

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION**

NON-EMERGENCY LAWS IS

NOVEMBER 25, 2019

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION**

NON-EMERGENCY LAWS IS

JUNE 16, 2020

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

**Augusta, Maine
2020**

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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 115: Part II Requirements for Specific Certificates and Endorsements, a provisionally adopted major substantive rule of the State Board of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 18, 2020.

CHAPTER 135

H.P. 1478 - L.D. 2077

Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department of Education

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A is authorized only if the rule is amended in Section 9, subsection 2 to reorder the effectiveness ratings to be consistent with Section 8 of the rule in the following order: highly effective, effective, partially effective and ineffective.

See title page for effective date.

CHAPTER 136

H.P. 1481 - L.D. 2080

Resolve, Regarding Legislative Review of Portions of Chapter 104: Maine State Services Manual, Section 8, Wholesale Prescription Drug Importation Program, a Major Substantive Rule of the Department of Health and Human Services

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 104: Maine State Services Manual, Section 8, Wholesale Prescription Drug Importation Program, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. The rule must be amended in Section 8.01 in the last sentence to provide that the department shall submit an application no later than May 1, 2020, and, if the federal rule is not finalized prior to May 1, 2020, that the department shall submit a subsequent or revised application as soon as practicable after finalization of the federal rule.

2. The rule must be amended in Section 8.02 by amending the time allowed for input from between January 1, 2020 and July 1, 2020 to between January 1, 2020 and March 16, 2020 and to allow for additional input from stakeholders as necessary after the federal rule is finalized.

3. The rule must be amended in Section 8.03 to require the department, following the conclusion of the stakeholder input process and as required by Title 5, section 2042, to submit an application to the United States Department of Health and Human Services to establish a state importation program no later than May 1, 2020. The rule must be amended to also require that, if the final federal rule is not released before May 1, 2020, the department shall submit a subsequent or revised application to establish a state importation program as soon as is practicable after the release of the final federal rule. The rule must be amended to also require that, if the department determines further rulemaking is necessary to implement the requirements of the program design, additional rules will be proposed.

The Department of Health and Human Services is not required to hold hearings or undertake further proceedings prior to the final adoption of the rule in accordance with this section.

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

Effective March 18, 2020.

CHAPTER 137

S.P. 761 - L.D. 2122

Resolve, Designating Portions of Route 139 and Route 201A in Somerset County the Corporal Eugene Cole Way

Sec. 1. Designate portions of Route 139 and Route 201A the Corporal Eugene Cole Way. Resolved: That the Department of Transportation shall designate Route 139 from its intersection with Route 201 in the Town of Fairfield to its intersection with Route 201A in the Town of Norridgewock and Route 201A from that intersection in the Town of Norridgewock to the town line of the Town of Madison the Corporal Eugene Cole Way.

See title page for effective date.

CHAPTER 138

H.P. 415 - L.D. 571

Resolve, Directing the Department of Transportation To Conduct an Economic Feasibility Study for Commuter and Passenger Train Service between Portland and the Lewiston and Auburn Area

Sec. 1. Economic feasibility study. Resolved: That, if the Department of Transportation receives funding in accordance with section 2, the department shall conduct an economic feasibility study for commuter and passenger train service between Portland and the Lewiston and Auburn area. The study must include an economic evaluation of commuter and passenger train service along the corridor route and any analysis necessary to secure potential funding sources identified in the Lewiston-Auburn Passenger Rail Service Plan report published May 2019. The department shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters by February 1, 2021. The joint

standing committee of the Legislature having jurisdiction over transportation matters may submit a bill to the First Regular Session of the 130th Legislature based on the findings provided in the department's report.

Sec. 2. Funding. Resolved: That the Department of Transportation shall accept funding contributions to fully fund the costs of the study under section 1. The total cost of the study must be determined by the department. One third of the costs of the study must come from the Multimodal Transportation Fund established in the Maine Revised Statutes, Title 23, section 4210-B and 2/3 of the costs must be provided by municipalities that would be directly impacted by commuter and passenger train service between Portland and the Lewiston and Auburn area and private entities interested in commuter and passenger train service between Portland and the Lewiston and Auburn area. No funds may be collected by or transferred to the department for the purpose of conducting the study unless the department receives commitments from the municipalities and private entities sufficient to fund 2/3 of the costs of the study. Once the municipalities and private entities have committed to providing the required funding for the study, the department shall accept the funds and may transfer funds equaling 1/3 of the costs of the study from the Multimodal Transportation Fund to cover the costs of the study. By August 1, 2020, if the municipalities and private entities have not committed to providing the required funding for the study, the department is not authorized to accept any funds or conduct the study and no expenses of any kind may be incurred or reimbursed for the study.

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

TRANSPORTATION, DEPARTMENT OF Multimodal - Passenger Rail Z139

Initiative: Provides a one-time allocation for an economic feasibility study for commuter and passenger train service between Portland and the Lewiston and Auburn area. Two thirds of the cost of the study must be provided by municipalities that would be directly impacted by and private entities interested in the train service with the remaining 1/3 provided by existing funding within this account.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$250,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$250,000

See title page for effective date.