

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

**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**  
**2013**

C. The coalition may adopt bylaws to govern its affairs.

**5. Compensation.** The members of the coalition serve without compensation.

**6. Duties; powers.** The coalition shall:

A. Promote coordination and collaboration among state agencies that provide services and supports for persons with disabilities to advance integrated community-based employment and customized employment services for persons with disabilities;

B. Review, on a continuing basis, state policies, plans, programs and activities concerning the integrated community-based employment and customized employment of persons with disabilities that are conducted or assisted, in whole or in part, by state agencies or state funds in order to determine whether such policies, programs, plans and activities effectively meet the employment needs of persons with disabilities;

C. Serve as a conduit for information and input to aid in the implementation of the Maine Revised Statutes, Title 26, chapter 39 for advocacy groups, commissions and councils that focus on issues facing persons with disabilities in the State;

D. Make recommendations to the Governor, the Legislature and state agencies regarding ways to improve the administration of employment services and employment outcomes for persons with disabilities;

E. Review and comment on proposed legislation affecting the employment of persons with disabilities; and

F. Propose and promote rules and policies to state agencies that provide services and supports to persons with disabilities to improve integrated community-based employment and customized employment of persons with disabilities.

The coalition may submit annually, by the first Wednesday in December, proposed legislation to the Legislature to improve integrated community-based employment and customized employment of persons with disabilities. Legislation submitted pursuant to this subsection may include recommendations regarding extending the coalition's authorization beyond the date specified in subsection 7.

For purposes of this subsection, "customized employment" has the same meaning as in the Maine Revised Statutes, Title 26, section 3302, subsection 1; "integrated community-based employment" has the same meaning as in Title 26, section 3302, subsection 4; and "state agency" has the same meaning as in Title 26, section 3302, subsection 5.

**7. Repeal.** This Part is repealed October 1, 2016.

See title page for effective date.

**CHAPTER 336**

**S.P. 260 - L.D. 711**

**An Act To Facilitate Patient Education**

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

**Sec. 1. 22 MRSA §2142, sub-§4** is enacted to read:

**4. Registered nurse educator.** "Registered nurse educator" means a registered nurse licensed under Title 32, chapter 31 who provides postprescription training to a patient or caregiver in a patient's place of residence when the registered nurse educator does not provide health care services, does not deliver the prescription drug, does not touch the patient, does not administer the prescription drug to the patient and does not seek payment from the patient, caregiver or any health care payor.

**Sec. 2. 22 MRSA §2147, sub-§13**, as enacted by PL 1989, c. 119, §4, is repealed.

**Sec. 3. 22 MRSA §2147, sub-§14** is enacted to read:

**14. Registered nurse educators.** Registered nurse educators.

See title page for effective date.

**CHAPTER 337**

**H.P. 349 - L.D. 530**

**An Act To Ensure That the Standard of a Student's Best Interest Is Applied to Superintendent Agreements for Transfer Students**

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

**Sec. 1. 20-A MRSA §5205, sub-§6, ¶¶A and B**, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

A. Two superintendents may approve the transfer of a student from one school administrative unit to another if:

- (1) They find that a transfer is in the student's best interest; and
- (2) The student's parent approves.

The superintendents shall notify the commissioner of any transfer approved under this paragraph. If the superintendents decide not to approve the transfer, the superintendents shall provide to the parent of the student requesting transfer under this paragraph a written description of the basis of their determination that the transfer is not in the student's best interest.

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. ~~The commissioner's decision shall be final and binding.~~ The commissioner shall review the superintendents' determination and communicate with the superintendents and with the parent of the student prior to making a decision. The commissioner may approve or disapprove the transfer and shall provide to the parent of the student and to the superintendents a written decision describing the basis of the commissioner's determination that the transfer is or is not in the student's best interest.

**Sec. 2. 20-A MRSA §5205, sub-§6, ¶F** is enacted to read:

F. If dissatisfied with the commissioner's decision, a parent of a student requesting transfer or either superintendent may, within 10 calendar days of the commissioner's decision, request that the state board review the transfer. The state board shall review the commissioner's determination and communicate with the commissioner, the superintendents and the parent of the student. The state board may approve or disapprove the transfer. The state board shall make a decision within 30 calendar days of receiving the request and shall provide to the parent of the student, the superintendents and the commissioner a written decision describing the basis of the state board's determination that the transfer is or is not in the student's best interest. The state board's decision is final and binding.

See title page for effective date.

**CHAPTER 338  
H.P. 27 - L.D. 34**

**An Act To Implement the  
Recommendations of the  
Government Oversight  
Committee and the Office of  
Program Evaluation and  
Government Accountability  
Regarding Child Development  
Services**

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

**Sec. 1. 20-A MRSA §7209, sub-§4,** as amended by PL 2011, c. 655, Pt. OO, §4, is further amended to read:

**4. Director of early childhood special education.** The commissioner shall appoint and supervise a director of early childhood special education. The director has the following powers and duties:

A. To administer the state intermediate educational unit established under subsection 3 and programs established pursuant to subsection 3-A. The director shall develop operating policies and establish organizational and operational procedures that include supervision, monitoring, data and accountability structures;

A-1. To oversee the operation of the regional sites;

B. To develop statewide policies and procedures for carrying out federal and state laws and rules relating to child find, early intervention services and the provision of a free, appropriate public education to children from birth to under 6 years of age;

C. To provide training in federal and state laws, regulations, rules and policies relating to child find as provided in 20 United States Code, Section 1412 (a) (3), early intervention services and the provision of a free, appropriate public education to children from birth to under 6 years of age and to conduct regular file reviews to determine compliance with federal and state laws, regulations, rules and policies and conduct training and provide technical assistance where deficiencies are found; ~~and~~

~~D. To report annually to the council and to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the performance of the Child Development Services System. This report may include information on any expansions of the connections of child find and service delivery with school administrative units, with the Department of Health and Human Services and with medical providers. This report may include information on any expansion of the connection of child find with nurse midwives. This report may include information on the number of children screened in the programs in Title 22, sections 1532, 8824 and 8943, the number of such children referred to the Child Development Services System who were found eligible for early intervention and the number of such children referred to the Child Development Services System who were found ineligible for early intervention. This report may also include information on annual performance over at least a~~