

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

4. Rulemaking. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 507
H.P. 120 - L.D. 138**

**An Act Regarding the Maine
Coworking Development Fund**

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

Sec. 1. 5 MRSA §13056-G, sub-§3, ¶B, as enacted by PL 2015, c. 362, §1, is amended to read:

B. The department shall solicit applications for grants or loans from the fund through a ~~request for proposals~~ competitive application process, which must include, at a minimum, the following criteria for the submission of applications:

- (1) A description of the parties involved in the project, including the professional expertise and qualifications of the principals;
- (2) A description of the scope of work that will be undertaken by each party involved in the project;
- (3) The proposed budget, including verification of funding from other sources;
- (4) A statement of the project objective, including specific information on how the project will promote the use of the space as a collaborative workspace;
- (5) A statement that sets forth the implementation plan, the facilities and resources available or needed for the project and the proposed commencement and termination dates of the project;
- (6) A description of the expected significance of the project, including a description of the market demand for the type of collaborative workspace proposed in the region in which the space will be located and the number of tenants and participants that will be served as a result of the project;
- (7) Guidelines for the review and approval of applications that include preferences for applications that propose to redevelop existing properties located in the downtown area of a municipality, dedicate at least 25% of accessible space to collaborative use and support a cluster of at least 5 separate tenants;

(8) A description of the ability of the collaborative workspace business to carry out the provisions of this section;

(9) A summary of the proposed economic impact of the collaborative workspace on the community;

(10) A description of plans for conformance with regional and local economic development plans, if such plans exist; and

(11) A statement of the proximity of the collaborative workspace to an accredited Maine community college, college or university, as defined in Title 20-A, section 12541, subsection 1.

Sec. 2. 5 MRSA §13056-G, sub-§5, as enacted by PL 2015, c. 362, §1, is amended to read:

5. Report. Beginning February 1, ~~2016~~ 2020, the department shall annually provide a report to the Governor, ~~the President of the Senate and the Speaker of the House of Representatives and the joint standing committee of the Legislature having jurisdiction over innovation, development, economic advancement and business matters~~ that must include, but is not limited to:

- A. The number of applications for collaborative workspace submitted to the department;
- B. The number of applications for collaborative workspace approved by the department;
- C. The number of collaborative workspaces created through the fund;
- D. The numbers of tenants and participants engaged in each collaborative workspace;
- E. The number of jobs provided by each collaborative workspace;
- F. The occupancy rate of each collaborative workspace; and
- G. The number of tenants that have left collaborative workspace and that are operating in the State and the number of jobs they have provided.

See title page for effective date.

**CHAPTER 508
S.P. 38 - L.D. 151**

**An Act To Align State Law
with Current Practice
Regarding Required School
Attendance**

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

Sec. 1. 20-A MRSA §3271, sub-§1, as enacted by PL 1985, c. 490, §8, is amended to read:

1. Required attendance. Persons residing in the unorganized territory who are at least ~~7~~ 6 years of age and under 17 years of age shall attend a public day elementary or secondary school or an approved private school during the time it is in session.

Sec. 2. 20-A MRSA §3271, sub-§1-A, as enacted by PL 2019, c. 235, §1, is amended to read:

1-A. Attendance of persons 5 years of age or older and under 6 years of age. A person 5 years of age or older and under ~~7~~ 6 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

Sec. 3. 20-A MRSA §3271, sub-§2, as amended by PL 2019, c. 235, §2, is further amended to read:

2. Alternative instruction. Alternative instruction may be substituted for attendance in a day school in the following cases when approved by the school principal. A person 5 years of age or older and under ~~7~~ 6 years of age is not required to meet the requirements of this subsection.

