

# 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.**

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**Augusta, Maine**  
**2015**

pants, including assistance in accessing private financial markets;

F. Set rental and service fees that would be revenue for the collaborative workspace business upon approval from the department;

G. Encourage the sharing of ideas between tenants and participants and otherwise aid the tenants and participants using innovative technology and facilities;

H. Establish policies and criteria for the acceptance of tenants and participants and for the termination of occupancy of tenants so as to maximize the opportunity to succeed for the greatest number of tenants and participants; and

I. Submit annual reports to the department that include a financial statement for the collaborative workspace business, a summary of the economic impact of the collaborative workspace on the local community and a list of tenants and participants in the collaborative workspace.

**5. Report.** Beginning February 1, 2016, the department shall annually provide a report to the Governor, the President of the Senate and the Speaker of the House of Representatives that must include, but is not limited to:

A. The number of applications for collaborative workspace submitted to the department;

B. The number of applications for collaborative workspace approved by the department;

C. The number of collaborative workspaces created through the fund;

D. The numbers of tenants and participants engaged in each collaborative workspace;

E. The number of jobs provided by each collaborative workspace;

F. The occupancy rate of each collaborative workspace; and

G. The number of tenants that have left collaborative workspace and that are operating in the State and the number of jobs they have provided.

## **Sec. 2. Appropriations and allocations.**

The following appropriations and allocations are made.

### **ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

#### **Maine Coworking Development Fund N193**

Initiative: Provides base allocations in the event funds are received from private or public sources.

	2015-16	2016-17
<b>OTHER SPECIAL REVENUE FUNDS</b>		
All Other	\$500	\$500
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

#### **Maine Coworking Development Program N192**

Initiative: Provides funds to support collaborative workspace businesses.

	2015-16	2016-17
<b>GENERAL FUND</b>		
All Other	\$100,000	\$100,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$100,000	\$100,000

### **ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

	2015-16	2016-17
<b>DEPARTMENT TOTALS</b>		
GENERAL FUND	\$100,000	\$100,000
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$100,500	\$100,500

See title page for effective date.

## **CHAPTER 363**

### **H.P. 873 - L.D. 1277**

#### **An Act To Establish a Magnet School for Marine Science, Technology, Transportation and Engineering**

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

**Sec. 1. 5 MRSA §285, sub-§1, ¶F-11** is enacted to read:

F-11. Any employee of the Maine School for Marine Science, Technology, Transportation and Engineering;

**Sec. 2. 5 MRSA §12004-C, sub-§9** is enacted to read:

**9.**

<u>Board of Trustees,</u>	<u>Expenses Only</u>	<u>20-A MRSA</u>
<u>Maine School for</u>		<u>\$8234</u>
<u>Marine Science,</u>		
<u>Technology, Trans-</u>		
<u>portation and Engi-</u>		
<u>neering</u>		

**Sec. 3. 20-A MRSA §5205, sub-§11** is enacted to read:

**11. Students attending the Maine School for Marine Science, Technology, Transportation and Engineering.** For purposes of subsidy calculation only, students attending the Maine School for Marine Science, Technology, Transportation and Engineering are not considered residents of the sending school administrative unit.

**Sec. 4. 20-A MRSA c. 312-A** is enacted to read:

**CHAPTER 312-A**

**MAINE SCHOOL FOR MARINE SCIENCE,  
TECHNOLOGY, TRANSPORTATION AND  
ENGINEERING**

**§8231. School established**

The Maine School for Marine Science, Technology, Transportation and Engineering is established as a public magnet school pursuant to this chapter for the purpose of providing certain high-achieving high school students with a challenging educational experience focused on marine-related science, technology, engineering and mathematics. The school is a body politic and corporate and is an instrumentality and agency of the State. The exercise by the school of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State.

**§8232. Intent; funding**

The school is established as a public, residential school located in the Town of Searsport and the following provisions apply.

**1. Curriculum.** The school shall provide a curriculum designed to exceed existing state educational standards in the content areas of the system of learning results established in section 6209.

**2. Tuition; room and board; funding.** Students from this State may attend the school free of tuition charges. Additional funding for students from this State may be provided within amounts appropriated for that purpose as follows.

**A.** The amount must be paid in 4 equal quarterly payments during the year of attendance. The first payment must be made by July 31st. The amount of tuition and other costs paid for all students is

limited to the amount appropriated for this purpose. To be eligible for state funding under this paragraph, a student must have resided in Maine with a parent, other relative or guardian for at least 6 months immediately preceding application to the school.

**B.** Except as otherwise provided in this paragraph, effective July 1, 2018, the student or the student's parent or guardian shall pay to the school the cost of room and board for the school year. In the case of financial need, the State shall pay to the school the difference between the cost of room and board and the student's or the student's family's ability to pay that cost. The board of trustees shall establish rules governing the determination of financial need and the cost and schedule of payment of room and board under this paragraph. The determination of financial need must be based on a nationally recognized public or private school financial needs assessment system. A student may use scholarship funds in place of payment for all or part of the cost of room and board and any other fees or expenses incurred as a result of that student's enrollment at the school.

**3. Out-of-state tuition.** Students from other states and countries and students pursuing a post-graduate high school year of education may attend the school on a space-available basis by paying the cost of tuition, fees and room and board as established by the board of trustees.

**4. Scholarship fund.** The school must demonstrate its ability to raise private funds to support a scholarship fund. Based on this ability, the Legislature may provide General Fund appropriations to the scholarship fund. Funds available in the scholarship fund may not be used to offset, reduce or eliminate the appropriation of state funds described in subsection 2. The existence of the scholarship fund may not reduce or eliminate the State's funding obligations described in subsection 2.

**5. Educational enhancement fund.** The school may raise private funds to support an educational enhancement fund to enrich the educational experience of students enrolled at the school. The Legislature may provide General Fund appropriations to the educational enhancement fund. Funds available in the educational enhancement fund may not be used to offset, reduce or eliminate the appropriation of state funds described in subsection 2. The existence of the educational enhancement fund may not reduce or eliminate the State's funding obligations described in subsection 2.

**§8233. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Board of trustees.** "Board of trustees" means the Board of Trustees of the Maine School for Marine Science, Technology, Transportation and Engineering.

**2. School.** "School" means the Maine School for Marine Science, Technology, Transportation and Engineering.

**3. Sending school.** "Sending school" means any school administrative unit that has a student in attendance at the Maine School for Marine Science, Technology, Transportation and Engineering.

**4. Trustee.** "Trustee" means a member of the Board of Trustees of the Maine School for Marine Science, Technology, Transportation and Engineering.

#### **§8234. Board of trustees**

The board of trustees as established in Title 5, section 12004-C, subsection 9 is the policy-making authority and the governing body of the school.

**1. Membership.** In appointing members to the board of trustees, the Governor shall give proper consideration to achieving statewide geographical representation and gender equity. The board of trustees consists of 17 voting members and 2 nonvoting members as follows:

A. The Commissioner of Education or the commissioner's designee;

B. The Chancellor of the University of Maine System or the chancellor's designee;

C. A member of the regional school unit board of the regional school unit in which the school is located, who must be from the community in which the school is located, or the member's designee, selected by that board;

D. One member who is a citizen of the Town of Searsport and has an active interest in education, appointed by the Governor;

E. Three members who are teachers, one of whom is a full-time teacher at the school who is a nonvoting member and is annually elected by members of the school's faculty and 2 of whom are teachers in the State representing different geographic regions of the State, appointed by the Governor. Both full-time and part-time teachers at the school may vote in the election of a faculty member to serve on the board of trustees, and the election must be by secret ballot;

F. Ten members of the general public appointed by the Governor, at least 4 of whom must be scientists, engineers or mathematicians and be employed within the marine business or industrial marine community and one of whom must be a parent of a student. All appointments under this paragraph are subject to review by the joint standing committee of the Legislature having jurisdiction

over education matters and subject to confirmation by the Legislature;

G. One student member who has been elected as the presiding officer of the student body of the school. The student member is a voting member, except that the student member may not participate as a board member in executive sessions and may not vote in a public proceeding on any matter that was discussed or considered during an executive session; and

H. The executive director of the school, who serves as the clerk of the board of trustees and is a nonvoting member.

**2. Chair.** The board of trustees shall choose annually one of its members to serve as chair.

**3. Meetings.** The board of trustees shall meet at least 4 times a year at regular intervals.

**4. Quorum.** A quorum for the transaction of business is constituted by the attendance of 5 voting members, and all official actions of the board of trustees require a majority vote of those members present and voting.

