

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.

Augusta, Maine
2013

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 Judicial Department has reached a collective bargaining agreement with the 4 bargaining units representing Judicial Department employees; and

Whereas, this legislation authorizes funding of the agreement effective at the beginning of the pay week commencing closest to September 1, 2013; 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. Adjustment of salary schedules for fiscal year 2013-14. Effective at the beginning of the pay week commencing closest to September 1, 2013, the salary schedules for the Judicial Department employees in the administrative services bargaining unit, the supervisory services bargaining unit, the law enforcement bargaining unit and the professional services bargaining unit and employees referred to in section 3 of this Act must be adjusted upward by 1%.

Sec. 2. Adjustment of salary schedules for fiscal year 2014-15. Effective at the beginning of the pay week commencing closest to July 1, 2014, the salary schedules for the Judicial Department employees in the administrative services bargaining unit, the supervisory services bargaining unit, the law enforcement bargaining unit and the professional services bargaining unit and employees referred to in section 3 of this Act must be adjusted upward by 1%.

Sec. 3. Other employees; similar and equitable treatment. Employees of the Judicial Department who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, D, E, F and G must be given treatment similar and equitable on a pro rata basis to that given employees covered by the collective bargaining agreements.

Sec. 4. Costs to General Fund. Costs to the General Fund must be provided in the Salary Plan program, General Fund account in the Department of Administrative and Financial Services in the amount of \$205,932 for the fiscal year ending June 30, 2014 and in the amount of \$420,375 for the fiscal year ending June 30, 2015 to implement the economic terms of the collective bargaining agreements made between the Judicial Department and the Maine State Employees Association for the administrative services bargaining unit, the supervisory services bargaining unit,

the law enforcement bargaining unit and the professional services bargaining unit and for the costs of those Judicial Department employees referred to in section 3, who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5.

Sec. 5. Contingent effective date. This Act takes effect only upon ratification of the collective bargaining agreements made between the Judicial Department and the Maine State Employees Association for the administrative services bargaining unit, the supervisory services bargaining unit, the law enforcement bargaining unit and the professional services bargaining unit tentatively agreed to as of July 9, 2013.

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

Effective July 16, 2013, unless otherwise indicated.

CHAPTER 427

H.P. 816 - L.D. 1151

An Act Regarding the Administration and Financial Transparency of the Citizen Trade Policy Commission

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 Citizen Trade Policy Commission through Public Law 2011, chapter 468 acquired ongoing funding to contract for qualified year-round administrative support staff and the commission contracted for such qualified staff; and

Whereas, it is important to ensure that all funding provided to the commission remains available to the commission and does not lapse, including funding that would lapse at the end of the current fiscal year, so that the commission can continue to function appropriately and efficiently with the limited resources available to it; 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. 10 MRSA §11, sub-§8, as enacted by PL 2003, c. 699, §2, is repealed and the following enacted in its place:

8. Staff. The Legislature, through the commission, shall contract for staff support for the commission, which, to the extent funding permits, must be year-round staff support. In the event funding does not permit adequate staff support, the commission may request staff support from the Legislative Council, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 2. 10 MRSA §11, sub-§10, as enacted by PL 2003, c. 699, §2, is amended to read:

10. Accounting; outside funding. All funds appropriated, allocated or otherwise provided to the commission must be deposited in an account separate from all other funds of the Legislature and are nonlapsing. Funds in the account may be used only for the purposes of the commission. The commission may seek and accept outside funding to fulfill commission duties. Prompt notice of solicitation and acceptance of funds must be sent to the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council, along with an accounting that includes the amount received, the date that amount was received, from whom that amount was received, the purpose of the donation and any limitation on use of the funds. The executive director ~~administers any~~ shall administer all funds received in accordance with this section. At the beginning of each fiscal year, and at any other time at the request of the cochairs of the commission, the executive director shall provide to the commission an accounting of all funds available to the commission, including funds available for staff support.

