

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
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the western Sister's Island; thence in an southeasterly direction to the southernmost point of Crow Island; thence to the northernmost point of Harbor Island; thence southerly to the northernmost point of the western side of the entrance to Lunt's Harbor and then starting at the westernmost point of Gooseberry Point on Frenchboro, Long Island; westerly to the northernmost point of John's Island; thence northwest to the easternmost point of Baker Island; thence northerly to Stanley Point on Swan's Island. The penalty for violation of this section shall be as provided in section 6954.

Effective September 19, 1985.

CHAPTER 318

H.P. 801 - L.D. 1135

AN ACT to Update and Improve the Education
Laws of Maine.

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

Sec. 1. 5 MRSA §12004, sub-§10, ¶A, sub-¶¶8 and 13 are repealed.

Sec. 2. 20-A MRSA §7207, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 3. 20-A MRSA §§7207-A and 7207-B are enacted to read:

§7207-A. Surrogate parents

The commissioner shall adopt rules to determine when a surrogate parent is needed and the criteria for selection of a surrogate parent.

§7207-B. Due process hearings

The following provisions apply to due process hearings.

1. Rules. The commissioner shall adopt rules governing the procedures for conducting due process hearings. The rules shall include:

A. A maximum period within which a parent, surrogate parent, guardian or administrative unit may exercise the rights listed in subsection 2;

B. A maximum time within which a final decision must be issued by the hearing officer;

C. The use of mediation; and

D. The procedures for conducting the hearings.

2. Request for hearing. The parent, surrogate parent, guardian or administrative unit may:

A. Request the commissioner to appoint an impartial hearing officer who shall conduct a hearing regarding the identification, evaluation and educational program of the student and shall make findings of fact and issue a decision; and

B. Appeal the decision of the hearing officer to the Superior Court or to a United States District Court.

3. Subpoenas. The commissioner may issue subpoenas in the name of the department to require the attendance and testimony of the witnesses and the production of any evidence relating to any issue or fact in the due process hearing as requested by any party to the hearing. Any fees for attendance and travel required by the witnesses shall be the responsibility of the party seeking the subpoena. The issuance of subpoenas shall conform in all other ways to the requirements of the Maine Administrative Procedure Act, Title 5, subchapter I.

4. Hearing officers. The State shall train impartial hearing officers.

Sec. 4. 20-A MRSA c. 309, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 5. 20-A MRSA c. 415, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 6. 20-A MRSA c. 425, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 7. 20-A MRSA c. 427, as amended, is repealed.