

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

A. Nothing in this section prevents an owner of the property from deciding not to sell, transfer or take other action that would result in termination of the financial assistance and revoking the notice required by subsection 1 at any time before its expiration. The withdrawal or revocation extinguishes any right of first refusal held by the Maine State Housing Authority.

Sec. 37. 30-A MRSA §5002, sub-§§7, 10 and 13, as enacted by PL 1989, c. 601, Pt. B, §4, are repealed.

Sec. 38. 30-A MRSA §5003, as amended by PL 1991, c. 610, §7, is repealed.

Sec. 39. 30-A MRSA c. 202, sub-cc. 2, 3 and 4, as amended, are repealed.

Sec. 40. 30-A MRSA §5047, sub-§1, ¶B, as enacted by PL 2005, c. 380, Pt. A, §2, is amended to read:

B. The Director of the Maine State Housing Authority or the director's designee;

Sec. 41. 30-A MRSA c. 202, sub-c. 6, as amended, is repealed.

Sec. 42. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 30-A, section 4702, subsection 1 takes effect January 1, 2018.

See title page for effective date, unless otherwise indicated.

CHAPTER 235

H.P. 1080 - L.D. 1569

An Act To Revise Certification Statutes for Educational Personnel

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

Sec. 1. 20-A MRSA §6103, as amended by PL 2015, c. 395, §§1 to 3, is further amended to read:

§6103. Criminal history record information conviction data

Beginning July 1, 2000, ~~approval, certification, authorization~~ a credential and renewal under chapters 501 and 502 are subject to the provisions of this section. A person who has complied with the requirements of this section is not required to submit to a subsequent national criminal history record check unless that person has not been continuously employed in a position requiring ~~approval, certification or authorization~~ a credential under chapters 501 and 502. A person who has not been continuously employed in such a

position is subject to a subsequent national criminal history record check upon renewal. School vacations are not a break in employment. ~~Fingerprinting of immediately affected applicants for certification, authorization or renewal, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results by the bureau to the department must begin on September 1, 1999.~~

1. Criminal history record information obtained; reliance. The commissioner shall obtain criminal history record information containing a record of public criminal history record information as defined in Title 16, section 703, subsection 8 from the Maine Criminal Justice Information System for any person applying for ~~certification, authorization, approval~~ a credential or renewal. The commissioner may rely on information provided by the Maine Criminal Justice Information System within 24 months prior to the issuance of a ~~certificate, authorization, approval~~ credential or renewal.

2. Issuance restriction. Issuance of a ~~certificate, authorization, approval~~ credential or renewal to any person whose criminal history record information includes a criminal conviction is subject to the provisions of Title 5, chapter 341 and section 13020.

3. Confidentiality. Any information obtained pursuant to this section is confidential. The results of criminal history record checks received by the commissioner are for official use only and may not be disseminated outside the department, except that the commissioner may outsource administrative functions of software document management according to federal outsourcing standards as described in 28 Code of Federal Regulations, Section 906.2 (2011) and allow access to these results for that purpose.

3-A. Fees. The Commissioner of Public Safety shall assess a fee set annually by the Commissioner of Education for each initial criminal history record check and a fee set annually by the Commissioner of Education for each renewal criminal history record check required by this section.

4-A. Phase-in plan. The fingerprinting and approval process established by this section for certain classes of individuals must be phased in as follows:

A. The fingerprinting and approval process must be phased in for all persons regularly employed in a school during the 1999-2000 school year who require department approval to continue in their positions and who have not been fingerprinted pursuant to this section prior to enactment of this subsection. The department shall issue each person a temporary approval card valid through a specified year from 2001 to 2004. Prior to July 1st of the year specified on the temporary approval card, the person must meet the require-

ments of this section. Once a person has met the requirements of this section, an approval card must be issued;

B. A person placed under contract by a school and subject to the requirements of this section, who has not been fingerprinted prior to the effective date of this subsection, must meet these requirements by July 1, 2002;

C. A person employed as a substitute who has not been fingerprinted prior to the effective date of this subsection must meet the requirements by July 1, 2002. Beginning with the 2003-2004 school year, a person employed as a substitute who needs fingerprinting and a criminal history record check pursuant to section 13011, subsection 8 must meet the requirements of this section within 8 weeks of employment by a school administrative unit. A person employed as a substitute who needs fingerprinting and a criminal history record check must be issued a temporary approval card by the department. The temporary approval card is valid for the first 8 weeks of employment, except that, for a person who has been fingerprinted pursuant to this section prior to the 20th day of employment and who has not received the results of the criminal history record check prior to the 9th week of employment, the temporary approval card remains valid until the commissioner determines whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification; and

D. A regular employee subject to the requirements of this section who begins work in a school after the effective date of this subsection must meet these requirements prior to the 20th day of employment. Beginning with the 2003-2004 school year, a regular employee who needs fingerprinting and a criminal history record check pursuant to section 13011, subsection 8 must meet the requirements of this section within 8 weeks of employment by a school administrative unit. A regular employee who needs fingerprinting and a criminal history record check must be issued a temporary approval card by the department. The temporary approval card is valid for the first 8 weeks of employment, except that, for a person who has been fingerprinted pursuant to this section prior to the 20th day of employment and who has not received the results of the criminal history record check prior to the 9th week of employment, the temporary approval card remains valid until the commissioner determines whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification.

