

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

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

Effective May 14, 2007.

CHAPTER 19

H.P. 538 - L.D. 717

Resolve, Regarding Legislative Review of Portions of Chapter 1: General Provisions and Chapter 10: Land Use Districts and Standards, Major Substantive Rules of the Maine Land Use Regulation Commission

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 Chapter 1, General Provisions and Chapter 10, Land Use Districts and Standards, provisionally adopted major substantive rules of the Maine Land Use Regulation Commission that have been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended in accordance with the revised rule dated April 11, 2007 and presented by the Director of the Maine Land Use Regulation Commission to the Joint Standing Committee on Agriculture, Conservation and Forestry on that date. The revised rule dated April 11, 2007 includes the following changes to the provisionally adopted rule.

1. It adds language to clarify that, for utility lines, roads, land management roads and mineral or peat

extraction, only the portion of the project or the additional length or acreage that triggers permit review is subject to the fee calculation.

2. It removes the provision in the provisionally adopted rule that required a permit applicant to pay actual costs incurred for a public hearing.

3. It authorizes the Director of the Maine Land Use Regulation Commission to require a petitioner to pay the costs for a public hearing when the petition is for a district boundary change for the purpose of a subdivision or a commercial development.

The Maine Land Use Regulation Commission is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective May 14, 2007.

CHAPTER 20

H.P. 734 - L.D. 974

Resolve, Requiring the Department of Education To Review the Personnel Preparation and Professional Development Opportunities for Special Purpose School Teachers

Preamble. Whereas, the 123rd Legislature recognizes that teachers in special education or regional alternative education programs need to meet certification requirements; and

Whereas, the 122nd Legislature enacted Public Law 2005, chapter 153, amending the Maine Revised Statutes, Title 20-A provisions governing the establishment of tuition rates; and

Whereas, the Department of Education rate setting process review panel recommendations have been implemented and are scheduled to be reviewed this year; and

Whereas, the Truancy, Dropout, Alternative Education Advisory Committee Report of January 2006 provides for strategic planning for federal and state mandates; and

Whereas, personnel preparation opportunities are limited for educators serving special education students in programs that include alternative strategies; and

Whereas, this legislation requires a review of the impact of rate setting on special education programs and staffing; now, therefore, be it

Sec. 1. Review of programs and standards; special purpose programs. Resolved: That the Department of Education, collaborating with the State Board of Education; the Children’s Cabinet; the Maine Advisory Council on the Education of Children with Disabilities; the Truancy, Dropout, Alternative Education Advisory Committee; representatives of private, special education facilities; representatives of private, general-purpose agencies; and representatives of students, shall review evidence-based programs and standards designed to promote opportunities for students with special needs. The review must include analyses of:

1. The impact of rate setting on programs and staffing, quality assurance activities, including but not limited to special education facilities, and alternative programs that include a self-assessment process and visits for review and assistance; and
2. The personnel development opportunities that are coordinated with the University of Maine System, the Maine Community College System and private institutions of higher education to determine the adequacy, availability and appropriateness of programs preparing personnel to work in special purpose special education facilities and alternative education programs; and be it further

Sec. 2. Report. Resolved: That, by October 1, 2007, the Department of Education shall submit a report, including the findings of the review conducted under section 1 and recommended legislation, to the Joint Standing Committee on Education and Cultural Affairs for consideration during the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 21

H.P. 1016 - L.D. 1447

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Invasive Terrestrial Plant Species

Sec. 1. Study; stakeholders. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall convene a stakeholder group to conduct a study to develop processes and criteria to assess the danger posed to naturally occurring ecosystems by invasive terrestrial plant species and to determine which invasive plant species are of significant con-

cern. In conducting the study, the commissioner shall solicit input from:

1. The Department of Agriculture, Food and Rural Resources;
2. The Department of Conservation;
3. The Department of Transportation;
4. A representative of the nursery industry;
5. A representative of the horticulture industry;
6. A representative of greenhouse growers;
7. A representative of master gardeners;
8. A plant retailer;
9. The University of Maine Cooperative Extension Service;
10. An environmental organization; and
11. A member of the general public who gardens; and be it further

Sec. 2. Evaluate plants; development of list. Resolved: That, in conducting the study under section 1, the Commissioner of Agriculture, Food and Rural Resources shall evaluate plants commonly referred to as "invasive terrestrial plants" for the purpose of determining which, if any, of these plants should be subject to some form of restriction on commercial distribution, sales or trade by the Department of Agriculture, Food and Rural Resources. In consultation with the stakeholders, the commissioner shall develop a preliminary list of invasive terrestrial plants and a set of preliminary recommendations for preventing the introduction or further distribution of the plants on this list; and be it further

Sec. 3. Report. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall submit a final report with respect to the study under section 1, including recommendations and any necessary implementing legislation, no later than February 1, 2008 to the Joint Standing Committee on Agriculture, Conservation and Forestry. After receipt and review of the report the joint standing committee may submit legislation to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 22

H.P. 24 - L.D. 21

Resolve, To Provide Access for Persons with Disabilities to Great Ponds

Sec. 1. Department of Conservation and the Department of Inland Fisheries and Wild-