

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

~~unemployment insurance contributions and income tax withholding deposit~~ account must be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the Unemployment Trust Fund, established and maintained pursuant to Section 904 of the Social Security Act, as amended, any provisions of law in this State relating to the deposit, administration, release or disbursement of money in the possession or custody of this State to the contrary notwithstanding. The benefit account must consist of all money requisitioned from this State's account in the Unemployment Trust Fund.

Except as otherwise provided, money in the clearing, ~~combined unemployment insurance contributions and income tax withholding deposit~~ and benefit accounts may be deposited by the Treasurer of State, under the direction of the commissioner, in any bank or public depository in which general funds of the State may be deposited, but no public deposit insurance charge or premium may be paid out of the fund.

The Governor is authorized to apply for advances to the account of this State in the Unemployment Trust Fund in accordance with the provisions of Title XII of the Social Security Act, 42 United States Code, Section 1321, as amended, or under any other Act of Congress extending such authority, in order to secure to this State and its citizens the advantages available under the provisions of Title XII of the Social Security Act.

See title page for effective date.

CHAPTER 40 H.P. 6 - L.D. 3

An Act To Ensure Consistent Certification of Graduation Standards in Publicly Funded Secondary Schools

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, beginning January 1, 2017, public schools and private schools that enroll at least 60% publicly funded students must implement curricula designed to enable students to demonstrate proficiency in certain areas to award diplomas indicating graduation; and

Whereas, public charter schools are not currently required to implement curricula designed to enable students to demonstrate proficiency in certain areas to award diplomas indicating graduation; and

Whereas, public charter schools are publicly funded alternatives to public schools and private schools that enroll at least 60% publicly funded students; and

Whereas, all publicly funded schools should implement curricula designed to enable students to demonstrate the proficiencies necessary to receive a diploma indicating graduation from a secondary school; and

Whereas, secondary schools require the greatest amount of advance notice of applicable requirements to develop curricula to enable students to demonstrate the proficiencies necessary to receive a diploma indicating graduation from a secondary school; 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. 20-A MRSA §2412, sub-§5, ¶¶J and K are enacted to read:

J. Public charter schools are subject to the same proficiency-based diploma standards set forth in section 4722-A and are eligible for the same transition grants as applicable to noncharter public schools in the State pursuant to section 4722-A, subsection 4.

K. A public charter school that operates a public preschool program must comply with department rules for basic school approval standards for public preschool programs in accordance with section 4271, subsection 4 and section 4502, subsection 9.

Sec. 2. 20-A MRSA §2901, sub-§2, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. ~~Currently~~ A private school approved for tuition purposes that enrolls at least 60% publicly funded students that is currently accredited by the a commission on independent schools of a New England Association association of Colleges and Secondary Schools schools and colleges in fulfillment of its standards of accreditation and indicators and that also meets the applicable requirements of the system of learning results established in section 6209; or

Sec. 3. 20-A MRSA §2902, sub-§3, as amended by PL 2011, c. 669, §2, is further amended to read:

3. Courses required by law. Provide instruction in elementary schools as specified in sections 4701, 4704, 4706 and 4711 and in secondary schools as

specified in sections 4701, 4704, 4706, 4722, 4722-A, 4723 and 4724.

Sec. 4. 20-A MRSA §6202, first ¶, as amended by PL 2009, c. 313, §20, is further amended to read:

The commissioner shall establish a statewide assessment program to measure and evaluate on a continuing basis the academic achievements of students in grades 3 to 12 on the accountability standards set forth in section 6209 and in department rules implementing that section and other curricular requirements. The commissioner may elect to provide for the use of alternative measures of student achievement in grades 9 to 12. This assessment applies to students in the public elementary and secondary schools, in public charter schools, as that term is defined in section 2401, subsection 9, and in all private schools approved for tuition whose school enrollments include at least 60% publicly funded students, as determined by the previous school year's October and April average enrollment. The assessment program must be adapted to meet the needs of children with disabilities as defined in section 7001, subsection 1-A or other students as defined under rules by the commissioner.

Sec. 5. 20-A MRSA §6209, first ¶, as amended by PL 2009, c. 647, §1, is further amended to read:

The department in consultation with the state board shall establish and implement a comprehensive, statewide system of learning results, which may include a core of standards in English language arts and mathematics for kindergarten to grade 12 established in common with the other states, as set forth in this section and in department rules implementing this section and other curricular requirements. The department must establish accountability standards at all grade levels in the areas of mathematics; reading; and science and technology. The department shall establish parameters for essential instruction and graduation requirements in English language arts; mathematics; science and technology; social studies; career and education development; visual and performing arts; health, physical education and wellness; and world languages. Only students in a public school, a public charter school as defined in section 2401, subsection 9 or a private school approved for tuition that enrolls at least 60% publicly funded students, as determined by the previous school year's October and April average enrollment, are required to participate in the system of learning results set forth in this section and in department rules implementing this section and other curricular requirements. The commissioner shall develop accommodation provisions for instances where course content conflicts with sincerely held religious beliefs and practices of a student's parent or guardian. The system must be adapted to accommodate children with

disabilities as defined in section 7001, subsection ~~1-A~~ 1-B.

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

Effective April 30, 2015.

CHAPTER 41

S.P. 30 - L.D. 82

An Act Concerning the Salary of Sheriffs

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

Sec. 1. 30-A MRSA §373, sub-§3, ¶B, as enacted by PL 2011, c. 95, §2, is amended to read:

B. The salary of the county sheriff may not be reduced during the sheriff's term other than upon complaint, and after due notice and hearing, of malfeasance, misfeasance, neglect, or gross negligence or failure to maintain certification with the Maine Criminal Justice Academy by the board of county commissioners to the Office of the Governor.

See title page for effective date.

CHAPTER 42

H.P. 266 - L.D. 400

An Act To Continue To Permit Persons 70 Years of Age and Older To Hunt with a Crossbow

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation must take effect before the expiration of the 90-day period in order to ensure minimal disruption to hunters and the hunting season; 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: