

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

7. Provide data on the existing numbers of children in need of care; child care providers by type, step on the child care quality rating system, geography, number of children currently served and capacity; and any other relevant factors; and be it further

Sec. 2. Report. Resolved: That the Department of Health and Human Services shall report its findings and statutory recommendations pursuant to section 1 no later than January 30, 2019 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out legislation based on the findings of the report to the First Regular Session of the 129th Legislature.

See title page for effective date.

CHAPTER 51

H.P. 1222 - L.D. 1773

Resolve, Directing the Bureau of Parks and Lands To Transfer Land in the Town of Pittston

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, the land authorized for transfer by this resolve is within the designations 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, sections 1814, 1837 and 1851; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands to convey land. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall by quitclaim deed without covenant, for negotiated value, and on such other terms and conditions as the director may direct, convey or release to the First Congregational Church of Pittston a portion with a total of not more than .30 acre of a parcel of land situated on Arnold Road in the Town of Pittston, County of Kennebec and recorded on the Town of Pittston property tax map U-13, Lot 9.

See title page for effective date.

CHAPTER 52

H.P. 1257 - L.D. 1812

Resolve, Directing an Independent, Nonpartisan, Objective Evaluation of the Provision of Indigent Legal Services

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 State of Maine has a constitutional obligation to provide indigent legal services; and

Whereas, the diversity in population density and availability of attorneys across the State can present challenges to providing consistent high-quality legal services to fulfill that obligation; and

Whereas, many factors external to the operation of the Maine Commission on Indigent Legal Services are driving up costs to both prosecution and defense; and

Whereas, the need to ensure the most efficient use of limited resources requires a study of the existing system to be conducted by an independent, outside, nonpartisan entity; and

Whereas, the Working Group to Improve the Provision of Indigent Legal Services recommended that such a study be conducted as soon as possible; and

Whereas, authorization and funding for the study need to be provided as soon as possible for the comprehensive study to be conducted in time for recommendations to be considered by the First Regular Session of the 129th Legislature; 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. Legislative Council to contract for independent, nonpartisan, objective evaluation of obligation to provide indigent legal services. Resolved:

That the Legislative Council, through the Executive Director of the Legislative Council, shall contract with a qualified nonprofit organization that has, within the 12 months prior to the effective date of this resolve, provided consulting and evaluations regarding state indigent legal services systems to evaluate the existing system in the State for providing legal representation as required by both the Constitution of Maine and the United States Constitution and by the laws of the State and to provide recommendations to improve the structure, services and other elements of

the State's indigent legal services system. The executive director shall arrange for the evaluation to be completed and a report submitted to the joint standing committee of the 129th Legislature having jurisdiction over judiciary matters no later than January 15, 2019; and be it further

Sec. 2. Joint standing committee authorized to report out legislation. Resolved: That the joint standing committee of the 129th Legislature having jurisdiction over judiciary matters is authorized to submit legislation based on the report and recommendations contained in the report submitted pursuant to section 1 to the First Regular Session of the 129th Legislature; and be it further

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Deappropriates funds on a one-time basis to offset the cost to provide funding for the purpose of entering into a contract with a nonprofit organization experienced in evaluating indigent legal services systems.

GENERAL FUND	2017-18	2018-19
All Other	(\$110,000)	\$0
GENERAL FUND TOTAL	(\$110,000)	\$0

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	(\$110,000)	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$110,000)	\$0

**LEGISLATURE
Legislature 0081**

Initiative: Appropriates funds on a one-time basis to the Legislature to provide funding for the purpose of entering into a contract with a nonprofit organization

experienced in evaluating indigent legal services systems.

GENERAL FUND	2017-18	2018-19
All Other	\$110,000	\$0
GENERAL FUND TOTAL	\$110,000	\$0

**LEGISLATURE
DEPARTMENT TOTALS**

GENERAL FUND	2017-18	2018-19
GENERAL FUND	\$110,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$110,000	\$0

SECTION TOTALS

GENERAL FUND	2017-18	2018-19
GENERAL FUND	\$0	\$0
SECTION TOTAL - ALL FUNDS	\$0	\$0

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

Effective April 21, 2018.

CHAPTER 53

H.P. 1288 - L.D. 1851

Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed 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 outside the legislative rule acceptance period; and