5. Criminal record information obtained from the Federal Bureau of Investigation. The commissioner shall obtain other state and national criminal history record information from the Federal Bureau of Investigation for any person applying for ~~certification, authorization, approval~~ a credential or renewal. The commissioner may rely on information provided by the Federal Bureau of Investigation within 24 months prior to the issuance of a ~~certificate, authorization, approval~~ credential or renewal.

6. Fingerprinting. The applicant shall submit to having fingerprints taken. The Maine State Police, upon payment by the applicant or any other entity required by law of the expenses specified in subsection 3-A, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the Maine State Police for purposes of this section must be paid over to the Treasurer of State for deposit in the State Police program, Other Special Revenue Funds account in the Department of Public Safety for the purpose of funding the costs of the Department of Public Safety to administer the criminal history record checks under this section.

7. Use of criminal history record. State and federal criminal history record information may be used for the purpose of screening educational personnel applicants by the commissioner in order to determine whether ~~certification, authorization, approval~~ issuance of a credential or a renewal of ~~to~~ educational personnel is granted or maintained.

8. Applicant's access to criminal history record check. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of a criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal record check may inspect and review criminal record information pursuant to Title 16, section 709.

9. Right of applicant and commissioner to remove fingerprints from fingerprint file. Teachers or educational personnel whose ~~certification, authorization or approval~~ credential has expired and who have not applied for renewal of ~~certification, authorization or approval~~ a credential may request in writing that the State Bureau of Identification remove their fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the requester's fingerprints from the fingerprint file and provide written confirmation of that removal to the requester.

The commissioner may, without notice to an applicant, remove fingerprints from the fingerprint file main-

tained by the State Bureau of Identification when an applicant has had no active credential for 7 years. An applicant may renew a credential after that applicant's fingerprints have been removed from the fingerprint file upon submitting again to fingerprinting.

10. Criminal History Record Check Fund.

The Criminal History Record Check Fund is created as a dedicated fund within the Department of Education for the transfer of funds from the Department of Public Safety to cover a portion of the cost of a position that issues ~~certificates~~ credentials. The fund may not lapse, but must be carried forward to carry out the purposes of this chapter.

Sec. 2. 20-A MRSA §13001-A is enacted to read:

§13001-A. Definitions

As used in this chapter and chapters 502 and 502-A, unless the context otherwise indicates, the following terms have the following meanings.

1. Administrator. "Administrator" means an individual who provides leadership services to assist in the operation of schools, including, but not limited to, in the following capacities: superintendent, assistant superintendent, building administrator and principal.

2. Certificate. "Certificate" means the credential issued by the department to a qualified individual to serve as a teacher, educational specialist, educational technician or administrator.

3. Clearance. "Clearance" means the credential issued by the department to a qualified individual who has cleared a criminal history record check under section 6103 to serve as an employee in a position for which certification is not required or as an employee of a contracted service provider.

4. Conditional certificate. "Conditional certificate" means the credential issued to a teacher, educational specialist or administrator who has not met all of the requirements for a certificate or endorsement.

5. Credential. "Credential" means a document issued by the department indicating that a person has met the criteria to be certified, conditionally certified or cleared under this chapter or chapter 502.

6. Criminal history record check. "Criminal history record check" means the fingerprint-based criminal history record check conducted by an entity designated by the department under section 6103.

7. Educational specialist. "Educational specialist" means an individual who provides professional services to a school, including, but not limited to, an athletic director, school counselor, library-media specialist, literacy specialist, school psychologist, school nurse, special education consultant, speech-language clinician or career and technical education evaluator.

8. Educational technician. "Educational technician" means an individual who provides supportive educational services in accordance with section 13019-H.

9. Educator preparation program. "Educator preparation program" means a public or private baccalaureate-level or postbaccalaureate-level program approved by the state board to recommend graduates for certification pursuant to chapter 502 as prekindergarten to grade 12 teachers, educational specialists or school administrators.

10. Endorsement. "Endorsement" means a notation on a certificate that specifies the grades and subject area or work area for which the certificate is valid. A certificate may bear one or more endorsements.

11. Program completer. "Program completer" means a person who, by successfully completing all of the requirements of an educator preparation program, has qualified for a recommendation for certification as a teacher or an educational specialist or an administrator.

12. Semester hours. "Semester hours" means units of academic credit that each reasonably approximate one hour of classroom or direct faculty instruction and a minimum of 2 hours of out-of-class student work each week for approximately 15 weeks or an equivalent amount of academic work at an institution of higher education, including laboratory work, internships, practice studio work or other academic work leading toward the awarding of a credit hour of approved study.

