

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

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

final adoption of the rule in accordance with this section.

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

Effective June 11, 2015.

CHAPTER 26

H.P. 957 - L.D. 1408

**Resolve, Regarding
Legislative Review of
Portions of Chapter 21:
Statewide Standards for
Timber Harvesting and
Related Activities in
Shoreland Areas, a Late-filed
Major Substantive Rule of the
Department of
Agriculture, Conservation and
Forestry, Bureau of
Forestry**

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 outside the legislative rule acceptance period; 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 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

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

Effective June 16, 2015.

CHAPTER 27

S.P. 479 - L.D. 1327

**Resolve, Authorizing the State
Tax Assessor To
Convey the Interest of the State
in Certain Real Estate in the
Unorganized Territory**

Sec. 1. State Tax Assessor authorized to convey real estate. Resolved: That the State Tax Assessor is authorized to convey by sale the interest of the State in real estate in the Unorganized Territory as indicated in this resolve. Except as otherwise directed in this resolve, the sale must be made to the highest bidder subject to the following provisions.

1. Notice of the sale must be published 3 times prior to the sale, once each week for 3 consecutive weeks, in a newspaper in the county where the real estate lies, except in those cases in which the sale is to be made to a specific individual or individuals as authorized in this resolve, in which case notice need not be published.

2. A parcel may not be sold for less than the amount authorized in this resolve. If identical high bids are received, the bid postmarked with the earliest date is considered the highest bid.

If bids in the minimum amount recommended in this resolve are not received after the notice, the State Tax Assessor may sell the property for not less than the minimum amount without again asking for bids if the property is sold on or before April 1, 2016.

Employees of the Department of Administrative and Financial Services, Bureau of Revenue Services and spouses, siblings, parents and children of employees of the Bureau of Revenue Services are barred from acquiring from the State any of the real property subject to this resolve.

Upon receipt of payment as specified in this resolve, the State Tax Assessor shall record the deed in the appropriate registry at no additional charge to the purchaser before sending the deed to the purchaser.

Abbreviations and plan and lot references are identified in the 2012 State Valuation. Parcel descriptions are as follows:

2012 MATURED TAX LIENS