

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 electronic originals
(may include minor formatting differences from printed original)

**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:

Sen. Peggy A. Pendleton, Chair

Sen. Mary R. Cathcart

Sen. Mary E. Small

Rep. Shirley K. Richard, Chair

Rep. Michael F. Brennan

Rep. Mabel J. Desmond

Rep. James G. Skoglund

Rep. Elizabeth Watson

Rep. Christina L. Baker

Rep. Alvin L. Barth, Jr.

Rep. Rodney W. McElroy

Rep. Vaughn A. Stedman

Rep. Irvin G. Belanger

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).

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:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

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

LD 1147**An Act to Ensure Consistency Between State and Federal Special Education Requirements****PUBLIC 338**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLUKEY	OTP-AM	H-543

LD 1147 proposed to ensure that state and federal special education requirements are consistent and that any rule currently in place or to be adopted not exceed federal regulations concerning special education requirements. The bill would require the Department of Education to identify provisions of a proposed rule anticipated to be more stringent than the corresponding federal statute or regulation and explain the justification for the difference. It would further subject any rule concerning special education currently in existence to the same review requirements.

Committee Amendment "A" (H-543) proposed to remove an incorrect reference and changes the reporting date to December 15, 1997. This amendment would also add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 338 requires that the Department of Education ensure that state and federal special education requirements are consistent and that any rule currently in place or to be adopted not exceed federal regulations concerning special education requirements. The law also requires the department to identify provisions of a proposed rule anticipated to be more stringent than the corresponding federal statute or regulation and to explain the justification for the difference. The law further subjects all special education regulations currently in existence to the same review requirements. The department shall report the results of this evaluation of current special education regulations to the Joint Standing Committee on Education and Cultural Affairs on or before December 15, 1997.

LD 1149**An Act to Protect Local Education Agencies from Excess Costs Attributable to Special Education Students****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHARTRAND PINGREE	ONTP	

LD 1149 proposed to increase a school administrative unit's state share of subsidy up to the amount of the placement cost in the event of budgetary hardship caused by costs of residential placement of a student with a disability. This bill would have further required a school administrative unit to petition the Commissioner of Education to obtain an increase in state share and the Legislature to appropriate funds for this adjustment in state subsidy.