

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

July 2003

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. 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 considered by the committees. It is arranged alphabetically by committee name 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:

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
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Joint Standing Committee on Education and Cultural Affairs

chemicals. The amendment also proposed to direct the departments to report back to the Joint Standing Committee on Education and Cultural Affairs with recommendations regarding proposed amendments to current department rules regarding the use and storage of hazardous chemicals by July 1, 2003.

Enacted Law Summary

Resolve 2003, chapter 48 directs the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor to review the 2002 EPA list of pesticides registered and classified as known, likely and probable carcinogens and compare it to current department rules governing the purchase and storage of hazardous chemicals. The resolve directs the departments to report back to the Joint Standing Committee on Education and Cultural Affairs with recommendations regarding proposed amendments to current department rules regarding the use and storage of hazardous chemicals by July 1, 2003.

Resolve 2003, chapter 48 was passed as an emergency measure effective May 27, 2003.

LD 203

An Act to Establish the Full Right of Petition and Redress in Local School Board Decisions

ONTP

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

LD 203 proposed to provide for a direct initiative and people's veto process for school policies and rules, except those that pertain to staffing or salary matters, any other personnel matters or any budgetary matters, to be exercised by the voters of any school administrative unit. The processes proposed to be established are similar to those available under the Constitution of Maine for initiation and veto of legislation by the voters of the State.

Committee Amendment "A" (H-460) was the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment proposed to strike and replace the bill title and the bill to limit the right of petition and redress in local school board decisions to the voters in a municipality that has a municipal school unit. Under this amendment, the right of petition and redress in local school committee decisions would be a local option available to the voters in a municipality that has a municipal school unit form of school governance. The amendment proposed the following provisions to accomplish this purpose:

1. It proposed to provide that the voters in a municipality that also has a municipal school unit could use the provisions of the Maine Revised Statutes, Title 30-A, chapter 111 to adopt or amend a municipal charter to establish a direct initiative and people's veto process regarding the establishment, amendment or repeal of a limited scope of school committee policies;
2. It proposed to provide that the direct initiative and people's veto process regarding school committee policies would not apply to policies that pertain to staffing, salary or any other personnel matters or any budgetary matters; and
3. It proposed to provide an emergency override provision for the school committee of a municipal school unit. The school committee would have the power to override any school policy adopted, amended or rejected by the voters of the municipal school unit provided that the school committee declares an emergency, that such

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override is approved on an individual case-by-case basis in the application of the school policy and that such override is approved by a 2/3 vote of the school committee members present and voting.

LD 230 **An Act Concerning Restructuring of School Districts** **CARRIED OVER**

<u>Sponsor(s)</u> MARTIN LUNDEEN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 230, which is a concept draft pursuant to Joint Rule 208, proposes the restructuring of school districts within Aroostook County to provide for only one school administrative district for the county. The bill has been carried over to the Second Regular Session.

LD 262 **An Act To Require That Disciplinary, Attendance and Health Records Be Included in the Records That Follow a Student Who Transfers to Another School** **PUBLIC 472**

<u>Sponsor(s)</u> MITCHELL CUMMINGS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-189
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LD 262 proposed to require that when a student transfers from one school administrative unit to another, the school administrative unit from which the student is transferring must transfer the student's disciplinary records, attendance records and health records to the school administrators at the school administrative unit to which the student is seeking a transfer.

Committee Amendment "A" (S-189) proposed to retain the provisions of the bill and proposed to clarify that a student's health records, including records and information pertaining to HIV infection status, health care and treatment, mental health treatment and alcohol and other substance abuse treatment, may not be disseminated as part of a student's health records without the authorization or consent necessary under existing state statutes.

Enacted Law Summary

Public Law 2003, chapter 472 requires that when a student transfers from one school administrative unit to another, the school administrative unit from which the student is transferring must transfer the student's disciplinary records, attendance records and health records to the school administrators at the school administrative unit to which the student is seeking a transfer. The law also clarifies that a student's health records, including records and information pertaining to HIV infection status, health care and treatment, mental health treatment and alcohol and other substance abuse treatment, may not be disseminated as part of a student's health records without the authorization or consent necessary under existing state statutes.