Sec. 3. 20-A MRSA §13004, as amended by PL 2009, c. 567, §10, is further amended to read:

§13004. List of persons credentialed; records confidential

1. Lists. The commissioner shall keep a list of ~~certified teachers credentialed individuals.~~ This list shall be is a public record. ~~The commissioner shall send copies of the list to school boards and superintendents on their request.~~

2. Records confidential. Transcripts, recommendations and other documents submitted in support of an application for ~~certification a credential~~ or collected by the department for verification of ~~certification credential records and maintained in the office of the commissioner shall be~~ are confidential. They may ~~only~~ be made available only to the following:

- A. School boards and superintendents;
- B. Authorized personnel of the department in fulfilling assigned duties; and
- C. Individuals and their representatives who request to examine their own records.

2-A. Confidentiality. The provisions of this subsection govern confidentiality. ~~For the purposes of this subsection, the term "certification" means certification, authorization or approval under this chapter and chapter 502.~~

A. Complaints and responses pursuant to section 13020 and any other information or materials that may result in an action to deny, revoke or suspend ~~certification~~ a credential are confidential, except when submitted in court proceedings to revoke or suspend ~~certification~~ a credential.

B. Except for information designated confidential under section 6101 or section 6103, information designated confidential under paragraph A may be released or used by the department as necessary to:

- (1) Complete its own investigations;
- (2) Provide information to a national association of state directors of teacher education and certification to which the State belongs;
- (3) Assist other public authorities to investigate ~~the same teacher's certification~~ an individual's credential in another jurisdiction;
- (4) Report or prevent criminal misconduct or assist law enforcement agencies in their investigations; or
- (5) Report child abuse or neglect under Title 22, section 4011-A.

C. The department may publish and release as public information statistical summaries of complaints and dispositions as long as the release of such information does not jeopardize the confidentiality of individually identifiable information.

D. Notwithstanding paragraph A, the following information concerning final written decisions relating to disciplinary action taken by the commissioner against a person holding ~~certification~~ a credential is a public record:

- (1) The name of the person;
- (2) The type of action taken, consisting of denial, revocation, suspension, surrender or reinstatement;
- (3) The grounds for the action taken;
- (4) The relevant dates of the action;
- (5) The type of ~~certification~~ credential and endorsements held, including relevant dates;
- (6) The schools where the person was or is employed; and
- (7) The dates of employment.

2-B. Addresses of credential holders and applicants. Home addresses held by the department of

~~teachers certified to teach individuals with credentials or applicants for credentials~~ in the State may be made available in response to the following:

A. Formal request from a commissioner or chief executive officer of other state agencies, including the judicial branch when access to that information may be necessary in carrying out an official function; and

B. Formal request by majority vote of any joint standing committee of the Legislature when access to that information may be necessary in carrying out an official function.

The use of these addresses by any other agency or department of government to which they may be furnished ~~shall be~~ is limited to the purposes for which they are furnished and by the law under which they may be furnished. It ~~shall be~~ is unlawful for any person to solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving assistance, directly or indirectly, derived from the records, papers, files or communications of the State or subdivisions or agencies, or acquired in the course of the performance of official duties. Any person violating this subsection ~~shall~~ must be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

3. Duplication costs. Individuals requesting copies of their records ~~shall~~ bear the costs of copying them.

~~4. Rules.~~ ~~The state board may adopt rules to carry out this section.~~

Sec. 4. 20-A MRSA §13006, as amended by PL 1985, c. 785, Pt. B, §81, is repealed.

Sec. 5. 20-A MRSA §13006-A is enacted to read:

§13006-A. Rulemaking

1. State board authority. Except as otherwise provided, the state board has authority to adopt rules to implement this chapter, chapter 502 and chapter 502-A. Rules adopted by the state board to implement this chapter and chapter 502 are major substantive rules, as defined in Title 5, chapter 375, subchapter 2-A, except that the following rules are routine technical rules:

A. Rules adopted by the state board to implement section 13032; and

B. Rules adopted by the state board to implement section 13011, subsection 8.

2. Commissioner authority. Notwithstanding subsection 1, the commissioner has authority to adopt rules:

A. To determine the qualifications and process for issuing clearance credentials under chapter 502. These rules are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A; and

B. Governing the collection and handling of records and information regarding the experiences, qualifications and character of persons seeking credentials under this chapter and chapter 502. These rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Application of rules revising credential qualifications. An amendment to the rules adopted to implement this chapter or chapter 502 that revises the qualifications for a credential does not apply to a person who was issued a credential prior to or during the school year preceding the adoption of revisions to the rules.

Sec. 6. 20-A MRSA §13007, as amended by PL 2015, c. 389, Pt. C, §1 and c. 395, §§4 and 5, is further amended to read:

§13007. Credential fee; disposition of fees

1. Fees. The commissioner shall establish and assess fees for the initial issuance of and the renewal of teacher, education specialist and administrator certificates processing of an application for a credential. The commissioner shall, by rule, establish the following fees for the credentialing process and the procedures required to assess them: applications for credentials.

A. Fees for the initial certification process for those teachers, education specialists and administrators found eligible and those found ineligible;

B. Renewal fees for each active and inactive teacher, education specialist and administrator;

C. A fee for each additional evaluation of teacher endorsements beyond the initial endorsement;

D. A fee for duplicate certificates; and

E. A fee for administrative portfolios.

The department shall annually post at the beginning of the fiscal year the fees established by the commissioner for the initial issuance of and the renewal of teacher, education specialist and administrator certificates a credential on its publicly accessible website. The commissioner shall adopt rules to carry out this subsection. Rules adopted under this subsection to establish and assess fees for the initial issuance of and the renewal of teacher, education specialist and administrator certificates are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. A fee established pursuant to this subsection may not increase by more than 10% of the previous fiscal year's fee, unless the increase is approved by the state board.

2. Accounting. The commissioner shall:

A. Collect and account for all certificate fees collected pursuant to subsection 1;

B. Report and pay fees collected pursuant to subsection 1, except those fees collected and credited to the National Board Certification Scholarship Fund pursuant to paragraph C and the National Board Certification Salary Supplement Fund pursuant to paragraph D, to the Treasurer of State to be credited to the General Fund;

C. Report and pay \$50,000 in fiscal year 2012-13 and \$75,000 in fiscal year 2013-14 and each fiscal year thereafter from fees collected pursuant to subsection 1 to the Treasurer of State to be credited to the National Board Certification Scholarship Fund, Other Special Revenue Funds account within the Department of Education; and

D. Report and pay no more than \$150,000 in fiscal year 2012-13, no more than \$240,000 in fiscal year 2013-14 and no more than \$335,000 in fiscal year 2014-15 and each fiscal year thereafter from fees collected pursuant to subsection 1 to the Treasurer of State to be credited to the National Board Certification Salary Supplement Fund, Other Special Revenue Funds account within the Department of Education.

Sec. 7. 20-A MRSA §13008, sub-§1, as enacted by PL 2011, c. 635, Pt. B, §1, is repealed.

Sec. 8. 20-A MRSA §13008, sub-§2, ¶¶B and C, as enacted by PL 2011, c. 635, Pt. B, §1, are amended to read:

B. The number of program completers who pass certification tests the teacher qualifying examinations under section 13032 and the number of those who attain provisional licensure a professional teacher certificate in the State;

C. The number of program completers who proceed from provisional licensure a conditional certificate to a professional licensure certificate; and

Sec. 9. 20-A MRSA §13011, as amended by PL 2015, c. 395, §§6 and 7, is further amended to read:

§13011. General authorization of state board

1. Credentialing and revocation rules. All certificates issued or revoked after June 30, 1988, are in accordance with this chapter. The state board shall adopt rules to carry out the purposes of this chapter under which the commissioner shall:

A. Certify Issue certificates to teachers, administrators, educational specialists, educational technicians and other professional personnel for service in a public school or in an approved private school, except that certification is not required for

a person holding a valid license as a speech-language pathologist under Title 32, section 17301 who has received ~~approval~~ a clearance pursuant to section 13024 to provide speech-language pathology services in a public school or approved private school;

B. ~~Certify~~ Issue certificates to adult education teachers and other teaching and professional personnel in publicly supported educational programs other than postsecondary school institutions, colleges and universities;

~~C. Authorize educational technicians for service in schools and approve the employment of other semiprofessional personnel;~~

D. ~~Seek a revocation of a certificate or authorization~~ credential in the District Court;

E. ~~Certify or authorize~~ Issue certificates to personnel who provide early childhood educational programs or developmental therapy to children from birth to 5 years of age in the home, in community-based special purpose and integrated programs and in public schools; and

F. ~~Approve~~ Issue a clearance to all individuals for whom certification ~~or authorization~~ is not required prior to being hired or being placed under contract by a public school or a private school that enrolls 60% or more publicly funded students.

2. Moral character. Rules adopted by the state board under this chapter must require that an applicant for certification furnish evidence of:

A. Good moral character.

3. Teacher certificates. ~~The state board rules shall recognize at least 3 categories of teacher certificates as identified in~~ must establish qualifications for certifying teachers in accordance with sections 13012 to 13014 13012-A and 13013.

4. Appeal. An applicant who has been denied the issuance or renewal of a ~~certificate or authorization~~ credential by the commissioner under this chapter may appeal that denial in accordance with rules established by the state board and consistent with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.

5. Administrator certificates. The state board rules ~~shall~~ must establish qualifications for certifying ~~administrators in accordance with sections 13012-A and 13019-I to be superintendents of schools, building administrators or principals and directors of career and technical education and shall also establish qualifications for such other certificates for~~ administrators as may be determined to be necessary and beneficial for the efficient operation of the schools.

~~**6. Alternative pathways to certification.** The state board shall develop and adopt rules providing a~~

~~method for a person who has not completed an approved educator preparation program as defined under section 13008 to obtain provisional educator certification through an alternative pathway that:~~

~~A. Is designed for candidates who can demonstrate subject matter competency that is directly related to the certificate endorsement being sought and obtained through prior academic achievement or work experience;~~

~~B. May feature an accelerated program of preparation;~~

~~C. Uses mentorship programs that partner teacher candidates with mentor teachers; and~~

~~D. Includes accountability provisions to ensure that teacher candidates demonstrate the knowledge and skills established pursuant to section 13012, subsection 2-B prior to issuance of a provisional teacher certificate.~~

6-A. Educational specialist certificates. The state board shall establish qualifications for certifying educational specialists in accordance with sections 13012-A, 13019-G and 13022 and for other educational specialists as may be determined to be necessary and beneficial for the efficient operation of the schools.

6-B. Educational technician certificates. The state board shall establish qualifications for certifying educational technicians in accordance with section 13019-H and for other educational technicians as may be determined to be necessary and beneficial for the efficient operation of the schools.

7. Certification waiver. Under rules adopted by the state board, the commissioner may grant a waiver for an appropriate period of time to an individual seeking the issuance or renewal of a certificate. The commissioner may grant a waiver to an individual who:

A. Receives allegedly inaccurate, incomplete or untimely information or action from the department, ~~the or from a local or regional support system or a regional support system.~~ The waiver must be for a reasonable period of time to permit the applicant to complete certification requirements; or

B. Demonstrates compliance with certification requirements by professional alternative methods, including the following:

(1) Scores on Graduate Record Examinations demonstrating content area proficiency equal to approved course work, with passing scores established under rules adopted by the state board;

(2) Examinations accepted by state-approved programs in lieu of course work, with passing

scores established under rules adopted by the state board;

(3) Examinations from professional testing corporations demonstrating content area proficiency equal to approved course work, with professional testing corporations approved by the state board and passing scores established under rules adopted by the state board; and

(4) Work experience equivalent to outcomes for approved course work and a formal recommendation from the state professional organization in that content area. The professional organizations are established under rules adopted by the state board. The waiver is for the duration of the certificate or endorsement sought.

The commissioner may not grant a waiver to an individual who is seeking an endorsement for special education.

8. Criminal history record checks. Criminal history record checks of an applicant for ~~certification, authorization, approval or renewal~~ a credential, including renewals, must be conducted in accordance with this section, section 6103 and pursuant to rules adopted by the state board. ~~Rules adopted pursuant to this subsection are minor technical rules in accordance with Title 5, chapter 375, subchapter II A.~~

9. Targeted need area certificate; exception. ~~The state board shall adopt rules that establish criteria under which a targeted need area certificate may be issued. This certificate may be issued only to a person holding a bachelor's degree and teaching in a teacher shortage area. The teacher shortage area is determined by the commissioner. Rules adopted pursuant to this subsection are major substantive rules in accordance with Title 5, chapter 375, subchapter 2 A. Any amendment to the rules adopted pursuant to this subsection that revises the qualifications for a targeted need area certificate does not apply to a person who was issued a targeted need area certificate prior to or during the school year preceding the adoption of revisions to the original rules as long as the holder of the targeted need area certificate completes within 3 years the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.~~

10. Conditional certificate; transitional endorsement; exception. A conditional certificate is a certificate for teachers and educational specialists who have not met all of the requirements for a provisional or professional certificate. A school administrative unit may employ a conditionally certified teacher or educational specialist who is in the process of becoming professionally certified notwithstanding the availability of provisionally or professionally certified teachers or educational specialists. Any amendment to

~~the rules adopted pursuant to this chapter that revises the qualifications for a conditional certificate or transitional endorsement does not apply to a person who was issued a conditional certificate or transitional endorsement prior to or during the school year preceding the adoption of revisions to the rules as long as the holder of the conditional certificate or transitional endorsement completes within 3 years the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.~~

Sec. 10. 20-A MRSA §13012, as amended by PL 2011, c. 635, Pt. B, §4, is repealed.

Sec. 11. 20-A MRSA §13012-A is enacted to read:

§13012-A. Conditional certificate

1. Conditional certificate. The commissioner may issue a conditional certificate to:

A. An individual who has not met all of the requirements for a certificate as set forth in section 13013, 13019-I, 13019-G or 13022.

B. An individual who is eligible for an endorsement to teach in a teacher shortage area as determined by the commissioner; or

C. A holder of a professional teacher certificate under section 13013 who is transitioning to another endorsement;

2. Term. A conditional certificate is issued for a 3-year period and may not be renewed.

3. Employment. A school administrative unit may employ a conditionally certified individual who is in the process of becoming professionally certified notwithstanding the availability of professionally certified teachers or educational specialists.

4. Requirements. If a school administrative unit employs a conditionally certified teacher or educational specialist, the school administrative unit shall for at least the first year of employment or longer if determined to be necessary:

A. Ensure that the conditionally certified teacher or educational specialist receives high-quality professional development that is sustained, intensive and classroom-focused in order to have a positive and lasting impact on classroom instruction while teaching; and

B. Provide a program of intensive supervision for the conditionally certified teacher or educational specialist that consists of structured guidance and regular ongoing support or a mentoring program, which is separate from any student-teacher requirement that may be required under another authority.

