

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

the State, for that boating season. The sticker must be in 2 parts so that one part of the sticker can be affixed to each side of the bow of a motorboat or personal watercraft or to each outside edge of a seaplane's pontoons. The fee for a sticker issued under this subsection is \$20, \$1 of which is retained by the agent who sold the sticker.

The remainder of the fee is disposed as follows:

A. Eighty percent must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and

B. Twenty percent must be credited to the Lake and River Protection Fund established within the department under section 10257.

A motorboat, personal watercraft or seaplane owned by the Federal Government, a state government or a municipality is exempt from the fee established in this subsection.

Sec. 4. 38 MRSA §1863, as amended by PL 2003, c. 414, Pt. B, §73 and affected by Pt. D, §7 and c. 614, §9, is further amended to read:

§1863. Invasive Aquatic Plant and Nuisance Species Fund

The Invasive Aquatic Plant and Nuisance Species Fund, referred to in this section as the "fund," is created within the department as a nonlapsing fund. The fund is administered by the commissioner. The fund is funded from a portion of the fees collected for lake and river protection stickers issued under Title 12, section 13058, subsection 3 and from other funds accepted for those purposes by the commissioner or allocated or appropriated by the Legislature. Money in the fund may be used only for costs related to conducting inspections under section 1862, conducting invasive aquatic plant prevention, containment, eradication and management activities and reimbursing agencies as necessary for costs associated with conducting or enforcing the provisions of this chapter and chapter 20-B. The commissioner may also use funds to contract with municipalities or other entities to conduct inspection, prevention or eradication programs to protect the inland waters of the State from invasive aquatic plant and nuisance species. The commissioner shall use at least 20% of the money in the fund for eradication activities.

Sec. 5. Transfer; Inland Fisheries and Wildlife carrying account. Notwithstanding any other provision of law, the State Controller shall transfer \$46,000 by May 1, 2014 and \$225,400 by July 10, 2015 from the Inland Fisheries and Wildlife carrying account, General Fund account within the Department of Inland Fisheries and Wildlife to the Lake and River Protection Fund within the Department of Inland Fisheries and Wildlife.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Land and Water Quality 0248

Initiative: Allocates funds from an increased percentage of fees from 60% to 80% on certificates for watercraft operation on inland waters and lake and river protection stickers.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$46,000	\$225,400
OTHER SPECIAL REVENUE FUNDS TOTAL	\$46,000	\$225,400

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

Effective April 29, 2014.

CHAPTER 581

S.P. 577 - L.D. 1530

An Act To Establish a Process for the Implementation of Universal Voluntary Public Preschool Programs for Children 4 Years of Age

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

Sec. 1. 20-A MRSA §405, sub-§3, ¶T, as enacted by PL 1995, c. 395, Pt. J, §4, is amended to read:

T. Establish and maintain a 5-year plan for education that includes goals and policies for the education of children who are 4 years of age in public preschool programs and children in kindergarten and grades one to 12 and that promotes services for public preschool children. The plan must incorporate and build upon the work of the Task Force on Learning Results, established in Public Law 1993, chapter 290 and the federal GOALS 2000: Educate America Act;

Sec. 2. 20-A MRSA §1001, sub-§8, as amended by PL 1983, c. 859, Pt. K, §§3 and 7, is further amended to read:

8. Operate public preschool programs, kindergarten and grades one to 12. They shall either operate programs in kindergarten and grades + one to

12 or otherwise provide for students to participate in those grades as authorized elsewhere in this Title. To the extent the State provides adequate start-up funding, they may operate public preschool programs or provide for students to participate in such programs in accordance with the requirements of this Title. They shall determine which students shall attend each school, classify them and transfer them from school to school where more than one school is maintained at the same time.

Sec. 3. 20-A MRSA c. 203, sub-c. 3 is enacted to read:

SUBCHAPTER 3

PUBLIC PRESCHOOL PROGRAMS FOR CHILDREN 4 YEARS OF AGE

§4271. Start-up funding for public preschool programs

1. Start-up funding. To the extent the State provides adequate start-up funding, school administrative units may operate public preschool programs or provide for students to participate in such programs in accordance with the requirements of this Title. For the purposes of this subchapter, "start-up funding" means a one-time, start-up grant awarded to a qualified school administrative unit that submits an implementation plan that is approved by the department for the operation of a new or expanded public preschool program.

