

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

distribution of direct temporary financial assistance to veterans and may not provide for compensation for personnel costs of the organization, funding of positions of employment within the organization or administrative costs of the organization except those directly related to the distribution of temporary financial assistance grants to veterans.

E. The department may adopt rules to implement this subsection. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

For the purposes of this subsection, "veteran" has the same meaning as "eligible veteran" in section 504, subsection 4, paragraph A-1. The director may also determine eligibility for temporary financial assistance on a case-by-case basis.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Maine National Guard Postsecondary Fund Z190

Initiative: Provides funding for tuition assistance to veterans attending state postsecondary education institutions and private postsecondary education institutions.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$150,000
GENERAL FUND TOTAL	\$0	\$150,000

Veterans Temporary Assistance Fund N284

Initiative: Establishes the Veterans Temporary Assistance Fund and provides funding for financial assistance to veterans.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$250,000
GENERAL FUND TOTAL	\$0	\$250,000

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$400,000

DEPARTMENT TOTAL -	\$0	\$400,000
ALL FUNDS		

See title page for effective date.

CHAPTER 420

S.P. 696 - L.D. 1843

An Act To Amend Career and Technical Education Statutes

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

Sec. 1. 20-A MRSA §5809, as amended by PL 2003, c. 477, §5 and c. 545, §§5 and 6, is further amended to read:

§5809. Students enrolled in career and technical educational programs

Schools receiving tuition students who are enrolled in regular school day career and technical educational programs at career and technical education centers, satellites or career and technical education regions, under chapter 313, may charge a tuition rate up to 2/3 of the maximum tuition rate as computed under ~~sections~~ section 5805 or 5806. ~~The career and technical education center, satellite or region may charge a tuition rate of up to 1/3 of the maximum tuition rate as computed under section 5805 or 5806 for the student.~~

Sec. 2. 20-A MRSA §8403-A, sub-§2, as amended by PL 2011, c. 679, §13, is further amended to read:

2. Procedure for authorizing career and technical education satellite programs. Any affiliated unit that wishes to operate a career and technical education satellite program shall submit a written request to operate such a satellite program to the governing body of the center or region with which the unit is affiliated. The request must fully document the perceived need for the operation of a satellite program. The governing body of the center or region with which the unit is affiliated shall consider the request and forward its recommendation to the commissioner concerning whether that request should be approved. The commissioner shall act on the request pursuant to section 8306-B.

Sec. 3. 20-A MRSA §8403-A, sub-§3, as enacted by PL 1991, c. 518, §14, is repealed and the following enacted in its place:

3. Financial responsibility for satellite programs. A career and technical education center or region affiliated with a satellite program approved pursuant to subsection 2 shall provide financial support for the operating costs of that program as calcu-

lated pursuant to chapter 606-B and paid to the center or region affiliated with the program. The center or region shall transfer the financial support received pursuant to this subsection to the unit that operates the approved satellite program to support the operating costs of that program.

Sec. 4. 20-A MRSA §8403-A, sub-§5, as corrected by RR 2003, c. 2, §57, is amended to read:

5. Employment of teachers. The superintendent of a unit operating a satellite program shall, in consultation with the career and technical education director of the center or region with which the unit is affiliated, employ teachers for that satellite program in accordance with the procedures established by section 13201.

Sec. 5. 20-A MRSA §8403-A, sub-§6, as corrected by RR 2003, c. 2, §57, is repealed and the following enacted in its place:

6. Supervision. The career and technical education director of the center or region with which a unit is affiliated, in consultation with the superintendent or high school principal of the unit operating the satellite program, shall supervise personnel working for that satellite program.

Sec. 6. 20-A MRSA §8451-B is enacted to read:

§8451-B. Authority for career and technical education region satellite programs

An affiliated unit that wishes to operate a career and technical education region satellite program shall comply with the satellite program authorization requirements of section 8403-A.