Sec. 3. Transfer of unspent funds. At the end of fiscal year 2012-13, the Executive Director of the Legislative Council shall calculate the amount of unexpended funds appropriated, allocated or otherwise provided or made available to the Citizen Trade Policy Commission in fiscal year 2012-13 and shall transfer those unexpended funds to the account established for the commission by this Act.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Citizen Trade Policy Commission N151

Initiative: Reflects the transfer of funding for a biennial citizen trade assessment from the Legislature to a newly created, separate Citizen Trade Policy Commission program.

GENERAL FUND	2013-14	2014-15
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All Other	\$10,000	\$0
GENERAL FUND TOTAL	\$10,000	\$0

Citizen Trade Policy Commission N151

Initiative: Reflects the transfer of on-going funding from the Legislature program for the Citizen Trade Policy Commission to a newly created, separate program for the commission and provides additional funding for the commission above the amounts transferred.

GENERAL FUND	2013-14	2014-15
Personal Services	\$1,320	\$1,320
All Other	\$26,300	\$26,300
GENERAL FUND TOTAL	\$27,620	\$27,620

Legislature 0081

Initiative: Reflects the transfer of funding for a biennial citizen trade assessment from the Legislature to a newly created, separate Citizen Trade Policy Commission program.

GENERAL FUND	2013-14	2014-15
All Other	(\$10,000)	\$0
GENERAL FUND TOTAL	(\$10,000)	\$0

Legislature 0081

Initiative: Reflects the transfer of on-going funding from the Legislature program for the Citizen Trade Policy Commission to a newly created, separate program for the commission.

GENERAL FUND	2013-14	2014-15
Personal Services	(\$1,320)	(\$1,320)
All Other	(\$24,800)	(\$24,800)
GENERAL FUND TOTAL	(\$26,120)	(\$26,120)

LEGISLATURE

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	\$1,500	\$1,500
DEPARTMENT TOTAL - ALL FUNDS	\$1,500	\$1,500

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

Effective July 19, 2013.

**CHAPTER 428
H.P. 74 - L.D. 92**

**An Act Relating to Private
School Student Participation in
Public School Cocurricular,
Interscholastic and
Extracurricular Activities**

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 §5021-A, first ¶, as enacted by PL 2011, c. 456, §1, is amended to read:

A school administrative unit shall conform to the following standards in making public school resources and services available to a student enrolled in an equivalent instruction program. For the purposes of this section, "student enrolled in an equivalent instruction program" means a student otherwise eligible to attend school in that school administrative unit, including a student who resides in the unorganized territory, when the student is enrolled in an equivalent instruction program in a private school that is recognized as an equivalent instruction alternative under section 5001-A, subsection 3, paragraph A, subparagraph (1), division (a) or (b) ~~and that is not a member of an association that promotes, organizes or regulates statewide interscholastic activities in both public and private schools.~~

Sec. 2. 20-A MRSA §5021-A, sub-§1, ¶A, as enacted by PL 2011, c. 456, §1, is amended to read:

A. The student or the student's parent or guardian, on behalf of the student, applies in writing to and receives written approval from the principal of the school or the principal's designee. The principal or the principal's designee may withhold approval only if the school does not have the capacity to provide the student with the opportunity to participate in the cocurricular activity. If approval is withheld, the principal or the principal's designee must provide a written explanation to the student or the student's parent or guardian stating the rea-

son or reasons for the decision to withhold approval.

Sec. 3. 20-A MRSA §5021-A, sub-§1, ¶C is enacted to read:

C. The private school the student attends does not provide the same cocurricular activity.

Sec. 4. 20-A MRSA §5021-A, sub-§2, ¶A, as enacted by PL 2011, c. 456, §1, is amended to read:

A. The student applies for and receives written approval from the principal of the school or the principal's designee, who may withhold such approval only if the school does not have the capacity to provide the student with the opportunity to participate in the extracurricular or interscholastic activity. If approval is withheld, the principal or the principal's designee must provide a written explanation to the student or the student's parent or guardian stating the reason or reasons for the decision to withhold approval.

Sec. 5. 20-A MRSA §5021-A, sub-§2, ¶F is enacted to read:

F. The private school the student attends does not provide the same extracurricular or interscholastic activity.

See title page for effective date.
