

MAINE STATE LEGISLATURE

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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

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:

§4010-D. Child welfare advisory panel; annual report

The department shall submit a report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the activities of and reports produced by the child welfare advisory panel formed pursuant to the federal Children's Justice Act, 42 United States Code, Section 5106a to make policy and training recommendations for system improvements in the investigative, administrative and judicial handling of child abuse, neglect and exploitation cases and child maltreatment-related fatalities.

See title page for effective date.

CHAPTER 29

H.P. 209 - L.D. 285

An Act To Provide for Legislative Review of Federally Mandated Major Substantive Rules under the Maine Administrative Procedure Act

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

Sec. 1. 5 MRSA §8074, as enacted by PL 1995, c. 463, §2, is repealed.

See title page for effective date.

CHAPTER 30

H.P. 215 - L.D. 291

An Act Regarding Responsibility for the Duplicative or Incorrect Payment of Health Insurance Claims

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

Sec. 1. 24-A MRSA §4303, sub-§23 is enacted to read:

23. Duplicative or incorrect claims payments.
If a carrier has made a duplicative or incorrect payment on a claim with respect to a health plan:

A. If the claim payment was made to a provider, the carrier shall retroactively seek collection related to that payment directly from the provider; and

B. The carrier may not attempt to retroactively seek collection related to the claim payment from an enrollee unless the enrollee was already paid

directly for the services identified in the claim and a provider submits evidence to the carrier that the enrollee did not forward payment to the provider. After a provider has submitted evidence that the enrollee did not forward payment to the provider, a carrier may require an enrollee to provide evidence of payment to the provider.

See title page for effective date.

CHAPTER 31

H.P. 276 - L.D. 350

An Act To Exempt School Buses from Snow Tire Restrictions

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

Sec. 1. 29-A MRSA §1919, sub-§3, as enacted by PL 2003, c. 452, Pt. Q, §24 and affected by Pt. X, §2, is amended to read:

3. Application. Subsection 1 does not apply to fire department vehicles or school buses ~~during the months school is in regular session.~~

See title page for effective date.

CHAPTER 32

S.P. 119 - L.D. 441

An Act To Reduce Childhood Exposure to Harmful Ultraviolet Radiation by Allowing Students To Use Sunscreen in Schools

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

Sec. 1. 20-A MRSA §254, sub-§5, ¶D is enacted to read:

D. Rules adopted by the commissioner under this subsection must authorize students who attend public school to possess and use a topical sunscreen product while on school property or at a school-sponsored event without a note or prescription from a licensed health care professional if the product is regulated by the federal Food and Drug Administration for over-the-counter use for the purpose of limiting skin damage from ultraviolet radiation.

See title page for effective date.