

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 5-16-03

(Filing No. H-423)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1101, L.D. 1508, "Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards"

Amend the resolve by striking out the title and substituting the following:

'Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health'

Further amend the resolve by striking out all of section 1 and inserting in its place the following:

'Sec. 1. Adoption. Resolved: That final adoption of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a provisionally adopted major substantive rule of the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended as follows.

1. The rule must be amended in the part designated "I. Summary of purpose" by deleting the 2nd sentence, which summarizes parts of the rule that are not authorized for final adoption.

COMMITTEE AMENDMENT

2 2. The rule must be amended by deleting the part designated
4 "III. Educational institution's duty to respond."

6 3. The rule must be amended by deleting the part designated
8 "V. Board of Occupational safety and Health oversight of this
10 rule."

12 4. The rule must be amended by deleting the part designated
14 "VI. Educational institutions' additional duties to advance
16 student safety through sound student safety practices
18 initiatives."

20 5. The rule must be amended by deleting the part designated
22 "VII. Enforcement"; and be it further

24 **Sec. 2. Finding. Resolved:** That the Joint Standing Committee
26 on Education and Cultural Affairs has determined that the
28 portions of Chapter 7: Rules Advancing the Performance of Sound
30 Student Safety Practices in Maine's Public Schools and Colleges
32 that are not authorized for final adoption as provided in section
34 1 would add new requirements to the existing health and safety
36 requirements already mandated to school administrative units and
38 that these new requirements could have a significant fiscal
40 impact on school administrative units. The Joint Standing
42 Committee on Education and Cultural Affairs has also determined
44 that the portions of the provisionally adopted major substantive
46 rule that are authorized for final adoption as provided in
48 section 1 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 may be necessary to these educational
institutions. The Board of Occupational Safety and Health is not
required to hold hearings or conduct other formal proceedings
prior to finally adopting this rule in accordance with this
resolve.'

SUMMARY

This amendment provides that the provisionally adopted rule submitted by the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health may be authorized only if the rule is amended as follows.

1. The following designated parts of the provisionally adopted rule must be deleted: "III. Educational institution's duty to respond," "V. Board of Occupational safety and Health oversight of this rule," "VI. Educational institutions'

R 88

COMMITTEE AMENDMENT "A" to H.P. 1101, L.D. 1508

2 additional duties to advance student safety through sound student
safety practices initiatives" and "VII. Enforcement."

4 2. The part designated "I. Summary of purpose" must be
amended by deleting the 2nd sentence, which summarizes parts of
6 the rule that are not authorized for final adoption.

8 The amendment adds a new section to the resolve to report
that the Joint Standing Committee on Education and Cultural
10 Affairs made the following findings:

12 1. The portions of the rule that are not authorized for
final adoption would add new requirements to the existing health
14 and safety requirements already mandated to school administrative
units and that these new requirements could have a significant
16 fiscal impact on school administrative units; and

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

24 The amendment also strikes and replaces the title of the
26 resolve to more accurately reflect the entity that adopted the
rules.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1508

Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards

LR 2059(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional cost to the Bureau of Labor Standards, within the Department of Labor, to notify affected educational institutions of allegations of unsafe student conditions and to assist an educational institution with identifying corrective measures if requested by the institution can be absorbed utilizing existing budgeted resources.