A. The person is enrolled in an approved special education program.

B. The person obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner.

Sec. 4. 20-A MRSA §3272, sub-§2, ¶B, as amended by PL 2019, c. 235, §3, is further amended to read:

B. The person is required to attend school or alternative instruction and is at least ~~7~~ 6 years of age and has not completed grade 6 under this chapter and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year; or

Sec. 5. 20-A MRSA §4502, sub-§1-A is enacted to read:

1-A. Developmentally appropriate educational practices; kindergarten to grade 2. The commissioner shall adopt rules to address developmentally appropriate educational practices for kindergarten to grade 2. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 275, subchapter 2-A.

Sec. 6. 20-A MRSA §5001-A, sub-§1, as enacted by PL 1983, c. 806, §49, is amended to read:

1. Requirement. Persons ~~7~~ 6 years of age or older and under 17 years of age shall attend a public day school during the time it is in regular session.

Sec. 7. 20-A MRSA §5001-A, sub-§1-A, as enacted by PL 2019, c. 235, §4, is amended to read:

1-A. Attendance of persons 5 years of age or older and under 6 years of age. A person 5 years of age or older and under ~~7~~ 6 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

Sec. 8. 20-A MRSA §5001-A, sub-§3, as amended by PL 2019, c. 235, §5, is further amended to read:

3. Alternatives to attendance at public day school. Alternatives to attendance at public day school are as follows. A person 5 years of age or older and under ~~7~~ 6 years of age is not required to meet the requirements of this subsection.

A. Equivalent instruction alternatives are as follows.

(1) A person is excused from attending a public day school if the person obtains equivalent instruction in:

(a) A private school approved for attendance purposes pursuant to section 2901;

(b) A private school recognized by the department as providing equivalent instruction;

(c-1) A home instruction program that complies with the requirements of subparagraph (4); or

(d) Any other manner arranged for by the school board and approved by the commissioner.

(2) A student is credited with attendance at a private school only if a certificate showing the name, residence and attendance of the person at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the student resides.

(4) The following provisions govern a home instruction program.

(a) The student's parent or guardian shall provide a written notice of intent to provide home instruction simultaneously to the school officials of the administrative unit in which the student resides and to the commissioner within 10 calendar days of the beginning of home instruction. The notice must contain the following information:

(i) The name, signature and address of the student's parent or guardian;

(ii) The name and age of the student;

(iii) The date the home instruction program will begin;

(iv) A statement of assurance that indicates the home instruction program will provide at least 175 days annually of instruction and will provide instruction in the following subject areas: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts and, in at least one grade from grade 6 to 12, Maine studies. At one grade level from grade 7 to 12, the student will demonstrate proficiency in the use of computers; and

(v) A statement of assurance that indicates that the home instruction program will include an annual assessment of the student's academic progress that includes at least one of the forms of assessment described in division (b).

(b) On or before September 1st of each subsequent year of home instruction, the student's parent or guardian shall file a letter with the school officials of the administrative unit in which the student resides and the commissioner stating the intention to continue providing home instruction and enclose a copy of one of the following forms of annual assessment of the student's academic progress:

(i) A standardized achievement test administered through the administrative unit in which the student resides or through other arrangements approved by the commissioner. If the test is administered through the administrative unit in which the student resides, that administration must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;

(ii) A test developed by the school officials of the administrative unit in which the student resides appropriate to the student's home instruction program, which must be agreed to by the school officials of the administrative unit prior to submission of

the written notice of intent to provide home instruction;

(iii) A review and acceptance of the student's progress by an identified individual who holds a current Maine teacher's certificate;

(iv) A review and acceptance of the student's progress based on, but not limited to, a presentation of an educational portfolio of the student to a local area homeschooling support group whose membership for this purpose includes a currently certified Maine teacher or administrator; or

(v) A review and acceptance of the student's progress by a local advisory board selected by the superintendent of the administrative unit in which the student resides that includes one administrative unit employee and 2 home instruction tutors. For the purpose of this subdivision, a "home instruction tutor" means the parent, guardian or other person who acts or will act as a primary teacher of the student in the home instruction program. This provision must be agreed to by the school officials of the administrative unit in which the student resides prior to submission of the written notice of intent to provide home instruction.

(c) Dissemination of any information filed under this subparagraph is governed by the provisions of section 6001; the federal Family Educational Rights and Privacy Act of 1974, 20 United States Code, Section 1232g (2002); and the federal Education for All Handicapped Children Act of 1975, 20 United States Code, Sections 1401 to 1487 (2002), except that "directory information," as defined by the federal Family Educational Rights and Privacy Act of 1974, is confidential and is not subject to public disclosure unless the parent or guardian specifically permits disclosure in writing or a judge orders otherwise. Copies of the information filed under this subparagraph must be maintained by the student's parent or guardian until the home instruction program concludes. The records must be made available to the commissioner upon request.

(d) If the home instruction program is discontinued, students of compulsory school age must be enrolled in a public school or an equivalent instruction alternative as provided for in this paragraph. The receiving school shall determine the placement of the student. At the secondary level, the principal of the receiving school shall determine the value of the prior educational experience toward meeting the standards of the system of learning results as established in section 6209.

B. A person may be excused from attendance at a public day school pursuant to section 5104-A or section 8605.

Sec. 9. 20-A MRSA §5051-A, sub-§1, ¶C, as amended by PL 2019, c. 235, §7, is amended to read:

C. Is at least ~~7~~ 6 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year; or

Sec. 10. Basic approval standards; rule-making. The Commissioner of Education shall amend the Department of Education rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to address developmentally appropriate educational practices for kindergarten to grade 2. The rule must be amended to provide for:

1. Classroom instruction with hands-on experiences with concrete materials and opportunities for students to interact with the world, ask questions, seek answers to questions and reflect on learning;

2. Instruction that includes integration of learning experiences from all content areas arranged around themes relevant to the lives of students in kindergarten to grade 2; and

3. An integrated school day that includes opportunities for student-centered and teacher-directed time combined with large and small group instruction.

Rules adopted or amended pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The commissioner shall provisionally adopt the amended rules and submit the provisionally adopted rules to the Executive Director of the Legislative Council by January 10, 2020.

See title page for effective date.

CHAPTER 509 H.P. 177 - L.D. 214

An Act To Increase Funding for Civil Legal Services

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

Sec. 1. 4 MRSA §18-A, sub-§1, ¶B, as amended by PL 2005, c. 361, §1, is further amended to read:

B. Except as provided in paragraph C, money in the fund must be disbursed to legal services providers to support the provision of free civil legal services to low-income or needy people or the needy elderly in this State. Money disbursed from the fund may not be used by a recipient to support lobbying as defined in Title 3, section 312-A, subsection 9 unless the recipient is responding to a request by a Legislator or a member of the Executive Department. Only the following legal services providers may receive disbursement to provide free civil legal services:

(1) Nonprofit organizations whose missions include the provision of statewide free civil legal services and who have at least ~~one year~~ 5 years of experience providing free civil legal services;

(2) Legal aid clinics of accredited law schools operating exclusively in Maine; and

(3) Programs whose primary mission is to coordinate pro bono legal services on a statewide basis for low-income people in this State.

Sec. 2. 4 MRSA §18-A, sub-§3-A, ¶A, as repealed and replaced by PL 2005, c. 361, §2, is amended to read:

A. For all fees collected by the Judicial Department after ~~July 1, 2005~~ October 1, 2019, ~~7%~~ 9% must be deposited in the fund. This paragraph does not apply to fees dedicated under section 17-A or section 18-B, subsection 8 or to surcharges imposed pursuant to paragraph C.

Sec. 3. 4 MRSA §18-A, sub-§3-A, ¶C is enacted to read:

C. A surcharge of \$127 must be imposed by a court on the fee for commencement of each action for small claims or money judgment when the action is brought by a person who is a debt collector within the meaning of Title 32, section 11002, subsection 6, and the surcharge must be deposited in the fund.