

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2016 to August 2, 2017**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**NOVEMBER 1, 2017**

**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**  
**2017**

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

Effective June 20, 2017.

## CHAPTER 18

### S.P. 313 - L.D. 957

#### **Resolve, To Direct Legislative Staff To Recodify and Revise Title 28-A of the Maine Revised Statutes**

**Sec. 1. Recodification and revision of Title 28-A of the Maine Revised Statutes. Resolved:** That the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes, referred to in this resolve as "legislative staff," shall prepare a recodification and revision of the Maine Revised Statutes, Title 28-A for introduction in the First Regular Session of the 129th Legislature. Legislative staff may consult with the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, the Office of the Attorney General and other interested parties in preparing the recodification and revision.

Legislative staff shall submit the recodification and revision to the joint standing committee of the Legislature having jurisdiction over liquor matters no later than January 15, 2019.

See title page for effective date.

## CHAPTER 19

### H.P. 1128 - L.D. 1635

#### **Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands**

**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 or interests in lands with the approval of the Legislature

in accordance with the Maine Revised Statutes, Title 5, section 6209 and Title 12, sections 1814, 1837 and 1851; now, therefore, be it

**Sec. 1. Director of Bureau of Parks and Lands authorized to grant an access easement to the Town of Fort Kent across the Fort Kent State Historic Site. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may grant an access easement to the Town of Fort Kent for the purposes of crossing over land owned by the bureau as the Fort Kent State Historic Site. This easement is required by the United States Army Corps of Engineers as part of the project to heighten and strengthen the earthen flood barrier along the St. John River and would extend the barrier to protect the Fort Kent Blockhouse, a state-owned National Historic Landmark, from future flooding.

See title page for effective date.

## CHAPTER 20

### H.P. 295 - L.D. 404

#### **Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Late-filed Major Substantive Rule of the State Board 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 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 115: Certification,

Authorization and Approval of Education Personnel, a provisionally adopted major substantive rule of the State Board of Education 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 only if the following changes are made to the provisionally adopted major substantive rule:

1. The rule must be amended in Part I, Section 4, 4.2, C, which concerns the determination of eligibility for alternative pathways for certification by the Department of Education, by restoring the current language of this section regarding the waiver of the requirement for student teaching upon documentation of substantial teaching experience;

2. The rule must be amended in current Part I, Section 12, which concerns the functions and eligibility of substitute personnel, by revising the section header and the section provisions to address the functions and eligibility of long-term substitute personnel by:

A. Restoring the current language of 12.1, A and amending the provision to specify that substitute personnel may serve on a long-term basis;

B. Restoring the current language of 12.1, B;

C. Restoring the current language of 12.2, A and amending the provision to specify the eligibility that the Department of Education can specify for substitute personnel on a long-term basis;

D. Restoring the current language of 12.2, B, 1 and amending the provision to specify that substitute teachers and education specialists may serve on a long-term basis and to establish that a school administrative unit may consider a waiver if finding candidates that meet the eligibility criteria is difficult; and

E. Restoring the current language of 12.2, B, 4;

3. The rule must be amended in current Part I, Section 13, which was renumbered as Section 12 and which concerns the reinstatement of a lapsed certificate, authorization or approval of educational personnel, by restoring the section as Section 13 since Section 12 will be restored and amended;

4. The rule must be amended in Part I, Section 13, which was renumbered as Section 12, by striking all of new Section 12, 12.5, which concerns the reinstatement of revoked certification;

5. Since Part I, Section 12 will be restored and amended, all the cross-references to the current provisions of Part I that follow Section 12 that are restored must be restored;

6. The rule must be amended in Part II, Section 1, 1.2, B, 2, (d), which concerns the development of Endorsement Eligibility Pathway 2 for elementary school

teachers, by clarifying that the endorsement eligibility is subject to the completion of courses that include 3 semester hours in reading methods and 3 semester hours in writing instruction methods;

7. The rule must be amended in Part II, Section 1, 1.5, B, 1, (d), which concerns the development of Endorsement Eligibility Pathway 1 for public preschool through grade 12 teachers, by clarifying that the endorsement eligibility is subject to passing the content area assessment for Art, Music, Theater and Dance for the Entry Level Teacher's Assessment;

8. The rule must be amended in Part II, Section 1, 1.5, B, 2, (d), which concerns the development of Endorsement Eligibility Pathway 2 for public preschool through grade 12 teachers, by clarifying that the endorsement eligibility is subject to passing the content area assessment for Art, Music, Theater and Dance for the Entry Level Teacher's Assessment; and

9. The rule must be amended in Part II, Section 3, 3.1, B, 1, (e), which concerns the development of endorsement for secondary career and technical education teachers in grades 9 through 12, by clarifying that the endorsement eligibility is subject to meeting the cut score on the Basic Skills Test in reading, writing and mathematics or earning a passing grade in 2 college-level courses in English language arts and mathematics.

The State Board 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 23, 2017.

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## CHAPTER 21

### H.P. 289 - L.D. 398

#### **Resolve, To Establish the Task Force To Recognize Computer Science in the Path to Proficiency**

**Sec. 1. Science, Technology, Engineering and Mathematics Council to form task force to recognize computer science in the path to proficiency. Resolved:** That the Science, Technology, Engineering and Mathematics Council, referred to in this resolve as "the council," shall establish and convene a computer science education task force, referred to in this resolve as "the task force," to develop an informed strategy to integrate computer science into the State's proficiency-based high school diploma requirements, as well as to expose all students to com-