

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

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

Augusta, Maine
2019

**CHAPTER 69
H.P. 307 - L.D. 398**

**An Act To Allow for Greater
Flexibility in Addressing
Energy Efficiency Needs in the
State**

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

Sec. 1. 35-A MRSA §10109, sub-§4, ¶A, as amended by PL 2017, c. 282, §2, is further amended to read:

~~A. The trust shall allocate 50% of the funds for residential programs and 50% for commercial and industrial programs.~~ Trust funds must be allocated for measures, investments, loans, technical assistance and arrangements that reduce electricity consumption, increase energy efficiency or reduce greenhouse gas emissions and lower energy costs at commercial or industrial facilities and for investment in measures that lower residential heating energy demand and reduce greenhouse gas emissions. The measures that lower residential heating demand must be fuel-neutral and may include, but are not limited to, energy efficiency improvements to residential buildings and upgrades to efficient heating systems that will reduce residential energy costs and greenhouse gas emissions, as determined by the board. The trust shall ensure that measures to reduce the cost of residential heating are available for low-income households as defined by the trust. When promoting electricity cost and consumption reduction, the trust may consider measures at commercial and industrial facilities that also lower peak capacity demand. Subject to the apportionment pursuant to this subsection, the trust shall fund conservation programs that give priority to measures with the highest benefit-to-cost ratio, as long as cost-effective collateral efficiency opportunities are not lost, and that:

- (1) Reliably reduce greenhouse gas production and heating energy costs by fossil fuel combustion in the State at the lowest cost in funds from the trust fund per unit of emissions; or
- (2) Reliably increase the efficiency with which energy in the State is consumed at the lowest cost in funds from the trust fund per unit of energy saved.

~~Notwithstanding this paragraph, during fiscal years 2017-18 to 2019-20, the trust is not required to allocate 50% of the funds to residential programs and 50% of the funds to commercial and~~

~~industrial programs and may instead allocate those funds to programs at the trust's discretion.~~

See title page for effective date.

**CHAPTER 70
H.P. 315 - L.D. 406**

**An Act To Establish Regional
School Leadership Academies**

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

Sec. 1. 20-A MRSA §2651, sub-§2, as amended by PL 2015, c. 251, §4, is further amended to read:

2. Use of fund. The department shall award grants from the fund to school administrative units, municipalities, counties and groups of 2 or more such entities, including such groups that have entered into a collaborative agreement pursuant to chapter 114, to fund the costs of implementing changes in governance, administrative structures or policies that result in the creation of consolidated school administrative units; purchasing alliances; innovative, autonomous public schools, teacher-led schools, innovative public school districts or innovative public school zones; regional delivery of collaborative programs and educational services; regional school leadership academies; or collaborations of municipal-school service delivery or support systems, with the purpose of improving educational opportunity and student achievement. Grants must be used to implement changes that will be sustained by the school administrative unit, municipality or county without the need for additional grants from the fund or other sources.

Sec. 2. 20-A MRSA §2651, sub-§2, as amended by PL 2017, c. 284, Pt. VVVVV, §5 and affected by §14, is further amended to read:

2. Use of fund. The department shall award grants from the fund to school administrative units, municipalities, counties and groups of 2 or more such entities to fund the costs of implementing changes in governance, administrative structures or policies that result in the creation of consolidated school administrative units; purchasing alliances; innovative, autonomous public schools, teacher-led schools, innovative public school districts or innovative public school zones; regional delivery of collaborative programs and educational services; regional school leadership academies; or collaborations of municipal-school service delivery or support systems, with the purpose of improving educational opportunity and student achievement. Grants must be used to implement changes that will be sustained by the school administrative unit,

municipality or county without the need for additional grants from the fund or other sources.

Sec. 3. 20-A MRSA §3801, sub-§4, ¶K, as enacted by PL 2017, c. 284, Pt. VVVVV, §6, is repealed.

Sec. 4. 20-A MRSA §3807, as enacted by PL 2017, c. 284, Pt. VVVVV, §6, is repealed.

Sec. 5. 20-A MRSA c. 502-C is enacted to read:

CHAPTER 502-C
REGIONAL SCHOOL LEADERSHIP
ACADEMIES

§13111. Definitions

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

1. Collaborative agreement. "Collaborative agreement" means an agreement for shared staff or staff training, including collaborative programs and support services for preservice and in-service staff training between 2 or more school administrative units to form a collaborative partnership that specifies each school administrative unit's responsibility for and cost of the delivery of certain administrative, instructional and noninstructional functions, including collaborative programs and support services, for preservice and in-service staff training for school principalship and other school leadership positions over a 3-year period.

2. Collaborative board. "Collaborative board" means a board created pursuant to section 13112, subsection 2. A collaborative board is composed of one representative from each of the:

- A. School administrative units participating in the collaborative partnership;
- B. Statewide education associations cooperating with the collaborative partnership; and
- C. Educator preparation programs cooperating with the collaborative partnership.

3. Collaborative partnership. "Collaborative partnership" means a regional school leadership academy collaborative partnership formed pursuant to this chapter between 2 or more school administrative units and, whenever possible, with educator preparation programs and statewide education associations that provides cohort-based professional development and career pathways, including preservice training for prospective candidates for school principalship and other school leadership positions and in-service training for new employees in school principalship and other school leadership positions.

4. Educator preparation program. "Educator preparation program" means an educator preparation program as defined in section 13001-A, subsection 9.

5. Regional school leadership academy. "Regional school leadership academy" or "academy" means a professional development consortium formed by a collaborative partnership that combines state and local programs and resources, including the preparation, licensure, certification, professional development and training for educational leadership, into a coherent system that can significantly improve the recruitment and preparation of prospective candidates for school principalship and other school leadership positions, as well as the induction, mentoring and retention of principals and school leaders during the first 2 years of employment in their school leadership positions.

6. Statewide education association. "Statewide education association" means a nonprofit education association or corporation in the State, including a principals association, a school superintendents association, a school boards association and an association of administrators of services for children with disabilities.

§13112. Establishment

Beginning July 1, 2020, a regional school leadership academy may be established under a collaborative agreement.

1. Regional school leadership academy mission. The mission of an academy is to enhance the quality of the preservice and in-service staff training programs for school principalship and other school leadership positions, to improve the distribution, supply and quality of school leadership personnel in underserved school administrative units in the State and to develop appropriate professional development pathways at participating schools in the academy. To fulfill its mission, the academy shall work in coordination with educational leadership mentors and coaches and with high-performing educational leaders employed within the collaborative partnership.

2. Development of collaborative agreements; establishment of collaborative board. School administrative units may work in cooperation with educator preparation programs and statewide education associations to design a plan for a collaborative agreement that achieves efficiencies and reduces costs in the delivery of programs and support services for preservice and in-service staff training for teachers, principals and other school leaders. School administrative units that work in cooperation with educator preparation programs and statewide education associations to design a plan for a collaborative agreement shall establish a collaborative board. A collaborative board is the governing body of a regional school leadership academy. The plan for the collaborative

agreement must be consistent with the following goals:

A. Improving student learning and development by providing preparation, training and support for teachers, principals and other school leaders that enable students in their schools to graduate ready for college and careers;

B. Identifying and recruiting prospective candidates for school principalship and other school leadership positions;

C. Improving recruitment strategies, including contracting with a marketing or branding firm to build recruitment strategies that coach school administrators how to make effective proposals to prospective candidates that would entice them to consider becoming a principal or school leader;

D. Establishing and maintaining long-term partnerships with school administrative units in the region that create and maintain a skilled and adaptable school principalship and school leadership preparation program;

E. Enhancing the recruitment, preservice training, education and preparation opportunities for teachers, principals and other school leaders in this State to allow them to prepare for future school principalship and other school leadership positions in schools in the State;

F. Providing teachers, principals and other school leaders in this State who seek to upgrade their education, skills and credentials in order to facilitate their career advancement and enhance their job security;

G. Establishing, at a minimum, 2 years of programming to support the implementation of school leadership induction and mentoring programs that promote excellence in school leadership, improve classroom instruction, enhance student achievement, build a supportive environment within school administrative units, increase the retention of promising school leaders and promote the personal and professional well-being of school leaders;

H. Creating and promoting a selection process for mentors that enhances the support for newly hired principals and other school leaders; and

I. Creating a budget to provide resources for the academy's programs, collaborative organizational structures and program evaluation and a plan for the academy's sustainability.

3. Approval. The collaborative agreement plan under subsection 2 must be approved by the collaborative board before the collaborative agreement becomes effective.

