

# 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**

transition to a computer-based high school equivalency examination. The department shall submit its report and plan to the Joint Standing Committee on Education and Cultural Affairs by October 1, 2013.

See title page for effective date.

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## CHAPTER 50

### S.P. 485 - L.D. 1378

#### **Resolve, Authorizing the Sale of the Guy P. Gannett House in Augusta for Use as a Museum**

**Sec. 1. Definitions. Resolved:** That, as used in this resolve, the following terms have the following meanings:

1. "Commissioner" means the Commissioner of Administrative and Financial Services.

2. "State property" means the real estate described in section 3 with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies; and be it further

**Sec. 2. Authority to convey state property. Resolved:** That the State, by and through the commissioner, may:

1. Convey by sale the interests of the State in the state property;

2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;

3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, the power of eminent domain to quiet for all time any possible challenges to ownership of the state property;

4. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale of the State's interests; and

5. Release any interests in the state property that, in the commissioner's discretion, do not contribute to the value of the remaining state property; and be it further

**Sec. 3. Property interests that may be conveyed. Resolved:** That the state property authorized to be sold is the following:

Real estate located at 184 State Street in the City of Augusta, Maine and known as the Guy P. Gannett House; and be it further

**Sec. 4. Property to be sold "as is" for use as a museum; master plan. Resolved:** That the

commissioner may negotiate and execute purchase and sale agreements upon terms the commissioner considers appropriate; however, the state property must be sold "as is," with no representations or warranties, for use as a museum. This resolve constitutes a change to the 2001 Capitol Planning Commission master plan.

Title must be transferred by quitclaim deed without covenant or release deed and executed by the commissioner; and be it further

**Sec. 5. Exemptions. Resolved:** That any conveyance pursuant to this resolve is exempt from any statutory or regulatory requirement that the state property first be offered to the Maine State Housing Authority or another state or local agency; and be it further

**Sec. 6. Appraisal. Resolved:** That the commissioner shall have the current market value of the state property determined by an independent appraiser. The commissioner may reject any offers.

The commissioner shall establish the purchase price and the terms of sale; and be it further

**Sec. 7. Sale of property once conveyed. Resolved:** That the buyer of the state property, if it chooses to sell the real estate located at 184 State Street in the City of Augusta, Maine and known as the Guy P. Gannett House, must:

1. First offer the real estate to the commissioner for purchase at the current market value; and

2. Notify the joint standing committee of the Legislature having jurisdiction over state and local government matters; and be it further

**Sec. 8. Proceeds. Resolved:** That any proceeds from a sale pursuant to this resolve must be deposited in the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements as designated by the commissioner; and be it further

**Sec. 9. Repeal. Resolved:** That this resolve is repealed 3 years from its effective date.

See title page for effective date.

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## CHAPTER 51

### H.P. 996 - L.D. 1400

#### **Resolve, Directing the Attorney General To Report on the Status of Discussions on Domestic Violence on Tribal Lands**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas**, recent federal legislation specifically addresses tribal issues involving violence against women; and

**Whereas**, coordination in procedures and services concerning domestic violence benefits the State as a whole; and

**Whereas**, prevention of and responses to domestic violence involving tribal members and domestic violence on tribal lands can benefit from a coordinated statewide approach; and

**Whereas**, additional time is necessary to prepare a report by January 2014; 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. Attorney General report. Resolved:** That the Attorney General shall report by January 15, 2014 to the Joint Standing Committee on Judiciary on the status of ongoing discussions between representatives of the Joint Tribal Council of the Passamaquoddy Tribe, the Council of the Penobscot Nation, the Council of the Houlton Band of Maliseet Indians, the Aroostook Micmac Council, domestic violence advocates and the State concerning the social, economic and legal issues involved in domestic violence on tribal lands and coordination of tribal and state efforts to address domestic violence. The Joint Standing Committee on Judiciary may report out a bill based upon the report to the Second Regular Session of the 126th Legislature.

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

Effective June 11, 2013.

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**CHAPTER 52**

**H.P. 232 - L.D. 323**

**Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department 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 authorization 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 101: Maine Unified Special Education Regulation Birth to Age Twenty, 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 following changes are made:

1. The rule must be amended in Section II to strike the definition of "qualified professional" and replace it with the definition of "qualified personnel" in alignment with federal regulations adopted for the federal Individuals with Disabilities Education Act;

2. The rule must be amended in Section VII, Part 4, "Criteria for Change in Eligibility," by deleting this part, which exceeds federal requirements concerning the evaluation procedures that must be used to determine that a child is ineligible for special education services;

3. The rule must be amended in Section VIII in the part concerning the so-called free and appropriate public education choice determination by the individualized education program team of a preschool child with a disability who reaches 5 years of age between July 1st and October 15th and is already receiving "free and appropriate public education" services through the Child Development Services System to clarify that:

A. When the individualized education program team is considering the choice of whether the child should receive "free and appropriate public education" services through the Child Development Services System or in kindergarten, the team must determine whether it "best meets the individual needs of the child" to remain in the Child Development Services System and not enroll in