5. Program review. The commissioner may conduct a program review of any program developed or administered by a school administrative unit to meet the requirements of subsection 4.

Sec. 12. 20-A MRS §13013, as amended by PL 2001, c. 534, §4, is further amended to read:

§13013. Professional teacher certificate

1. Definition. A professional teacher certificate is a renewable certificate issued to an individual who ~~has held a provisional certificate and~~ has met the qualifications of this section, ~~except as provided in subsection 2-A, paragraphs B and D.~~

2-A. Qualifications. ~~State board rules governing the qualifications for a professional teacher certificate must require that the certificate may only be issued to an applicant who, at a minimum, either:~~

~~A. Holds a provisional teacher certificate and has taught in a classroom for 2 academic years or has held a professional teacher certificate that has lapsed within the last 5 years. In this case, an applicant must receive a recommendation to the commissioner by an approved support system pursuant to section 13015;~~

~~B. Is a teacher with 5 or more years of experience teaching within the 7 years prior to application in the State under a valid certificate in another state and who has graduated from a state approved preparation program that utilizes the standards of a national association of state directors of teacher education and certification or a national council for accreditation of teacher education or a national board certificate issued by the National Board for Professional Teaching Standards, or its successor organization, or, with the exception of the national teachers exam, meets entry level standards for the endorsement;~~

~~C. Holds a provisional teacher certificate issued pursuant to section 13012, subsection 2-A, paragraph D and has taught for at least one year under a provisional teacher certificate; or~~

~~D. Is seeking to hold only adult education or from birth to under age 6 endorsements.~~

2-B. Qualifications. State board rules governing the qualifications for a professional teacher certificate must require that the certificate may be issued only to an applicant who, at a minimum, meets one of the following:

A. Has graduated from an educator preparation program and has passed a qualifying exam;

B. Can demonstrate subject matter competency obtained through work experience that is directly related to any endorsements being sought and has held a conditional certificate under section 13012-A for 3 years, unless the applicant is seek-

ing only an endorsement for middle school and secondary school, in which case the applicant is not required to have held a conditional certificate;

C. Has successfully completed a preparation program in a state with which the State is participating in an interstate compact, subject to the following:

(1) Completion of an approved preparation program for the endorsement or certificate being sought with a formal recommendation for certification from the institution; or

(2) In the 5 years prior to applying for certification in this State, the applicant has 3 years of successful teaching experience under a valid comparable certificate in a state with which the State is participating in the interstate compact.

If advanced study or tests are required in the State, the commissioner has the right, as specified in the interstate compact, to issue only a conditional certificate under section 13012-A; or

D. Is otherwise qualified by having met the criteria established by the state board for teaching in a specified area.

3. Endorsements. ~~The A~~ professional teacher certificate ~~shall~~ must be issued with an endorsement ~~which that~~ specifies the grades and subject area ~~which that~~ the teacher is deemed qualified to teach. A holder of a professional teacher certificate may not teach outside ~~his or her~~ the certificate holder's area of endorsement unless ~~he or she~~ the certificate holder has received a waiver from the commissioner in accordance with state board rules.

4. Five-year certificate. A professional teacher certificate ~~shall be~~ is issued for a 5-year period ~~and may be renewed in accordance with section 13016.~~

5. Renewal. A professional teacher certificate may be renewed for 5-year periods in accordance with state board rules, which must require, at a minimum, that the teacher, whether employed or unemployed, complete at least 6 semester hours of professional or academic study or in-service training designed to improve the performance of the teacher in the field. If the teacher has attained certification from the National Board for Professional Teaching Standards, the renewal period is for 10 years.

Sec. 13. 20-A MRS §13014, as amended by PL 1985, c. 797, §49, is repealed.

Sec. 14. 20-A MRS §13015, as amended by PL 1999, c. 238, §1, is repealed.

Sec. 15. 20-A MRS §13016, as amended by PL 2011, c. 669, §8, is repealed.

Sec. 16. 20-A MRSA §13017-A, as enacted by PL 1993, c. 200, §3, is repealed.

Sec. 17. 20-A MRSA §13018, as amended by PL 1985, c. 287, §4, is repealed.

Sec. 18. 20-A MRSA §13019, as enacted by PL 1983, c. 845, §4, is amended to read:

§13019. Visiting international teacher

1. Clearance. ~~A visiting teacher permit is designed to allow those who do not intend to enter the teaching profession full time to offer their special expertise to schools from a country other than the United States who is participating in a visiting teacher program established and administered by the department or a locally established sister-school exchange may teach in a school as long as the teacher is issued a clearance by the department. The visiting teacher shall be authorized to act as an adjunct to existing staff and shall may not be used to avoid the hiring of professional, certified teachers.~~

2. Qualifications. ~~A visiting teacher permit shall be issued for a limited period in accordance with state board rules.~~

Sec. 19. 20-A MRSA §13019-A, as amended by PL 2001, c. 534, §§5 and 6, is repealed.