4. State assistance. The department and the state board may provide the following services and resources to assist school administrative units that form a regional school leadership academy:

A. Guidance to help school administrative units create the supports and conditions to promote professional development of their own leadership;

B. Facilitation of partnerships between state education policy officials from the department and the state board and education leadership professionals, educator preparation programs and statewide education associations to enhance the promotion of collaborative partnerships; and

C. Assistance and resources to regional school leadership academies to encourage teachers to become candidates for school leadership positions; to provide pathways for aspiring candidates to explore, study, practice and take on leadership roles in their schools; and to employ mentors and coaches to provide training for newly hired school principals and school leaders that improves their awareness of standards-based instruction and learning and develops their leadership skills. Beginning in fiscal year 2020-21, the department shall consider providing the following resources:

(1) Awarding state grant funds from the Fund for the Efficient Delivery of Educational Services pursuant to chapter 114-A for academies that apply and qualify for such grants; and

(2) Allocating state funding pursuant to section 15688-A, subsection 9 to school administrative units that form a regional school leadership academy.

5. Gifts, grants and donations. School administrative units that enter into a collaborative agreement to form a regional school leadership academy may seek and accept public and private gifts, grants and donations to offset the costs of developing and implementing the collaborative agreement plan under subsection 2 for the regional school leadership academy. A gift, grant or donation received pursuant to this subsection must be approved prior to the receipt of the gift, grant or donation by the school boards for the school administrative units that enter into the collaborative agreement.

§13113. Report

A regional school leadership academy shall provide to the joint standing committee of the Legislature having jurisdiction over education matters an annual report that includes information regarding the regional school leadership academy, including the name and location of the academy; the number of teachers, principals and other school leaders trained, mentored and coached; the dollar amount expended; and, if applica-

ble, the number of teachers who were employed as principals or other school leaders.

Sec. 6. 20-A MRSA §15683-C, sub-§2, ¶B, as enacted by PL 2017, c. 284, Pt. VVVVV, §10, is amended to read:

B. Category 2, education support services, including the following services:

- (1) Substitute teachers and staff augmentation;
- (2) Technology and technology support;
- (3) Staff training and professional development;
- (4) ~~Regional school leadership academies;~~
- (5) Shared support services programs; and
- (6) Shared extracurricular or cocurricular programs.

Sec. 7. 20-A MRSA §15688-A, sub-§9 is enacted to read:

9. Regional school leadership academy. Beginning in fiscal year 2020-21, the commissioner may expend and disburse funds to support the establishment of regional school leadership academies pursuant to chapter 502-C.

Sec. 8. 20-A MRSA §15689-A, sub-§27, as enacted by PL 2017, c. 284, Pt. VVVVV, §12, is repealed.

Sec. 9. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 20-A, section 2651, subsection 2, as amended by Public Law 2017, chapter 284, Pt. VVVVV, section 5 and affected by section 14 takes effect June 30, 2020.

See title page for effective date, unless otherwise indicated.

**CHAPTER 71
S.P. 243 - L.D. 807**

**An Act Regarding the Duties of
the Public Advocate**

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

Sec. 1. 35-A MRSA §1702, sub-§5, as amended by PL 1999, c. 398, Pt. A, §26 and affected by §§104 and 105, is further amended to read:

5. Intervention on behalf of public. The Public Advocate may, on behalf of the using and consuming public, or any particular group of consumers, petition to initiate, or intervene and appear in, any proceedings before the commission, appeals from orders of the

commission, or proceedings before state and federal agencies and courts in which the subject matter of the action affects the customers of any utility or competitive service provider doing business in this State, ~~except that the Public Advocate may not intervene in any proceeding in which the commission staff is representing a position substantially similar to that of the Public Advocate, as determined by the Public Advocate.~~

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

EXECUTIVE DEPARTMENT

Public Advocate 0410

Initiative: Provides an allocation to fund additional staff activities related to the expansion of the Office of the Public Advocate's duties in proceedings before the Public Utilities Commission and other state and federal agencies and courts.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$75,624	\$75,624
OTHER SPECIAL REVENUE FUNDS TOTAL	\$75,624	\$75,624

See title page for effective date.

**CHAPTER 72
S.P. 253 - L.D. 817**

**An Act To Advance the
Restoration of the Penobscot
River**

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

Sec. 1. 38 MRSA §418-A, as enacted by PL 1981, c. 674, is amended to read:

§418-A. Protection of the Penobscot River

1. Findings. The Legislature finds that the lower Penobscot River is a unique and valuable natural resource. The lower Penobscot River serves as an example to the Nation that good public policy carefully implemented can restore and preserve our natural resources. The river has supported, and is again beginning to support, the greatest run of Atlantic salmon and 11 other species of anadromous fish in North America, providing a unique fishing opportunity for Maine residents and members of the Penobscot Indian Nation. The Legislature declares that the preservation and restoration of the lower Penobscot River is of the highest priority.