

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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Sen. Michael F. Brennan
Sen. Betty Lou Mitchell*

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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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LD 699 **Resolve, To Address Multicultural Education Needs of Maine Teachers** **ONTP**

<u>Sponsor(s)</u> MCKEE ROTUNDO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 699 proposed to create a special commission to study the multicultural needs of Maine teachers to ensure that multicultural awareness and understanding is brought to the attention of all students.

LD 715 **An Act to Assist Visual Care Providers in the State** **ONTP**

<u>Sponsor(s)</u> STANLEY PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 715 proposed to expand the loan forgiveness aspect of the Health Professions Loan Program to include ophthalmologists and optometrists practicing in health professional shortage areas, practicing in underserved specialty areas or providing services to a designated underserved group as determined by the Commissioner of Human Services. Currently dentists and physicians practicing general or family medicine, internal medicine, pediatrics, obstetrics and gynecology qualify for loan forgiveness under the program.

LD 744 **An Act To Ensure Improved Stability in School Funding Distributions** **ONTP**

<u>Sponsor(s)</u> LEMOINE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 744 proposed to require that the pupil count and the property valuation data used for determination of the state general purpose aid for local schools subsidy to be distributed to each school administrative unit be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 5-year period.

LD 751 **An Act To Implement the Recommendations of the Legislative Youth Advisory Council** **PUBLIC 481 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-295 S-297 CATHCART
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LD 751 proposed to implement the recommendations of the Legislative Youth Advisory Council. The bill proposed to accomplish the following:

1. It proposed to require the Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services to develop

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recommendations for the establishment of a permanent youth advisory committee within the Executive Branch to serve as a resource for any state agency charged with developing, implementing or enforcing programs, policies or laws that apply specifically to youth;

2. It proposed to require the Director of the Office of Substance Abuse to review the procedures used by the office for collecting information on drug and alcohol use among youth, including a review of Washington State's "Healthy Youth Survey," and to report back to the Legislative Youth Advisory Council on options to the existing Maine Youth Drug and Alcohol Use Survey tool that include a more appropriate survey tool and a methodology based on random sampling that provides statistically valid data at the state level and within participating local school districts and expanding the target population of the survey to include not only students who attend school but also home-schooled students and youth who attend school infrequently or have dropped out of school.
3. It proposed to require the Director of the Office of Substance Abuse to review procedures used by the office for awarding grants for youth-related drug and alcohol abuse prevention programs and services to ensure that those grants are being awarded to programs with the highest demonstrated level of effectiveness and in those areas of the State having the highest demonstrated need;
4. It proposed to require the Director of the Office of Substance Abuse and the Commissioner of Education to review and report on procedures for preparing and training teachers and others who administer the Maine Youth Drug and Alcohol Use Survey in the schools to ensure that all persons administering the survey are adequately prepared to perform that task;
5. It proposed to require the Commissioner of Education to review the Project ALERT program and other similar prevention programs and prepare recommendations on the viability of those programs as options to the Drug Abuse Resistance Education, DARE, program in Maine schools;
6. It proposed to require the Commissioner of Education, as part of the required review of content standards and performance indicators under the system of learning results, to determine whether the content standards pertaining to health and physical education adequately incorporate the principles and goals of the alcohol and drug use policies for student athletes as proposed in the 2002 report by the Youth Policy and Empowerment Project;
7. It proposed to add a 2nd Senate member to the Legislative Youth Advisory Council and provides for the legislative chair to alternate every 2 years between the first-appointed House member and the first-appointed Senate member; and
8. It proposed to adjust the terms of the existing youth members to provide greater consistency in membership and simplicity in the appointment process.

Committee Amendment "A" (H-295) proposed to clarify the terms of the members of the Legislative Youth Advisory Council, correct errors in the bill and add the process to be used to review alcohol and drug abuse prevention policies for student athletes.

Senate Amendment "A" to Committee Amendment "A" (S-297) proposed to remove the appropriations and allocations section from the amendment.

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Enacted Law Summary

Public Law 2003, chapter 481 implements the recommendations of the Legislative Youth Advisory Council. Specifically, this law:

1. Requires the Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services to develop recommendations for the establishment of a permanent youth advisory committee within the Executive Branch to serve as a resource for any state agency charged with developing, implementing or enforcing programs, policies or laws that apply specifically to youth;
2. Requires the Director of the Office of Substance Abuse to review the procedures used by the office for collecting information on drug and alcohol use among youth, including a review of Washington State's "Healthy Youth Survey," and to report back to the Legislative Youth Advisory Council on options to the existing Maine Youth Drug and Alcohol Use Survey tool that include a more appropriate survey tool and a methodology based on random sampling that provides statistically valid data at the state level and within participating local school districts and expanding the target population of the survey to include not only students who attend school but also home-schooled students and youth who attend school infrequently or have dropped out of school;
3. Requires the Director of the Office of Substance Abuse to review procedures used by the office for awarding grants for youth-related drug and alcohol abuse prevention programs and services to ensure that those grants are being awarded to programs with the highest demonstrated level of effectiveness and in those areas of the State having the highest demonstrated need;
4. Requires the Director of the Office of Substance Abuse and the Commissioner of Education to review and report on procedures for preparing and training teachers and others who administer the Maine Youth Drug and Alcohol Use Survey in the schools to ensure that all persons administering the survey are adequately prepared to perform that task;
5. Requires the Commissioner of Education to review the Project ALERT program and other similar prevention programs and prepare recommendations on the viability of those programs as options to the Drug Abuse Resistance Education, DARE, program in Maine schools;
6. Requires the Commissioner of Education to review the principles and goals of the alcohol and drug use policies for student athletes proposed in the 2002 report by the Youth Policy and Empowerment Project and discuss that report with the Legislative Youth Advisory Council during the fall of 2003;
7. Adds a second Senate member to the Legislative Youth Advisory Council and provides for the legislative chair to alternate every 2 years between the first-appointed House member and the first-appointed Senate member; and
8. Adjusts the terms of the existing youth members to provide greater consistency in membership and simplicity in the appointment process.

Public Law 2003, chapter 481 was enacted as an emergency measure effective June 23, 2003.