**5. Compensation.** Members are compensated pursuant to Title 5, section 12004-C, subsection 9.

**6. Terms.** The terms of the members of the board of trustees who are appointed by the Governor are for 4 years unless otherwise designated. The terms of the 2 teachers appointed by the Governor and the 10 members of the general public are staggered. Members may be appointed for consecutive terms.

**7. Conflict of interest.** A board of trustees member shall attempt to avoid conflicts of interest by disclosure or by abstention.

#### **§8235. Powers and duties of the board of trustees**

The powers and duties of the board of trustees include the following:

**1. Policies and bylaws.** To develop and establish policies and rules, including bylaws, necessary or useful for the operation of the school;

**2. Administration.** To oversee the administration of the school, including the hiring of teachers and administrative support staff;

**3. Financial management.** To appoint a treasurer, who need not be a member of the board of trustees, and to accept donations, bequests or other forms of financial assistance for any educational purpose from a public or private person or agency and to comply with rules and regulations governing grants from the Federal Government or from any other person or agency;

**4. Budget development.** To prepare and adopt an annual budget for the operation of the school and to

exercise budgetary responsibility and allocate for expenditure by the school and programs under its jurisdiction all the resources available for the operation of the school and its programs;

**5. Indemnification.** To indemnify the trustees, officers, teaching staff and employees affiliated with the school and to purchase and maintain insurance to indemnify any such person to the extent provided in Title 13-B, section 714;

**6. Bonds.** To require security for the faithful performance of duties by the officers, trustees, employees and other agents of the school who are entrusted with the custody of the school securities or authorized to disburse the funds of the school. The security must consist of a bond, either a blanket bond or individual bond with a surety bond, or bonds having a minimum limitation of \$100,000 coverage for each insured person. The expense of a bond is assumed by the school;

**7. Property management.** To lease and to acquire by purchase any property, lands, buildings, structures, facilities or equipment and make improvements to facilities necessary to fulfill the purposes of this chapter. Any lease or lease-purchase agreement must have a term not to exceed 10 years and must be subject to annual appropriation of funds. The regional school unit that includes the Town of Searsport retains ownership of the Searsport high school and shares those facilities with the school;

**8. Certificates and diplomas.** To offer courses of study and grant diplomas and certificates on completion of courses of study. This may be done in cooperation with the sending school;

**9. Contracts and agreements.** To enter into any contracts and agreements, to the extent that funds are available, in the execution of its powers under this chapter;

**10. Delegation.** To delegate duties and responsibilities as necessary for the efficient operation of this chapter;

**11. Criteria for enrollment.** To establish criteria to be used in determining eligibility of applicants for enrollment. The criteria must include methods of ensuring gender equity for students selected;

**12. Student conduct.** To prepare and adopt procedures and rules to ensure the smooth operation of student conduct standards;

**13. Geographical basis.** To develop and adopt an admissions policy to ensure that students from all over the State have an equal opportunity to attend the school;

**14. Fees and charges.** To establish and collect necessary fees and to set policies relating to other appropriate charges for students;

**15. Benchmarks and assessments.** To establish benchmarks and methods of assessing progress in the levels of academic achievement in marine science, technology, transportation and engineering for students who participate in school programs and to establish benchmarks and methods of assessing progress in the professional development of teachers who participate in school programs;

**16. Report.** To report annually to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the results of the assessment in subsection 15 and the general status of the school and to provide a financial audit of the school conducted by an independent auditor;

**17. Quarterly financial statements.** To submit quarterly financial statements to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs;

**18. Sue or be sued.** To sue or be sued in the name of the school; and

**19. Other.** To do any other act necessary or useful for carrying out its powers, duties or purposes.

Notwithstanding any other provision of this Title, rules established by the board pursuant to this section may differ from rules adopted by the department.

