

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

MEMBERS:

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Sen. Mary R. Cathcart
Sen. Mary E. Small

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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.

The commission shall submit its report with any accompanying legislation to the Joint Standing Committee on Education and Cultural Affairs of the 118th Legislature by October 30, 1998.

LD 2143

An Act to Restore Advocacy Services for Handicapped Students

P & S 84

Sponsor(s)
WINN

Committee Report
OTP-AM

Amendments Adopted
H-898

LD 2143 proposed to restore funding for advocacy for students with special needs in special education matters including the development of appropriate individual education plans. Representation includes consultation, attendance at pupil evaluation team meetings and such actions as are necessary to enforce the rights of a student. The bill further proposed to require the Department of Education to study the practice of using attorneys as advocates for school administrative units in special education matters and would also permit the department to adopt rules prohibiting the use of state funds for that purpose.

Committee Amendment "A" (H-898) proposed to replace the bill. The amendment further proposed to appropriate \$80,000 to Maine Advocacy Services to provide students with learning disabilities with advocacy services in special education matters. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1997, chapter 84 appropriates \$80,000 to Maine Advocacy Services to provide students with learning disabilities with advocacy services in special education matters.

LD 2162

**Resolve, to Authorize the Maine State Museum to Purchase Historic
Maine Artifacts**

RESOLVE 86

Sponsor(s)
MITCHELL E
LAWRENCE

Committee Report

Amendments Adopted
S-447 PINGREE

LD 2162 was not referred to committee and proposed to appropriate \$162,000 from the General Fund to allow the Maine State Museum to purchase historic artifacts.

Senate Amendment "A" (S-447) proposed to remove the emergency preamble and emergency clause, change the fiscal year to 1998-99 and authorize the Maine State Museum to purchase historic artifacts or to reimburse another organization for the purchase of historic artifacts.

Senate Amendment "B" (S-448) proposed General Fund appropriation in fiscal year 1997-98 of \$162,000 and replace it with a new section that authorize the purchase of historic artifacts, utilizing funds available in the State Contingent Account and the Reserve Fund for State House Preservation and Maintenance. The amendment was not adopted.

Senate Amendment "A" to Senate Amendment "A" (S-449) proposed to remove the proposed General Fund appropriation in fiscal year 1998-99 of \$162,000 and replaces it with a new section that would authorize the

purchase of historic artifacts, utilizing funds available in the State Contingent Account and the Reserve Fund for State House Preservation and Maintenance. The amendment was not adopted.

Enacted law summary

Resolve 1997, chapter 86 provides a General Fund appropriation in fiscal year 1998-99 of \$162,000 to allow the Maine State Museum to purchase historic artifacts or to reimburse another organization for the purchase of historic artifacts.

**LD 2163 An Act Regarding the Responsibility of the State for the Costs of INDEF PP
School Employee Record Checks and Fingerprinting**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMAIRE	OTP-AM MAJ ONTP MIN	

LD 2163 proposed to make the State, rather than the applicant, responsible for the costs of fingerprinting and criminal record checks that will begin in fiscal year 1999-2000. Current law requires the Department of Education to certify, authorize or approve most professional and semiprofessional education personnel working in the State. Beginning in fiscal year 1999-2000, the certification, authorization and approval processes and renewals of certifications, authorizations and approvals will require applicants to undergo fingerprinting and criminal record checks.

Committee Amendment "A" (H-976), which was the majority report of the committee, proposed to require the applicant for initial certification, authorization or approval as a teacher or other educational employee to pay for the expenses involved in undergoing fingerprinting and obtaining criminal record checks. The amendment also proposed to require that the Legislature appropriate money from the General Fund to the Department of Education to cover the expenses of obtaining fingerprinting and criminal record checks for any person applying for renewal of certification, authorization or approval. The amendment would further require that, in the event that money from the General Fund is not appropriated to the Department of Education to carry out the purposes of this act, the department is not responsible for the expenses of obtaining criminal history record checks and fingerprinting for any person applying for renewal of certification, authorization or approval. The amendment also proposed to add a fiscal note to the bill. The amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-986) proposed to require candidates seeking election to a state office to undergo the same criminal background and fingerprint checks as are required of education personnel in this State. The amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-987) proposed to specify that an applicant must submit to a Federal Bureau of Investigation criminal history record check and fingerprinting only if the Department of Education pays the expense of the background check and fingerprinting. The amendment was not adopted.