

MAINE STATE LEGISLATURE

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L.D. 325

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Date: 5/26/11

(Filing No. H-376)

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JUDICIARY

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STATE OF MAINE

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HOUSE OF REPRESENTATIVES

7

125TH LEGISLATURE

8

FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 258, L.D. 325, Bill, "An Act To Permit Representation by Persons Other than Attorneys in Certain Hearings, Actions and Proceedings before the Department of Education"

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

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'Resolve, To Examine the Representation of Families by Nonattorney Advocates at Special Education Due Process Hearings'

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Amend the bill by striking out everything after the title and before the summary and inserting the following:

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'Sec. 1. Working group to review representation of families by nonattorney advocates at special education due process hearings. Resolved: That the Maine Developmental Disabilities Council, established by the Maine Revised Statutes, Title 5, section 12004-I, subsection 66 and referred to in this resolve as "the council" shall convene a working group to examine the representation of families by nonattorney advocates at special education due process hearings. The working group shall:

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1. Specifically address the complex issue of representation of families by nonattorney advocates at special education due process hearings; and

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2. Develop recommendations for changes in current law, rules and policies related to representation of families by nonattorney advocates at special education due process hearings; and be it further

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Sec. 2. Working group membership. Resolved: That the council shall invite the participation of the following entities in the working group:

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1. Maine Parent Federation, Inc.;

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2. Maine Administrators of Services for Children with Disabilities;

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3. Maine Principals' Association;

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4. Disability Rights Center;

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- 1 5. KIDS LEGAL, a statewide project of Pine Tree Legal Assistance;
- 2 6. Learning Disabilities Association of Maine;
- 3 7. Autism Society of Maine;
- 4 8. Maine School Superintendents Association;
- 5 9. Maine School Boards Association;
- 6 10. Maine Council of School Attorneys;
- 7 11. Department of Education;
- 8 12. Maine Trial Lawyers Association; and
- 9 13. Maine State Bar Association.

10 The council shall also invite the participation of one attorney in private practice who
11 represents students with disabilities and one privately funded advocate who represents
12 students with disabilities; and be it further

13 **Sec. 3. Convening of the working group; staff assistance; funding.**
14 **Resolved:** That the council shall provide the necessary resources to organize and
15 support the work of the working group, including convening and providing any necessary
16 staffing services for the working group; and be it further

17 **Sec. 4. Report. Resolved:** That the council shall submit a report of the findings
18 and recommendations of the working group, including any suggested legislation, to the
19 Joint Standing Committee on Judiciary no later than January 31, 2012. Upon receipt of
20 the report required by this section, the Joint Standing Committee on Judiciary may report
21 out a bill during the Second Regular Session of the 125th Legislature to implement
22 recommendations on matters relating to the report.'

23 **SUMMARY**

24 This amendment replaces the bill with a resolve directing the Maine Developmental
25 Disabilities Council to convene a working group to study the issue of nonattorney
26 advocates representing families at special education due process hearings. The working
27 group shall report to the Joint Standing Committee on Judiciary by January 31, 2012.
28 The committee may report out a bill to implement matters relating to the report.

FISCAL NOTE REQUIRED
(See Attached)



Approved: 05/20/11 *mac*

125th MAINE LEGISLATURE

LD 325

LR 173(02)

An Act To Permit Representation by Persons Other than Attorneys in Certain Hearings, Actions and Proceedings before the Department of Education

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor cost increase - Federal Expenditures Fund

Fiscal Detail and Notes

The additional costs to the Maine Developmental Disabilities Council and the Department of Education can be absorbed utilizing existing budgeted resources.