### **§8236. Programs and operations**

The programs and operations of the school must include:

**1. School year.** Operating on a calendar year that meets or exceeds the minimum number of statewide student instructional days;

**2. Courses of study; programs; plan.** A plan that outlines the statewide education programs provided by the school and guarantees opportunities and access to students and educators not residing full time at the school. The plan must include, but is not limited to, offering short courses, workshops, seminars, week-end instructional programs, distance learning and various other programs of short duration for teachers and students. The plan may include other innovative programs that meet the purpose of the school and assist in the professional development of the State's marine science, technology, transportation and engineering teachers;

**3. School admission.** Admittance of high school students and students pursuing a postgraduate high school year of education based on the enrollment criteria established by the board of trustees as provided in section 8235, subsection 11. Students who apply and

are accepted by the school are allowed to attend as provided in section 5205, subsection 6;

**4. Extracurricular activities.** Participation in all extracurricular activities offered at the middle school and high school serving the Town of Searsport; and

**5. Telecommunications.** Utilization of distance learning technologies to allow transmission of certain specialty courses conducted at the school for the benefit of high-achieving students attending school units throughout the State.

#### **§8237. Financing authority**

The board of trustees may borrow funds, issue bonds and negotiate notes and other evidences of indebtedness or obligations of the school for renovation and construction purposes to pay for costs as defined in Title 22, section 2053, subsection 3 and may issue temporary notes and renewal notes to pay for those costs. Bonds, notes or other evidences of indebtedness or obligations of the school are legal obligations of the school on behalf of the State and are payable solely from the school's revenues and other sources of funds, including funds obtained pursuant to Title 22, section 2053, subsection 4-B, paragraph C, and these borrowings by the school do not constitute debts or liabilities of, and are not includable in, any debt limitation of the State or any municipality or political subdivision of the State. The board of trustees has the discretion to fix the date, maturities, denomination, interest rate, place of payment, form and other details of the bonds or notes of the school. Unless otherwise provided in the vote authorizing their issuance, bonds or notes of the school are signed by the treasurer and countersigned by the chair of the board of trustees. The aggregate principal amount of outstanding bonds, notes or other evidences of indebtedness of the school may not exceed \$3,000,000 at any one time, excluding temporary notes and renewal notes. The board of trustees may pledge or assign its revenues, including any funds that have been or may be appropriated to the school by the Town of Searsport, and the proceeds of those revenues and its other property as security toward its bonds, notes, other evidences of indebtedness or other obligations of the school. The proceeds of bonds, notes or other evidences of indebtedness may be invested in accordance with Title 30-A, sections 5706 and 5712. Bonds, notes and other evidences of indebtedness issued under this section are not debts of the State, nor a pledge of the credit of the State, but are payable solely from the funds of the school. The board of trustees may also borrow funds in anticipation of revenues for current operating expenses for a term not exceeding 13 months. Indebtedness incurred and evidences of indebtedness issued under this chapter are deemed to constitute a proper public purpose, and all income derived is exempt from taxation in the State. The net earnings of the school may not inure to the benefit of any private person. If the school is dis-

solved, the distribution of all property owned by the school must be determined by the Legislature in accordance with this chapter and may not inure to the benefit of any private person.

#### **§8238. Implementation; limited authorization**

The school may implement the plan established for the statewide education programs pursuant to section 8236, subsection 2 during the 2017-2018 school year.

Notwithstanding any other provision of law, all powers, duties and authority of the school under this chapter and under any other law terminate 90 days after the adjournment of the First Regular Session of the 129th Legislature.

**Sec. 5. 20-A MRSA §15689-A, sub-§25** is enacted to read:

**25. Maine School for Marine Science, Technology, Transportation and Engineering.** The commissioner may expend and disburse funds for the Maine School for Marine Science, Technology, Transportation and Engineering in accordance with the provisions of chapter 312-A.

