

MAINE STATE LEGISLATURE

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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.

Penmor Lithographers
Lewiston, Maine
2007

trucks or truck tractors, each connected by a saddle to the frame or 5th wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or 5th wheel of the vehicle in front of it. The drive-away saddlemount vehicle transporter combination may include one fullmount, which consists of a smaller vehicle mounted completely on the frame of either the first or the last vehicle in the drive-away saddlemount vehicle transporter combination.

Sec. 6. 29-A MRSA §101, sub-§64, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 7. 29-A MRSA §954, sub-§5, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

- B. A transporter plate may not be:
- (1) Used in lieu of registration plates;
 - (2) Loaned to another;
 - (3) Used for personal reasons; or
 - (4) Used on a towing vehicle, except for a drive-away saddlemount vehicle transporter combination.

Sec. 8. 29-A MRSA §2390, sub-§1, ¶I, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

- I. ~~Saddlemount~~ Drive-away saddlemount vehicle transporter combinations ~~with up to 3 saddlemounted vehicles and one fullmount~~, with an overall length not exceeding ~~75~~ 97 feet, may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

Sec. 9. 36 MRSA §3321, sub-§4, as enacted by PL 2001, c. 688, §8, is repealed and the following enacted in its place:

4. Legislative review. Starting in 2008 and each even-numbered year thereafter, the Department of Transportation shall submit an emergency bill by the cloture date established for departments and agencies for the first regular session of the Legislature that suspends the adjustment in fuel tax rates in the upcoming biennium resulting from the operation of this section.

Sec. 10. P&SL 1937, c. 18, as amended by P&SL 1985, c. 38, is repealed.

Sec. 11. Limitation on certain stormwater fees. The Department of Transportation and the Maine Turnpike Authority are not subject to any fee or

tax imposed pursuant to a municipal storm water ordinance that was in effect on January 1, 2007.

Sec. 12. Contingent effective date. That section of this Act that repeals Private and Special Law 1937, chapter 18 takes effect only if the New Hampshire General Court repeals the concurrent New Hampshire law relating to the Maine-New Hampshire Interstate Bridge Authority. The Department of Transportation shall notify the Secretary of State when this condition has been met. The Secretary of State shall provide notice to the Secretary of the Senate, the Clerk of the House of Representatives and the Office of the Revisor of Statutes.

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

Effective June 18, 2007, unless otherwise indicated.

CHAPTER 307

H.P. 635 - L.D. 836

An Act To Enhance Special Education

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

Sec. 1. 20-A MRSA §7209, sub-§1, ¶B, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

- B. During the period from July 1, 2006 to ~~September 30, 2007~~ June 30, 2008, the department, in a manner consistent with the authority of the board of directors of an intermediate educational unit, shall ~~only~~ approve the annual entitlement plan and the budget for an intermediate educational unit pursuant to subsection 6 only in accordance with the following.

- (1) The department shall approve the entitlement plan and the budget if the provisions of the entitlement plan and the budget are in compliance with the statewide standards established by the state intermediate educational unit pursuant to subsection 3 for the purpose of ensuring coordinated service delivery in each region of the State.

- (2) In the event that the department determines that the provisions of the annual entitlement plan and the budget presented by a board of directors of an intermediate educational unit are not in compliance with the statewide standards established pursuant to subsection 3, the department shall require the board of directors of the intermediate educa-

tional unit to revise and resubmit the annual entitlement plan and the budget in a reasonable amount of time as determined by the commissioner.

(3) In the event the provisions of the resubmitted annual entitlement plan and the budget are not in compliance with the statewide standards established pursuant to subsection 3, the department is authorized to determine and approve an appropriate, final annual entitlement plan and a budget for the intermediate educational unit that is in compliance with the statewide standards established pursuant to subsection 3.

This paragraph is repealed ~~September~~ June 30, 2007 2008.

Sec. 2. 20-A MRSA §7209, sub-§2, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

2. State-level advisory committee. The state-level advisory committee is established for the period from July 1, 2006 to ~~September~~ June 30, 2007 2008 to advise on the provisions of this section. Members of the state-level advisory committee are appointed by the commissioner and must include representatives from each board of directors of a regional site described in subsection 5, the early childhood education consultant and the director of early childhood special education within the department. This subsection is repealed ~~September~~ June 30, 2007 2008.

Sec. 3. 20-A MRSA §7209, sub-§3, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

3. State intermediate educational unit. The commissioner shall establish and supervise the state intermediate educational unit. The state intermediate educational unit is established as a body corporate and politic and as a public instrumentality of the State for the purpose of conducting child find activities as provided in 20 United States Code, Section 1412 (a) (3) for children from birth to under 6 years of age, ensuring the provision of early intervention services for eligible children from birth to under 3 years of age and ensuring a free, appropriate public education for eligible children at least 3 years of age and under 6 years of age. For the period from July 1, 2006 to ~~September~~ June 30, 2007 2008, the state intermediate educational unit shall perform the following statewide coordination and administration functions:

A. Establish standard policies and procedures for a statewide salary and benefits administration system, including personnel classifications, position descriptions and salary ranges, and a standard package of health, retirement and other fringe benefits for Child Development Services System personnel, which must be included in the annual

entitlement plan described in subsection 1 beginning in fiscal year 2006-07;

B. Develop a statewide salary and benefits administration system and perform the payroll functions for Child Development Services System personnel;

B-1. Bargain collectively under Title 26, chapter 9-A if the employees of the regional sites choose to be represented by an agent for purposes of collective bargaining. In such circumstances, the state intermediate educational unit must be considered the public employer for purposes of collective bargaining;

C. Establish a centralized system for statewide fiscal administration to be implemented by September 1, 2006. The state intermediate educational unit shall establish internal controls and implement accounting policies and procedures in accordance with standards set forth by the State Controller;

D. Develop and implement a centralized data management system to be fully operational beginning July 1, 2007;

E. Establish a standard, statewide template for regional site contracts with therapeutic service providers, including policies and procedures for the review of contracts, that must be included in the annual entitlement plan described in subsection 1, beginning in fiscal year 2006-07;

F. Refine program accountability standards for compliance with federal mandates that must be included in the annual entitlement plan described in subsection 1, including the development of a performance review system to monitor and improve regional site performance through the use of efficiency ratings aligned with the accountability standards and through a compliance plan that requires the regional site to address the unmet needs of eligible children in accordance with specific targets and time frames;

G. Design and implement a statewide plan to provide professional development and training to Child Development Services System personnel; ~~and~~

H. Employ professional and other personnel, including those necessary to ensure the implementation of the centralized fiscal and data management systems. All state intermediate educational unit employees are employees for the purposes of the Maine Tort Claims Act;

I. Enter into contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under this chapter.

Sec. 4. 20-A MRSA §7209, sub-§5, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

5. Regional site board of directors. A board of directors of a regional site is responsible for governance of its activities, including the management and oversight of its general operations. Membership must include representatives of the regional offices of the Department of Health and Human Services, representatives of participating school administrative units, parents of children with disabilities and other community members as determined appropriate. A regional site board member or a board member's employer may not, during the term for which the member serves on the board, derive any revenue from work performed for the Child Development Services System. A representative of a participating school administrative unit whose participation in the Child Development Services System is limited to work performed for the school administrative unit is exempt from the requirements of this subsection. Terms of membership and methods of appointment or election for each board of directors must be determined by the board of ~~directors~~ directors bylaws, subject to approval by the department.

Sec. 5. 20-A MRSA §7209, sub-§6, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

6. Regional site board of directors; annual entitlement plan; site budget approval. A board of directors of a regional site is entitled to receive annual grant award allocations that are approved by the department in accordance with the approval provisions for the annual entitlement plan and the budget for a regional site pursuant to subsection 1, paragraph B. ~~This subsection is repealed September 30, 2007.~~

Sec. 6. 20-A MRSA §7209, sub-§7, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

7. Regional site; administration. A board of directors of a regional site shall:

- A. Hire, fire and supervise the staff of the regional site according to the job classifications, pay scales and personnel policies established by the state intermediate educational unit established under subsection 3;
- B. Enter into contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under this chapter, using forms and procedures developed by the department;
- C. Ensure data entry and reporting through June 30, ~~2007~~ 2008; and

D. Provide fiscal management of money allocated to it, in compliance with federal and state laws and subject to proof of an annual audit.

Sec. 7. 20-A MRSA §7209, sub-§8, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

8. Regional site; duties and obligations. A board of directors of a regional site shall:

A. Ensure provision of child find activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

B. Ensure provision of childcount activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

C. Ensure appropriate data collection, training, staff development and direct service provision to eligible children with disabilities, from birth to under 3 years of age, in accordance with Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

D. Ensure that eligible children with disabilities, from birth to under 3 years of age, receive early intervention services, in accordance with the payment provisions established by the State;

E. Ensure that eligible children with disabilities, from 3 years of age to under 6 years of age, receive free, appropriate public education services, in collaboration with school administrative units when possible;

F. Coordinate with eligible families the development of individualized family service plans for children with disabilities from birth to 2 years of age or coordinate an individualized education program for a child 3 years of age to under 6 years of age unless an individualized family service plan is preferred; and

G. Designate local personnel for training to commit funds for free, appropriate public education. Personnel who commit funds for free, appropriate public education must be trained and certified by the state intermediate educational unit established under subsection 3. The board of directors of a regional site shall determine which trained and certified personnel may commit funds.

All regional site employees and board of directors members of a regional intermediate education unit are employees for purposes of the Maine Tort Claims Act.

See title page for effective date.