2. Allowable costs. Beginning with the 2015-2016 school year and for each subsequent school year, the State may provide start-up funding for the allowable costs to operate public preschool programs for children 4 years of age under this subchapter.

3. Grant funds. Beginning with the 2015-2016 school year and for each subsequent school year, the commissioner may provide start-up funding to qualified school administrative units to operate public preschool programs for children 4 years of age. Grants provided for allowable costs for approved public preschool programs must be provided from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose and must include \$4,000,000 annually in revenues distributed from general purpose aid for local schools that the department receives from casino slot machines or casino table games pursuant to section 15671, subsection 5-A. Any balance of funds appropriated, allocated or authorized by the Legislature remaining at the end of a fiscal year do not lapse and are carried forward to the next fiscal year to carry out the purposes of this subchapter.

4. Qualifications; rules. To qualify for a grant under this section, a school administrative unit must submit an implementation plan to the department for the operation of a new or expanded public preschool

program. The qualifications established for implementation plans must contain standards and best practices for public preschool programs and must encourage a school administrative unit to demonstrate coordination with other early childhood programs in the community to maximize resources and provide comprehensive services to meet the needs of children 4 years of age in accordance with this subchapter and rules adopted by the commissioner. In awarding grants under this section, the commissioner shall give priority to a qualified school administrative unit that has a greater percentage of economically disadvantaged students as determined pursuant to section 15675, subsection 2 than other qualified school administrative units under this subsection and in accordance with the following order of preference:

A. The first preference must be to award grant funds to a qualified school administrative unit that does not operate a public preschool program and that submits a plan for the development and operation of a new public preschool program; and

B. The 2nd preference must be to award grant funds to a qualified school administrative unit that operates a public preschool program and that submits a plan for the development and operation of an expanded public preschool program.

The commissioner shall adopt rules that establish criteria for the approval of implementation plans and for the awarding of start-up funds for the allowable costs of operating public preschool programs. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Application for federal public preschool funds. The department may apply for assistance from the Federal Government for the development of public preschool programs for children 4 years of age on behalf of school administrative units in the State. The department shall administer any federal funds received for the benefit of public preschool programs in the State. As the designated state agency authorized to administer federal funds, the department shall develop a state plan and application for funding public preschool programs and shall disburse federal funds as authorized and required by applicable federal law. Beginning in fiscal year 2015-16, the department shall provide any federal funds received to qualified school administrative units as part of the start-up funding provided for the development and operation of public preschool programs under this section. If federal funds are used as part of the start-up funds to operate new or expanded public preschool programs, the students enrolled in these programs must be considered subsidizable pupils for purposes of state subsidy calculations pursuant to chapter 606-B.

Sec. 4. 20-A MRSA §4501, as amended by PL 2007, c. 141, §6, is further amended to read:

§4501. Duty of school units

In accordance with the policy expressed in section 2, every school administrative unit shall raise annually sufficient funds to maintain or support elementary and secondary schools to provide free education for its resident students at all grade levels. These schools shall meet the requirements of basic school approval. ~~School units that choose to~~ To the extent the State provides adequate start-up funding, a school administrative unit may offer an opportunity for every child 4 years of age residing in the school administrative unit to attend a public preschool program must meet, or a program affiliated with the school administrative unit, meeting the requirements of basic school approval. It is the goal of the State to provide adequate start-up funding to ensure that public preschool programs for children 4 years of age are offered by all school administrative units by the 2018-2019 school year.

1. Assessment. The commissioner shall adopt rules that strongly encourage the use of a uniform common statewide assessment program for kindergarten, which may be used by school administrative units in addition to other quality assessments school administrative units determine to be necessary beginning with the 2016-2017 school year. The uniform common statewide assessment must be designed to measure student comprehension of academic content and mastery of related skills and cover such areas as physical health and motor development; social and emotional development; learning styles; language and literacy; and general cognition. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Grant funds. Beginning with the 2015-2016 school year, in accordance with this section, the department, if funds are available, shall award grants pursuant to section 4271 to each qualified school administrative unit equal to the school administrative unit's allowable costs to implement the approved plan to develop and operate a new or expanded public preschool program. Grant funds must be used to fund the allowable costs of the implementation plan not otherwise subsidized by the State.

Sec. 5. 20-A MRSA §4502, sub-§9, as enacted by PL 2007, c. 141, §11, is amended to read:

9. Public preschool programs for children 4 years of age. ~~Any~~ To the extent the State provides adequate start-up funding for a public preschool program for children 4 years of age, a school administrative unit that wishes to does not have a public preschool program for children 4 years of age may develop an early childhood program a public preschool program implementation plan for children 4 years of age must submit a proposal for submission to and approval to by the department. Evaluation and approval of the proposal must include consideration of at least the following factors:

A. Demonstrated coordination with other early childhood programs in the community to maximize resources;

B. Consideration of the extended child care needs of working parents; and

C. Provision of public notice regarding the proposal to the community being served, including the extent to which public notice has been disseminated broadly to other early childhood programs in the community.

Beginning with the 2015-2016 school year, the commissioner may provide start-up funding as set forth in section 4271 to school administrative units to implement or expand public preschool programs for children 4 years of age as required under this subsection.

Sec. 6. 20-A MRSA §15671, sub-§5-A, as enacted by PL 2013, c. 368, Pt. C, §5, is amended to read:

5-A. Funds from casino slot machines or table games. Revenues received by the department from casino slot machines or casino table games pursuant to Title 8, section 1036, subsection 2-A, paragraph A or Title 8, section 1036, subsection 2-B, paragraph A must be distributed until the end of fiscal year 2014-15 as general purpose aid for local schools, and each school administrative unit shall make its own determination as to how to allocate these resources. Beginning in fiscal year 2015-16, \$4,000,000 in revenues must be distributed by the department to provide start-up funds for approved public preschool programs for children 4 years of age in accordance with chapter 203, subchapter 3. Neither the Governor nor the Legislature may divert the revenues payable to the department to any other fund or for any other use. Any proposal to enact or amend a law to allow distribution of the revenues paid to the department from casino slot machines or casino table games for another purpose must be submitted to the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over education matters at least 30 days prior to any vote or public hearing on the proposal.

Sec. 7. 20-A MRSA §15674, sub-§3 is enacted to read:

3. Pupil count for public preschool programs. Beginning with funding for the 2015-2016 school year, the pupil count for students 4 years of age and students 5 years of age attending public preschool programs must be based on the most recent October 1st count prior to the year of funding.

Sec. 8. 20-A MRSA §15675, sub-§3, ¶A, as amended by PL 2007, c. 141, §15, is further amended to read:

A. For purposes of the additional weight under this subsection, the count of public preschool program to grade 2 students is calculated based on

the number of resident pupils in the most recent calendar year. Beginning with funding for the 2015-2016 school year, the pupil count for students 4 years of age and students 5 years of age attending public preschool programs must be based on the most recent October 1st count prior to the allocation year.

Sec. 9. 20-A MRSA §15681, sub-§1, ¶C, as amended by PL 2007, c. 141, §16, is further amended to read:

C. To receive targeted public preschool program to grade 2 funds calculated pursuant to subsection 4, the school administrative unit must be in compliance with any applicable reporting requirements for local early childhood programs. Any program must be in compliance with chapter 203, subchapter 2 or 3.

Sec. 10. 20-A MRSA §15688-A, sub-§4 is enacted to read:

4. New or expanded public preschool programs for children 4 years of age. Beginning in fiscal year 2015-16 and for each subsequent fiscal year, the commissioner may expend and disburse one-time, start-up funds to provide grants for expanded access to public preschool programs for children 4 years of age pursuant to chapter 203, subchapter 3. The amounts of the grant funding provided to qualified school administrative units pursuant to chapter 203, subchapter 3 are limited to the amounts appropriated, allocated or authorized by the Legislature for the operation of public preschool programs. Any balance of funds appropriated, allocated or authorized by the Legislature remaining at the end of a fiscal year do not lapse and are carried forward to the next fiscal year to carry out the purposes of chapter 203, subchapter 3.

Sec. 11. 20-A MRSA §15689-F, sub-§3, as enacted by PL 2013, c. 368, Pt. C, §20, is amended to read:

3. Casino revenues. If the annual funding for public education ~~from~~ for children in public preschool programs and for children in kindergarten and grades one to grade 12 is supported by casino revenues credited to the department pursuant to Title 8, section 1036, the department shall journal expenditures from the General Purpose Aid for Local Schools, General Fund account to the K-12 Essential Programs and Services, Other Special Revenue Funds account to meet financial obligations and for purposes of cash flow.

