

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

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

presence on the campus and use facilities on that campus to deliver courses;

B. Each of the 4 components must offer teacher and student interaction that is not separated in space or space and time as characterizes distance learning. The Internet, videoconferencing and other technology employed in distance learning may be used to complement or expand offerings; and

C. Courses may be provided using the Internet, videoconferencing and other technology employed in distance learning to complement real-time, shared-space learning.

3. Section 15, subsection 2, paragraph C, subparagraph 4 is amended by removing the following: "Where will these courses be offered? On same campus? Virtually? At another site?"

4. Section 15, subsection 2, paragraph C, subparagraph 4 is also amended to remove language that indicates ratings must be based, in part, on a listing of courses and programs to be offered by a higher education unit and instead include language that indicates that ratings must be based, in part, on a list of strategies and approaches to be used to ensure that the higher education courses and programs are offered in facilities located on one site, providing a streamlined and integrated learning experience for students of all ages.

The State Board of Education is not required to hold further hearings or conduct other formal proceedings prior to final adoption of the rule as amended in accordance with this resolve; and be it further

Sec. 2. Emergency rule invalid. Resolved:

That the emergency rule adopted by the State Board of Education on September 15, 2008 for the purpose of expediently selecting a qualified applicant to implement the innovative model does not reflect the intent of Resolve 2007, chapter 223 and does not have legal effect.

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

Effective June 22, 2009.
