

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

Maine Revised Statutes, Title 5, section 8072, subsection 8, the Department of Environmental Protection may finally adopt Rule Chapter 500 as authorized for final adoption by Resolve 2015, chapter 12 as amended by this resolve, as long as final adoption occurs within 60 days of the effective date of this resolve.

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

Effective June 9, 2015.

CHAPTER 23

S.P. 455 - L.D. 1273

Resolve, To Create a License Plate To Recognize the Bicentennial of the State

Sec. 1. State of Maine Bicentennial commemorative plate. Resolved: That the Secretary of State shall issue, at no cost to the Secretary of State, a reflectorized, commemorative simulated registration plate in recognition and celebration of the bicentennial of the State, which became the 23rd state on March 15, 1820. The Secretary of State shall design the plate, and the plate must bear the date of its expiration, which is December 31, 2020. Notwithstanding the Maine Revised Statutes, Title 29-A, section 454, the State of Maine Bicentennial commemorative plate may be displayed by covering, but not removing, the front registration plate on a motor vehicle, including a motor vehicle registered outside this State and operated within it, beginning January 1, 2018 to December 31, 2020. The plate may not be displayed on a truck tractor as defined in Title 29-A, section 101, subsection 90; and be it further

Sec. 2. Administrative fee; distribution. Resolved: That the Secretary of State shall develop a plan for the sale and distribution of the State of Maine Bicentennial commemorative plates. The fee for the State of Maine Bicentennial commemorative plate is \$25, which must be credited as follows:

1. Nine dollars per plate to the Secretary of State for the costs associated with the production and issuance of the plates; and
2. Sixteen dollars per plate to the Maine State Cultural Affairs Council established under the Maine Revised Statutes, Title 5, section 12004-G, subsection 7-A; and be it further

Sec. 3. Other uses prohibited. Resolved: That the State of Maine Bicentennial commemorative

plate may not be sold or displayed on a motor vehicle except as provided in this resolve.

See title page for effective date.

CHAPTER 24

S.P. 278 - L.D. 780

Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey the Parcel of Land in Kittery Known as John Paul Jones Memorial Park to the Town of Kittery

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Whereas, certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1814 and section 1851, subsections 1 and 2; now, therefore, be it

Sec. 1. Director of the Bureau of Parks and Lands is authorized, but not directed, to convey certain land known as John Paul Jones Memorial Park in Kittery. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may gift by quitclaim deed without covenant, and on such other terms and conditions as the director may direct, the interests of the State in the property known as John Paul Jones Memorial Park, referred to in this resolve as "the property," situated between Hunter Avenue and Newmarch Street and between Water Street and Government Street in the Town of Kittery, County of York, with the buildings and improvements, together with all appurtenant rights and easements located on that property, to the Town of Kittery; and be it further

Sec. 2. Restrictions. Resolved: That the instrument transferring the interests of the State in the property must include the following terms and restrictions:

1. The property must continue to be used and managed for public noncommercial governmental purposes as a public park. If the property is used oth-

erwise, title to the property must automatically revert to the Department of Agriculture, Conservation and Forestry, but only on those terms and conditions as the Director of the Bureau of Parks and Lands within the department may direct;

2. In the event the Town of Kittery proposes to transfer an interest in the property, in whole or in part, to a 3rd party not affiliated with the Town of Kittery, the department has a right of first refusal to take back the property at no cost and upon those terms and conditions as the director may direct; and

3. Notwithstanding any decision by the department not to exercise its right of first refusal, the department shall continue to hold the right of first refusal in perpetuity, and such right is a servitude on the property and runs with the land and is binding upon the Town of Kittery, its successors and assigns forever.

See title page for effective date.

CHAPTER 25

H.P. 144 - L.D. 201

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.19, Section IV.2.B and Section VI.2.A to strike the term "Individualized Educational Program (IEP) Service Coordinator" and restore the term "Individualized Educational Program (IEP) Case Manager" in alignment with federal regulations adopted for Part B of the federal Individuals with Disabilities Education Act;

2. The rule must be amended in Section IV.2.E, which concerns the local policy developed by an Intermediate Educational Unit (IEU) or a School Administrative Unit (SAU) on the referral of a child to an Individualized Education Program (IEP) Team, by amending the timeline for additional evaluations needed for a child to require that the IEU must send a consent to evaluate form to the IEP Team within 15 days;

3. The rule must be amended in Section V.1.A, which concerns the initial evaluation of whether a child age 3 to age 20 is a child with a disability, by adding language that indicates that the initial evaluation must consist of procedures to determine if the child is a child with a disability and to determine the educational needs of such child, and in Section V.1.A(3)(a)(ii) by deleting language that indicates that, following the completion of the initial evaluation, the SAU shall proceed to determine the educational needs of the child;

4. The rule must be amended in Section V.2.F, which concerns determination of eligibility and educational need, to strike subparagraph (3), which establishes a new timeline for completion of the determination of eligibility and development of the IEP;

5. The rule must be amended in Section V.4.B, which concerns the submission of a written evaluation report of whether a child age 3 to age 20 is a child with a disability, by restoring the original language to this section regarding the requirement that the person completing an evaluation submit a report no later than 40 school days, or 50 days for children in the Child Development Services System, recognizing the requirement that parents receive the report at least 3 days prior to the meeting; and

6. The rule must be amended in Section IX.3.B(2), which concerns the implementation of a child with a disability's IEP, by restoring the language that specifies that a meeting to develop an IEP is conducted within 30 days of a determination that the child needs special education and related services.

The Department of Education is not required to hold hearings or undertake further proceedings prior to