

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

**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**  
**2003**

"Part I, Section 8, Administrator Certificates" and for the part of the rule specified as "Part II, Section 4, Administrator Certificates" only if the rules proposed for Part II, Section 4 are amended as follows.

1. The rule must be amended in the part designated "Part II, Section 4, subsection 4.1, paragraph B, subparagraph 1, division (g)" to clarify that the requirements for either eligibility pathway for a superintendent's certificate must include the completion of an approved internship or practicum based on the Interstate School Leaders Licensure Consortium standards.

2. The rule must be amended in the part designated "Part II, Section 4, subsection 4.1, paragraph B, subparagraph 2" to clarify that the eligibility pathway for a superintendent that meets the Interstate School Leaders Licensure Consortium standards must include a reference to the Maine-approved program for a superintendent's certificate.

3. The rule must be amended in the part designated "Part II, Section 4, subsection 4.3, paragraph B, subparagraph 1, division (e)" to clarify that the eligibility pathway for a special education administrator must include the satisfactory completion of an approved internship or practicum that is based on the Interstate School Leaders Licensure Consortium standards.

4. The rule must be amended in the part designated "Part II, Section 4, subsection 4.5, paragraph B, subparagraph 1, division (f)" to clarify that the eligibility pathway for a building administrator must include the satisfactory completion of an approved internship or practicum that is based on the Interstate School Leaders Licensure Consortium standards and also relates to the duties of a principal or career and technical education administrator.

5. The rule must be amended in the part designated "Part II, Section 4, subsection 4.10, paragraph B" to clarify that the eligibility pathway for a curriculum coordinator must include the satisfactory completion of an approved internship or practicum that is based on the Interstate School Leaders Licensure Consortium standards; and be it further

**Sec. 2. Finding; filing of revised rule. Resolved:** That the Joint Standing Committee on Education and Cultural Affairs has determined that the provisionally adopted major substantive rule may require significant revisions by the Maine Department of Education following the pending decision of the United States Department of Education regarding the Consolidated State Application for State Grants under Title IX, Part C, Section 9302 of the federal Elementary and Secondary Education Act, Public Law 107-110. The Joint Standing Committee on Education

and Cultural Affairs has determined that the Department of Education and the State Board of Education should review the remaining portions of the provisionally adopted major substantive rule that were not finally adopted, including but not limited to those portions of the rule pertaining to certification of teachers and authorization of educational technicians, and should file a revised rule in accordance with the requirements for state agency rule-making procedures for a major substantive rule pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. In proceeding with the filing of the revised rule for the remaining portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, the Department of Education shall also consider the concerns raised by interested parties during public hearings and work sessions on this rule conducted by the Joint Standing Committee on Education and Cultural Affairs related to other portions of the provisionally adopted major substantive rule that are not necessarily subject to the educator quality requirements of the federal Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 3, 2003.

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## CHAPTER 61

H.P. 1158 - L.D. 1586

**Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F, a Major Substantive Rule of the Department of Human Services**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of Portions of the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F, a provisionally adopted major substantive rule of the Department of Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 3, 2003.

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**CHAPTER 62**

**H.P. 1157 - L.D. 1585**

**Resolve, Regarding Legislative Review of Rules for the Audio Recording of Planned Interviews of Children, a Major Substantive Rule of the Department of Human Services**

**Emergency preamble. Whereas**, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of Rules for the Audio Recording of Planned Interviews of Children, a provisionally adopted major substantive rule of the Department of Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized with the following technical changes:

1. Correction of the punctuation and placement of the conjunction in Section 4, subsection 2 to list only paragraphs A and B; and

2. Deletion of the duplicate first paragraph of paragraph D in Section 4, subsection 4.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 3, 2003.

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**CHAPTER 63**

**S.P. 39 - L.D. 116**

**Resolve, Directing the Department of Labor, Bureau of Unemployment Compensation To Provide Access to a Toll-free Telephone Number**

**Sec. 1. Toll-free telephone line. Resolved:** That the Department of Labor, Bureau of Unemployment Compensation shall provide a toll-free telephone line to provide information regarding filing for, or receipt of, unemployment benefits and to enable persons to submit applications to the bureau for those benefits. This requirement applies only if, and to the extent that, funds are allocated by law from distributions made to the State under section 903(d) of the federal Social Security Act on March 13, 2002, the so-called Reed Act Distribution of 2002; and be it further

**Sec. 2. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Employment Security Services 0245**

Initiative: Allocates funds for the Bureau of Unemployment Compensation to provide access to a toll-free telephone line to provide information and to file for unemployment benefits.

<b>Federal Expenditures Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$310,277	\$413,702
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Federal Expenditures Fund Total	\$310,277	\$413,702

See title page for effective date.

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