

# MAINE STATE LEGISLATURE

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SAK  
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L.D. 429

Date: 6-3-21

(Filing No. H-366)

MAJORITY

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 309, L.D. 429, "An Act To Protect the Health of Students and Educators by Requiring the Establishment of Health and Safety Committees in School Administrative Units"

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

'An Act To Protect the Health of Students and Educators by Requiring School Emergency Management Plans To Address Health and Safety'

Amend the bill by striking out all of the emergency preamble.

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 20-A MRSA §1001, sub-§16, as repealed and replaced by PL 2007, c. 408, §1, is amended to read:

16. Comprehensive health and safety and emergency management plan. Each school board shall annually approve a comprehensive health and safety and emergency management plan developed by the school unit administration working with school teachers and staff and local, county and state public safety officials, fire-fighting personnel, emergency management officials, mental health officials ~~and~~ law enforcement officials, school nurses, physicians and public health staff to identify and deal with all hazards and potential hazards that could reasonably be expected to affect a facility or unit under the authority of the school administrative unit. The approval of a comprehensive health and safety and emergency management plan under this subsection is public information. At the request of any school board member or full-time school employee, the school board shall form a steering committee composed of school employees, school board members, parents and others. A majority of the school employees must be chosen by the local representatives of the applicable bargaining unit if the school employees are covered by a collective bargaining agreement. The steering committee shall regularly review and refine the comprehensive health and safety and emergency management plan. The following information pertaining to a comprehensive health and safety and emergency management plan is public information:

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 309, L.D. 429

- 1 A. A description of the scope and purpose of the comprehensive health and safety and
- 2 emergency management plan and the process used for developing and updating the
- 3 plan;
- 4 B. General information on auditing for safety and preparedness;
- 5 C. Roles and responsibilities of school administrators, teachers and staff and the
- 6 designated chain of command during an emergency; and
- 7 D. Strategies for conveying information to parents and the general public during an
- 8 emergency.

9 Except as provided in paragraphs A to D, release of the contents of a comprehensive health  
10 and safety and emergency management plan approved under this subsection is subject to  
11 the limitations set forth in Title 1, section 402, subsection 3, paragraph L.'

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
13 number to read consecutively.

14 **SUMMARY**

15 This amendment is the majority report of the committee. It strikes and replaces the  
16 bill. It expands the scope of school board emergency management plans to include health  
17 and safety. It requires the engagement of school nurses, physicians and public health staff  
18 in developing the plan. It requires that, at the request of a school board member or full-  
19 time school employee, a steering committee be formed composed of school employees,  
20 school board members, parents and others that regularly reviews and refines the  
21 comprehensive health and safety and emergency management plan. It requires that a  
22 majority of the school employees on the steering committee be chosen by the local  
23 representatives of the applicable bargaining unit if the school employees are covered by a  
24 collective bargaining agreement.

25 The fiscal note on this amendment identifies the requirement that school administrative  
26 units establish health and safety committees to coordinate planning and response to health  
27 and safety matters affecting the students and staff of the school administrative units as a  
28 potential unfunded state mandate. The committee reviewed the fiscal note and the majority  
29 of the committee determined that the requirements of the bill do not amount to a mandate.  
30 School boards have an existing duty to adopt policies that govern school administrative  
31 units pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 1-A and  
32 are required to have a comprehensive emergency management plan pursuant to the Maine  
33 Revised Statutes, Title 20-A, section 1001, subsection 16. This bill merely adds a health  
34 and safety component to the existing plan requirements. The requirement that the board,  
35 at the request of any school board member or full-time school employee, form a steering  
36 committee composed of school employees, school board members, parents and others to  
37 review the plan should not result in additional costs to a school administrative unit, as the  
38 plan already requires annual approval by a diverse group of officials.

39 **FISCAL NOTE REQUIRED**  
40 (See attached)

**COMMITTEE AMENDMENT**



# 130th MAINE LEGISLATURE

LD 429

LR 1001(02)

**An Act To Protect the Health of Students and Educators by Requiring the Establishment of Health and Safety Committees in School Administrative Units**

Fiscal Note for Bill as Amended by Committee Amendment *Am(H-366)*  
Committee: Education and Cultural Affairs  
Fiscal Note Required: Yes

## Fiscal Note

Potential State Mandate - Unfunded

### State Mandates

#### Required Activity

Requires school administrative units to expand their emergency management plans to include a comprehensive health and safety plan. Also requires school boards to form a steering committee to regularly review and refine the comprehensive health and safety and emergency management plan if requested by any school board member or full-time school employee.

#### Unit Affected

School

#### Local Cost

Significant  
statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.