

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
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Augusta, Maine
2011

choose to opt in to allow the state-designated statewide health information exchange to disclose that client's health care information covered under this section to a health care practitioner or health care facility for purposes of treatment, payment and health care operations, as those terms are defined in 45 Code of Federal Regulations, Section 164.501. A state-designated statewide health information exchange also must satisfy the requirement in Title 22, section 1711-C, subsection 18, paragraph C of providing a general opt-out provision to a client at all times.

A state-designated statewide health information exchange may disclose a client's health care information covered under this section even if the client has not chosen to opt in to allow the state-designated statewide health information exchange to disclose the individual's health care information when, in a health care provider's judgment, disclosure is necessary to:

(1) Avert a serious threat to the health or safety of others, if the conditions, as applicable, described in 45 Code of Federal Regulations, Section 164.512(j)(2010) are met; or

(2) Prevent or respond to imminent and serious harm to the client and disclosure is to a provider for diagnosis or treatment.

See title page for effective date.

CHAPTER 348

H.P. 986 - L.D. 1345

An Act To Align Maine Special Education Statutes with Federal Requirements

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-I, sub-§10-A, as enacted by PL 1989, c. 899, §1, is repealed.

Sec. 2. 20-A MRSA §254, sub-§13 is enacted to read:

13. Transitional services for students with disabilities. To provide for an efficient and effective coordinated system of services across state agencies and local and private entities, the commissioner shall plan, coordinate and implement services for students with disabilities who are in transition from school to community in accordance with rules adopted by the department. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 20-A MRSA §7001, sub-§2-C is enacted to read:

2-C. Individualized education program team. "Individualized education program team" means the group of individuals composed in accordance with Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1414(d)(1)(B) to determine the individualized education program for a child with a disability.

Sec. 4. 20-A MRSA §7202, sub-§9, as amended by PL 2005, c. 662, Pt. A, §23, is further amended to read:

9. Securing parental permission. For the agency conducting studies pursuant to Title 5, chapter 511:

A. Assist the agency in its studies; and

B. Facilitate access to relevant case records by:

(1) Notifying parents or guardians of the study; and

(2) Requesting parental consent for the agency to have access to case records; ~~and~~

Sec. 5. 20-A MRSA §7202, sub-§10, as amended by PL 2005, c. 662, Pt. A, §23, is further amended to read:

10. Department of Health and Human Services; authority to request convening of individualized education program team meeting. Notify in writing the individual designated by the Department of Health and Human Services that the Department of Health and Human Services has the authority to request the school administrative unit to convene ~~a pupil evaluation~~ an individualized education program team meeting and to attend and participate in any ~~pupil evaluation~~ individualized education program team meetings concerning a child with a disability who is a state ward. The written notice must indicate the time and place of the ~~pupil evaluation~~ individualized education program team meeting and a copy of the notice must be placed in the child's permanent record; ~~and~~

Sec. 6. 20-A MRSA §7202, sub-§11 is enacted to read:

11. Transitional services for students with disabilities. Plan, coordinate and implement services for students with disabilities who are in transition from school to community in accordance with rules adopted by the department. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 7. 20-A MRSA c. 308, as amended, is repealed.

Sec. 8. 26 MRSA §1411-D, sub-§9, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

9. Transitional services coordination. ~~Shall participate in the coordination of rehabilitation ser-~~

~~vices with local transitional services coordination projects for youth with disabilities, as established in Title 20-A, chapter 308, assigning appropriate regional staff and resources as available and necessary in each region to be served by a project with school administrative units in transition planning for each student receiving special education services who is 16 years of age or older, or 14 years of age if determined appropriate by the student's individualized education program team, and shall assign appropriate staff as a transition contact person and as a member of the transition planning team for each student.~~

Sec. 9. 34-B MRSA §3004, sub-§3, ¶D, as amended by PL 2009, c. 147, §12, is further amended to read:

~~D. Participate in the coordination of services for persons with school administrative units in transition planning for each student with chronic mental illnesses with local transitional services coordination projects for students with disabilities, as established in Title 20-A, chapter 308, assigning appropriate regional staff and resources as available and necessary in each region to be served by a project who is receiving special education services and who is 16 years of age or older, or 14 years of age if determined appropriate by the student's individualized education program team, and shall assign appropriate staff as a transition contact person and as a member of the transition planning team for each student.~~

Sec. 10. 34-B MRSA §5433, sub-§5, as amended by PL 2009, c. 147, §13, is further amended to read:

5. Transitional services coordination. ~~Participate in the coordination of services for individuals with school administrative units in transition planning for each student with developmental disabilities with local transitional services coordination projects for students with disabilities, as established in Title 20-A, chapter 308, assigning appropriate regional staff and resources as available and necessary in each region to be served by a project who will be eligible for services under chapter 5 or 6 who is receiving special education services and who is 16 years of age or older, or 14 years of age if determined appropriate by the student's individualized education program team, and shall assign appropriate staff as a transition contact person and as a member of the transition planning team for each student.~~

Sec. 11. 34-B MRSA §6004, first ¶, as amended by PL 2007, c. 356, §28 and affected by §31, is further amended to read:

The commissioner shall submit a report in coordination with the Commissioner of Education on efforts to plan for and develop social and habilitative services for persons who have autism and other pervasive de-

velopmental disorders to the Governor and the joint standing ~~committee~~ committees of the Legislature having jurisdiction over health and institutional services matters and educational and cultural affairs. This report must be submitted no later than January 15th of every odd-numbered year and must be submitted in conjunction with the plan required by section 5003-A, subsection 3.

Sec. 12. Interagency Transition Coordination Services. The Department of Education shall form a work group, including representation from the Department of Labor, Department of Corrections, Department of Health and Human Services and other public and private stakeholders, to review current requirements for transition services in the Maine Revised Statutes, Title 20-A, section 7258 and to determine the appropriate location and content of those requirements in statute to reflect the responsibilities of each agency related to transition planning for students with disabilities. The Department of Education shall report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by January 15, 2012 on the findings and recommendations of this work group. The committees are authorized to submit legislation related to the report to the Second Regular Session of the 125th Legislature to facilitate the implementation of the work group's recommendations.

See title page for effective date.

**CHAPTER 349
H.P. 105 - L.D. 123**

An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §2452, first ¶, as amended by PL 2007, c. 632, §1, is further amended to read:

The Commissioner of Public Safety shall adopt and may amend rules governing the safety to life from fire in or around all buildings or other structures and mass outdoor gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's jurisdiction. These rules do not apply to nursing homes having 3 or fewer patients. Automatic sprinkler systems may not be required in existing noncommercial places of assembly. Noncommercial places of assembly include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation that have a capacity of 100 to 300 persons. Automatic sprinkler systems may not be required in existing commercial places of assembly that are open for no more than 50 days per calendar