Sec. 12. Implementation of universal availability of public preschool programs for children 4 years of age; rules. Prior to beginning the process of adopting rules pursuant to the Maine Revised Statutes, Title 20-A, section 4271, subsection 4 related to the Department of Education's recommended standards and best practices for public preschool programs for children 4 years of age, the

Commissioner of Education shall invite stakeholders to provide their feedback and perspectives on the department's recommendations for school administrative units to phase in their implementation plans for the universal availability of public preschool programs for children 4 years of age by the 2018-2019 school year and the department's current partnership with other states and research partners in a consortium to establish a state-of-the-art system for assessing young children's learning from kindergarten entry to grade 3.

1. Members. The commissioner shall invite the involvement of at least the following persons to participate in the department's planning and research initiatives as members of the stakeholder group:

- A. A senior policy analyst with the Maine Children's Alliance;
- B. A youth development coordinator with the University of Southern Maine, Edmund S. Muskie School of Public Service, Maine Roads to Quality;
- C. A representative of a private early childhood education program;
- D. A private provider of an early childhood program;
- E. A state-level Head Start collaboration coordinator;
- F. A director of a Head Start program;
- G. An early literacy provider from the staff of a Head Start regional program;
- H. A case manager from a regional site of the Child Development Services System;
- I. Two public prekindergarten teachers;
- J. A family literacy provider;
- K. A superintendent of schools;
- L. An elementary school principal;
- M. The executive director of the Maine Administrators of Services for Children with Disabilities;
- N. The early childhood consultant in the Department of Education;
- O. A community collaboration coach for public preschool programs in the Department of Education;
- P. The state director of the Child Development Services System in the Department of Education;
- Q. The literacy specialist in the Department of Education;
- R. The federal liaison in the Department of Education;

S. The child care consultant in the Department of Health and Human Services; and

T. The state grants compliance coordinator in the Department of Health and Human Services.

2. Report. The commissioner shall submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 3, 2014 containing a summary of the work of the consortium partners and stakeholders, as well as an outline of the rules proposed by the department to implement the universal availability of public preschool programs for children 4 years of age by the 2018-2019 school year.

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

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools 0308

Initiative: Reduces funding for the bus refurbishing program.

GENERAL FUND	2013-14	2014-15
All Other	\$0	(\$69,877)
GENERAL FUND TOTAL	\$0	(\$69,877)

PK-20, Adult Education and Federal Programs Team Z081

Initiative: Provides funds for 80% of one Early Childhood Coordinator position and related All Other costs beginning in fiscal year 2014-15.

GENERAL FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$64,877
All Other	\$0	\$5,000
GENERAL FUND TOTAL	\$0	\$69,877

EDUCATION, DEPARTMENT OF

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

See title page for effective date.

CHAPTER 582

H.P. 357 - L.D. 538

An Act To Align Costs Recognized for Transfer of Nursing Facilities and Residential Care Facilities with Ordinary Commercial and Government Contracting Standards

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

Sec. 1. 22 MRSA §3175-D, sub-§2 is enacted to read:

2. Methodology. Beginning with the sale of a nursing facility that occurs on or after July 1, 2014, or such other date as approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, the department shall calculate depreciation recapture using a methodology that provides percentage credits for buildings, fixed equipment and moveable equipment based on the number of years of operation by the owner of the nursing facility that is consistent with the following:

A. For the purposes of determining depreciation recapture for buildings and fixed equipment, the methodology must determine the number of years of operation by reference to the date on which the owner began operating with the original license;

B. For the purposes of determining depreciation recapture for moveable equipment, the methodology must enable percentage credits to reach 100% after the first 6 years of the assigned useful life; and

C. The methodology must treat as equivalent to the owner of the nursing facility any person or entity that owns or controls the entity that owns the nursing facility and any entity that is owned or controlled by the owner of the nursing facility.

Sec. 2. 22 MRSA §7861, sub-§§2 and 3, as enacted by PL 2001, c. 596, Pt. A, §1 and affected by Pt. B, §25, are amended to read:

2. Compliance with standards and guidelines. Reviewing the compliance of assisted housing programs with standards and guidelines established for the programs; ~~and~~

3. Awarding of grants. Awarding of grants, when available and necessary, to subsidize the cost of assisted housing programs for eligible clients.

For the purposes of this subsection, "eligible clients" means adults who have been determined through an approved assessment by the department to be functionally or cognitively impaired and in need of finan-