

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

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

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 180: Performance Evaluation and Professional Growth Systems, 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 outside the legislative rule acceptance period, is authorized only if the following changes are made:

1. The rule must be amended in Section 11(1) by including in the lists of educators described in Section 11(1) additional references to conditionally certified special education teachers, as described in Section 11(5);

2. The rule must be amended in Sections 11(3) and 11(4) to reduce from 2 years to one year the required period of employment for a teacher employed by a school administrative unit who holds a conditional certificate for a regular education endorsement or a conditional certificate for a special education endorsement as the requirement relates to the formative peer mentoring or coaching component of a performance evaluation and professional growth system implemented under the rule;

3. The rule must be amended in Section 11(5) to replace all references to the Maine Alternative Certification and Mentoring program in Section 11(5) with references to an alternative certification and mentoring program designated by the department; and

4. All other necessary changes must be made to the rule to ensure conformity throughout the rule with the changes directed in this section.

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 April 24, 2018.

**CHAPTER 54
H.P. 1289 - L.D. 1852**

Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, 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

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: The Credentialing of Educational Personnel, 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 outside the legislative rule acceptance period, is authorized only if the following changes are made:

1. The rule must be amended in Part I to require that school administrative units establish and maintain local credentialing committees substantially as proposed in the Department of Education's proposals submitted to the Joint Standing Committee on Education and Cultural Affairs on March 19, 2018 attached to the documents entitled "Quick View: Rule Chapter 115, Part I" and "Work Session for LD 1852: Committee Requests and DOE Responses";

2. The rule must be amended in Part I, Section 6 to restore the provisions in the current rule Chapter 115, Section 10.1 governing the qualifications and supervision of educational technicians I and II and to restore the requirement that educational technicians be