Sec. 7. 20-A MRSA §15681-A, sub-§4-A is enacted to read:

4-A. Costs of plans for middle school career and technical education exploration programs. Beginning in fiscal year 2018-19, and in each subsequent fiscal year, costs approved pursuant to chapter 313 attributable to establishing and operating career and technical education exploration programs for middle school students. The commissioner may establish an allocation to school administrative units for plans under this subsection. The plans must be implemented within the school administrative unit; and

Sec. 8. 20-A MRSA §15688-A, sub-§1, as amended by PL 2017, c. 284, Pt. C, §45, is repealed and the following enacted in its place:

1. Career and technical education program components. Beginning in fiscal year 2018-19, the allocation for career and technical education centers and career and technical education regions is based upon a model that recognizes program components that have been approved by the department pursuant to chapter 313 for:

A. Direct instruction. The direct instruction component includes personnel costs for teachers, education technicians for programs and clinical supervisors for health care programs. The allocation for direct instruction is the sum of the costs as determined based on the following components, which the commissioner shall determine annually:

(1) A teacher salary matrix. In determining the teacher salary matrix for each program, the commissioner shall give consideration to the most recent available data regarding years of education experience and years of professional work experience relevant to instructional assignment;

(2) Student-to-teacher ratios for each program;

(3) The number of education technicians required for purposes of instructional support, based on student enrollment and program requirements. The commissioner shall calculate the education technician allocation by multiplying the number of education technicians required by the statewide average salary for full-time education technicians, based on the most recent available salary data, but shall ensure that each career and technical education center or career and technical education region is allocated at least one full-time education technician; and

(4) The clinical supervision staffing level necessary for each program requiring such staffing, based on student enrollment as determined pursuant to paragraph G;

B. Central administration. The central administration component includes personnel costs for directors, assistant directors and clerical staff working in career and technical education centers and career and technical education regions, as well as business managers working in career and technical education regions. The central administration allocation is the sum of:

(1) Costs for personnel for each career and technical education center and career and technical education region, as follows:

(a) A director, the allocation for which must be for one full-time equivalent;

(b) An assistant director, the allocation for which must be based on student enrollment as determined pursuant to paragraph G but may not exceed one full-time equivalent;

(c) Clerical staff, the allocation for which must be for at least one full-time equivalent, with additional clerical staff

allocations based on student enrollment as determined pursuant to paragraph G;

(d) A career and technical education region business manager, the allocation for which must be for one full-time equivalent; and

(e) Benefit costs for employees in central administration, which must be calculated pursuant to section 15678, subsection 5, paragraph B; and

(2) Nonpersonnel costs, which the commissioner shall calculate annually based upon the relationship of the most recent available career and technical education expenditures for nonpersonnel costs to personnel costs;

C. Supplies and other expenditures such as purchased services, dues and fees for instructional programs. The allocation for supplies and other expenditures is the sum of:

(1) A per-program allocation for supplies, as determined by the commissioner based on the most recent available career and technical education expenditures amount, adjusted to the year prior to the allocation year; and

(2) A per-pupil allocation for each student in each career and technical education center and each career and technical education region, determined by the commissioner based on:

(a) The most recent available career and technical education expenditures amount, adjusted for inflation to the year prior to the allocation year; and

(b) Student enrollment, as determined pursuant to paragraph G;

D. Plant operation and maintenance, including all costs for operating and maintaining buildings and grounds. The commissioner shall determine the allocation for plant operation and maintenance costs for each career and technical education center and each career and technical education region by multiplying the square footage of the career and technical education center or career and technical education region building by an amount per square foot, as determined by the commissioner;

E. Other student and staff support, which includes costs for student services coordination, career preparation, instructional technology, professional development, student assessment and program safety. The other student and staff support allocation is the sum of the costs for:

(1) A counselor, the allocation for which must be for one full-time equivalent, to collaborate with sending school guidance coun-

selors in order to maximize student participation at the middle school and high school grade levels;

(2) Career and technical education center or career and technical education region student services coordinators, the allocation for which must be based on student enrollment, as determined pursuant to paragraph G, but no less than one full-time equivalent;

