

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

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:

Sec. 1. 12 MRSA §10953, sub-§1-C is enacted to read:

1-C. Hunting with a crossbow; 70 years of age or older. A person 70 years of age or older may hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird or wild animal, subject to this Part. A person 70 years of age or older may hunt deer with a crossbow during a regular archery-only season established under section 11403 or in an expanded archery zone or during the muzzle-loading-only deer hunting season established under section 11404.

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

Effective April 30, 2015.

**CHAPTER 43
S.P. 176 - L.D. 447**

**An Act To Repeal Outdated
Statutory Sections Relating to
Regional Ride Share Programs**

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

Sec. 1. 10 MRSA c. 216, as amended, is repealed.

See title page for effective date.

**CHAPTER 44
H.P. 334 - L.D. 495**

**An Act To Make Minor
Nonsubstantive Changes to the
Laws Affecting the Office of
the State Auditor**

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

Sec. 1. 4 MRSA §163, sub-§1, as amended by PL 2007, c. 377, §2 and affected by §17, is further amended to read:

1. District Court funds. Except as otherwise provided by law, all fines, forfeitures, surcharges, assessments and fees collected in any division of the District Court or by the violations bureau must be paid to the clerk of that District Court, who shall deposit them in a special account in a timely manner. Once each month, the clerk shall remit the sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, the clerk shall remit the sums that have been collected in accordance with sec-

tion 1057; Title 5, chapter 316-A; Title 7, section 3910-A; Title 17, section 1015; Title 29-A, section 2411, subsection 7; former Title 34-A, section 1210-A, subsection 9; and Title 34-A, section 1210-B, subsection 6. Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost-effective to do so. Interest accrued in the account is the property of and accrues to the State. The forfeiture and setoff of bail is governed as otherwise provided by law.

~~The court shall file a monthly report with the State Auditor itemizing the amount of fines, surcharges and assessments imposed and to whom each is payable.~~

Sec. 2. 4 MRSA §554, as amended by PL 1991, c. 132, §3, is further amended to read:

§554. Accounting by clerks

Clerks of judicial courts shall account monthly ~~under oath to the State Auditor~~ for all fees received by them or payable to them by virtue of their office, except those portions of fees collected for passports and naturalization proceedings that are payable to the Federal Government, specify the items and pay the whole amount of the same to the Treasurer of State at such times and in such manner as the Chief Justice of the Superior Court or the Chief Justice's designee ~~shall~~ from time to time ~~specify~~ **specifies**.

Sec. 3. 5 MRSA §241, 2nd ¶, as enacted by PL 1997, c. 516, §1, is amended to read:

If a person elected to the office of State Auditor is not qualified as, or has not successfully completed or passed the examination for, a certified public accountant, ~~public accountant~~ **certified information systems auditor** or certified internal auditor at the time of election and fails to become so qualified within 9 months of being sworn into office, as required by section 242, that person may no longer serve as State Auditor and is ineligible for reelection by the same Legislature and the office of State Auditor is deemed vacant.

Sec. 4. 5 MRSA §242, 2nd ¶, as amended by PL 2013, c. 16, §2, is further amended to read:

Any person elected to the position of State Auditor or any person permanently employed by the Office of the State Auditor as deputy auditor, director of audits or assistant director of audits must be currently qualified as or have successfully completed or passed the examination for a certified public accountant, ~~public accountant~~ **certified information systems auditor** or certified internal auditor. Persons not so qualified may be employed in these audit supervisory positions on a temporary basis not to exceed 9 months.

Sec. 5. 15 MRSA §1943, as amended by PL 1979, c. 663, §108 and PL 2013, c. 16, §10, is further amended to read: