

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
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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
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Education and Cultural Affairs

2. The portions of the rule that would be authorized for final adoption are sufficient to permit the Department of Labor, Bureau of Labor Standards to communicate allegations of unsafe student conditions in educational institutions and to provide any technical assistance that could be necessary to these educational institutions.

The amendment further proposed to strike and replace the title of the resolve to more accurately reflect the entity that adopted the rules.

House Amendment "A" to Committee Amendment "A" (H-521) proposed to amend the “finding section” of the committee amendment to reflect that it is the Legislature that is making the final determination regarding the provisionally adopted rules.

Enacted Law Summary

Resolve 2003, chapter 56 requires the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health to amend its provisionally adopted major substantive rules regarding sound student safety practices in Maine's public schools and colleges. The resolve specifies that the portions of the rule that are authorized for final adoption are only those portions sufficient to permit the Bureau of Labor Standards to communicate allegations of unsafe student conditions in educational institutions and to provide any technical assistance that may be necessary to these educational institutions.

Resolve 2003, chapter 56 was passed as an emergency measure effective June 2, 2003.

LD 1530

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education

**RESOLVE 60
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-453

LD 1530, a resolve, proposed to provide for legislative review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-453) proposed to provide that only specific portions of the provisionally adopted major substantive rule submitted by the Department of Education could be authorized and also proposed to provide that the remainder of the provisionally adopted major substantive rule could not be adopted, but rather must be reviewed and resubmitted by the Department of Education. The amendment proposed to authorize the adoption of the proposed provisions to the Administrator Certificates section of the rule only if certain portions of this section of the rule would be amended to include references to the Interstate School Leaders Licensure Consortium standards as part of the alternative pathways to certain administrator certificates.

The amendment also proposed to require that, pending the decision of the United States Department of Education on the Maine Department of Education's Consolidated State Application for State Grants under Title IX, Part C, Section 9302 of the federal Elementary and Secondary Education Act, Public Law 107-110, the Department of Education would review and file a revised provisionally adopted major substantive rule. The amendment further proposed to require that the Department of Education would also consider the concerns raised by interested parties during public hearings and work sessions on this rule conducted by the Joint Standing Committee on Education and

Joint Standing Committee on Education and Cultural Affairs

Cultural Affairs related to other portions of the provisionally adopted major substantive rule that are not necessarily subject to the educator quality requirements of the federal Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001.

Enacted Law Summary

Resolve 2003, chapter 60 provides that only specific portions of the provisionally adopted major substantive rule submitted by the Department of Education related to certification, authorization and approval of education personnel are authorized and also provides that the remainder of the provisionally adopted major substantive rule may not be adopted, but rather must be reviewed and resubmitted by the Department of Education. The resolve authorizes the adoption of the proposed provisions to the Administrator Certificates section of the rule only if certain portions of this section of the rule are amended to include references to the Interstate School Leaders Licensure Consortium standards as part of the alternative pathways to certain administrator certificates.

The resolve also requires that, pending the decision of the United States Department of Education on the Maine Department of Education's Consolidated State Application for State Grants under the federal Elementary and Secondary Education Act, the Department of Education shall review and file a revised provisionally adopted major substantive rule. The resolve further requires that the department shall consider the concerns raised by interested parties during public hearings and work sessions on this rule conducted by the Joint Standing Committee on Education and Cultural Affairs related to other portions of the provisionally adopted major substantive rule that are not necessarily subject to the educator quality requirements of the federal Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001.

Resolve 2003, chapter 60 was passed as an emergency measure effective June 3, 2003.

LD 1564

An Act Regarding School Bus Contracts

**PUBLIC 325
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| PINGREE DOUGLASS | OTP-AM | H-364 |

LD 1564 proposed to allow the Commissioner of Education to authorize a one-year extension of a 5-year contract for transportation of public school students when such an extension would be beneficial to a school administrative unit.

Committee Amendment "A" (H-364) proposed to incorporate a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 325 allows the Commissioner of Education to authorize a one-year extension of a 5-year contract for transportation of public school students when such an extension would be beneficial to a school administrative unit.

Public Law 2003, chapter 325 was enacted as an emergency measure effective May 27, 2003.