Sec. 20. 20-A MRSA §13019-B, as amended by PL 2001, c. 534, §§7 and 8, is repealed.

Sec. 21. 20-A MRSA §13019-C, as amended by PL 2011, c. 679, §26, is repealed.

Sec. 22. 20-A MRSA §13019-D, as corrected by RR 1991, c. 2, §67, is repealed.

Sec. 23. 20-A MRSA §13019-E, as enacted by PL 1985, c. 287, §5, is repealed.

Sec. 24. 20-A MRSA §13019-F, as amended by PL 2005, c. 152, §§3 and 4, is repealed.

Sec. 25. 20-A MRSA §§13019-G to 13019-I are enacted to read:

§13019-G. Educational specialist certificate

1. Requirement. An educational specialist certificate is required for employment as an educational specialist at a public school or a private school approved for attendance purposes pursuant to section 2901, subsection 2, paragraph B.

2. Qualifications. The state board shall adopt rules establishing the qualifications for an educational specialist certificate.

3. Endorsements. The educational specialist certificate must be issued with an endorsement that specifies the work area for which the individual is determined to be qualified. A holder of an educational specialist certificate may not work outside the holder's area of endorsement.

4. Certificate renewal. An educational specialist's certificate is issued for a 5-year period and may be renewed in accordance with state board rules, which must require, at a minimum, that the educational specialist, whether employed or unemployed, complete at least 6 semester hours of professional or academic study or the equivalent or in-service training designed to improve the performance of the educational specialist in the field.

§13019-H. Educational technician certificate

1. Requirement. An educational technician certificate is required for employment as an educational technician at a public school or a private school approved for attendance purposes pursuant to section 2901, subsection 2, paragraph B, if the employed individual will:

A. Introduce new learning plans developed in consultation with the classroom teacher or appropriate content specialist; and

B. Supervise small groups of students in community-based programs.

2. Qualifications. The state board shall adopt rules establishing the qualifications and supervision for an educational technician certificate.

3. Certificate renewal. An educational technician certificate is issued for a 5-year period and may be renewed in accordance with state board rules, which must require, at a minimum, that the educational technician, whether employed or unemployed, complete at least 3 semester hours of professional or academic study or the equivalent or in-service training designed to improve the performance of the educational technician in the field.

§13019-I. Administrator certificate

1. Requirement. An administrator's certificate is required for employment as an administrator at a school administrative unit in the State, at a public school or at a private school approved for attendance purposes pursuant to section 2901, subsection 2, paragraph B.

2. Qualifications. State board rules governing the qualifications for an administrator certificate must require that the certificate may be issued only to an applicant who at a minimum:

A. Has at least 3 years of satisfactory teaching experience or the equivalent;

B. Has academic and professional knowledge as demonstrated through the completion of required graduate or undergraduate courses or programs, performance in examinations or completion of specialized programs approved for this purpose;

C. Has a basic level of knowledge in competency areas determined by the state board; and

D. Has satisfactorily completed an approved internship or practicum relating to the duties of an administrator.

3. Certificate renewal. An administrator's certificate is issued for a 5-year period and may be renewed in accordance with state board rules, which must require, at a minimum, that the administrator, whether employed or unemployed, complete at least 6 semester hours of professional or academic study or the equivalent or in-service training designed to improve the performance of the administrator in the field.

4. Endorsements. The administrator certificate must be issued with an endorsement that specifies the work area for which the individual is determined to be qualified. A holder of an administrator certificate may not work outside the holder's area of endorsement unless permitted under rules established by the state board. This includes the following areas:

A. Employment as a superintendent of a school administrative unit in the State;

B. Employment as a building administrator or principal of a public school or as chief administrator of a private school approved for attendance purposes pursuant to section 2901, subsection 2, paragraph B; and

C. Employment as any other administrator as may be determined by the state board to be necessary and beneficial for the efficient operation of the schools.

Sec. 26. 20-A MRSA §13021, as amended by PL 1985, c. 287, §6, is repealed.

Sec. 27. 20-A MRSA §13023, as amended by PL 2015, c. 395, §8, is repealed.

Sec. 28. 20-A MRSA §13024, as amended by PL 2005, c. 662, Pt. A, §§38 to 40, is further amended to read:

§13024. Clearance for person paid to work in school

1. Clearance. A person paid to work in a school in a position that does not require certification or authorization must be issued an approval a clearance by the department. This section applies to:

A. Personnel employed in a public school or an approved private school as regular or substitute employees;

B. Personnel in a private school that enrolls more than 60% of its students at public expense;

C. Personnel employed by or serving the school administrative unit as contracted service providers; and

D. Personnel for whom certification or authorization is not required prior to being hired or being

placed under contract by a public school or an intermediate educational unit.

