

**123<sup>rd</sup> Legislature LD 150 HP0132**  
**Education and Cultural Affairs**

An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority. **Presented by** Representative NORTON of Bangor. **Public Hearing** 03/16/07. OTP-AM Accepted 04/26/07. **Amended by:** CA H-92. **Final Disposition:** Enacted, Signed 05/14/07, PUBLIC LAWS, Chapter 111.

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

closed in response to a notice of levy issued by the Department of Labor pursuant to Title 26, section 1233, or

**Sec. 3. 9-B MRSA §162, sub-§5** is enacted to read:

**5. Disclosure to the Department of Health and Human Services upon suspicion of financial exploitation.** The financial records are disclosed to the Department of Health and Human Services pursuant to Title 22, section 3479 because a financial institution authorized to do business in this State or its affiliate or a credit union authorized to do business in this State or its affiliate has reasonable cause to suspect that an incapacitated or dependent adult has been or is at substantial risk of abuse, neglect or exploitation.

**Sec. 4. 9-B MRSA §164, sub-§3** is enacted to read:

**3. Immunity.** A financial institution authorized to do business in the State or its affiliate or a credit union authorized to do business in the State or its affiliate that in good faith discloses financial records to the Department of Health and Human Services pursuant to section 162, subsection 5 is immune from civil or criminal liability that might otherwise arise from the disclosure. In a proceeding regarding immunity from liability, there is a rebuttable presumption of good faith.

See title page for effective date.

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## CHAPTER 109

H.P. 74 - L.D. 76

### An Act To Temporarily Reduce the Fee To Operate High-stakes Beano

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

**Sec. 1. 17 MRSA §314-A, sub-§4**, as repealed and replaced by PL 1991, c. 426, §4, is amended to read:

**4. Term of license; fees.** A license issued under this section is valid for a period of one year. The annual license fee for a high-stakes beano license is \$50,000, payable except that the annual license fee due in 2008 and 2009 is \$25,000. License fees may be paid in advance in quarterly installments. All license fees must be paid to the Treasurer of State to be credited to the General Fund.

**Sec. 2. Report.** By February 1, 2009, the Chief of the State Police shall submit a report to the joint standing committee of the Legislature having jurisdiction over matters pertaining to beano and games of chance on the enforcement and administra-

tive functions conducted with regard to the conduct of high-stakes beano during calendar year 2008.

See title page for effective date.

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## CHAPTER 110

H.P. 119 - L.D. 127

### An Act To Amend the Laws Pertaining to Beano

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

**Sec. 1. 17 MRSA §324-A, sub-§2, ¶C**, as enacted by PL 2003, c. 452, Pt. I, §10 and affected by Pt. X, §2, is amended to read:

C. Lucky seven or similar sealed tickets may be sold when that game of chance is licensed by the Chief of the State Police and when a valid license certificate is properly displayed. Notwithstanding the other provisions of this section and section 312, lucky seven games may be conducted during the period beginning 2 hours before and ending 2 hours after a "beano" game.

Notwithstanding any other rule, lucky seven or other similar sealed tickets may be sold that have a sale value of \$1 or less, and a person who sells or distributes "beano" cards or materials used to play "beano" prior to the conduct of "beano" as a volunteer, as provided in this section, is permitted to play in the "beano" game.

See title page for effective date.

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## CHAPTER 111

H.P. 132 - L.D. 150

### An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority

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

**Sec. 1. 20-A MRSA §5001-A, sub-§3, ¶A**, as amended by PL 2003, c. 181, §1, is further amended to read:

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.

~~(e) The commissioner shall amend or adopt rules to accomplish the purposes of this subparagraph. Rules adopted pursuant to this division are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.~~

**Sec. 2. 20-A MRSA §7404, sub-§1,** as amended by PL 1999, c. 775, §5, is further amended to read:

**1. Funding.** Students from this State may attend the school free of tuition and room and board expense. Funding for these students is provided by legislative appropriation based on the services necessary, including room and board, to satisfy the individualized education programs of the students, ~~as defined by depart-~~

~~ment rule. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.~~ Funding must support maintenance of the center school and that portion of the island used by the center school, security, outreach services, adult education, access to the education network of Maine and operations of the center school, including the residential program, parent-infant program, preschool program and communication garden program. Funding must also support maintenance and operations of any satellite school.

