

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

August 2005

Members:

Sen. Elizabeth H. Mitchell, Chair

Sen. Elizabeth M. Schneider

Sen. Karl W. Turner

Rep. Jacqueline R. Norton, Chair

Rep. Edward D. Finch

Rep. Elaine Makas

Rep. Emily Ann Cain

Rep. Connie Goldman

Rep. Barbara E. Merrill

Rep. Vaughn A. Stedman

Rep. Gerald M. Davis

Rep. Peter Edgecomb

Rep. Scott E. Lansley

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Education and Cultural Affairs

LD 618 **An Act To Promote Parental Responsibility When Minors Make Use of Public Libraries** **ONTP**

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

LD 618 proposed to require public municipal and state libraries to release confidential records concerning a minor's use of books or other materials in the library upon the written request of a parent or guardian of the minor.

LD 624 **An Act To Amend the Procedure by Which Maine Education Assessment Scores Are Interpreted** **PUBLIC 118**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM MAJ ONTP MIN	H-216

LD 624 proposed to require a student's Maine Education Assessment scores in a specialized or regionalized program or school to be assigned to the community where the student resides. The bill proposed to require the Commissioner of Education to adopt routine technical rules to implement the provisions of the bill.

Committee Amendment "A" (H-216), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to clarify that the Maine Education Assessment scores for a student who receives education from a regional alternative education program or a regional special education program could be assigned to the community or school within the school administrative unit where the student resides.

Enacted law summary

Public Law 2005, chapter 118 requires that the Maine Education Assessment scores for a student who receives education from a regional alternative education program or a regional special education program may be assigned to the community or school within the school administrative unit where the student resides. The law requires the Commissioner of Education to adopt routine technical rules to implement these provisions.

LD 665 **Resolve, Directing the Department of Education To Clarify Graduation Requirements for Special Education Students** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON TURNER	ONTP	

LD 665 proposed to direct the Department of Education to review federal laws, state statutes and rules of the Department of Education related to the role of individual education plans in determining specific graduation requirements for special education students. The Department of Education would have been directed to present a

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report, including suggested legislation, to resolve conflicts to the Joint Standing Committee on Education and Cultural Affairs by December 2, 2005. The Joint Standing Committee on Education and Cultural Affairs would have been authorized to introduce a bill related to this report to the Second Regular Session of the 122nd Legislature.

LD 666 An Act To Require Approval of Voters before Closing a School ONTP

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 666 proposed to require the Commissioner of Education to adopt major substantive rules to establish standards and practices to follow when proposing to close a public school.

LD 675 An Act To Require That Students Meet Learning Results Requirements before Entering Grade 9 ONTP

<u>Sponsor(s)</u> NUTTING J FINCH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 675 proposed to require that students must meet the learning results requirements for grade 8 before being allowed to enter grade 9.

LD 676 Resolve, Regarding the No Child Left Behind Act of 2001 RESOLVE 54

<u>Sponsor(s)</u> BRENNAN NORTON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-200
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LD 676 proposed to direct the Attorney General to bring suit against the Federal Government and any other appropriate parties if the federal funding provided to the State was insufficient to implement the No Child Left Behind Act of 2001. The Attorney General could seek the necessary funding or could seek relief from the imposition of the federal requirements for which funding was insufficient.

Committee Amendment "A" (S-200) proposed to direct the Attorney General to bring suit against the Federal Government if the State received insufficient federal funds to implement the federal No Child Left Behind Act of 2001. This amendment instead proposed to direct the Attorney General to determine whether an increase in federal funding was necessary to fully implement the federal Act in this State or whether there was a basis for relief from certain federal requirements. If, based on the review, the Attorney General determined that the federal funding was insufficient or there was a basis for relief, this amendment proposed to authorize the Attorney General to bring an action against the Federal Government and appropriate parties.