

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

CHAPTER 133
H.P. 881 - L.D. 1239

**Resolve, To Establish a
Working Group To Study the
Effectiveness and Timeliness of
Early Identification and
Intervention for Children with
Hearing Loss in Maine**

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

Whereas, this resolve establishes a working group to study the effectiveness and timeliness of early identification and intervention for children with hearing loss; and

Whereas, this resolve requires that the working group submit a report and recommended legislation by December 7, 2007, and the work needs to begin as soon as possible; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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. Working group established. Resolved: That the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine, referred to in this resolve as "the working group," is established; and be it further

Sec. 2. Working group membership. Resolved: That the working group consists of 17 members appointed as follows:

1. The following members appointed by the President of the Senate:

A. Three members of the Senate. When making the appointments, the President of the Senate shall give preference to members of each of the 2 major political parties and to members of the Joint Standing Committee on Education and Cultural Affairs and to members of the Joint Standing Committee on Health and Human Services;

B. One representative of the Maine Academy of Audiology;

C. One representative of the Department of Education, Child Development Services;

D. One representative of the Warren Center for Communication and Learning; and

E. One representative of the Maine chapter of the American Academy of Pediatrics; and

2. The following members appointed by the Speaker of the House of Representatives:

A. Six members of the House of Representatives. When making the appointments, the Speaker of the House shall give preference to members of each of the 2 major political parties and to members of the Joint Standing Committee on Education and Cultural Affairs and to members of the Joint Standing Committee on Health and Human Services;

B. One representative of the Maine Speech-Language-Hearing Association;

C. The Director of Statewide Educational Services for the Maine Educational Center for the Deaf and Hard of Hearing or the director's designee;

D. The Executive Director of hear ME now! or the director's designee; and

E. One representative of the Maine Society of Otolaryngology; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the working group and the first-named House of Representatives member is the House chair of the working group; and be it further

Sec. 4. Appointments. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the working group, which must be no later than 30 days after the appointment of all members is complete; and be it further

Sec. 5. Duties. Resolved: That the working group shall examine issues of access to timely and accurate diagnosis of hearing loss by 3 months of age, and review and assess the processes by which families are informed of their options for communication and for finding providers in the State.

In examining these issues, the working group shall specifically examine:

1. The definition of a "highly qualified provider" in various professions serving this population;

2. The operation and effectiveness of existing programs and resources for families who have children who have been identified as having hearing loss;

3. Opportunities for coordination to maximize the effects of available resources;

4. The need for state or private programs to supplement state programs or to enable existing programs to serve a greater portion of those eligible;

5. Techniques to use resources in new ways or new combinations that have the potential for easing the burden on current providers and enhancing the training of current and new providers to enable equal access to highly qualified providers to all children statewide;

6. The effects of limited resources for diagnostic testing and poor reimbursement rates; and

7. Programs and techniques that are employed in other states or countries; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the working group; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the working group are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the working group. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the working group; and be it further

Sec. 8. Report. Resolved: That, no later than December 7, 2007, the working group shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 123rd Legislature. The working group is not authorized to introduce legislation; and be it further

Sec. 9. Outside funding. Resolved: That the working group shall seek outside funding to fully fund all costs of the working group. If sufficient outside funding has not been received by the working group by October 1, 2007 to fully fund all costs of the working group, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

Sec. 10. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Allocates funds for the per diem and expenses of the Working Group To Study the Effective-

ness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$1,980	\$0
All Other	\$7,510	\$0
OTHER SPECIAL	\$9,490	\$0
REVENUE FUNDS TOTAL		

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

Effective June 27, 2007.

CHAPTER 134

H.P. 727 - L.D. 967

Resolve, Regarding Legislative Review of Chapter 007: Implementation of the Essential Programs and Services Funding Model, a Major Substantive Rule of the Department of Education

Sec. 1. Adoption. Resolved: That final adoption of Chapter 007: Implementation of the Essential Programs and Services Funding Model, a provisionally adopted major substantive rule of the Department of Education that has 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 provisionally adopted rule is amended in section 2, subsection 2.01, paragraph B, subparagraph (2), division (b) to require that the step-by-step action plan be developed in documented consultation with the local teacher associations and to require the Commissioner of Education to develop the documentation process that must be used in developing the action plan.

See title page for effective date.

CHAPTER 135

H.P. 1349 - L.D. 1916

Resolve, Establishing an Apportionment Commission To Increase the Number of Androscoggin County Commissioners