**Sec. 6. 22 MRSA §2053, sub-§4-B,** as amended by PL 2003, c. 20, Pt. DDD, §1 and Pt. OO, §2 and affected by Pt. OO, §4, is further amended to read:

**4-B. Institution for higher education.** "Institution for higher education" means:

A. Any private, nonprofit, governmental or charitable institution or organization engaged in the operation of, or formed for the purpose of operating, an educational institution within this State, including the Maine Community College System and the University of Maine System, that, by virtue of law or charter, is an educational institution empowered to provide a program of education beyond the high school level; and

B. The Maine School of Science and Mathematics, as established in Title 20-A, chapter 312. ~~To repay any necessary outstanding construction bonds, the adjusted tuition and insured value factor amount defined in Title 20-A, section 5805, subsection 3, may be increased as specified in that definition. The adjustment may be used solely to repay bonds from the authority and expires when the bond is retired; and~~

C. The Maine School for Marine Science, Technology, Transportation and Engineering, as established in Title 20-A, chapter 312-A.

**Sec. 7. 25 MRSA §2463-A, sub-§1, ¶D,** as amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

D. "Public educational institution" means the University of Maine System, the Maine Community College System, the Maine Maritime Academy, the Maine School for Marine Science, Technology, Transportation and Engineering or the Maine School of Science and Mathematics.

**Sec. 8. Plan.** By February 15, 2017, the Maine School for Marine Science, Technology, Transportation and Engineering shall submit a plan under the Maine Revised Statutes, Title 20-A, section 8236, subsection 2 to the joint standing committee of the Legislature having jurisdiction over education matters that outlines the statewide education programs provided by the school and guarantees opportunities and access to students and educators not residing full time at the school.

The plan, to be implemented in September 2017, must include, but is not limited to, offering short courses, workshops, seminars, weekend instructional programs, distance learning and various other programs of short duration for teachers and students. The plan may include other innovative programs that meet the purpose of the school and assist in the professional development of the State's marine science, technology, transportation and engineering teachers.

**Sec. 9. Report.** By December 1, 2018, the Board of Trustees of the Maine School for Marine Science, Technology, Transportation and Engineering shall provide a report to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the commencement and operations of the school, including the number of students enrolled and the status of the school budget. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill relating to the school to the First Regular Session of the 129th Legislature, which may include but is not limited to a repeal of the provision of the Maine Revised Statutes, Title 20-A, section 8238 that terminates the powers, duties and authority of the school 90 days after the adjournment of the First Regular Session of the 129th Legislature.

**Sec. 10. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 20-A, section 8234, subsection 6:

1. Of the 2 initial members who are teachers appointed by the Governor in accordance with Title 20-A, section 8234, subsection 1, paragraph E, one is appointed for a term of 2 years and one is appointed for a term of 4 years; and

2. Of the 10 initial members of the general public appointed by the Governor in accordance with Title 20-A, section 8234, subsection 1, paragraph F, 5 are

appointed for a term of 2 years and 5 are appointed for a term of 4 years.

See title page for effective date.

## CHAPTER 364

### S.P. 412 - L.D. 1160

#### An Act To Make Possession of a Firearm with an Altered or Obscured Serial Number a Class C Crime

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

**Sec. 1. 17-A MRSA §705**, as amended by PL 1979, c. 129, is further amended to read:

#### **§705. Criminal simulation**

1. A person is guilty of criminal simulation if:

A. With intent to defraud, ~~he the person~~ makes or alters any property so that it appears to have an age, rarity, quality, composition, source or authorship ~~which that~~ it does not in fact possess; or, with knowledge of its true character and with intent to defraud, ~~he the person~~ transfers or possesses property so simulated. A violation of this paragraph is a Class E crime; ~~or~~

B. In return for a pecuniary benefit;

(1) ~~he The person~~ authors, prepares, writes, sells, transfers or possesses with intent to sell or transfer, an essay, term paper or other manuscript knowing that it will be, or believing that it probably will be, submitted by another person in satisfaction of a course, credit or degree requirement at a university or other degree, diploma or certificate-granting educational institution. A violation of this subparagraph is a Class E crime; or

(2) ~~he The person~~ takes an examination for another person in satisfaction of a course, credit or degree requirement at a university or other degree, diploma or certificate-granting educational institution. A violation of this subparagraph is a Class E crime;

C. ~~He The person~~ knowingly makes, gives or exhibits a false pedigree in writing of any animal. A violation of this paragraph is a Class E crime; ~~or~~

D. With intent to defraud and to prevent identification:

(1) ~~He The person~~ alters, removes or obscures the manufacturer's serial number or any other distinguishing identification number, mark or symbol upon any automobile,