

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

which took effect June 30, 2008, the Legislature listed the Aroostook North-South Highway as an extraordinary corridor, which now has a scope, priority and schedule for community consensus within the meaning of that Act; and

Whereas, the current available funding to complete the construction of both of these segments is insufficient; now, therefore, be it

Sec. 1. Full project funding request. Resolved: That the Department of Transportation shall secure funding to complete the Aroostook North-South Highway project beginning with segments in Caribou and Presque Isle through available funding options, including federal funding through the American Recovery and Reinvestment Act of 2009 or any other similar legislation, the reauthorization of federal surface transportation legislation, bonds, Highway Fund allocations and public-private partnerships; and be it further

Sec. 2. Department to secure funding for listed projects. The Department of Transportation shall secure funding for all projects listed in Public Law 2007, chapter 470, Part B, section 2 as significant new capacity projects of all modes and extraordinary bridge replacement, removal or rehabilitation projects.

See title page for effective date.

CHAPTER 140

H.P. 900 - L.D. 1297

Resolve, To Review Changing the Duties of the State Board of Education

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 State Board of Education was established in 1949 as an advisory board to the Commissioner of Education; and

Whereas, the roles and responsibilities of the State Board of Education have since been expanded in numerous ways that have expanded its mission beyond its original advisory role to the point where the mission of the current State Board of Education includes developing education policy and advocating for education policies; and

Whereas, it is essential to review the operations of the State Board of Education in order to ensure that the policymaking roles and responsibilities of the executive and legislative branches of State Government are properly aligned and balanced; 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

Sec. 1. Review of duties of State Board of Education. Resolved: That the Commissioner of Education shall convene a stakeholder group to review the duties currently assigned to the State Board of Education, referred to as "the state board" in this resolve, and develop recommendations to change, as necessary, the role of the state board in order to align its responsibilities as an advisory board with current statutes and rules. The stakeholder group review must consider provisions in the Maine Revised Statutes, Title 20-A, chapter 5 and any other provisions in Title 20-A and other statutes and rules where the state board is referenced; and be it further

Sec. 2. Stakeholder group. Resolved: That the members of the stakeholder group are appointed as follows:

1. Appointments by the Speaker of the House. The Speaker of the House of Representatives shall appoint the following 6 members:

A. Two members of the House of Representatives serving on the Joint Standing Committee on Education and Cultural Affairs, one from each of the 2 political parties having the greatest numbers of members in the House;

B. One person representing the Maine School Superintendents Association or its successor organization;

C. One person representing the Maine School Boards Association or its successor organization;

D. One person representing the Maine Education Association, or its successor organization; and

E. One person representing the Maine Principals' Association or its successor organization; and

2. Appointments by the President of the Senate. The President of the Senate shall appoint the following 5 members:

A. Two members of the Senate serving on the Joint Standing Committee on Education and Cultural Affairs, one from each of the 2 political parties having the greatest number of members in the Senate;

B. One person representing the Maine Administrators of Services for Children with Disabilities or its successor organization;

C. The Commissioner of Education or the commissioner's designee; and

D. The chair of the state board or the chair's designee.

Legislative members are entitled to legislative per diem and reimbursement of expenses for their attendance at authorized meetings of the stakeholder group; and be it further

Sec. 3. Chairs. Resolved: That the first appointed member of the Senate is the Senate chair and the first appointed member of the House is the House chair; and be it further

Sec. 4. Report. Resolved: That the stakeholder group shall prepare and submit a report, including its findings and recommendations developed pursuant to section 1, to the Joint Standing Committee on Education and Cultural Affairs by December 1, 2009. The Joint Standing Committee on Education and Cultural Affairs may introduce legislation, as appropriate, 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 19, 2009.

CHAPTER 141

H.P. 378 - L.D. 533

Resolve, Authorizing the Joint Standing Committee on Legal and Veterans Affairs To Report Out Legislation Regarding the Expansion of Slot Machine and Casino-style Gambling

Sec. 1. Committee to examine expansion of slot machine and casino-style gambling; legislation. Resolved: That the Joint Standing Committee on Legal and Veterans Affairs shall gather information to develop a comprehensive policy regarding slot machine and casino-style gambling in the State, including, but not limited to, state-operated gambling facilities, additional slot machine facilities at commercial tracks and a competitive bidding process allowing private entities to contract with the State to conduct gambling. The committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature based on the consideration of the policies listed in this section.

See title page for effective date.

CHAPTER 142

H.P. 69 - L.D. 79

Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized, but only if the rule is amended as follows:

1. In Section 1, subsection 34, the definition of "One Campus" is amended by striking out the reference to a physical or virtual presence and specifying that the term "One Campus" refers to a campus that contains the elements of an integrated, consolidated 9-16 educational facility promoting the development of a design where all facilities are located on one site and provide a streamlined and integrated learning experience for students of all ages.

2. Section 15, subsection 1 is amended to clearly specify that:

A. The regional high school, the career and technical education center, the higher education center and the industry training center, the 4 components of the one campus, must each have a physical