

# 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.**

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

CHAPTER 427  
H.P. 418 - L.D. 574

An Act To Clarify That  
Petitions for Certiorari to the  
Supreme Court of the United  
States Are Included within the  
Definition of Indigent Legal  
Services

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

Sec. 1. 4 MRSA §1802, sub-§4, ¶¶B and C,  
as enacted by PL 2009, c. 419, §2, are amended to  
read:

B. An indigent party in a civil case in which the  
United States Constitution or the Constitution of  
Maine or federal or state law requires that the  
State provide representation; and

C. Juvenile defendants; and

Sec. 2. 4 MRSA §1802, sub-§4, ¶D is enact-  
ed to read:

D. An indigent defendant or party or a juvenile  
for the purpose of filing, on behalf of that indigent  
defendant or party or juvenile, a petition for certi-  
orari to the Supreme Court of the United States  
from an adverse decision of the Law Court on a  
case for which services were previously provided  
to that defendant or party or juvenile pursuant to  
paragraph A, B or C.

Sec. 3. 4 MRSA §1804, sub-§3, ¶¶L and  
M, as enacted by PL 2017, c. 284, Pt. UUUU, §7, are  
amended to read:

L. Establish processes and procedures to acquire  
investigative and expert services that may be nec-  
essary for a case, including contracting for such  
services; and

M. Establish procedures for handling complaints  
about the performance of counsel providing indi-  
gent legal services; and

Sec. 4. 4 MRSA §1804, sub-§3, ¶N is enact-  
ed to read:

N. Develop a procedure for approving requests  
by counsel for authorization to file a petition as  
described in section 1802, subsection 4, paragraph  
D.

Sec. 5. Appropriations and allocations.  
The following appropriations and allocations are  
made.

INDIGENT LEGAL SERVICES, MAINE  
COMMISSION ON

Maine Commission on Indigent Legal Services  
Z112

Initiative: Provides funds for the commission to pre-  
pare and file petitions for certiorari to the Supreme  
Court on behalf of indigent parties or juveniles.

GENERAL FUND	2019-20	2020-21
All Other	\$9,000	\$12,000
GENERAL FUND TOTAL	\$9,000	\$12,000

See title page for effective date.

CHAPTER 428  
H.P. 421 - L.D. 577

An Act To Increase Access to  
Nutritious Foods in Schools by  
Implementing an After-school  
Food Program for At-risk  
Students

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

Sec. 1. 20-A MRSA §6602, sub-§1, ¶D is  
enacted to read:

D. A school administrative unit shall participate  
in the federal child and adult care food program  
established in 42 United States Code, Section  
1766 as required under this paragraph. The com-  
missioner shall assist school administrative units  
subject to the requirements of this paragraph in  
developing a plan to participate in the federal  
child and adult care food program to serve at-risk  
students who attend after-school programming  
and in obtaining federal, state and private funds to  
pay for this program. Beginning with the 2019-  
2020 school year, a school administrative unit  
with at least one public school in which at least  
50% of students qualified for a free or reduced-  
price lunch during the preceding school year shall  
participate in the federal child and adult care food  
program in accordance with 42 United States  
Code, Section 1766 during the school year, sub-  
ject to the provisions of this paragraph.

Notwithstanding other provisions of this para-  
graph, a school administrative unit that is required  
to operate a federal child and adult care food pro-  
gram may choose not to operate such a program if  
it determines by a vote of the governing body of  
the school administrative unit after notice and a  
public hearing that operating such a program  
would be financially or logistically impracticable.

See title page for effective date.

**CHAPTER 429**  
**S.P. 204 - L.D. 642**

**An Act Regarding  
Kindergarten Readiness for  
Children Who Are Deaf and  
Hard of Hearing**

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

**Sec. 1. 20-A MRSA §7204, sub-§6**, as amended by PL 2015, c. 448, §11, is further amended to read:

**6. Technical assistance.** May, on the request of a school administrative unit, provide technical assistance in the formulation of a plan or subsequent report required of all administrative units. Assistance may not be designed to transfer the responsibility for or actual development of the plan or report; ~~and~~

**Sec. 2. 20-A MRSA §7204, sub-§7**, as enacted by PL 2015, c. 448, §12, is amended to read:

**7. Out-of-state placement of a state ward.** May, when a child with a disability who is a state ward is placed in an out-of-state residential treatment center by the Department of Health and Human Services, designate the Department of Education as having responsibility for oversight of the child's individualized education program to ensure that the child receives a free, appropriate public education; ~~and~~

**Sec. 3. 20-A MRSA §7204, sub-§8** is enacted to read:

**8. Report on language and literacy development of children who are deaf and hard of hearing from birth to 5 years of age.** Beginning July 31, 2020 and annually thereafter, shall submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs of:

A. The data reported in compliance with the state performance plan required by the federal Individuals with Disabilities Education Act that are specific to language and literacy development of children who are deaf or hard of hearing from birth to 5 years of age, including children who are deaf or hard of hearing and have other disabilities, that demonstrate language and literacy development of children who are deaf or hard of hearing relative to the children's peers who are not deaf or hard of hearing; and

B. Any language developmental milestones or parent resources used or disseminated by the department to parents, educators, early interventionists or therapists for use in tracking or assessing

the expressive and receptive language acquisition of children from birth to 5 years of age who are deaf and hard of hearing and their development stages toward literacy in American Sign Language or English, or both.

The commissioner shall post the report on the department's publicly accessible website.

**Sec. 4. Departmental task force established.** The Commissioner of Education shall establish a departmental task force to recommend language developmental milestones for children, from birth to 5 years of age, based on existing resources and current standards and to develop a parent resource portfolio as described in subsection 5 to monitor and track the expressive and receptive language acquisition of children who are deaf and hard of hearing and their developmental stages toward literacy in American Sign Language or English, or both. The task force must be convened no later than November 1, 2019.

1. The commissioner shall appoint members of the task force in accordance with the following provisions.

A. The task force must include:

- (1) A majority of members who are deaf or hard of hearing;
- (2) Members who are advocates and professionals within the field of education for children who are deaf and hard of hearing and parents of children who are deaf and hard of hearing; and
- (3) A balance between members who personally, professionally or as parents use both American Sign Language and English and members who personally, professionally or as parents use only spoken English.

B. The task force may include:

- (1) A parent of a child who is deaf or hard of hearing and who communicates using only spoken English without visual supplements;
- (2) A parent of a child who is deaf or hard of hearing and who communicates using American Sign Language;
- (3) A parent of a child who is deaf or hard of hearing and who communicates using American Sign Language and spoken English;
- (4) A parent of a child who is deaf or hard of hearing and who has additional special needs;
- (5) A credentialed teacher of students who are deaf and hard of hearing and who use both American Sign Language and English;