

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

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.

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

Effective May 1, 2018.

CHAPTER 56

H.P. 1307 - L.D. 1874

Resolve, To Ensure the Continued Provision of Services to Maine Children and Families

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, to ensure the necessary and proper protection of children and families in the State this legislation must take effect immediately; 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. Community Partnerships for Protecting Children contracts. Resolved: That, notwithstanding any other provision of law, the following contractual agreements entered into by the Department of Health and Human Services must be continued by the department in accordance with this resolve through at least January 31, 2019:

1. Contracts awarded pursuant to RFP number 201509167, Community Partnerships for Protecting Children:

- A. The Opportunity Alliance, agreement number CFS-17-8201;
- B. Broadreach Family and Community Services, agreement number CFS-17-8203;
- C. Community Concepts, agreement number CFS-17-8204; and
- D. Penquis, agreement number CFS-17-8205; and

2. The contract awarded pursuant to RFP number 201608176, Community Concepts, agreement number CFS-17-8206.

If a contract identified in this section is in effect on the effective date of this resolve, the department may not terminate the contract before and must continue the contract through at least January 31, 2019, unless the contracting party voluntarily agrees to a

termination of the contract before that date or unless there is a material breach of contract by the contracting party sufficient to justify a termination under the terms of the contract. If a contract identified in this section has been terminated by the department prior to the effective date of this resolve, the department shall immediately offer and, unless the contracting party does not consent, immediately reenter a contract with that party on the same terms as the terminated contract and may not terminate the contract before and must continue the contract through at least January 31, 2019, unless the contracting party voluntarily agrees to a termination of the contract before that date or unless there is a material breach of contract by the contracting party sufficient to justify a termination under the terms of the contract; and be it further

Sec. 2. Department review. Resolved: That the Department of Health and Human Services shall develop a plan for providing the services currently provided by the Community Partnerships for Protecting Children programs, including the Parents as Partners program, and the role of child abuse and neglect prevention councils. The department shall report the plan to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2019. The joint standing committee may report out a bill on the subject matter of this resolve to the First Regular Session of the 129th Legislature.

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

Effective May 2, 2018.

CHAPTER 57

H.P. 1346 - L.D. 1907

Resolve, To Continue a Review of the State Employee and Teacher Retirement Plan

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve continues a working group to evaluate and design retirement plan options for all state employees and teachers; and

Whereas, the working group has already been convened pursuant to Resolve 2017, chapter 14; and

Whereas, an interruption in the activities of the working group would be to the detriment of the goals and timelines established for the working group; and