

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

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

JULY 1999

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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 NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

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*
ENACTMENT FAILED..... *Bill failed to get vote required for enactment or final passage*
NOT PROPERLY BEFORE THE BODY..... *Ruled out of order by the presiding officers; bill died*
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 September 18, 1999.

LD 1305 proposes to create a grant program within the Department of Education to encourage conflict resolution education programs in public elementary and secondary schools. The programs may include peer mediation programs and may be directed at students and teachers, administrators and other staff.

Committee Amendment "A" (H-317) is the majority report of the committee and proposes to change the title of the bill. This amendment proposes to implement part of the recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The amendment further proposes to direct and provide funding for the Department of Education to provide technical assistance to schools in developing violence prevention and intervention training for educators, staff and students that emphasize conflict resolution education, peer mediation and early identification and response to signs of violence. The amendment also proposes to establish a grant program to be administered by the Department of Education to support the establishment of conflict resolution and peer mediation programs in schools. Finally, the amendment proposes to provide funding support for the Attorney General's Civil Rights Team Project. The bill as amended was not funded off the appropriations table and was recommitted to committee and carried over to the Second Regular Session.

LD 1308

An Act to Clarify Roles and Responsibilities in the Child Development Services System

**PUBLIC 296
EMERGENCY**

<u>Sponsor(s)</u> RICHARD		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-525
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LD 1308 proposed to clarify the following roles and responsibilities of the Child Development Services (CDS) System:

1. That when the state Department of Education's plan for meeting the requirements of the federal Individuals with Disabilities Education Act exceeds federal minimum requirements, the department must provide justification, to the joint standing committee of the Legislature having jurisdiction over educational matters, for the difference between the State's plan and the federal statute or regulation;
2. That CDS regional site boards of directors are required to seek reimbursement from Medicaid for targeted case management and for Medicaid reimbursable services provided by regional site employees; and
3. That the department is responsible for developing a funding formula for annual grants to the regional sites, and that this funding formula must ensure adequate yearly funding to the extent permitted by department funding and must provide incentives for cost containment.

Committee Amendment "A" (H-525) proposed to replace the bill. The amendment proposed to:

1. Revise the definitions of disability to incorporate the appropriate diagnostic instruments to be used to measure developmental delays;
2. Change the definition of intermediate educational unit to conform to federal law;
3. Clarify that the state department plan to provide early intervention and public education services to eligible children may not exceed federal minimum requirements, except as authorized in state law;
4. Provide for establishment by the Department of Education of a funding formula for regional CDS System sites, including a reserve fund for adjustments to each site's allocation to reflect changes in costs or levels of mandated services;
5. Specifically authorize CDS System sites to establish staff salary scales;
6. Grant greater autonomy to the CDS sites in their administrative activities such as contracting and leasing;
7. Require CDS sites to seek Medicaid reimbursement for eligible services provided by site staff;
8. Authorize the Commissioner of Education to establish up to 10 pilot sites for public schools to provide services to eligible three to six-year-olds year-round; and
9. Add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 296 makes the several changes in the roles and responsibilities of the Child Development Services (CDS) System, including the following:

1. Revises the definitions of disability to incorporate the appropriate diagnostic instruments to be used to measure developmental delays;
2. Clarifies that the state Department of Education plan to provide early intervention and public education services to eligible children may not exceed federal minimum requirements, except as authorized in state law;
3. Provides for establishment by the Department of Education of a funding formula for regional CDS System sites, including a reserve fund for adjustments to each site's allocation to reflect changes in costs or levels of mandated services;
4. Grants greater autonomy to the CDS sites in their administrative activities such as contracting and leasing;
5. Requires CDS sites to seek Medicaid reimbursement for eligible services provided by site staff; and

6. Authorizes the Commissioner of Education to establish up to 10 pilot sites for public schools to provide services to eligible three to six-year-olds year-round.

Chapter 296 was enacted as an emergency measure effective May 24, 1999.

LD 1329 **An Act to Apply the Approval Procedures in Municipal Charters to Locally Funded School Construction Projects** **ONTP**

<u>Sponsor(s)</u> DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1329 proposed that in municipalities governed by municipal charters, locally funded school construction projects must be approved in accordance with the procedures required by the applicable municipal charter rather than the referendum procedures set forth in the Maine Revised Statutes, Title 20-A, section 15904. See also LD 798.

LD 1336 **An Act to Facilitate the Transfer of Credits Between Colleges of the Maine Technical College System** **ONTP**

<u>Sponsor(s)</u> NORBERT LONGLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1336 proposed to add to the powers and duties of the President of the Maine Technical College System. Under this bill, the duty of establishing a uniform system to facilitate the transfer of credits between colleges within the system would have been added to the President's existing duty of promoting intercampus cooperation and coordination.

LD 1340 **An Act to Require Schools to Begin After Labor Day** **ONTP**

<u>Sponsor(s)</u> CAMPBELL		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1340 proposed that all public schools including postsecondary educational institutions begin classes after Labor Day. The bill also provided that extracurricular activities could take place before Labor Day.

Committee "A" (H-376), the minority report of the committee, proposed to exempt school administrative units located in Aroostook County from the provision proposed in the bill that the school year begin after labor Day.

LD 1346 **An Act to Amend the Laws Regarding the School Administrative District CARRIED OVER Budget Approval Process**

<u>Sponsor(s)</u> BROOKS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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