

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

tion of the public peace, health and safety; now, therefore, be it

Sec. 1. Establishment of a specialty crops certification cost-share pilot program. Resolved: That the Commissioner of Agriculture, Conservation and Forestry shall establish a specialty crops certification cost-share pilot program, referred to in this resolve as "the pilot program" for a period of 4 years. Under the program, qualified farms may be entitled to reimbursement of up to 50% of the cost of certification of specialty crops under the "Good Agricultural Practices" and "Good Handling Practices" voluntary audit programs under the United States Department of Agriculture, Agricultural Marketing Service. "Specialty crops" means qualifying fruits and vegetables, tree nuts, dried fruits and horticulture and nursery crops, including floriculture;

Sec. 2. Reimbursement. Resolved: That reimbursement of funds under the pilot program is for initial one-time payment and may not be more than \$500 per qualified farm;

Sec. 3. Report. Resolved: That the Commissioner of Agriculture, Conservation and Forestry shall monitor the pilot program and report findings and recommendations to the joint standing committee having jurisdiction over agricultural matters no later than December 15, 2023. The joint standing committee having jurisdiction over agricultural matters may submit a bill to the Second Regular Session of the 131st Legislature relating to the subject matter of the report.

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

Effective May 16, 2019.

CHAPTER 29

H.P. 472 - L.D. 651

Resolve, To Facilitate School Access to Federal Title I Funds and Improve the Delivery of Special Education Services

Sec. 1. Delivery of special education services. Resolved: That the Department of Education, no later than January 1, 2020, shall report to the Joint Standing Committee on Education and Cultural Affairs on the progress, including recommendations and suggested legislation, on the following current projects, which were recommendations of the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services during the 128th Legislature:

1. Enhancement of response to intervention to become an all-encompassing multitiered system of

support in all school administrative units and removing the regulations on general education interventions from Department of Education rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty and amending rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to include regulations on general education interventions;

2. Facilitation of the process by which schools apply for schoolwide status with respect to funds under Title I of the federal Elementary and Secondary Education Act of 1965;

3. Increased use of dual certification programs for general education and special education certification;

4. Review of the maintenance of effort funding component of the essential programs and services funding formula under the Maine Revised Statutes, Title 20-A, section 15681-A, subsection 2, paragraph D; and

5. Improvement of regional programs that facilitate MaineCare billing for medically necessary services for schools.

The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 129th Legislature to implement any recommendations in the report.

See title page for effective date.

CHAPTER 30

H.P. 479 - L.D. 658

Resolve, To Increase Energy Independence for Maine

Sec. 1. Energy planning. Resolved: That the Governor's Energy Office shall, as a complement to the State's overall interagency and regional planning goals and in coordination with development of the state energy plan prepared pursuant to Title 2, section 9, subsection 3, paragraph C or other planning initiatives, conduct an analysis for at least one scenario through which the State, by 2030, can become a net exporter of energy through the development and expansion of energy generating capacity within the boundaries of the State and its coastal waters, energy conservation and energy efficiency at levels sufficient to offset the total value of the State's domestic energy consumption across all sectors. This analysis must identify economic benefits to the State from becoming a net exporter and policies that would be necessary to achieve this outcome.

Sec. 2. Report. Resolved: That the Governor's Energy Office shall provide a report on progress regarding the state energy plan and the analysis re-

quired under section 1, along with any recommended policy initiatives, to the Joint Standing Committee on Energy, Utilities and Technology by December 31, 2019.

See title page for effective date.

CHAPTER 31

H.P. 752 - L.D. 1010

Resolve, Directing the Department of Education To Develop a Model School Disciplinary Policy

Sec. 1. Model school disciplinary policy. Resolved: That the Department of Education shall develop a model school disciplinary policy to effectuate the policies in the Maine Revised Statutes, Title 20-A, section 1001, subsection 15-A, including, but not limited to, policies that focus on positive and restorative interventions designed to strengthen relationships, improve the connection to school and promote a strong sense of accountability. The model policy must also promote interventions designed to close economic, disability-related, gender and racial gaps. The department shall provide assistance to school administrators, superintendents and school boards to implement the model school disciplinary policy.

Sec. 2. Report. Resolved: That the Department of Education, in developing a model school disciplinary policy under section 1, shall review existing law regarding disciplinary policies, including but not limited to policies on bullying and cyberbullying, and report back to the Joint Standing Committee on Education and Cultural Affairs on any recommended legislation no later than January 15, 2020. The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 129th Legislature to implement the recommendations on school disciplinary policies.

See title page for effective date.

CHAPTER 32

H.P. 848 - L.D. 1159

Resolve, To End Hunger in Maine by 2030

Preamble. Whereas, the Legislature finds that, for the economic and social well-being of the people of the State, all people must be free from hunger, food insecurity, malnutrition, starvation or endangerment of life from scarcity of or lack of access to nourishing and culturally appropriate food; and

Whereas, the human, social and economic costs of hunger, food insecurity and malnutrition to the State are enormous and far reaching, leading to lost productivity, health-related problems, reduced well-being, decreased learning ability, reduced fulfilment of human potential and social and political unrest that undermines development efforts; and

Whereas, one in 4 children in Maine goes to bed hungry every night, 37% of the Maine people who face hunger, food insecurity or malnutrition do not qualify for any public assistance and Maine ranks first in New England and 9th in the nation for food insecurity; and

Whereas, many emergency food relief sites in the State regularly lack fresh fruits and vegetables and other nutrient-dense foods for residents struggling with hunger, food insecurity or malnutrition; and

Whereas, for the consumer, producer and the environment, the cost of food produced by and for the global industrial food system has risen in the last decade; and

Whereas, 90% of the food Maine people consume is imported from elsewhere; and

Whereas, Maine has all the natural resources and hard-working, self-reliant people to grow, catch, harvest and process enough food to reduce imports and provide the people of the State with a diet based more on Maine-produced foods and yet state food policy to date has not significantly reduced hunger, food insecurity or malnutrition for the people of the State; now, therefore, be it

Sec. 1. Plan to eliminate hunger, food insecurity and malnutrition in the State. Resolved: That the Department of Agriculture, Conservation and Forestry, in consultation and collaboration with interested parties and stakeholders, including, but not limited to, statewide and community-based advocacy and emergency food relief organizations and nonprofit organizations, financial institutions, private foundations, interfaith religious councils, farmers, persons who fish commercially, food producers, state and local granges, civic organizations, regional, local and community food policy councils and people who struggle with hunger, food insecurity or malnutrition, shall collaborate with the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the Department of Health and Human Services, the Department of Labor, the Department of Economic and Community Development, the Department of Education, the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services and the University of Maine Cooperative Extension to develop a comprehensive strategic plan to eliminate hunger in the State by 2030. The strategic plan designed under this resolve must at least: