

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

CHAPTER 651
H.P. 1372 - L.D. 1854

**An Act To Expand Educational
Opportunities for Maine
Students**

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

Sec. 1. 20-A MRSA §5205, sub-§6-A is enacted to read:

6-A. Interdistrict enrollment policies. The school boards of 2 or more school administrative units may adopt mutual policies allowing the transfer of students, with parental approval, among the participating units. The policies must set forth procedures and standards governing the transfers, including but not limited to the school year or years in which the policy applies, application procedures and standards of responsibility for transportation and special education. Each school board adopting a policy under this subsection shall file a copy of the policy with the department prior to the effective date of that policy and shall provide timely notice of the policy to residents of the school administrative unit governed by that school board. For the purposes of chapter 606-B, a student transferred under this subsection is considered a resident of the school administrative unit to which the student transferred.

Sec. 2. Department of Education to convene a stakeholder group to develop a public school choice model. The Commissioner of Education, or a designee of the commissioner, shall convene a stakeholder group and shall invite the participation of a representative from the Maine School Board Association, the Maine Principals' Association, the Maine Education Association and the Maine Administrators of Services for Children with Disabilities; a superintendent from a rural part of the State and a superintendent from an urban part of the State, named by the Maine School Superintendents Association; and 6 other members, including parents and others with an interest in education issues, appointed by the Governor. The stakeholder group shall develop a publicly funded school choice model that addresses the difficulties inherent in transportation, funding, educating disadvantaged children and educating and transporting children receiving special education services.

The Commissioner of Education shall report the stakeholder group's findings, including a proposed public school choice model, to the joint standing committee of the Legislature having jurisdiction over education matters by January 14, 2013. The committee is authorized to introduce a bill related to the report to the First Regular Session of the 126th Legislature.

Sec. 3. Superintendents' agreements revisited. The Commissioner of Education shall commu-

nicate with superintendents and school boards of school administrative units and clarify the law with regard to superintendents' agreements regarding placement of students and interdistrict enrollment policies pursuant to the Maine Revised Statutes, Title 20-A, section 5205, subsection 6-A.

See title page for effective date.

CHAPTER 652
S.P. 421 - L.D. 1367

**An Act To Restore Maine's
Secondary Roads**

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

Sec. 1. 5 MRSA §282, sub-§9, as repealed and replaced by PL 2009, c. 655, Pt. B, §1, is amended to read:

9. Energy infrastructure benefits fund. To establish an energy infrastructure benefits fund. Except as otherwise provided by Title 35-A, section 122, ~~subsection~~ subsections 1-C and 6-B or any other law, including the Constitution of Maine, the fund consists of any revenues derived from the use of state-owned land and assets for energy infrastructure development pursuant to Title 35-A, section 122. Each fiscal year, the Treasurer of State shall transfer ~~80% of~~ revenues collected in the fund to the Efficiency Maine Trust for deposit by the Efficiency Maine Trust Board in program funds pursuant to Title 35-A, section 10103, subsection 4 and use by the trust in accordance with Title 35-A, section 10103, subsection 4-A ~~and 20% of revenues collected in the fund to the Department of Transportation for deposit in the Transportation Efficiency Fund established in Title 23, section 4210-E and use by the department in accordance with Title 23, section 4210-E, subsection 2.~~ For the purposes of this subsection, "energy infrastructure" and "state-owned" have the same meanings as in Title 35-A, section 122, subsection 1.

Sec. 2. 23 MRSA §754, sub-§1, as enacted by PL 1999, c. 473, Pt. C, §3, is amended to read:

1. Jurisdiction. Except as otherwise provided, all state and state aid highways within compact areas of urban compact municipalities, as defined in subsection 2, as determined by the department must be maintained in good repair by the town in which the highways are located at the expense of the town. Municipalities must be notified one year in advance of changes in compact or built-up sections that place additional maintenance responsibilities on the municipalities. Municipalities may waive the requirement of the one-year notice. When any town neglects to maintain the highways within 14 days after notice given its