

# 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**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

**CHAPTER 363**  
**H.P. 822 - L.D. 1110**

**An Act Regarding the  
Attendance of Attorneys at  
Individualized Education  
Program Team Meetings**

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

**Sec. 1. 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. 2. 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. 3. 20-A MRSA §7202, sub-§11** is enacted to read:

**11. Attorney's presence at team meeting.** Provide that the school administrative unit may not have an attorney present at an individualized education program team meeting unless the school administrative unit has provided the parents of a child with a disability at least 7 days' written notice prior to the individualized education program team meeting that the school administrative unit will have an attorney present at the individualized education program team meeting. If the parent of a child with a disability has an attorney present at the individualized education program team meeting, the school administrative unit may have an

attorney present without providing prior written notice.

**Sec. 4. Rules.** The Department of Education shall provisionally adopt rules to be submitted to the Legislature by January 13, 2012 that amend Chapter 101, Section VI of its rules to require inclusion in the notice notifying a parent of a child with a disability of an individualized education program team meeting whether the school administrative unit will have an attorney present at the meeting. Rules adopted pursuant to this section are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 364**  
**H.P. 1140 - L.D. 1554**

**An Act To Implement the  
Requirements of the Federal  
Patient Protection and  
Affordable Care Act**

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

**Sec. 1. 24-A MRSA §2735-A, sub-§1**, as amended by PL 2009, c. 244, Pt. C, §4, is further amended to read:

**1. Notice of rate filing or rate increase on existing policies.** An insurer offering individual health plans as defined in section 2736-C must provide written notice by first class mail of a rate filing to all affected policyholders at least 60 days before the effective date of any proposed increase in premium rates or any proposed rating formula, classification of risks or modification of any formula or classification of risks. ~~The~~ Except as otherwise provided in section 2736-C, subsection 2-B, the notice must also inform policyholders of their right to request a hearing pursuant to section 229. The notice must show the proposed rate and, ~~unless otherwise provided in section 2736-C, subsection 2-B,~~ state that the rate is subject to regulatory approval. The Except as otherwise provided in section 2736-C, subsection 2-B, the superintendent may not take final action on a rate filing until 40 days after the date notice is mailed by an insurer. An increase in premium rates may not be implemented until 60 days after the notice is provided or until the effective date under section 2736, whichever is later.

**Sec. 2. 24-A MRSA §2736-A, first ¶**, as amended by PL 2009, c. 439, Pt. C, §3, is further amended to read:

If at any time the superintendent has reason to believe that a filing does not meet the requirements that rates not be excessive, inadequate, or unfairly dis-