

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

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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).

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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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

which the student's parent or legal guardian resides or the average state share percentage. This bill proposed to replace the "average state share percentage" in that tuition determination with the "maximum allowable tuition."

LD 1121

An Act to Enhance Parental Involvement in Developing Educational Programs for Students with Disabilities

PUBLIC 441

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON P SKOGLUND	OTP-AM MAJ ONTP MIN	S-332

LD 1121 proposed that the Department of Education would be required to adopt rules to enhance parental involvement as fully informed partners in developing educational programs for a student with a disability and to increase parental involvement in the identification of a disability.

The bill would have required that the parents of a student with a disability be included in all meetings concerning that student, be informed of the right to bring outside experts, consultants, attorneys and advocates to the meetings, and that all participants in the meetings must accord each other appropriate respect. It also would have required that, when a meeting is held concerning an evaluation of a student with a disability, the significance of the evaluation would be explained to the student's parents at least one week before the meeting. The bill would further require the school administrative unit to keep minutes of all meetings concerning a student with a disability and distribute them to the student's parents.

The bill would mandate the order, as listed in the Maine Revised Statutes, Title 20-A, section 7209, subsection 7, of the issues at every review in which the Individual Education Plan of a student with a disability would be altered.

Committee Amendment "A" (S-332), which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, replaced the bill and proposed to require that a parent, surrogate parent or guardian first must attempt to resolve alleged noncompliance with special education statutes through discussions with the local school administrative unit before filing a written complaint to the Commissioner of Education to investigate noncompliance. Failure to do so would bar the parent, surrogate parent or guardian from recovering attorney's fees in any subsequent proceedings on the matter.

Enacted law summary

Public Law 1997, chapter 441 requires that a parent, surrogate parent or guardian first must attempt to resolve alleged noncompliance with special education statutes through discussions with the local school administrative unit before filing a written complaint to the Commissioner of Education to investigate noncompliance. Failure to do so will bar the parent, surrogate parent or guardian from recovering attorney's fees in any subsequent proceedings on the matter.