

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

§5291. Maine Public Library Fund; voluntary checkoff

1. Maine Public Library Fund. When filing a return, a taxpayer entitled to a refund under this Part may designate that a portion of that refund be paid into the Maine Public Library Fund established in Title 27, section 8. A taxpayer who is not entitled to a refund under this Part may contribute to the Maine Public Library Fund by including with that taxpayer's return sufficient funds to make the contribution. The contribution may not be less than \$5. Each individual income tax return form must contain a designation in substantially the following form: "Maine Public Library Fund: () \$5, () \$10, () \$25 or () Other \$...."

2. Contributions credited to Maine Public Library Fund. The State Tax Assessor shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, the State Tax Assessor shall deduct the cost of administering the Maine Public Library Fund checkoff and report the remainder to the Treasurer of State, who shall forward that amount to the Maine Public Library Fund.

Sec. 12. Report and review. By January 15, 2017, the Department of Administrative and Financial Services, Bureau of Revenue Services shall submit a report to the joint standing committee of the Legislature having jurisdiction over taxation matters identifying the amount contributed to each income tax checkoff under the Maine Revised Statutes, Title 36, chapter 831 over the previous 5 years and the cost of administering the checkoffs, and listing any checkoffs removed from the individual tax return pursuant to Title 36, section 5283-A. By April 1, 2017, the joint standing committee of the Legislature having jurisdiction over taxation matters shall review the report and may submit a bill to the 128th Legislature to implement any recommendations resulting from the review.

Sec. 13. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services, Bureau of 0002

Initiative: Provides a one-time appropriation for the administrative costs of adding one additional tax checkoff for the Maine Public Library Fund and eliminating the checkoff for political parties.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$10,500
GENERAL FUND TOTAL	\$0	\$10,500

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2011-12	2012-13
GENERAL FUND	\$0	\$10,500
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$10,500

LIBRARY, MAINE STATE

Maine Public Library Fund N131

Initiative: Allocates funds to provide grants to free public libraries in the State.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$10,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$10,000

LIBRARY, MAINE STATE

DEPARTMENT TOTALS	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS	\$0	\$10,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$10,000

SECTION TOTALS	2011-12	2012-13
GENERAL FUND	\$0	\$10,500
OTHER SPECIAL REVENUE FUNDS	\$0	\$10,000
SECTION TOTAL - ALL FUNDS	\$0	\$20,500

See title page for effective date.

CHAPTER 686

S.P. 650 - L.D. 1865

An Act To Enhance Career and Technical Education

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures

from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §4722, sub-§3, as amended by PL 2009, c. 313, §17, is further amended to read:

3. Satisfactory completion. A diploma may be awarded to secondary school students who have satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit and this chapter. All secondary school students must achieve the content standards of the parameters for essential instruction and graduation requirements established pursuant to section 6209. Children with disabilities, as defined in section 7001, subsection 1-B, who successfully meet the content standards of the parameters for essential instruction and graduation requirements in addition to any other diploma requirements applicable to all secondary school students, as specified by the goals and objectives of their individualized education plans, may be awarded a high school diploma. Career and technical students may, with the approval of the commissioner, satisfy the ~~2nd year math and science, the 2nd year social studies and the fine arts requirements of subsection 2~~ requirements of subsection 2 through separate or integrated study within the career and technical school curriculum, including through courses provided pursuant to section 8402 or 8451-A.

Students who experience education disruption, as defined in section 5001-A, subsection 4, paragraph F, who successfully demonstrate achievement of the content standards of the parameters for essential instruction and graduation requirements in addition to any other diploma requirements applicable to secondary school students as set forth in their school work recognition plans as defined in section 5161, subsection 6 must, with the approval of the commissioner, be awarded a Department of Education diploma as defined in section 5161, subsection 2.

Sec. 2. 20-A MRSA §4801, sub-§2-A, as enacted by PL 2003, c. 617, §1, is amended to read:

2-A. Regional school calendars; plan; rules. ~~Each~~ To be eligible for state subsidy, each school administrative unit and private school approved for tuition purposes shall work with affiliated units, as defined in section 8301-A, subsection 1, in its career and technical education center or school administrative units in its career and technical education region to develop and approve a regional school calendar that aligns the school calendars of sending schools with the school calendars of career and technical education

programs in the region. The plan for a regional school calendar must meet the following requirements.

