

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
EDUCATION AND CULTURAL AFFAIRS

MAY 1998

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Sen. Mary R. Cathcart
Sen. Mary E. Small

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

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

LD 2140

An Act to Implement the Maine Arts Commission's Arts in Education Program

PUBLIC 762

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON AMERO	OTP-AM	H-850

LD 2140 proposed to create the Maine Arts Commission's Arts in Education Program. The bill also proposed to appropriate \$150,000 to the Maine Arts Commission to allow for the implementation of the Arts in Education Program.

Committee Amendment "A" (H-850) proposed to correct the program name in the appropriation section of the bill within the account of the Maine Arts Commission. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 762 creates the Maine Arts Commission's Arts in Education Program. The law also appropriates \$150,000 to the Maine Arts Commission to allow for the implementation of the Arts in Education Program.

LD 2142

Resolve, To Establish the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings

RESOLVE 119

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN	OTP-AM MAJ ONTP MIN	H-1001 H-1075 RICHARD H-1132 RICHARD

LD 2142 proposed to require school boards to develop and adopt a district-wide school disciplinary policy that addresses rules of conduct for students, consequences for violations of the rules of conduct and the grounds and procedures for the removal of a student from a class or activity period. The bill also proposed to provide for an ombudsman service to provide advocacy for the enforcement of the disciplinary policy and to mediate disputes regarding the disciplinary policy. The bill would further provide for an annual review of the disciplinary policy by the school board and by other involved parties.

Committee Amendment "A" (H-1001), the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to change the title of the bill, change the bill from an act to a resolve and establish the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The proposed commission would review district-wide school disciplinary policies, procedures and practices that address disruptive student conduct and violent behavior in the public schools in the State. In addition, the commission would study the establishment and the effectiveness of district-wide school disciplinary policies and practices throughout the State and develop a plan to address the growing concern of violence in the public schools.

The amendment also proposed to authorize the commission to conduct public hearings and receive testimony on the incidence of disruptive student conduct and violent behavior in the public schools. The proposed commission review must include, but is not limited to, the following components:

1. The collection and analysis of available data related to the incidence of disruptive student conduct and violent behavior in the public schools;
2. Effective district-wide school disciplinary policies, procedures and practices that seek to prevent or respond to disruptive or violent student conduct in the public schools;
3. The establishment of suggested student conduct and responsibility standards; and
4. The establishment of a system for notifying staff regarding a student with a history of violent behavior.

The amendment further proposed that the commission shall submit its report with any accompanying legislation to the Joint Standing Committee on Education and Cultural Affairs of the 118th Legislature by October 30, 1998.

The amendment also proposed to add an appropriation section and a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-1075) proposed to eliminate the necessity of joint appointments by the President of the Senate and the Speaker of the House of Representatives.

House Amendment "B" to Committee Amendment "A" (H-1132) proposed to change the meeting date from August 1, 1998 to August 15, 1998.

Enacted law summary

Resolve 1997, chapter 119 establishes the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings to review district-wide school disciplinary policies, procedures and practices that address disruptive student conduct and violent behavior in the public schools in the State. In addition, the commission shall study the establishment and the effectiveness of district-wide school disciplinary policies and practices throughout the State and develop a plan to address the growing concern of violence in the public schools.

The law authorizes the commission to conduct public hearings to receive testimony on the incidence of disruptive student conduct and violent behavior in the public schools. The commission review must include, but is not limited to, the following components:

1. The collection and analysis of available data related to the incidence of disruptive student conduct and violent behavior in the public schools;
2. Effective district-wide school disciplinary policies, procedures and practices that seek to prevent or respond to disruptive or violent student conduct in the public schools;
3. The establishment of suggested student conduct and responsibility standards; and
4. The establishment of a system for notifying staff regarding a student with a history of violent behavior.

The commission shall submit its report with any accompanying legislation to the Joint Standing Committee on Education and Cultural Affairs of the 118th Legislature by October 30, 1998.

LD 2143

An Act to Restore Advocacy Services for Handicapped Students

P & S 84

Sponsor(s)
WINN

Committee Report
OTP-AM

Amendments Adopted
H-898

LD 2143 proposed to restore funding for advocacy for students with special needs in special education matters including the development of appropriate individual education plans. Representation includes consultation, attendance at pupil evaluation team meetings and such actions as are necessary to enforce the rights of a student. The bill further proposed to require the Department of Education to study the practice of using attorneys as advocates for school administrative units in special education matters and would also permit the department to adopt rules prohibiting the use of state funds for that purpose.

Committee Amendment "A" (H-898) proposed to replace the bill. The amendment further proposed to appropriate \$80,000 to Maine Advocacy Services to provide students with learning disabilities with advocacy services in special education matters. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1997, chapter 84 appropriates \$80,000 to Maine Advocacy Services to provide students with learning disabilities with advocacy services in special education matters.

LD 2162

**Resolve, to Authorize the Maine State Museum to Purchase Historic
Maine Artifacts**

RESOLVE 86

Sponsor(s)
MITCHELL E
LAWRENCE

Committee Report

Amendments Adopted
S-447 PINGREE

LD 2162 was not referred to committee and proposed to appropriate \$162,000 from the General Fund to allow the Maine State Museum to purchase historic artifacts.

Senate Amendment "A" (S-447) proposed to remove the emergency preamble and emergency clause, change the fiscal year to 1998-99 and authorize the Maine State Museum to purchase historic artifacts or to reimburse another organization for the purchase of historic artifacts.

Senate Amendment "B" (S-448) proposed General Fund appropriation in fiscal year 1997-98 of \$162,000 and replace it with a new section that authorize the purchase of historic artifacts, utilizing funds available in the State Contingent Account and the Reserve Fund for State House Preservation and Maintenance. The amendment was not adopted.

Senate Amendment "A" to Senate Amendment "A" (S-449) proposed to remove the proposed General Fund appropriation in fiscal year 1998-99 of \$162,000 and replaces it with a new section that would authorize the