**Sec. 3. 20-A MRSA §15672, sub-§2-A, ¶B,** as enacted by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

B. Lease costs for school buildings when the leases, including leases under which the school administrative unit may apply the lease payments to the purchase of portable, temporary classroom space ~~beginning January 1, 1988~~, have been approved by the commissioner for the year prior to the allocation year. ~~Beginning July 1, 1998 lease~~ Lease costs include costs for leasing:

(1) Administrative space. ~~A school administrative unit may lease administrative space with state support until July 1, 2003.~~ A school administrative unit engaged in a state-approved lease-purchase agreement for administrative space is eligible for state support until July 1, 2008;

(2) Temporary and interim ~~nonadministrative instructional~~ space. Temporary space is instructional space consisting of one or more mobile or modular buildings that are portable, that are constructed on- or off-site and that can be disassembled and moved economically to a new location. Interim instructional space is fixed instructional space that a school administrative unit rents for a defined period of time and then vacates at the end of the lease.

(a) A school administrative unit with state-approved need for ~~nonadministrative instructional~~ space may lease temporary or interim space, with state support, for a maximum of 5 years. A school administrative unit may appeal to the state board commissioner if this limitation presents an undue burden. When making a determination on a school administrative unit's request for relief based on undue burden, the state board commissioner may consider, but is not limited to considering, the following:

- (i) Fiscal capacity;
- (ii) Enrollment demographics; and

(iii) Unforeseen circumstances not within the control of the appealing school administrative unit.

An extension granted by the commissioner beyond the 5-year maximum for state support is limited to a period of one year. Any additional request for extensions must be submitted and reviewed on an annual basis. The state board's commissioner's decision is final.

(b) A school administrative unit engaged with state-approved need for instructional space may engage in a lease-purchase agreement for temporary or interim ~~nonadministrative instructional~~ space is eligible for with state support for a maximum of ~~10~~ 5 years; and

(3) Permanent small ~~nonadministrative instructional~~ space that replaces or is converted from existing approved leased portable temporary or interim instructional space. The existing approved leased portable space will be eligible for state support until July 1, 2003. Permanent small instructional space consists of new buildings or additions to existing buildings that are secured to a permanent foundation. Once an existing leased portable temporary or interim instructional space has been converted into replaced by a permanent nonadministrative small instructional space through an approved lease-purchase financing agreement, that space is eligible for state support for a maximum of 10 years.

The department shall adopt rules necessary to implement this paragraph. Rules adopted by the department to implement this paragraph are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A; and

**Sec. 4. 20-A MRSA §15672, sub-§2-A, ¶C,** as enacted by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

C. The portion of the tuition costs applicable to the insured value factor for the base year computed under section 5806; and

**Sec. 5. 20-A MRSA §15672, sub-§2-A, ¶D,** as enacted by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is repealed.

See title page for effective date.

**CHAPTER 112  
H.P. 401 - L.D. 523**

**An Act To Provide for  
Enforcement of Land Use  
Limitations Relating to  
Cemeteries**

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

**Sec. 1. 13 MRSA §1035** is amended to read:

**§1035. Penalties**

Whoever Except as otherwise provided in this chapter, a person who fails to comply with or violates any of the provisions of this chapter in respect to the establishment, maintenance or operation of a cemetery, community mausoleum, crematory or columbarium; or to the disposal of dead human bodies shall, unless another penalty is provided under this chapter, be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 6 months, or by both commits a Class E crime except that, notwithstanding Title 17-A, section 1301, the fine may not be less than \$100 or more than \$500.

**Sec. 2. 13 MRSA §1371-A, sub-§1,** as enacted by PL 1991, c. 412, §2, is amended to read:

**1. Known burial sites.** Construction or excavation ~~in the area of near~~ a known burial site or within the boundaries of an established graveyard cemetery must comply with any applicable land use ordinance concerning burial sites or graveyards established cemeteries, whether or not the burial site or graveyard established cemetery is properly recorded in the deed to the property. In the absence of local ordinances, construction or excavation may not be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established graveyard cemetery, whichever is the greater, whether or not the burial site or graveyard established cemetery is properly recorded in the deed to the property, except when the construction or excavation is performed pursuant to a lawful order or permit allowing the relocation of bodies or when necessary for the construction of a public improvement, as approved by the governing body of a city or town or, in the case of a state highway, by the Commissioner of Transportation. A municipality may enforce this subsection or any local ordinance concerning burial sites or established cemeteries pursuant to Title 30-A, section 4452, including the assessment of civil penalties.

In the event of any violation of this subsection, the Attorney General may seek to enjoin a further violation, in addition to any other remedy.

**Sec. 3. 13 MRSA §1371-A, sub-§3,** as enacted by PL 1991, c. 412, §2, is amended to read:

STATE LAW LIBRARY  
AUGUSTA, MAINE



# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 150

H.P. 132

House of Representatives, January 12, 2007

### **An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority**

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Submitted by the Department of Education pursuant to Joint Rule 204.  
Reference to the Committee on Education and Cultural Affairs suggested and ordered  
printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative NORTON of Bangor.  
Cosponsored by Senator MITCHELL of Kennebec.