A. There may not be more than ~~9 dissimilar instructional days within each regional 5 instructional days on which one or more of the school calendars of the school administrative units affiliated with a career and technical education center or one or more of the school calendars of the school administrative units within a career and technical education region are not aligned with the regional school calendar.~~

B. When career and technical education centers or regions overlap, there must be common calendars for each of the schools in those overlapping areas.

C. The authority for approving the regional school calendar must be within the school boards of the local school administrative units.

D. Regional school calendars for Aroostook County may have provisions for waivers of the number of dissimilar days for ~~extenuating circumstances~~ purposes of agricultural harvesting.

~~D-1. The commissioner, in accordance with rules adopted pursuant to this subsection, may authorize regional school calendars that do not comply with paragraph A if the commissioner determines that all school administrative units in the region have plans and will implement those plans to ensure compliance with paragraph F, notwithstanding the dissimilar calendar days.~~

E. Plans for regional school calendars that comply with this subsection must be approved and implemented in time for the ~~2005-2006~~ 2013-2014 school year.

F. All career and technical education students must be given access to career and technical education programs for the entire instructional time required for those programs by department rules.

The commissioner shall adopt rules to establish requirements for regional school calendars. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 3. 20-A MRSA §8402, as amended by PL 2007, c. 667, §12, is further amended to read:

§8402. Programs

A center shall provide programs of career and technical education. Programs of career and technical education are eligible to receive state subsidy pursuant to chapters 606-B and 609. All programs of career and technical education offered by a center must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of

individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the community college or other college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of career and technical education may also include alternative education programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A. A center may also provide courses described in section 4722, subsection 2, the successful completion of which satisfies the diploma requirements set forth in section 4722.

Sec. 4. 20-A MRSA §8451-A, as amended by PL 2007, c. 667, §13, is further amended to read:

§8451-A. Programs

A region shall provide programs of career and technical education. Programs of career and technical education are eligible to receive state subsidy pursuant to chapters 606-B and 609. All programs of career and technical education offered by a region must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the community college or college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of career and technical education may also include alternative education programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A. A region may also provide courses described in section 4722, subsection 2, the successful completion of which satisfies the diploma requirements set forth in section 4722.

Sec. 5. 20-A MRSA §12709, sub-§11-A is enacted to read:

11-A. Memorandum of understanding with career and technical education system. To enter into a memorandum of understanding with the Department of Education that establishes a process by which the Maine Community College System will review programs of the career and technical education centers and career and technical education regions established in chapter 313 that are using national industry or state certification standards to determine the nature and amount of college credit that must be awarded upon successful completion of an approved secondary school program. College credits must be awarded upon completion of a program directly to the student regardless of whether the student has matriculated in the college awarding the credit. The awarding of college credits to a secondary career and technical

education student does not entitle the student to acceptance into the community college awarding the credits.

Sec. 6. Memorandum of understanding with career and technical education system.

The Chancellor of the University of Maine System and the President of the Maine Maritime Academy shall each enter into a memorandum of understanding with the Department of Education that establishes a process by which the University of Maine System and the Maine Maritime Academy will each review programs of the career and technical education centers and career and technical education regions established in the Maine Revised Statutes, Title 20-A, chapter 313 that are using national industry or state certification standards to determine the nature and amount of college credit that must be awarded upon successful completion of an approved secondary school program. College credits must be awarded upon completion of a program directly to the student regardless of whether the student has matriculated in the college or university awarding the credit. The awarding of college or university credits to a secondary career and technical education student does not entitle the student to acceptance into the college or university awarding the credits.

See title page for effective date.

CHAPTER 687

S.P. 665 - L.D. 1888

An Act To Strengthen the State's Ability To Investigate and Prosecute Misuse of Public Benefits

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

Sec. 1. 17-A MRSA §905-C is enacted to read:

§905-C. Misuse of public benefits instrument

1. A person is guilty of misuse of a public benefits instrument if the person knowingly:

A. Transfers a public benefits instrument without authorization of the agency issuing the instrument; or

B. Obtains or possesses a public benefits instrument that was obtained without authorization of the agency issuing the instrument.

2. As used in this section, "public benefits instrument" means electronic benefits transfer cards, coupons, vouchers and any other means for distributing benefits from the following programs: