments

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

Sec. 1. 33 MRSA §1603-115-A is enacted to read:

§1603-115-A. Optional escrow of assessments

(a) The association may require that a person who purchases a unit after October 1, 2009 make payments into an escrow account established by the association until the balance in the escrow account for that unit is equal to 6 months of assessments as established under section 1603-115.

(b) All assessment payments made under this section and received after October 1, 2009 must be held in an account of a bank or other financial institution under terms that place these assessment payments beyond the claim of creditors of the association. Upon request by a unit owner, the association shall disclose the name of the institution and the account number where these assessment payments are being held. An association may use a single escrow account to hold assessment payments made under this section from all of the unit owners.

(c) The association shall pay interest on the assessment payments under this section in an amount equivalent to the rate required under Title 9-B, section 429.

(d) The association shall return the assessment payments made under this section, together with the interest earned under subsection (c), to the unit owner when the owner sells the unit and has fully paid all assessments under section 1603-115. The association may use the balance in the account to offset any assessments remaining unpaid.

(e) The assessment payments made under this section may be used by the association to cover up to 6 months of the costs attributable to a unit for which assessment payments have not been made.

See title page for effective date.

CHAPTER 333

S.P. 157 - L.D. 454

An Act To Expand Representation on the Animal Welfare Advisory Council

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

Sec. 1. 7 MRSA §3906-C, sub-§1, as amended by PL 2003, c. 405, §4, is further amended to read:

1. Membership. The council consists of ~~42~~ 14 members appointed by the Governor as follows:

- A. One member representing municipal interests;
- B. One animal control officer;
- C. One member representing licensed animal shelters;
- D. One member representing licensed boarding ~~or breeding~~ kennels;
- E. One member representing licensed pet shops;
- F.
- G. One member who is or has been a veterinarian licensed to practice in the State;
- H. One member who owns a pet and represents the interests of the public in animal welfare, generally;
- I. One attorney with experience in animal welfare law;
- J. One cooperative extension agent or specialist;
- K. One member with expertise in equine care;
- L. One member with expertise in livestock representing a statewide farming organization; ~~and~~
- M. One member representing a ~~State-based~~ state-based animal advocacy group;
- N. One member who holds a kennel license issued under section 3923-C; and
- O. One member representing licensed breeding kennels.

In making the appointment of the veterinarian member, the Governor shall consider nominations made by the Maine Veterinary Medical Association. In making