

# 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.**

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

three for witness trees, thence up the lake shore to the mouth of Mill Brook to the fir tree, the point of beginning. Said lot to include the boathouse situated near the mouth of the brook, and the turning circle and parking area being Parcel #2.

Parcel #1: Parcel #1 covered by the same lease, a strip of land sufficiently wide for use as a private truck road; Beginning on the southerly side of Rte. #16, Wilson Mills to Oquossoc Road, on the northerly line of section #1 of T4R2 near the westerly line of Public Lot #2 same town; thence southeasterly across Public Lot #2 in Section #1 same town, a distance of about 45.13 chains to the boathouse lot described here in as Parcel #2, said lots being re-surveyed in 1972 by A. Murphy & R. Wellman.

Parcel #1 Description Amended As Follows: Parcel #1 shall include a strip of land sufficiently wide for use as a private truck road. Beginning on the southerly side of Route #16, Wilson Mills to Oquossoc road, in the easterly part of Section 31 of T.4 R.2 near the westerly line of public lot #2 same town; thence southeasterly to the west line of said public lot. Also, including a like strip of land, beginning at the south line of said public lot (being also the north line of T.4 R.1), thence southeasterly to the boathouse lot described herein as Parcel #2. Said description of Parcel #1 hereby intending to except that section of the road which crosses public lot #2 in T.4 R.2.

For Reference see Recreational Lease Indenture dated October 1, 1981, by and between Pingree Associates, Inc., and James River Corporation ("Lessor") and Nathaniel T. Dexter ("Lessee"), said document being located in the Property Records Office of the Department of Conservation, Bureau of Parks and Lands in Augusta, Maine.

See title page for effective date.

**CHAPTER 92**

**H.P. 1128 - L.D. 1606**

**Resolve, To Direct Fines Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation**

**Sec. 1. Collection of traffic infraction fines on Indian territory. Resolved:** That the chief executive officer of the Passamaquoddy Tribe law enforcement agency and the chief executive officer of the Penobscot Nation law enforcement agency shall work with the Chief Judge of the District Court to:

1. Develop tribal Violation Summons and Complaint forms and books that provide for payment of fines for traffic infractions issued by tribal officers on Indian territory to the respective tribe, and otherwise

meet the requirements of the Maine Revised Statutes, Title 29-A, chapter 23, subchapter 6. The form of the tribal Violation Summons and Complaint must be approved by the Chief Judge of the District Court prior to its use;

2. Develop a process that allows fines for traffic infractions on the territory of the Passamaquoddy Tribe or the Penobscot Nation to be paid directly to the respective tribe when the Violation Summons and Complaint was issued by a tribal law enforcement officer. Fines for actions taken by the District Court in the case of defaults or trials are not remitted to the Passamaquoddy Tribe or the Penobscot Nation; and

3. Report to the Joint Standing Committee on Judiciary by January 15, 2008 on the following:

- A. The status of the Violation Summons and Complaint forms to be used by tribal law enforcement officers;
- B. The status of the process to allow payment of traffic infraction fines to the respective tribes; and
- C. Any recommended language necessary to implement this resolve.

After receiving the report, the joint standing committee may submit legislation related to the report to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

**CHAPTER 93**

**H.P. 1164 - L.D. 1655**

**Resolve, To Improve the Energy Efficiency of Residential and Commercial Buildings**

**Sec. 1. Feasibility study. Resolved:** That the Public Utilities Commission and the Maine State Housing Authority shall study the feasibility of and make recommendations for state policies or programs to increase compliance with the model building energy code developed by the Public Utilities Commission pursuant to the Maine Revised Statutes, Title 35-A, section 121 in the construction and renovation of residential and commercial buildings in the State. Any recommendations must provide for exemptions for low-income individuals for whom compliance with the code is a financial hardship and for individuals who build their own residences. The study must include consultation with stakeholders, including but not limited to homeowners, building contractors and representatives of the real estate industry. The study must consider the development and implementation of education and outreach strategies to inform owners and

builders of residential and commercial buildings about the model building energy code; and be it further

**Sec. 2. Report. Resolved:** That no later than January 1, 2008 the Public Utilities Commission and Maine State Housing Authority shall report to the Joint Standing Committee on Utilities and Energy on their findings and recommendations under section 1 regarding a program to increase compliance with the model building energy code developed by the Public Utilities Commission pursuant to the Maine Revised Statutes, Title 35-A, section 121. The report must include a summary of any data that has been collected by the commission related to the energy efficiency of the housing stock in the State; and be it further

**Sec. 3. Authority to report legislation. Resolved:** That the Joint Standing Committee on Utilities and Energy may submit legislation relating to the subject matter of this resolve to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

## CHAPTER 94

### H.P. 1335 - L.D. 1901

#### Resolve, To Analyze the Feasibility of Establishing an Education Bill of Rights for Deaf and Hard-of-hearing Children

**Sec. 1. Analysis of basic education rights proposed for deaf and hard-of-hearing children. Resolved:** That the Department of Education and the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf shall jointly convene a working group to analyze the feasibility of establishing basic education rights for deaf and hard-of-hearing children. The working group shall consider the legislative initiatives proposed during the First Regular Session of the 123rd Legislature, including analyses of the following issues:

1. The eligibility of any infant with a documented hearing loss, prior to demonstration of any developmental delay, for early intervention services through the Child Development Services System;

2. The establishment of an individualized communication plan as part of the individualized family service plan or the individualized education plan established for each deaf or hard-of-hearing child who has been determined to be a child with a disability;

3. The involvement of experts in the field of deaf and hard-of-hearing education in the individualized family service plan teams and the individualized education plan teams for each deaf or hard-of-hearing

child who has been determined to be a child with a disability;

4. The qualifications of teachers, interpreters and other education personnel who provide professional services to deaf and hard-of-hearing children;

5. The extent to which the basic education rights considered by the working group for deaf and hard-of-hearing children are consistent with or exceed current federal and state rules and laws for deaf and hard-of-hearing children who have been determined to be children with disabilities;

6. The clarification and definition of all terms that pertain to the basic education rights proposed for deaf and hard-of-hearing children;

7. The recodification of all existing provisions contained in the Department of Education Chapter 101 special education rules that pertain to deaf and hard-of-hearing children into a single section of the rules to increase the accessibility of these rules and minimize confusion regarding these provisions;

8. The special challenges that confront small schools and schools located in rural areas of the State pertaining to the fiscal and human resource capacity of these schools to provide education programs for deaf and hard-of-hearing children, including the availability of consultation services, distance learning and telecommunications resources available to schools through the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf; and

9. The status of current laws or pending legislation in other states that pertain to the provision of basic education rights for deaf and hard-of-hearing children, including any analyses of current laws or pending legislation that may be available from the National Conference of State Legislatures; and be it further

**Sec. 2. Report. Resolved:** That, no later than January 31, 2008, the Department of Education and the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf shall jointly submit a report to the Joint Standing Committee on Education and Cultural Affairs that includes their findings and recommendations, including suggested legislation, regarding any necessary changes to the current statutes and rules pertaining to early intervention services and the education delivery system for deaf and hard-of-hearing children; and be it further

**Sec. 3. Legislation. Resolved:** That the Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session