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

2 **Sec. 1. 20-A MRSA §5001-A, sub-§3, ¶A,** as amended by PL 2003, c. 181, §1,  
3 is further amended to read:

4 A. Equivalent instruction alternatives are as follows.

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

7 (a) A private school approved for attendance purposes pursuant to section  
8 2901;

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

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

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

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

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

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

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

26 (ii) The name and age of the student;

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

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

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

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(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.

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

8 ~~(e) The commissioner shall amend or adopt rules to accomplish the purposes~~  
9 ~~of this subparagraph. Rules adopted pursuant to this division are major~~  
10 ~~substantive rules as defined in Title 5, chapter 375, subchapter 2-A.~~

11 **Sec. 2. 20-A MRSA §7404, sub-§1**, as amended by PL 1999, c. 775, §5, is  
12 further amended to read:

13 **1. Funding.** Students from this State may attend the school free of tuition and room  
14 and board expense. Funding for these students is provided by legislative appropriation  
15 based on the services necessary, including room and board, to satisfy the individualized  
16 education programs of the students, ~~as defined by department rule. Rules adopted~~  
17 ~~pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375,~~  
18 ~~subchapter II-A.~~ Funding must support maintenance of the center school and that portion  
19 of the island used by the center school, security, outreach services, adult education,  
20 access to the education network of Maine and operations of the center school, including  
21 the residential program, parent-infant program, preschool program and communication  
22 garden program. Funding must also support maintenance and operations of any satellite  
23 school.

24 **Sec. 3. 20-A MRSA §15672, sub-§2-A, ¶B**, as enacted by PL 2005, c. 2, Pt. D,  
25 §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

26 B. Lease costs for school buildings when the leases, including leases under which the  
27 school administrative unit may apply the lease payments to the purchase of portable,  
28 temporary classroom space ~~beginning January 1, 1988~~, have been approved by the  
29 commissioner for the year prior to the allocation year. ~~Beginning July 1, 1998 lease~~  
30 Lease costs include costs for leasing:

31 (1) Administrative space. ~~A school administrative unit may lease administrative~~  
32 ~~space with state support until July 1, 2003.~~ A school administrative unit engaged  
33 in a state-approved lease-purchase agreement for administrative space is eligible  
34 for state support until July 1, 2008;

35 (2) Temporary and interim nonadministrative instructional space. Temporary  
36 space is instructional space consisting of one or more mobile or modular  
37 buildings that are portable, that are constructed on- or off-site and that can be  
38 disassembled and moved economically to a new location. Interim instructional  
39 space is fixed instructional space that a school administrative unit rents for a  
40 defined period of time and then vacates at the end of the lease.

41 (a) A school administrative unit with state-approved need for  
42 ~~nonadministrative~~ instructional space may lease temporary or interim space,  
43 with state support, for a maximum of 5 years. A school administrative unit

1 may appeal to the ~~state board~~ commissioner if this limitation presents an  
2 undue burden. When making a determination on a school administrative  
3 unit's request for relief based on undue burden, the ~~state board~~ commissioner  
4 may consider, but is not limited to considering, the following:

- 5 (i) Fiscal capacity;
- 6 (ii) Enrollment demographics; and
- 7 (iii) Unforeseen circumstances not within the control of the appealing  
8 school administrative unit.

9 An extension granted by the commissioner beyond the 5-year maximum for  
10 state support is limited to a period of one year. Any additional request for  
11 extensions must be submitted and reviewed on an annual basis. The state  
12 board's commissioner's decision is final.

13 (b) A school administrative unit engaged with state-approved need for  
14 instructional space may engage in a lease-purchase agreement for temporary  
15 or interim nonadministrative instructional space is eligible for with state  
16 support for a maximum of ~~10~~ 5 years; and

17 (3) Permanent small ~~nonadministrative~~ instructional space that replaces ~~or is~~  
18 ~~converted from~~ existing approved leased ~~portable~~ temporary or interim  
19 instructional space. ~~The existing approved leased portable space will be eligible~~  
20 ~~for state support until July 1, 2003.~~ Permanent small instructional space consists  
21 of new buildings or additions to existing buildings that are secured to a  
22 permanent foundation. Once an existing leased ~~portable~~ temporary or interim  
23 instructional space has been ~~converted into~~ replaced by a permanent  
24 ~~nonadministrative~~ small instructional space through an approved ~~lease purchase~~  
25 financing agreement, that space is eligible for state support for a maximum of 10  
26 years.

27 The department shall adopt rules necessary to implement this paragraph. Rules  
28 adopted by the department to implement this paragraph are major substantive rules  
29 pursuant to Title 5, chapter 375, subchapter 2-A;

30 **Sec. 4. 20-A MRSA §15672, sub-§2-A, ¶D,** as enacted by PL 2005, c. 2, Pt. D,  
31 §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is repealed.

32 **SUMMARY**

33 This bill amends, improves and clarifies certain sections of the Maine Revised  
34 Statutes, Title 20-A to change the lengths, terms and extensions of waivers for lease-  
35 purchase agreements for temporary, portable classroom space, removes the language  
36 requiring rules for home instruction and removes the language that the Maine Educational  
37 Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf  
38 funding is determined by Department of Education rule.

Date:

4/13/17

(Filing No. H-92)

**EDUCATION AND CULTURAL AFFAIRS**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 132, L.D. 150, Bill, "An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority"

Amend the bill in section 3 in paragraph B in the last blocked paragraph in the last line (page 4, line 29 in L.D.) by inserting after the following: "subchapter 2-A;" the following: 'and'

Amend the bill by inserting after section 3 the following:

**'Sec. 4. 20-A MRSA §15672, sub-§2-A, ¶C,** as enacted by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

C. The portion of the tuition costs applicable to the insured value factor for the base year computed under section 5806; ~~and~~ .'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment makes technical changes to the bill.



State of Maine  
DEPARTMENT OF EDUCATION

Testimony of Jim Rier, Director of Finance and Operations

In Support of L.D. 150

An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Representative Norton

Cosponsored by: Senator Mitchell

Date: March 16, 2007

Senator Bowman, Representative Norton, and Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Jim Rier, Director of Finance and Operations at the Department of Education, and I am here today representing the Department of Education speaking In Support Of L.D. 150 An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority. This bill was submitted by the Department of Education.

Section 1 of this bill removes statutory language that continues to require the Department to amend or adopt rules for home instruction. When the home instruction statutes were last amended in PL 2003, Chapter 181. §1, all parties agreed that the statutes were specific enough that rules to implement them would be unnecessary.

Section 2 of this bill removes statutory language tying funding to the Maine Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. The Center and the School have not been subject to Department of Education rule-making since the school became independent in 1999.

Section 3 of this bill amends existing statutory language pertaining to leases and lease-purchases of temporary classroom space which are subsidized by the State.

Specifically, this legislation deletes obsolete language and dates and provides more precise definitions for types of space which are subsidizable. It also clarifies that the length of time for which subsidy may be provided for leases and lease-purchases of approved space is limited to 5 years each. Finally, it transfers responsibility for approval of extension requests from the State Board of Education to the Commissioner of the Department of Education.

The Department is strongly committed to providing safe and healthy instructional space for all students and to addressing the ongoing need for temporary classroom space through the Leased Space Program. The proposed refinements to statute will serve to improve the administration of this beneficial program.

I would be pleased to answer any questions the Committee may have, and I will be available to attend work sessions on this bill.

## COMMITTEE VOTING TALLY SHEET

LD OR CONFIRMATION: 150

COMMITTEE: EDUCATION AND CULTURAL AFFAIRS

DATE: 3-16-07

MOTION: OTP-A BY: Norton SECOND Sutherland

	OTP	ONTP	OTP-A	TABLE	OTHER
Rep. McFadden	X				
Rep. Makas	X				
Rep. Edgecomb	X				
Sen. Mills	X				
Sen. Mitchell	X				
Sen. Bowman	X				
Rep. Norton	X				
Rep. Finch					
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Rep. Harlow	X				
Rep. Muse	X				
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Rep. Strang Burgess	X				
TOTALS	9				

NOTES:

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# VOTING TALLY SHEET

For LD's

LD #: 150

Committee: Joint Standing Committee on Education and Cultural Affairs

Date: 3-20-07

Motion: Ought to Pass as Amended

Motion by: Rep. Sutherland

Seconded by: Rep. Makas

Those Voting in Favor of the Motion	Recommendation of those opposed to the Motion					Absent	Abstain
	ONTP	OTP	OTP-AM	New Draft	Re-Refer		

**Senators**

Name							
1. Peter B. Bowman (Ch)							X
2. Elizabeth H. Mitchell							X
3. Peter Mills	X						

**Representatives**

Name							
1. Jacqueline R. Norton (Ch)	X						
2. Edward D. Finch	X						
3. Elaine Makas	X						
4. David W. Farrington	X						
5. Charles William Harlow	X						
6. Patricia B. Sutherland	X						
7. Peter Edgecomb							X
8. Howard E. McFadden							X
9. Roberta M. Muse	X						
10. Meredith N. Strang Burgess	X						
<b>TOTALS</b>	<b>9</b>						<b>4</b>