

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

**CHAPTER 463
H.P. 1176 - L.D. 1696**

**An Act To Provide Funding for
the Maine Bicentennial
Commission**

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

Sec. 1. Appropriations and allocations.
The following appropriations and allocations are made.

**CULTURAL AFFAIRS COUNCIL, MAINE
STATE**

State of Maine Bicentennial Celebration N257

Initiative: Provides one-time funds for staff support and other expenses associated with the planning of the State of Maine bicentennial celebration. Funds appropriated for this purpose do not lapse but must be carried forward into the next fiscal year to be used only to support the expenses of planning the bicentennial celebration.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$75,000
GENERAL FUND TOTAL	\$0	\$75,000

See title page for effective date.

**CHAPTER 464
H.P. 1187 - L.D. 1707**

**An Act To Reduce the Cost of
Care Resulting from
Blood-borne Infectious
Diseases**

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

Sec. 1. Appropriations and allocations.
The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

**Maine Center for Disease Control and Prevention
0143**

Initiative: Provides funds to support hypodermic apparatus exchange programs pursuant to the Maine Revised Statutes, Title 22, section 1341, subsection 4.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$75,000

GENERAL FUND TOTAL	\$0	\$75,000
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See title page for effective date.

**CHAPTER 465
H.P. 585 - L.D. 836**

**An Act To Authorize a General
Fund Bond Issue To Build
Maine's Workforce
Development Capacity by
Modernizing and Improving
the Facilities and
Infrastructure of Maine's
Public Universities and
Community Colleges**

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

PART A

Sec. A-1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$49,000,000 for the purposes described in section 5 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. A-2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. A-3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. A-4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

Sec. A-5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

UNIVERSITY OF MAINE SYSTEM

Provides funds for the construction, reconstruction and remodeling of existing or new facilities and other infrastructure within the University of Maine System as approved by the Board of Trustees in order to expand workforce development capacity and attract and retain students. Bond funds must be matched by other public and private funds.

Total \$49,000,000

Sec. A-6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

Sec. A-7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. A-8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Part are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. A-9. Referendum for ratification; submission at election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$49,000,000 bond issue to be matched by at least \$49,000,000 in private and public funds to modernize and improve the

facilities and infrastructure of Maine's public universities in order to expand workforce development capacity and to attract and retain students to strengthen Maine's economy and future workforce?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

PART B

Sec. B-1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$15,000,000 for the purposes described in section 5 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. B-2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. B-3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. B-4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

Sec. B-5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

MAINE COMMUNITY COLLEGE SYSTEM

Provides funds to renovate and expand instructional laboratories and to upgrade information technology infrastructure and heating and ventilating systems for improved energy efficiency and long-term savings at Central Maine Community College.

Total \$2,503,755

Provides funds for information technology system upgrades, to convert heating systems to natural gas and for additional campus-wide energy efficiencies at Eastern Maine Community College.

Total \$2,233,082

Provides funds for capital equipment to support a new program in millwrighting and industrial mechanics, for upgrades to information technology infrastructure and instructional and library technologies and to replace and insulate aging windows and facades at Kennebec Valley Community College.

Total \$2,190,731

Provides funds to expand the diesel hydraulics program laboratory, upgrade information technology infrastructure and heating and ventilation systems, invest in energy efficiencies and renovate classrooms at Northern Maine Community College.

Total \$1,165,119

Provides funds for facility repairs and improvements, energy efficiencies, renovations to expand space for student support and remediation, information technology system upgrades and instructional and library services at Southern Maine Community College.

Total \$4,275,100

Provides funds to renovate and expand instructional laboratories, for information technology system upgrades and for investments in instructional technologies at Washington County Community College.

Total \$885,853

Provides funds for information technology system upgrades to and the development of York County Community College's Industrial Trades Center in Sanford.

Total \$1,746,360

Sec. B-6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

Sec. B-7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. B-8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Part are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. B-9. Referendum for ratification; submission at election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$15,000,000 bond issue to improve educational programs by upgrading facilities at all 7 of Maine's community colleges in order to provide Maine people with access to high-skill, low-cost technical and career education?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part

becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

PART C

Sec. C-1. Report on University of Maine System facility conditions and infrastructure investments. By January 7, 2019 and every 2 years thereafter, the University of Maine System shall submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, to the joint standing committee of the Legislature having jurisdiction over state and local government matters and to the Governor on the system's capital expenditure plan. The report must include the status of facility conditions and related system-wide needs and priorities and a detailed budget of funding sources for infrastructure investment, including general obligation and other bond funding and other private and public sources of funding.

See title page for effective date, unless otherwise indicated.

CHAPTER 466

H.P. 1152 - L.D. 1666

An Act To Ensure the Successful Implementation of Proficiency-based Diplomas

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

Sec. 1. 20-A MRSA §253, sub-§9, as enacted by PL 2011, c. 669, §1, is repealed.

Sec. 2. 20-A MRSA §2412, sub-§5, ¶J, as enacted by PL 2015, c. 40, §1, is amended to read:

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

Sec. 3. 20-A MRSA §2651, sub-§3, ¶B-1, as enacted by PL 2015, c. 251, §5, is amended to read:

B-1. Facilitate the transformation of the public education system to one in which standards are used to guide curriculum and instruction and in which student advancement and graduation are based on student demonstration of proficiency achievement in meeting educational standards;

Sec. 4. 20-A MRSA §2902, sub-§3, as amended by PL 2015, c. 40, §3, is further amended to read:

3. Courses required by law. Provide instruction in elementary schools as specified in sections 4701, 4704, 4706 and 4711 and in secondary schools as specified in sections 4701, 4704, 4706, 4722, ~~4722-A,~~ 4723 and 4724.

Sec. 5. 20-A MRSA §4502, sub-§1, as amended by PL 2011, c. 669, §3, is further amended to read:

1. General requirements. Elementary and secondary schools and school administrative units, including an educational program or school located in or operated by a juvenile correctional facility, shall meet all requirements of the system of learning results as established in section 6209 as well as other requirements of this Title and other statutory requirements applicable to the public schools and basic school approval standards. Each school administrative unit shall prepare and implement a comprehensive education plan that is aligned with the system of learning results, focused on the learning of all students and oriented to continuous improvement. The comprehensive education plan must include a plan for ~~transitioning to proficiency-based~~ the graduation in accordance with requirements of section 4722-A 4722. This plan must also address all other plans required by the department.

Sec. 6. 20-A MRSA §4502, sub-§8, ¶¶B and C, as enacted by PL 2011, c. 669, §5, are repealed.

Sec. 7. 20-A MRSA §4511, sub-§3, ¶J, as enacted by PL 2015, c. 489, §1, is repealed.

Sec. 8. 20-A MRSA §4722, sub-§7, as enacted by PL 2011, c. 669, §6, is amended to read:

7. Applicability of requirements. ~~Except as provided in section 4722-A, this~~ This section applies to the granting of diplomas to secondary school students ~~before beginning~~ beginning January 1, ~~2017~~ 2019.

Sec. 9. 20-A MRSA §4722, sub-§8, as enacted by PL 2011, c. 669, §6, is repealed.

Sec. 10. 20-A MRSA §4722-A, as amended by PL 2017, c. 284, Pt. C, §7, is further amended to read:

§4722-A. Proficiency-based diploma standards and transcripts

~~Beginning January 1, 2017, a~~ A diploma indicating graduation from a secondary school ~~must~~ may be based on student demonstration of proficiency as described in this section. ~~The commissioner may permit a school administrative unit to award diplomas under this section prior to January 1, 2017 if the commissioner finds that the unit's plan for awarding diplomas~~