

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2008

CHAPTER 188
H.P. 1516 - L.D. 2136

**Resolve, Regarding Legislative
Review of Portions of Chapter
101: Maine Unified Special
Education Regulation, a Major
Substantive Rule of the
Department of Education**

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 101: Maine Unified Special Education Regulation, 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 as set out in this section.

1. The rule must be amended in Section VII by deleting the part of the rule designated "3. Determination of Adverse Effect for Children Three to Twenty."

2. The rule must be amended in Section VII by deleting the part of the rule designated "4. Needs special education and related services."

3. The rule must be amended in Section V in the part designated "1. Evaluations, Parental Consent, and Reevaluations" to establish provisions that require that an initial evaluation or a reevaluation of a child be conducted within 45 school days of receiving parental consent for the evaluation; and be it further

Sec. 2. Guidance on appropriate assessments. Resolved: That the Commissioner of Education shall provide administrative guidance to local

educational agencies, including intermediate educational units and school administrative units, pertaining to the determination of adverse effect on educational performance for children from 3 to 20 years of age as set forth in the Department of Education Rule Chapter 101: Maine Unified Special Education Regulation as amended pursuant to section 1. The guidance provided to local educational agencies must explain the importance of using assessments that are appropriate to identify any area of educational performance that may be negatively influenced by the child's disability; and be it further

Sec. 3. Clarification of content of written notice. Resolved: That the Commissioner of Education shall provide guidance to school administrative units that clarifies the content of the written notice to be provided to the parents of a child with a disability as set forth in the Department of Education Rule Chapter 101: Maine Unified Special Education Regulation in "Appendix 1" in the part designated "Written Notice." The guidance provided to school administrative units must clarify that the contents of the written notice provided to parents must be equivalent to the detailed summary and descriptions required by the former Department of Education Rule Chapter 101 provisions for the minutes of pupil evaluation team meetings.

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

Effective April 8, 2008.

CHAPTER 189
S.P. 896 - L.D. 2273

**Resolve, To Temporarily
Suspend the Rate-setting
Procedures for the Forest
Products Industry**

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

Whereas, Maine is dependent on its natural resources-based economy; and

Whereas, the Legislature recognizes that fuel costs and other economic forces have a devastating impact on the Maine economy, especially with regards to loggers and truckers carrying forest products; and

Whereas, it is in the public interest to ensure a reasonable rate of compensation for wood harvesting and hauling services in all regions of the State and to assess the impact of the Maine Revised Statutes, Title 26, chapter 18 on those services; and