

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

**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**  
**2012**

3. The rule must be amended in Section VII, subsection 1, paragraph A, subparagraph (1) in the part concerning "Eligibility Criteria For Children B-2" to include the list of conditions in the definition of "infant or toddler with a disability" that is included in 34 Code of Federal Regulations, Section 303.21 but is not included in the provisionally adopted rule;

4. The rule must be amended in Section XI to amend the definition of the term health services to be consistent with the definition as amended in 34 Code of Federal Regulations, Section 303.16; and

5. The rule must be amended in Sections XI and XVIII so that reference is made to school psychologists instead of school psychological service providers; and be it further

**Sec. 2. Authorization. Resolved:** That final adoption of certain sections and the appendix of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, that were submitted to the 125th Legislature for review in Legislative Document 1782, House Paper 1307, "Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, Including Certain Sections and the Appendix, a Major Substantive Rule of the Department of Education," to ensure that the Chapter 101 rule complies with changes in federal regulations pertaining to the Part C provisions of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended, is authorized.

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

Effective March 20, 2012.

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## CHAPTER 135

### H.P. 1300 - L.D. 1766

#### **Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board 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 au-

thorization 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 61: Rules for Major Capital School Construction Projects, a provisionally adopted major substantive rule of the Department of Education and the State Board 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.

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

Effective March 29, 2012.

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## CHAPTER 136

### H.P. 1308 - L.D. 1783

#### **Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education**

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 140: Public Charter Schools, 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 rule is amended as follows:

1. By changing the name of the application form to reflect that it is a student information form;
2. By clarifying that public charter schools have to transfer student records to public noncharter schools in a timely manner;
3. By clarifying that when a public noncharter school that is the only public school option for students in the school administrative unit chooses to convert to a public charter school, town approval is determined by referendum;