

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2012

dance with section 15681-A, subsection 2, paragraph B in the year in which the allocation is assigned.

(4) The school administrative unit of residence shall pay to the public charter school any additional allocation assigned to the unit because of a high-cost out-of-district placement in accordance with section 15681-A, subsection 2, paragraph C in the year in which the allocation is assigned to the school administrative unit.

(5) If the public charter school in which the student is enrolled was authorized by a local school board or a collaborative of local school boards, the funds under this paragraph must be paid to the local school board that authorized the public charter school or to the designated school board of the collaborative, rather than directly to the public charter school. The local school board or boards that authorized the charter school are responsible for ensuring that special education services are provided to students in that school, pursuant to section 2412, subsection 2, paragraph A.

C. Except as otherwise provided in this chapter, the State shall send applicable federal funds directly to public charter schools attended by eligible students. Public charter schools with students eligible for funds under Title I of the federal Elementary and Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq. must receive and use these funds in accordance with federal and state law. During the first year of operation, a public charter school must receive Title I funds on the basis of an estimated enrollment of eligible students, as agreed with its authorizer.

D. A public charter school may receive gifts and grants from private sources in any manner that is available to a school administrative unit.

E. A public charter school may not levy taxes or issue bonds secured by tax revenues.

F. In the event of the failure of the school administrative unit to make payments required by this section, the Treasurer of State shall deduct from any state funds that become due to the school administrative unit an amount equal to the unpaid obligation. The Treasurer of State shall pay over the amount to the public charter school upon certification by the department. The department shall adopt rules to implement the provisions of this paragraph.

G. Any money received by a public charter school from any source and remaining in the school's accounts at the end of any budget year remains in the school's accounts for use by the

school during subsequent budget years and may not revert to the authorizer or to the State.

H. Nothing in this chapter may be construed to prohibit any person or organization from providing funding or other assistance for the establishment or operation of a public charter school. The governing board of a public charter school may accept gifts, donations or grants of any kind made to the school and expend or use such gifts, donations or grants in accordance with the conditions prescribed by the donor except that a gift, donation or grant may not be accepted if subject to a condition that is contrary to any provision of law or term of the charter contract.

~~I. Public charter schools have the same access as other noncharter public schools to any risk pool for high cost special education services and to any fund for fiscal emergencies.~~

J. The department may establish a method of transferring funds to public charter schools that is an alternative to the method provided in this subsection.

See title page for effective date.

CHAPTER 571

S.P. 609 - L.D. 1770

An Act To Encourage Parental Involvement in Education

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

Sec. 1. 20-A MRSA §254, sub-§16 is enacted to read:

16. Parental involvement initiatives. The commissioner shall strongly encourage each school board to adopt local procedures for implementing a districtwide parental involvement initiative as school board policy in accordance with section 255, subsection 6.

Sec. 2. 20-A MRSA §255, sub-§6 is enacted to read:

6. Parental involvement initiatives; post. Beginning with the 2013-2014 school year, a school administrative unit that adopts a parental involvement initiative may submit a copy of that initiative to the department, and the commissioner shall post that initiative on the department's publicly accessible website. The commissioner also shall post on the department's publicly accessible website links to the publicly accessible websites of those school administrative units that have chosen to adopt districtwide parental involvement initiatives as school board policy and that have submitted those initiatives to the department.

Sec. 3. Parental involvement initiative. In collaboration with organizations representing school boards, school administrators, teachers, parents, students and other community members, the Commissioner of Education shall review parental involvement initiatives developed in this State and other jurisdictions that promote improvement in student learning and academic achievement. The commissioner shall select exemplary parental involvement initiatives and shall post prominently, or include links to, the selected initiatives on the Department of Education's publicly accessible website. The commissioner shall disseminate information in writing to school administrative units on the selected initiatives no later than December 31, 2012 and shall strongly encourage each school board to adopt local procedures for implementing a districtwide parental involvement initiative as school board policy. The exemplary parental involvement initiatives selected by the commissioner must include:

1. Provisions that promote parental involvement in ways that result in improvement in student learning and academic achievement and that provide opportunities for continuous engagement and ongoing partnerships between school boards, administrators, teachers, parents, students and other community members;

2. Procedures that may be used by those school administrative units that choose to develop local districtwide parental involvement initiatives for adoption as school board policy; and

3. Procedures for school administrative units to designate a contact person or persons who provide guidance and relevant information to parents regarding their child's education, opportunities to participate in particular school-based programs or specific information pertaining to particular school policies or programs. The procedures may include protocols for providing parents with contact information for the designated contact person or persons, including posting the contact information on the school administrative unit's publicly accessible website.

See title page for effective date.

CHAPTER 572

H.P. 1337 - L.D. 1813

**An Act To Amend the Laws
Governing Confidentiality of
Health Care Information**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, prescribers and dispensers of scheduled drugs may be prohibited by health information

privacy laws from informing law enforcement personnel about suspected drug diversion, which puts emergency health care workers at risk of violence; and

Whereas, emergency health care workers will remain at greater risk of violence unless the law governing disclosure of certain information to law enforcement personnel is clarified; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1711-C, sub-§6, ¶E, as amended by PL 1999, c. 512, Pt. A, §5 and affected by §7 and c. 790, Pt. A, §§58 and 60, is further amended to read:

E. To federal, state or local governmental entities in order to protect the public health and welfare when reporting is required or authorized by law ~~or~~ to report a suspected crime against the health care practitioner or facility or to report information that the health care facility's officials or health care practitioner in good faith believes constitutes evidence of criminal conduct that occurred on the premises of the health care facility or health care practitioner;

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

Effective March 30, 2012.

CHAPTER 573

S.P. 639 - L.D. 1844

**An Act To Amend the Laws
Governing the Governor's
Training Initiative Program**

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

Sec. 1. 5 MRSA §13070-J, sub-§1, ¶D, as amended by PL 2011, c. 380, Pt. HHHH, §1, is further amended to read:

D. "Economic development incentive" means federal and state statutorily defined programs that receive state funds, dedicated revenue funds and tax expenditures as defined by section 1666 whose purposes are to create, attract or retain business entities related to business development in the State, including but not limited to: