

# 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**

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

of the 123rd Legislature to implement its recommendations on matters relating to the report submitted pursuant to section 2.

See title page for effective date.

**CHAPTER 95**

**H.P. 1203 - L.D. 1720**

**Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Conduct a Study of Possible Western Connector Roads to Municipal Centers in Cumberland and York Counties**

**Sec. 1. Study of existing infrastructure and future capacity needs west of Route 1 in York and Cumberland counties. Resolved:** That the Department of Transportation, or "the department," and the Maine Turnpike Authority, or "the authority," shall conduct a study of existing highway infrastructure and future capacity needs west of Route 1 in York and Cumberland counties, including the greater Gorham and Sanford areas. The purpose of this study is to develop a series of recommendations to enhance, expand and preserve highway connections between Route 1 and the Maine Turnpike and communities in western Cumberland County and York County. In conducting the study, the department and the authority shall review existing and potential new routes from the Maine Turnpike to municipal centers in western Cumberland County and York County that, in the determination of the department and the authority, would, if constructed, significantly decrease congestion on state and local roads in the area and improve access from communities in western Cumberland County and York County to the Maine Turnpike. The study must be designed and conducted in a manner that will allow the results to be used during future state and federal permitting of any proposal that may proceed to construction, and any potential project must be compatible with state transportation policy in accordance with Maine's Sensible Transportation Policy Act and the federal National Environmental Policy Act. In evaluating and prioritizing strategies for study, the department and the authority shall consider, at a minimum, the following factors:

1. The feasibility of expanding the existing highway infrastructure to accommodate future traffic and economic demands of the region;
2. The role of transit and other alternative modes of transportation in managing the transportation demand in the region;

3. The feasibility and effectiveness of the new proposed transportation infrastructure strategies to meet the future traffic and economic needs, including:

- A. The traffic impact of the new infrastructure on the existing road network;
- B. Environmental impacts;
- C. Traffic toll revenue projections on any new infrastructure and the effects on toll revenues on the existing turnpike; and
- D. Construction and maintenance costs;

4. Coordinating with area communities and regional planning agencies to evaluate land use impacts of all strategies studied, and developing recommendations to communities for land use controls to protect their community character, economic vitality and future investments in the transportation system; and

5. Any other factors determined relevant by the department and the authority; and be it further

**Sec. 2. Report. Resolved:** That the department and the authority shall report the results of their study to the Joint Standing Committee on Transportation no later than February 28, 2008. Upon its receipt and review of the report, the committee may submit legislation to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

**CHAPTER 96**

**H.P. 233 - L.D. 289**

**Resolve, Directing the Commissioner of Labor To Convene a Task Force To Evaluate and Recommend Revisions to the Definition of Service Dog**

**Sec. 1. Task force to evaluate and revise the statutory definition of service dog; membership. Resolved:** That the Commissioner of Labor shall convene a task force to evaluate and recommend changes to the statutory definition of service dog in the Maine Revised Statutes. The task force must be staffed and coordinated by the Department of Labor and must include the following stakeholders: the director of the animal welfare program within the Department of Agriculture, Food and Rural Resources; a representative from the Department of Professional and Financial Regulation; representatives from both nonprofit and for-profit service dog training schools; a representative from Pine Tree Guide Dog Users, or its successor; a representative from the Maine Town and City Clerks' Association, or its successor; a representative from the Maine State Chamber of Commerce, or