

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1487

H.P. 1118

House of Representatives, March 8, 2001

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**Resolve, to Establish the Blue Ribbon Commission to Review Special  
Education Laws.**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MacDOUGALL of North Berwick.  
Cosponsored by Senator SMALL of Sagadahoc and  
Representatives: BOWLES of Sanford, CRESSEY of Baldwin, DAVIS of Falmouth,  
KASPRZAK of Newport, MURPHY of Berwick, MURPHY of Kennebunk, SHIELDS of  
Auburn, SNOWE-MELLO of Poland.

2           **Sec. 1. Commission established. Resolved:** That the Blue Ribbon  
Commission to Review Special Education Laws, referred to in this  
4 resolve as the "commission," is established.

6           **1. Commission membership.** The commission consists of 15  
members as follows:

8           A. Two members of the Senate appointed by the President of  
the Senate, one of whom serves on the Joint Standing  
10 Committee on Health and Human Services and one of whom  
serves on the Joint Standing Committee on Education and  
12 Cultural Affairs;

14           B. Four members from the House of Representatives appointed  
by the Speaker of the House, 2 of whom serve on the Joint  
16 Standing Committee on Health and Human Services and 2 of  
whom serve on the Joint Standing Committee on Education and  
18 Cultural Affairs;

20           C. One member representing the Department of Education, who  
has expertise in the area of special needs for children,  
22 appointed by the Commissioner of Education;

24           D. One member representing the Department of Human  
Services, appointed by the Commissioner of Human Services;  
26 and

28           E. Seven members appointed jointly by the President of the  
Senate and the Speaker of the House:

30                   (1) One social worker;

32                   (2) One psychiatrist or psychologist;

34                   (3) One special education teacher;

36                   (4) One member from an organization that represents  
38 children with mental retardation and physical  
disabilities;

40                   (5) One member from an organization that represents  
42 children with special needs and behavioral development  
disabilities;

44                   (6) One parent whose child has a developmental  
46 disability; and

48                   (7) One parent whose child has a behavioral problem.

2           **2. Chairs.** The first named Senate member is the Senate  
3 chair of the commission and the first named House of  
4 Representatives member is the House chair of the commission.

6           **3. Appointments; convening of commission; meetings.** All  
7 appointments must be made no later than 30 days following the  
8 effective date of this resolve. The Executive Director of the  
9 Legislative Council must be notified by all appointing  
10 authorities once the selections have been made. When the  
11 appointment of all members has been completed, the chairs of the  
12 commission shall call and convene the first meeting of the  
13 commission no later than 10 days after all members have been  
14 appointed. The commission may hold up to 6 meetings.

16           **4. Duties.** The commission shall study special education  
17 laws under the Maine Revised Statutes, Title 20-A, chapter 101.  
18 In conducting the study, the commission shall assess and consider  
19 strategies to improve education plans for special needs children,  
20 improve the management and coordination of all service providers  
21 and improve coordination of services between the Department of  
22 Education and the Department of Human Services. The commission  
23 shall also establish a plan to create regional citizen panels to  
24 strengthen parental advocacy, provide an opportunity for input  
25 from all interested parties and provide oversight of the  
26 Department of Human Services and the Department of Education.

27 In conducting the study, the commission may:

28           A. Hold informational sessions for discussions with  
29 knowledgeable persons;

31           B. Conduct, summarize and analyze the results of a  
32 literature search;

33           C. Conduct, tabulate and analyze the results of a survey of  
34 the public or affected persons and groups;

35           D. Procure and analyze relevant data;

37           E. Conduct legal research and prepare opinions on legal  
38 questions within the scope of the study; and

39           F. Determine and summarize the legislative actions or  
40 governmental programs undertaken in other jurisdictions  
41 related to issues within the scope of the study.

42           **5. Staff assistance.** Upon approval of the Legislative  
43 Council, the Office of Policy and Legal Analysis shall provide  
44 necessary staffing services to the commission.  
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2           **6. Compensation.** The members of the commission who are  
Legislators are entitled to the legislative per diem, as defined  
4 in the Maine Revised Statutes. Title 3, section 2, and  
reimbursement for necessary expenses incurred for their  
6 attendance at authorized meetings of the commission. Other  
members of the commission who are not otherwise compensated by  
8 their employers or other entities that they represent are  
entitled to receive reimbursement of necessary expenses incurred  
10 for their attendance at authorized meetings.

12           **7. Report.** The commission shall submit its report,  
together with any necessary implementing legislation, to the  
14 Second Regular Session of the 120th Legislature no later than  
January 15, 2002. If the commission requires a limited extension  
16 of time to conclude its work, it may apply to the Legislative  
Council, which may grant the extension.

18           **8. Budget.** The chairs of the commission, with assistance  
20 from the Legislative Council staff, shall administer the  
commission's budget. Within 10 days after its first meeting, the  
22 commission shall present a work plan and proposed budget to the  
Legislative Council for approval. The commission may not incur  
24 expenses that would result in the commission exceeding its  
approved budget. Upon request from the commission, the Executive  
26 Director of the Legislative Council shall promptly provide the  
commission chairs and staff with a status report on the  
28 commission's budget, expenditures incurred and paid and available  
funds.

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## SUMMARY

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This resolve establishes the Blue Ribbon Commission to  
Review Special Education Laws to report back to the Second  
36 Regular Session of the 120th Legislature.

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