

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed  
during the Second Regular or First Special Sessions of the 123<sup>rd</sup> Maine  
Legislature coming from the

**JOINT STANDING COMMITTEE ON EDUCATION AND  
CULTURAL AFFAIRS**

May 2008

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
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**LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS**

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular or First Special Sessions of the 123<sup>rd</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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>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 &amp; 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; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</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>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.<sup>1</sup> The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123<sup>rd</sup> Legislature.

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<sup>1</sup> The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

# Joint Standing Committee on Education and Cultural Affairs

**LD 2026**    **Resolve, To Reimburse School Administrative District No. 11 for the State Share of Retirement Contributions Paid in Error**

**RESOLVE 217**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	H-702 S-677    ROTUNDO

This resolve requires the Commissioner of Education to make a state subsidy adjustment to School Administrative District No. 11 for contributions to the Maine Public Employees Retirement System that should have been paid by the Department of Education from state funds but were instead paid in error by School Administrative District No. 11 from local funds.

### Committee Amendment "A" (H-702)

This amendment specifies that the reimbursement to School Administrative District No. 11 for retirement contributions it made that should have been paid by the State must be made by the Commissioner of Administrative and Financial Services from an appropriation for that purpose, rather than by the Commissioner of Education through a subsidy adjustment as proposed in the resolve. This amendment also adds an appropriations and allocations section.

### Senate Amendment "A" (S-677)

This amendment replaces the resolve and provides that the Governor must include in the biennial budget bill for the 2010-2011 biennial budget funding in the amount of \$90,788 for the reimbursement to School Administrative District No. 11 for the State's share of retirement contributions paid by the school district in error to be offset by a reduction in the fiscal year 2009-10 appropriation for teacher retirement.

### Enacted Law Summary

Resolve 2007, chapter 217 provides that the Governor must include in the biennial budget bill, for the 2010-2011 biennial budget, funding in the amount of \$90,788 for the reimbursement to School Administrative District No. 11 for the State's share of retirement contributions paid by the school district in error to be offset by a reduction in the fiscal year 2009-10 appropriation for teacher retirement.

**LD 2027**    **Resolve, To Examine the Information, Training and Support Services Provided to Parents of Children with Disabilities**

**RESOLVE 171**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD	OTP-AM	H-760

This bill creates an ombudsman program to provide services to children and families in the State regarding special education programs and special education services and to provide support to students with disabilities and their parents, guardians and educators.

### Committee Amendment "A" (H-760)

This amendment strikes the bill and replaces it with a resolve that directs the Maine Developmental Disabilities Council to establish a work group to examine the information, training and support services that are currently available to the parents of children with disabilities regarding special education programs and services, including the extent to which ombudsman services would be beneficial to the parents of children with disabilities. The Maine Developmental Disabilities Council shall convene the work group and provide all staffing assistance and funding necessary to carry out the duties of the work group. The Maine Developmental Disabilities Council shall submit a

## *Joint Standing Committee on Education and Cultural Affairs*

report no later than January 31, 2009 to the joint standing committee of the Legislature having jurisdiction over education matters, which may introduce a bill to the 124th Legislature on matters relating to the recommendations of the work group.

### **Enacted Law Summary**

Resolve 2007, chapter 171 directs the Maine Developmental Disabilities Council to establish a work group to examine the information, training and support services that are currently available to the parents of children with disabilities regarding special education programs and services, including the extent to which ombudsman services would be beneficial to the parents of children with disabilities. The resolve provides that the Maine Developmental Disabilities Council shall convene the work group, shall provide all staffing assistance and funding necessary to carry out the duties of the work group, and shall submit a report no later than January 31, 2009 to the joint standing committee of the Legislature having jurisdiction over education matters, which may introduce a bill to the 124th Legislature on matters relating to the recommendations of the work group.

### **LD 2028 An Act To Clarify the Authority of the Board of Directors of Regional School Unit No. 1**

**P & S 42**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	OTP-AM MAJ ONTP MIN	H-912

This bill enacts a mechanism to equalize the tax burden for education across municipalities authorized to regionalize in the lower Kennebec River area pursuant to Private and Special Law 2007, chapter 25. The bill also authorizes limiting choice for students from municipalities that join the district after the initial date of consolidation.

### **Committee Amendment "A" (H-912)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes and replaces the bill to clarify the authority of the board of directors of Regional School Unit No. 1 to negotiate and enter into a tuition contract with the Georgetown School Committee for students from the Town of Arrowsic to continue to have the opportunity to attend the Georgetown Central School.

### **Enacted Law Summary**

Private and Special Law 2007, chapter 42 clarifies the authority of the board of directors of Regional School Unit No. 1 to negotiate and enter into a tuition contract with the Georgetown School Committee for students from the Town of Arrowsic to continue to have the opportunity to attend the Georgetown Central School.

### **LD 2043 An Act To Protect Student Athletes**

**ONTP**

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

This bill, modeled after Texas legislation, requires the development and adoption of an extracurricular activity safety training course by the Department of Education to be used in all public and certain private schools in Maine. It requires certain school personnel to take the safety training course, which includes training in the recognition of potentially catastrophic injuries, emergency response and cardiopulmonary resuscitation. It also requires schools to provide to students participating in extracurricular athletic activities training related to recognizing the symptoms of certain injuries and the risks of using dietary supplements to enhance athletic performance.