

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

**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**  
**2014**

**CHAPTER 552**  
**S.P. 703 - L.D. 1769**

**An Act To Implement the  
Recommendations of the  
Report Defining Cost  
Responsibility for Deaf and  
Hard-of-hearing Students  
Receiving Services from the  
Maine Educational Center for  
the Deaf and Hard of Hearing  
and the Governor Baxter  
School for the Deaf**

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

**Sec. 1. 20-A MRSA §7403**, as amended by PL 2011, c. 683, §2, is further amended to read:

**§7403. Responsibility; location; geographic access**

~~The center school is responsible for providing a free, appropriate public education to students enrolled pursuant to chapter 301. The center school programs are operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf located on Mackworth Island or at a location determined by the school board in accordance with section 7407, subsection 17. Satellite school programs, including a residential program in accordance with section 7407, subsection 17, may be located near the population centers of deaf and hard-of-hearing students within the State.~~

**1. Responsibility; repeal.** The center school is responsible for providing a free, appropriate public education to students placed pursuant to chapter 301.

This subsection is repealed July 1, 2015.

**Sec. 2. 20-A MRSA §7405, sub-§4** is enacted to read:

**4. Repeal.** This section is repealed July 1, 2015.

**Sec. 3. 20-A MRSA §7405-A** is enacted to read:

**§7405-A. Placement; state and federal educational services requirements; technical assistance**

Beginning July 1, 2015, the following provisions apply to student placement, state and federal educational services requirements and technical assistance.

**1. Placement.** The school administrative unit in which a deaf or hard-of-hearing student resides is responsible for providing a free, appropriate public education pursuant to chapter 301 for a student placed in the center school or in one of the satellite school programs. An individualized education program team for a school administrative unit in which a deaf or hard-of-hearing student resides is responsible for the

placement decision of that student and, when the center school or one of the satellite school programs is being considered as a placement for the student, shall invite a representative of the center school or the satellite school to attend the individualized education program team meeting at which this placement is being considered. The Maine Educational Center for the Deaf and Hard of Hearing is responsible for the sums necessary to ensure that the services required to meet the individualized education program for each student placed in the center school or in one of the satellite school programs are provided, including:

A. The cost of tuition; and

B. The costs of transportation and other related services as defined by section 7001, subsection 4-B, including the following related services:

- (1) Speech-language therapy;
- (2) Audiology in conjunction with the student's primary audiologist;
- (3) Occupational therapy;
- (4) Transportation;
- (5) Interpreting services;
- (6) Extended school year services;
- (7) Frequency modulation systems;
- (8) Evaluation for the following services:
  - (a) Occupational therapy;
  - (b) Speech-language therapy;
  - (c) American Sign Language;
  - (d) Psychoeducational assessment for placement; and
  - (e) Academic achievement; and
- (9) Behavioral supports and planning.

Beginning July 1, 2015, the costs of related services not listed in this paragraph are the responsibility of the school administrative unit in which a deaf or hard-of-hearing student resides for those students attending the center school or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf beginning in the 2015-2016 school year.

The school board shall pay the room and board costs for each student placed in a residential program in the center school or in one of the satellite school programs through funds appropriated by the State.

**2. State and federal educational services requirements.** The center school, center preschool and any satellite school shall comply with all standards for state public schools and shall comply with all federal

and state laws and department rules for the provision of educational services to children with disabilities.

3. Technical assistance. A school administrative unit may request technical assistance from the school in matters relating to the education of deaf and hard-of-hearing students.

See title page for effective date.

**CHAPTER 553  
S.P. 752 - L.D. 1854**

**An Act Regarding  
Compensation for the Panel of  
Mediators**

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

**Sec. 1. 26 MRSA §965, sub-§2, ¶C,** as amended by PL 1997, c. 412, §2, is further amended to read:

C. The Panel of Mediators, consisting of not less than 5 nor more than 10 impartial members, must be appointed by the Governor from time to time upon the expiration of the terms of the several members, for terms of 3 years. The Maine Labor Relations Board shall supply to the Governor nominations for filling vacancies. Vacancies occurring during a term must be filled for the unexpired term. Members of the panel are entitled to a fee for services in the amount of ~~\$100~~ \$300 for up to 4 hours of mediation services provided and ~~\$100~~ \$300 for each consecutive period of up to 4 hours thereafter and also are entitled to traveling and all other necessary expenses. Notwithstanding the provisions of Title 5, section 12003-A, subsection 9, members of the panel who provide mediation services in more than one dispute in a given day are entitled to the compensation as provided in this paragraph in each such case. The necessary expenses incurred by the members must be allocated to the mediation session that required the costs. The costs for services rendered and expenses incurred by members of the panel and any state cost allocation program charges must be shared equally by the parties to the proceedings and must be paid into a special fund administered by the Maine Labor Relations Board. Authorization for services rendered and expenditures incurred by members of the panel is the responsibility of the Executive Director of the Maine Labor Relations Board. All costs must be paid from that special fund. The executive director may estimate costs upon receipt of a request for services and collect those costs prior to providing the services. The executive director shall bill or reimburse the parties, as appropriate, for any difference between

the estimated costs that were collected and the actual costs of providing the services. Once one party has paid its share of the estimated cost of providing the service, the mediator is assigned. A party who has not paid an invoice for the estimated or actual cost of providing services within 60 days of the date the invoice was issued is, in the absence of good cause shown, liable for the amount of the invoice together with a penalty in the amount of 25% of the amount of the invoice. Any penalty amount collected pursuant to this provision remains in the special fund administered by the Maine Labor Relations Board and that fund does not lapse. The executive director is authorized to collect any sums due and payable pursuant to this provision through civil action. In such an action, the court shall allow litigation costs, including court costs and reasonable attorney's fees, to be deposited in the General Fund if the executive director is the prevailing party in the action.

**Sec. 2. Report.** The Maine Labor Relations Board shall submit a report by December 15, 2017 to the joint standing committee of the Legislature having jurisdiction over labor matters on the effect of the changes made pursuant to section 1, specifically with regard to the impact on recruitment and retention of mediators and the effect on the public sector collective bargaining process as a whole.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Labor Relations Board 0160**

Initiative: Allocates funds for the increase in fees for mediation services provided by members of the Panel of Mediators.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$0	\$27,800
All Other	\$0	\$4,258
		\$32,058
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$32,058

See title page for effective date.

**CHAPTER 554  
H.P. 1354 - L.D. 1860**

**An Act To Provide for  
Temporary Commissioners at  
the Public Utilities Commission**