(3) Benefit costs for employees under this paragraph, calculated pursuant to section 15678, subsection 5, paragraph B; and

(4) Instructional technology, staff professional development, student assessment and program safety. The commissioner shall calculate a per-pupil allocation for this allocation based upon student enrollment, as determined pursuant to paragraph G, and the relationship of the most recent available career and technical education expenditures for these costs to total costs, adjusted to the year prior to the allocation year;

F. Equipment provided pursuant to subsection 6; and

G. Student enrollment, which is determined as follows.

(1) For each program or plan approved pursuant to chapter 313 that has 3 years of attending student counts on October 1st, student enrollment is a 3-year average of the attending student counts on October 1st for that program or plan.

(2) For each program or plan approved pursuant to chapter 313 that is not governed by subparagraph (1), including a new program or plan approved pursuant to chapter 313, student enrollment must be based on the estimated attending student count submitted in accordance with the application for the program or plan approval. This estimated attending student count must be used until the program or plan has 3 consecutive years of actual attending student counts on October 1st.

The total allocation for a career and technical education center or career and technical education region is the sum of the components in paragraphs A to E, except if the sum of the components in paragraphs A to E is less than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year, the career and technical education center or career and technical education region may not receive less than the adjusted expenditure, and if the sum of the components in paragraphs A to E is more than 5% greater than the most recent expenditure data, as ad-

justed for inflation to the year prior to the allocation year, then the career and technical education center or career and technical education region may not receive more than the adjusted expenditures plus 5%.

The commissioner shall authorize monthly payment of allocations to career and technical education centers and career and technical education regions in an amount equal to 1/12 of the total allocation. Payments for satellite programs as approved pursuant to chapter 313 must be made within this schedule to the responsible career and technical education center or career and technical education region; it is the responsibility of the career and technical education center or career and technical education region to provide the state support for the approved satellite program to the school administrative unit that operates the approved satellite program.

If a school administrative unit operating a career and technical education center or career and technical education region has any unexpended funds at the end of the fiscal year, these funds must be carried forward for the purposes of career and technical education.

Sec. 9. 20-A MRSA §15688-A, sub-§8 is enacted to read:

8. Pilot projects for middle school career and technical education exploration. Beginning in fiscal year 2018-19 and for the 2 subsequent fiscal years, the commissioner may expend and disburse funds to career and technical education centers and career and technical education regions for pilot projects for middle school level plans approved pursuant to chapter 313 to create career and technical education exploration programs for middle school level students. The commissioner, in collaboration with career and technical education directors, also may contract for services to implement pilot projects for middle school level plans. A middle school level plan must demonstrate to the commissioner a partnership between a school administrative unit and a career and technical education center or career and technical education region.

Sec. 10. Report. The Commissioner of Education shall report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15, 2019 on the Department of Education's progress in formalizing the components of the funding model for career and technical education and to address the framework for the evaluation of the proposed middle school career and technical education exploration pilot projects, including a proposed definition of "career and technical education exploration."

See title page for effective date.

**CHAPTER 421
S.P. 94 - L.D. 320**

An Act To Provide MaineCare Coverage for Chiropractic Treatment

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

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

§3174-AAA. Chiropractic services reimbursement

1. Reimbursement. The department shall reimburse under the MaineCare program for chiropractic evaluation and management examinations performed by a chiropractic doctor licensed under Title 32, chapter 9 that are within the scope of practice of chiropractic doctors. This subsection does not limit reimbursements under the MaineCare program that may be available for other chiropractic services or affect any limits that may apply to reimbursements such as limits relating to numbers of visits.

2. Rulemaking. The department may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Medical Care - Payments to Providers 0147

Initiative: Provides appropriations and allocations for chiropractic evaluation and management examinations to be reimbursed under the MaineCare program.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$67,661
GENERAL FUND TOTAL	\$0	\$67,661
FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$122,130
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$122,130

See title page for effective date.