

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
EDUCATION AND CULTURAL AFFAIRS

MAY 1998

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ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	S-565 H-1153 RICHARD S-701 TREAT

LD 1969 proposed to make the following changes in the laws relating to the Board of Barbering and Cosmetology:

1. It would reduce the size of the board from 11 to nine members to bring it into conformity with the size of other state licensing boards. In addition, the bill proposed to change the membership of the board to include the Commissioner of Education, or the commissioner's designee, and an owner of a barbering or cosmetology school. The bill further proposed to repeal the law that required that a licensed instructor of cosmetology be a member of the board. The bill also proposed that a majority of the board constitutes a quorum and includes conflict of interest provisions for the member representing school owners;
2. It would move the provision regarding inspection of establishments by board members to the section of law establishing the powers and duties of the board;
3. It would amend the licensing and bond requirements for schools of cosmetology, schools of barbering and other proprietary schools. The bill further proposed to require each school to post a bond, based on the amount of gross tuition the school receives, to more closely match the bond to an amount that may assist students in the event of fraud, misrepresentation or failure to pay refunds due to the students; and
4. It would impose a requirement that all schools submit a copy of the most recent financial audit or financial statements when applying for its annual license renewal. The bill also proposed to require schools to notify students of where to make complaints with regard to their education.

Committee Amendment "A" (S-565) proposed to correct language in the bill and to amend several sections of the bill to accomplish the following:

1. It would clarify that bonds are required with every license renewal application and the definition of the term "bond," in addition, the amendment proposed to add further language to indicate that these bonds should not run in favor of the Finance Authority of Maine only when the school's sole participation in state or federal financial aid programs is the Federal Direct Student Loan Program, and also proposed to provide that the licensing authority and the Finance Authority of Maine have the right to review the school's operations and records for certain purposes;
2. It would further clarify that responsible owners, officers and employees of a licensee are personally liable to any person harmed by intentional violations of this subchapter or applicable rules, including violations of rules regarding refunds, for the amount of damages caused by the violations; and
3. It would add an additional member to the Board of Barbering and Cosmetology.

This amendment also proposed to add a fiscal note to the bill.

House Amendment "A" (H-1153) proposed to remove references to certain functions that the board no longer performs and would eliminate the provisions whereby the board would hold closed sessions while performing those functions. The provisions of the freedom of access laws, the Maine Revised Statutes, Title 1, chapter 13, subchapter I, would continue to apply to the board.

Senate Amendment "A" to Committee Amendment "A" (S-701) proposed to correct language in section 10 of Committee Amendment "A" to clarify the proper holder of the required bond.

Enacted law summary

Public Law 1997, chapter 771 makes the following changes in the laws relating to the Board of Barbering and Cosmetology:

1. It reduces the size of the board from 11 to 10 members. In addition, the law changes the membership of the board to include the Commissioner of Education, or the commissioner's designee, as an ex-officio and non-voting member and an owner of a barbering or cosmetology school. The law further repeals the provision that required that a licensed instructor of cosmetology be a member of the board. The law also establishes that a majority of the board constitutes a quorum and includes conflict of interest provisions for the member representing school owners;
2. It moves the provision regarding inspection of establishments by board members to the section of law establishing the powers and duties of the board;
3. It amends the licensing and bond requirements for schools of cosmetology, schools of barbering and other proprietary schools. The law further requires each school to post a bond, based on the amount of gross tuition the school receives, to more closely match the bond to an amount that may assist students in the event of fraud, misrepresentation or failure to pay refunds due to the students;
4. It clarifies that bonds are required with every license renewal application and the definition of the term "bond." In addition, the law indicates that these bonds should not run in favor of the Finance Authority of Maine only when the school's sole participation in state or federal financial aid programs is the Federal Direct Student Loan Program, and also provides that the licensing authority and the Finance Authority of Maine have the right to review the school's operations and records for certain purposes;
5. It imposes a requirement that all schools submit a copy of the most recent financial audit or financial statements when applying for its annual license renewal. The law also requires schools to notify students of where to make complaints with regard to their education;
6. It clarifies that responsible owners, officers and employees of a licensee are personally liable to any person harmed by intentional violations of this subchapter or applicable rules, including violations of rules regarding refunds, for the amount of damages caused by the violations; and
7. It removes references to certain functions that the board no longer performs and eliminates the provisions whereby the board would hold closed sessions while performing those functions. The provisions of the freedom of access laws, the Maine Revised Statutes, Title 1, chapter 13, subchapter I, continue to apply to the board.