

# 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**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

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

---

---

**Augusta, Maine**  
**2019**

**Sec. 1. 24-A MRSA §5084** is enacted to read:  
**§5084. Notice to policyholders of rate increase**

**1. Notice.** An insurer shall notify a policyholder of a long-term care insurance policy issued in accordance with this chapter or chapter 68 of a proposed premium rate increase that affects the policyholder no later than 30 days after the filing by the insurer of the premium rate increase. An insurer shall provide written notice by first-class mail to the last known mailing address of all affected individual and group policyholders and others who are directly billed for group coverage. The notice must:

- A. Show the proposed rate;
- B. State that the rate is subject to regulatory approval;
- C. Inform a policyholder of the policyholder's right to request a hearing pursuant to section 229;
- D. Inform a policyholder of the policyholder's right to provide written comments on the proposed rate increase to the bureau; and
- E. Provide to the policyholder contact information for the bureau, including the bureau's toll-free telephone number.

**2. Implementation of rate increase.** An increase in a premium rate may not be implemented until approved by the bureau or until the effective date of the premium rate increase, whichever is later.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Insurance - Bureau of 0092**

Initiative: Provides allocations to the Department of Professional and Financial Regulation, Bureau of Insurance for costs associated with additional rate hearings.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$11,100	\$14,800
OTHER SPECIAL REVENUE FUNDS TOTAL	\$11,100	\$14,800

See title page for effective date.

**CHAPTER 26**  
**S.P. 21 - L.D. 68**

**An Act To Improve the Record Keeping of Utilities and the Public Utilities Commission**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 35-A MRSA §716** is enacted to read:  
**§716. Complaints; record retention**

A public utility shall keep a record of every customer complaint and retain that record for a period of 10 years from the date of final resolution of the complaint and shall make all records of customer complaints readily available to the commission for examination. The commission may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 35-A MRSA §1318, sub-§1**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**1. Record.** The commission shall keep a complete and permanent record of:

- A. All proceedings before it;
- B. Investigations; and
- C. Formal public hearings; and
- D. Complaints.

The record must include the results and conclusions of proceedings, investigations, formal public hearings and complaints, including, but not limited to, orders, findings, decisions and settlement agreements.

See title page for effective date.

**CHAPTER 27**  
**H.P. 78 - L.D. 92**

**An Act To Amend Educator Evaluation Requirements**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §13704, sub-§1, ¶A**, as enacted by PL 2011, c. 635, Pt. A, §3, is amended to read:

- A. The department shall provide, by rule, a set of standards of professional practice or a set of criteria for determining acceptable locally determined standards for teachers and a set of standards of professional practice or a set of criteria for deter-

mining acceptable locally determined standards for principals;

**Sec. 2. 20-A MRSA §13704, sub-§1, ¶B** is enacted to read:

B. The rules adopted pursuant to paragraph A may include, but may not require, the use of student learning and growth measures or state assessment results as a measure of educator effectiveness;

**Sec. 3. 20-A MRSA §13704, sub-§2**, as enacted by PL 2011, c. 635, Pt. A, §3, is amended to read:

**2. Multiple measures of effectiveness.** Multiple measures of educator effectiveness, ~~other than standards of including but not limited to~~ professional practice, ~~including but not limited to student learning and growth standards;~~

**Sec. 4. 20-A MRSA §13704, sub-§3, ¶A**, as amended by PL 2015, c. 3, §1, is further amended to read:

~~A. The rating must be based on standards of professional practice and may include other measures of educator effectiveness. The proportionate weight of the standards and the measures is a local decision, but measurements of student learning and growth must be a significant factor in the determination of the rating of an educator. School administrative units shall use state assessment growth data for English language arts, literacy and mathematics as at least one measure of the performance of English language arts and mathematics teachers in tested grades and as a measure for the performance of principals.~~

An educator whose summative effectiveness rating indicates ineffectiveness must receive an annual summative effectiveness evaluation and rating until the rating improves.

An individualized education plan may not be used to measure student growth for the purposes of teacher and principal evaluation, but an individualized education plan may be a source of evidence from which learning objectives and learning targets may be developed.

**Sec. 5. 20-A MRSA §13704, sub-§5, ¶D**, as enacted by PL 2011, c. 635, Pt. A, §3, is amended to read:

D. Formation of a steering committee composed of teachers, administrators and other school administrative unit staff that regularly reviews and refines the performance evaluation and professional growth system to ensure that it is aligned with school administrative unit goals and priorities. A majority of the steering committee members must be teachers and must be chosen by the

local representative of the applicable collective bargaining unit if the teachers in the school administrative unit are covered by a collective bargaining agreement. Any revisions to the performance evaluation and professional growth system made by the steering committee must be reached by consensus; and

**Sec. 6. 20-A MRSA §13706**, as amended by PL 2015, c. 3, §2, is further amended to read:

**§13706. Rules**

The department shall adopt rules to implement this chapter, ~~including but not limited to a rule relating to the method of identifying the educator or educators whose effectiveness ratings are affected by the measurement of learning or growth of a particular student.~~ The department shall also adopt rules pertaining to the approval of performance evaluation and professional growth systems pursuant to section 13702. The department shall also adopt rules pertaining to the ongoing monitoring of the implementation and results of district performance evaluation and professional growth systems. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 7. Rulemaking.** In accordance with the Maine Revised Statutes, Title 20-A, sections 13704 and 13706, the Department of Education shall amend the department's rule Chapter 180: Performance Evaluation and Professional Growth Systems to implement the provisions of this Act and shall submit the provisionally adopted rule to the Legislature by January 10, 2020.

**Sec. 8. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 20-A, section 13704, subsections 1, 2 and 3 take effect September 1, 2021.

See title page for effective date, unless otherwise indicated.

---



---

**CHAPTER 28  
H.P. 155 - L.D. 192**

**An Act To Require an Annual Report on the Activities of the Maine Child Welfare Advisory Panel**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §4010-D** is enacted to read: