

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

writing by the board and to have waived all objections to the admissibility of the ~~examining physicians'~~ examiner's testimony or examination reports on the grounds that the testimony or reports constitute a privileged communication.

See title page for effective date.

**CHAPTER 356**

**H.P. 542 - L.D. 791**

**An Act To Increase  
Transparency and Improve  
Equity in Appeals to  
Superintendents' Agreements**

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

**Sec. 1.** 20-A MRSA §5205, sub-§6, as amended by PL 1991, c. 365, §2, is further amended to read:

**6. Transfer students.** The following provisions apply to transfers of students from one school administrative unit to another.

A. Two superintendents may approve the transfer of a student from one school administrative unit to another if:

- (1) They find that a transfer is in the student's best interest; and
- (2) The student's parent approves.

The superintendents shall notify the commissioner of any transfer approved under this paragraph.

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. The commissioner's decision ~~shall be~~ is final and binding.

C. The superintendents shall annually review any transfer under this subsection.

D. For purposes of the state school subsidy, a student transferred under this subsection is considered a resident of the school administrative unit to which transferred. Upon request of the superintendent of schools in the unit in which a student is placed in accordance with this subsection, the state share percentage for subsidized educational costs for that student is equivalent to the state share percentage of the unit in which the student's parent or legal guardian resides or the average state share percentage, whichever is greater. If the parent or legal guardian does not reside in the State or can not be located, the subsidy is the state average subsidy.

E. A school administrative unit may not charge tuition for a transfer approved under this subsection.

A transfer approved under this subsection may be made only to a receiving school administrative unit that operates a public school that includes the grade level of the student whose parent requests the transfer.

See title page for effective date.

**CHAPTER 357**

**H.P. 556 - L.D. 805**

**An Act To Require Notice to  
and Input from Municipalities  
in Which Certain Group  
Homes Are Located**

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

**Sec. 1.** 34-B MRSA §3612 is enacted to read:

**§3612. Municipal notification**

With regard to residential services for persons committed to the custody of the commissioner pursuant to Title 15, chapter 5, 120 days prior to the opening of a residential facility by the department or to signing a contract with a community agency to provide a community-based residential facility, the department shall provide the specific location and detailed information to the municipality in which the facility is to be located. The department shall review any response or site alternatives provided by municipal officials prior to the opening of the facility or signing of the contract.

See title page for effective date.

**CHAPTER 358**

**H.P. 835 - L.D. 1191**

**An Act To Strengthen the  
Fishing Laws**

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

**Sec. 1.** 12 MRSA §6121, as amended by PL 2011, c. 598, §10, is further amended to read:

**§6121. Fishways in existing dams or artificial obstructions**

**1. Commissioner's authority.** In order to conserve, develop or restore anadromous fish resources, the commissioner and the Commissioner of Inland Fisheries and Wildlife may require a fishway to be erected, maintained, repaired or altered by the owners, lessors or other persons in control of any dam or other