

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
118TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

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

**JULY 1997**

***MEMBERS:***

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***Sen. Mary R. Cathcart***

***Sen. Mary E. Small***

***Rep. Shirley K. Richard, Chair***

***Rep. Michael F. Brennan***

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***Staff:***

***Phillip D. McCarthy, Ed.D., Legislative Analyst***

***Office of Policy and Legal Analysis  
Room 101/107/135, 13 State House Station  
Augusta, ME 04333  
(207)287-1670***



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

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>CARRIED OVER</i> .....	<i>Bill carried over to Second Regular Session</i>
<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>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</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>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON P O'BRIEN	OTP-AM	S-127 S-169 PENDLETON P

LD 503 proposed that the Commissioner of Education be required to obtain from the Department of Public Safety, State Bureau of Identification state criminal history record checks and from the Federal Bureau of Investigation federal and other state criminal history record checks on individuals seeking initial certification or renewal as administrators, teachers or education specialists; individuals seeking authorization or renewal as education technicians; or other educational personnel seeking approval or renewal in this State from the Department of Education. Individuals to be covered by this requirement would include, but would not be limited to, school bus drivers, custodians, coaches and secretaries. All of these individuals have or potentially have direct contact with students. The purpose of this proposed bill is to protect the well-being of school-age students and to prevent applicants from omitting conviction information from applications, particularly when these convictions pertain to sex offenses, controlled substances, or violent crimes. The conviction data could be a factor used in considering the individual's fitness for renewal of certification, authorization or approval. The proposed bill would limit the dissemination of criminal history record information received by the Department of Education. This bill also references the procedures that the subject of a criminal history record check may follow for access to their criminal history record check.

**Committee Amendment "A" (S-127)** proposed to add an appropriation, an allocation and a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-169)** proposed to delay from January 1, 1999 to July 1, 1999 implementation of a requirement that the Commissioner of Education obtain from the Department of Public Safety, State Bureau of Identification state criminal history record checks and from the Federal Bureau of Investigation federal and other state criminal history record checks on individuals seeking initial certification or renewal as administrators, teachers or education specialists; individuals seeking authorization or renewal as education technicians; or other education personnel seeking approval or renewal in this State from the Department of Education.

#### *Enacted law summary*

Public Law, chapter 452 requires the Commissioner of Education to obtain federal and state criminal history record checks on individual teachers, administrators or education technicians applying for or renewing certification, as well as applicants for other educational positions in the state for whom authorization for approval or disapproval is sought from the Department of Education. This law allows conviction data to be used in considering an individual's fitness for hiring, authorization, and for approval or renewal of certification. The purpose of this law is to protect the welfare of students by preventing applicants for educational positions from concealing conviction information from applications, particularly when such convictions pertain to sex offenses, controlled substances, or violent crimes. This law also limits the dissemination of criminal history record information received by the Department and provides a mechanism for applicants to access this information.