

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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

credentialed with certificates by the Department of Education;

3. The rule must be amended in Part I, Section 6(9)(D) to clarify that the standards determined by the school administrative unit for substitute personnel to serve for less than 6 weeks would require that substitute personnel have the minimum of a high school diploma;

4. The rule must be amended in Part I, Section 3 to revise the definition of "certificate" to make the correct reference to the Maine Revised Statutes, Title 20-A, section 13001-A, subsection 2;

5. The rule must be amended in Part I, Section 6(2)(B)(2)(B) to clarify that in the 5 years prior to applying for a Maine certification, the applicant must have 3 years of successful teaching experience under an appropriate comparable certificate in the same certification subject area and grade level in any state;

6. The rule must be amended in Part I, Section 4(2)(A)(3) to maintain the general credential requirements for the 6-month certification review in the electronic data system and to remove the reference to the Exhibit 1 NEO position codes that correspond with the certifications or endorsements in Part II of the rule;

7. The rule must be amended in Part I to ensure that all equivalencies between 6 semester hours and 90 hours of in-service training for renewal are consistent throughout Part I;

8. The rule must be amended in Part I to correct all cross-references to conform with other changes required pursuant to this resolve; and

9. The rule must be amended in Part II to remove all provisionally adopted changes to Part II. Final adoption of the provisionally adopted changes to Part II of the rule is not authorized.

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; and be it further

Sec. 2. Department of Education; major substantive rulemaking. Resolved: That, by January 11, 2019, the Department of Education shall provisionally adopt and submit to the Legislature for review any amendments to its Chapter 115 rules relating to the requirements for specific certificates and endorsements in the credentialing of education personnel that the department finds are necessary to align its Chapter 115 rules with applicable laws, other rules and any applicable department practices and policies.

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

Effective April 26, 2018.

CHAPTER 55

S.P. 731 - L.D. 1901

Resolve, To Recognize the 100th Anniversary of the American Legion on the Capitol Grounds

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 American Legion was founded in 1919 and the 100th Anniversary of the American Legion is an opportunity to look back on all the accomplishments and achievements of the American Legion and the impact the organization has had on American society, including the American Legion's contributions to national security and the welfare of veterans, veterans' families and communities; and

Whereas, in order to secure a plaque for display on the immediate grounds of the State House to honor the 100th Anniversary of the American Legion, the Department of the Secretary of State and the American Legion Department of Maine should work together as soon as funding is raised to design and construct the commemorative plaque; 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. American Legion plaque on capitol grounds. Resolved: That the Department of the Secretary of State, referred to in this resolve as "the department," shall work with the American Legion Department of Maine to secure a plaque for display on the immediate grounds of the State House, as described in the Maine Revised Statutes, Title 3, section 902-A, subsection 2, to honor the 100th Anniversary of the American Legion; and be it further

Sec. 2. Funding assistance. Resolved: That the department may accept from outside sources, including the American Legion Department of Maine, donated goods, services and funding for the design and construction of the plaque; and be it further

Sec. 3. Report; final authorization. Resolved: That, prior to the creation of the plaque, the proposed design and location of the plaque must be submitted to the Executive Director of the Legislative Council for approval by the Legislative Council. The final authorization for the placement of the plaque must be made by the Legislative Council.