2. Qualifications. The commissioner shall adopt rules to define the function, eligibility, term and renewal of the approval clearance under subsection 1. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

~~**3. Fees.** The commissioner shall assess fees for approvals under subsection 1. The fee is \$15 for the initial approval and for renewal.~~

Sec. 29. 20-A MRSA §13025, as enacted by PL 2013, c. 167, Pt. D, §1, is amended to read:

§13025. Investigations

When conducting an investigation relating to the certification of teachers and other professional credentialing of personnel under chapter 501 and this chapter and rules of the state board, the commissioner may issue subpoenas for education records relevant to that investigation.

Sec. 30. 20-A MRSA §13032, as amended by PL 2001, c. 471, Pt. A, §24, is further amended to read:

§13032. Qualifying examination

~~The provisional A professional teacher certificate may only be issued only to those applicants who have taken and passed the teacher qualifying examination. The examination may be administered in separate parts and may be taken by applicants for provisional teacher certificates at any time after completion of the sophomore year of attendance at a post secondary higher education institution. The examination must test the applicant in the following area: This limitation does not apply to applicants seeking a certificate under section 13013, subsection 2-B, paragraph B, but such applicants must meet any exam requirement necessary for the endorsement being sought.~~

~~**4. Basic skills.** Basic skills, which include reading, writing and mathematics.~~

The applicant is responsible for the costs associated with taking the teacher qualifying examination.

Sec. 31. 20-A MRSA §13034, as enacted by PL 1983, c. 859, Pt. I, §§2 and 3, is repealed.

Sec. 32. 20-A MRSA §13035-A, as enacted by PL 1999, c. 569, §3 and affected by §6, is repealed.

Sec. 33. 20-A MRSA §13036, as enacted by PL 1983, c. 859, Pt. I, §§2 and 3, is repealed.

Sec. 34. 20-A MRSA §13037, as enacted by PL 1999, c. 569, §4 and affected by §6, is repealed.

Sec. 35. 20-A MRSA §13038, as enacted by PL 1999, c. 569, §4 and affected by §6, is repealed.

Sec. 36. 20-A MRSA §13201, first ¶, as amended by PL 2011, c. 172, §2 and affected by §4, is further amended to read:

The superintendent shall nominate all teachers, subject to such regulations governing salaries and the qualifications of teachers as the school board makes. Upon the approval of nominations by the school board, the superintendent may employ teachers so nominated and approved for such terms as the superintendent determines proper, subject to the approval of the school board. ~~The superintendent, subject to the approval of the school board, shall implement a program to support probationary teachers pursuant to section 13015.~~ Prior to May 15th before the expiration of a first, 2nd or 3rd year probationary teacher's contract, the superintendent shall notify the teacher in writing of the superintendent's decision to nominate or not nominate that teacher for another teaching contract. If, after receiving a complaint from a teacher, the commissioner finds that the superintendent has failed to notify a teacher of a decision not to nominate that teacher, the school administrative unit shall pay a forfeiture to the teacher. The amount of that forfeiture must be equal to the teacher's per diem salary rate times the number of days between the notification deadline and the date on which notification is made or on which the complaint is filed, whichever occurs first. In case the superintendent of schools and the school board fail to legally elect a teacher, the commissioner has the authority to appoint a substitute teacher who serves until such election is made.

Sec. 37. 20-A MRSA c. 511, as amended, is repealed.

Sec. 38. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 20-A, chapter 501, in the chapter headnote, the words "certification and registration of teachers" are amended to read "credentialing of teachers" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 39. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 20-A, chapter 502, in the chapter headnote, the words "certification of educational personnel" are amended to read "credentialing of educational personnel" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 40. Application. A certificate, approval or authorization issued pursuant to the Maine Revised Statutes, Title 20-A, chapters 501, 502 and 502-A before the effective date of this Act is valid until the termination date of the certificate, approval or authorization.

Sec. 41. Effective date. This Act takes effect on July 1, 2018.

Effective July 1, 2018.

CHAPTER 236

H.P. 363 - L.D. 519

An Act To Allow the Storage of Tents, Campers, Trailers and Other Devices Used for Camping in Campgrounds in the Unorganized Townships

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

Sec. 1. 12 MRSA §685-C, sub-§12 is enacted to read:

12. Campground storage. The commission may not limit the number of days a person may store an unoccupied camping device at a lawfully existing camping location within a campground permitted by the commission or a campground that is a nonconforming use. For the purposes of this subsection, "camping device" means a tent, registered tent trailer, registered pickup camper, registered recreational vehicle, registered trailer or similar device lawfully used for camping.

See title page for effective date.

CHAPTER 237

H.P. 541 - L.D. 761

An Act To Increase Access to Hearing Aids

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

Sec. 1. 22 MRSA §3174-ZZ is enacted to read:

§3174-ZZ. Reimbursement for hearing aids

1. Hearing aid; definition. For purposes of this section, "hearing aid" means a nonexperimental, wearable instrument or device designed for the ear and offered for the purpose of aiding or compensating for impaired human hearing.

2. Required reimbursement. The department shall provide reimbursement for a hearing aid for one hearing-impaired ear of an individual enrolled in the MaineCare program in accordance with the following requirements: