

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

Sec. 5. Duties. Resolved: That the commission shall create a plan for a probate court system with full-time judges. The commission may consider for inclusion in the plan any features that the commission determines relevant, including, but not limited to, features that will ensure timely, convenient and meaningful access to justice, promote judicial responsibility and adherence to the code of judicial responsibility, provide for qualified full-time judges, provide adequate professional staff, reflect efficient practices in scheduling and case management throughout the system, allow for convenient and consumer-friendly processing of matters that are not contested and reflect economies of scale in all appropriate operational aspects. The commission shall describe how the system would be funded.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Information and assistance. Resolved: That the Administrative Office of the Courts and registers of probate shall provide to the commission information and assistance requested by the commission and required for the commission to perform its duties.

Sec. 8. Report. Resolved: That, no later than December 1, 2021, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Judiciary. The Joint Standing Committee on Judiciary may report out a bill regarding the subject matter of the report to the Second Regular Session of the 130th Legislature.

See title page for effective date.

**CHAPTER 105
S.P. 116 - L.D. 267**

**Resolve, Directing the
Department of Transportation
To Erect and Maintain
Markers To Commemorate
and Recognize the Lafayette
Trail**

Sec. 1. Lafayette Trail designated. Resolved: That, subject to section 2, the Department of Transportation shall erect and maintain suitable signs and other markers at or near each portion of the route followed by General Lafayette while he was in Maine in 1824 and 1825. The 1824 tour and the 1825 tour must have distinct signs and markers. The signs and markers must bear the Lafayette Trail logo provided to the department by The Lafayette Trail, Inc.

The signs and markers must be erected at or near the following locations, where appropriate, as determined by the department:

1. 1824 tour. For the 1824 tour:

A. The portion of U.S. Route 1 Bypass beginning on the Sarah Mildred Long Bridge in the Town of Kittery at the New Hampshire state line continuing north to the intersection with Bridge Street; and

B. Continuing on that portion of Bridge Street beginning at the intersection with U.S. Route 1 Bypass in the Town of Kittery and continuing east as Government Street to the intersection with Walker Street; and

2. 1825 tour. For the 1825 tour:

A. The portion of Route 4 beginning in the Town of South Berwick at the New Hampshire state line north to the intersection with Route 9 in the Town of North Berwick;

B. Continuing on that portion of Route 9 beginning at the intersection with Route 4 and continuing east to the intersection with Route 109 in the Town of Wells;

C. Continuing on that portion of Route 109 beginning at the intersection with Route 9 and continuing east to the intersection with U.S. Route 1, also known as Post Road, in the Town of Wells;

D. Continuing north on that portion of U.S. Route 1 to the Joseph Storer Mansion at 7 Storer Street in the Town of Kennebunk;

E. Continuing north on that portion of U.S. Route 1 from the Joseph Storer Mansion to the former location of the Springs Tavern at 14 Elm Street in the Town of Biddeford;

F. Continuing north on that portion of U.S. Route 1 from 14 Elm Street in the Town of Biddeford to the intersection at Storer Street in the Town of Saco;

G. Continuing east on that portion of Storer Street in the Town of Saco to the intersection at Main Street in the Town of Saco;

H. Continuing on that portion of Main Street in the Town of Saco to the intersection at Front Street in the Town of Saco to the former location of the Cleaves Hotel located in Pepperell Square;

I. Continuing north on that portion of Main Street in the Town of Saco to the intersection of U.S. Route 1 with Payne Road in the Town of Scarborough; and

J. Continuing north on that portion of Payne Road beginning in the Town of Scarborough and continuing north as Maine Mall Road to the intersection with Western Avenue in the City of South Portland.

Sec. 2. Funding. Resolved: That the Department of Transportation shall seek funding contributions from an outside organization to fully fund the costs of erecting the signs and markers under section 1. If the department does not receive funding for the full costs of erecting the signs and markers by 90 days after the adjournment of the Second Regular Session of the 130th Legislature, the department is not authorized to erect the signs or markers, expenses of any kind may not be incurred or reimbursed for the signs and markers, and any money the department received for the signs and markers must be refunded to the organization that provided it.

See title page for effective date.

CHAPTER 106

H.P. 270 - L.D. 386

Resolve, Directing the Department of Education To Establish the Process for Transitioning the Provision of Early Childhood Special Education Services for Children with Disabilities from 4 Years of Age to under 6 Years of Age from the Regional Child Development Services System to School Administrative Units

Sec. 1. Department of Education to establish the process for transitioning the provision of early childhood special education services for children with disabilities from 4 years of age to under 6 years of age from the regional Child Development Services System to school administrative units. Resolved: That the Department of Education shall establish a process, timeline and implementation plan for transitioning the provision of early childhood special education services for children with disabilities from 4 years of age to under 6 years of age from the regional Child Development Services System to school administrative units. The process, timeline and implementation plan established by the Department of Education must:

1. Include the implementation plan components as presented in the Public Consulting Group's independent review of the State's early childhood special education services, "Maine Early Childhood Special Education Implementation Plan," dated December 1, 2020;
2. Define a role for the department and regional offices to contract with private providers in situations in which a school administrative unit is unable to provide the appropriate level of service to meet the individualized education program plan of a child with a disability;

3. Address at a minimum:
 - A. School administrative unit capacity, staffing and physical space;
 - B. Administrative oversight;
 - C. Transportation;
 - D. Curriculum and assessments;
 - E. Data systems; and
 - F. Health and safety-related considerations;
4. Provide specificity regarding funding through the State and the MaineCare program that does not flow through the essential programs and services funding formula pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B;
5. Include a plan to protect current Child Development Services System employees from any negative or unintended consequences related to retirement and pensions and the federal windfall elimination provision and government pension offset;
6. Provide steps, benchmarks and milestones for the department, the Child Development Services System and school administrative units to meet before and during any transition period, including but not limited to the components under subsection 3, and an independent project manager not employed by the Department of Education;
7. Provide a detailed plan of the evaluation and assessment tools to be developed to determine whether the department, the Child Development Services System and school administrative units are meeting steps, benchmarks and milestones, which must include that, if progress towards implementation is not being met, the transition must cease until a solution can be determined; and
8. Include a recommendation regarding whether to provide services to children with disabilities who are 3 years of age through a quasi-independent agency or through school administrative units or a hybrid system and a description of the necessary additional resources, steps and benchmarks and barriers to any transition of services.

The Department of Education shall consult and meet with the advisory committee established under section 2 on the process, timeline and implementation plan.

Sec. 2. Advisory committee established. Resolved: That the Department of Education shall establish an advisory committee to advise the department on matters related to developing the implementation plan pursuant to section 1. No later than 30 days after the effective date of this resolve, the Commissioner of Education shall invite the following members to join the advisory committee: