

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

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

JULY 2000

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Sen. Robert E. Murray, Jr.

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of 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:

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
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONT P..... 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 August 11, 2000.

David E. Boulter, Director
Offices Located in the State House, Rooms 101 & 107

LD 2469**An Act to Revitalize Teacher Certification****INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE DOUGLASS	OTP-AM	

LD 2469 proposed to restore structure, money and focus to local teacher certification support teams. The bill also proposed to require increased staffing for the Department of Education's certification office.

LD 2485**An Act to Promote Educational Opportunity and Economic Development****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M	ONTP	

LD 2485 proposed to establish the Business Information Technology program, the "BIT program," to provide financial assistance and incentives to postsecondary students in information technology education programs. The BIT program proposed to provide loans to information technology students, which would have been repaid by one year of service in a Maine information technology business for each year a person receives a BIT loan. The BIT program would have been administered by the Business Information Technology Board.

LD 2490**An Act to Provide Funding for Background Checks and Fingerprinting for School District Employees****PUBLIC 791
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B MENDROS	OTP-AM MAJ OTP-AM MIN	S-474 S-801 MURRAY

LD 2490 proposed to require the State to pay the costs of the fingerprinting and background checks. This bill also proposed to require the reimbursement of those employees or schools that have paid for the fingerprinting and background checks.

Under current law, beginning September 1, 1999, a person seeking new employment in an elementary or secondary school is required to undergo fingerprinting and criminal background checks; beginning July 1, 2000, all elementary or secondary school employees must undergo fingerprinting and criminal history record checks. The employee is required to pay the costs associated with the fingerprinting and background checks.

Committee Amendment "A" (S-474) is the majority report of the committee. The amendment proposed to provide that the State would have paid for the criminal history record check required for any person regularly employed in a public school during the 1999-2000 school year who requires Department of Education certification, authorization or approval to continue in that person's position. Under this amendment, the State would have paid for the initial \$49 cost for fingerprinting and conducting the state

and federal criminal history record checks, as well as the recurring \$24 fee to the Federal Bureau of Investigation for the criminal history record check.

The amendment further proposed to provide a 5-year phase-in period for the 13,500 other individuals in the approval category to permit compliance in the remaining timeframe. The amendment also proposed to postpone fingerprinting for contracted services providers until the 2001-02 school year to allow the Department of Education to collect data on the number of contracted services providers who are employed by school administrative units in the State.

The amendment also proposed to specify that the State would have provided reimbursement for any contracted services provider who has already paid for the fingerprinting and criminal history record check. The amendment proposed to add an emergency preamble and emergency clause to the bill. Finally, the amendment proposed to add appropriation and allocation sections and a fiscal note to the bill and proposed to appropriate funds to pay for the expenses of the criminal history record checks for the 1999-2001 biennium.

Committee Amendment "B" (S-475) is the minority report of the committee. The amendment proposed to provide that the State would have paid for the criminal history record check required for any person regularly employed in a public school during the 1999-2000 school year who requires Department of Education certification, authorization or approval. Under this amendment, the State would have been required to pay for the initial \$49 cost for fingerprinting and conducting the state and federal criminal history record checks, as well as the recurring \$24 fee to the Federal Bureau of Investigation for the criminal history record check.

The amendment also proposed to provide that all persons who begin work in a public school after July 1, 2000 must pay for the expense of obtaining the information required to meet the provisions of the criminal history record check law. Finally, the amendment proposed to change the title of the bill, add an appropriation section that appropriates funds to pay for the expenses of the criminal history record checks for the 1999-2000 and 2000-2001 biennium and add a fiscal note to the bill. This amendment was not adopted.

Senate Amendment "D" to Committee Amendment "A" (S-801) This amendment to Committee Amendment "A" proposed to provide a 5-year phase in for those school personnel who are in the approval category to permit compliance in the remaining timeframe. The amendment also proposed to postpone fingerprinting for substitutes and contracted services providers until the 2001-2002 school year to allow the Department of Education to collect data on the number of affected individuals.

The amendment also proposed to specify that the State will provide reimbursement for any person, organization, school administrative unit or school who has already paid for the fingerprinting and criminal history record check. The amendment further proposed to require that the State Bureau of Identification may not use the fingerprints of educational personnel for any other purpose than employment screening as provided in the Maine Revised Statutes, Title 20-A, section 6103.

This amendment proposed to provide that national criminal history record checks for educational personnel need to be conducted only once unless a person has not been continuously employed in a position requiring certification, authorization or approval under the Maine Revised Statutes, Title 20-A, chapters 501 and 502. A person who has a break in employment service, other than school vacations, would be required to submit to a national criminal history record check at the time of the renewal of the certification,

authorization or approval. Nothing in this amendment proposed to preclude an individual from requesting a state criminal history record check for educational personnel at any time.

Finally, the amendment proposed to add an appropriation section to the bill and appropriate funds to pay for the expenses of the criminal history record check for fiscal years 1999-00 and 2000-01.

Please also see LD 2540 regarding fingerprinting and criminal history record checks for educational personnel.

Enacted law summary

Public Law 1999, chapter 791 provides that the State shall pay for the criminal history record check required for any person regularly employed in a public school during the 1999-2000 school year who requires Department of Education certification, authorization or approval to continue in that person's position. The law specifies that national criminal history record checks for educational personnel need to be conducted only once unless a person has not been continuously employed in a position requiring certification, authorization or approval. A person who has a break in employment service, other than school vacations, must submit to a national criminal history record check at the time of the renewal of the certification, authorization or approval.

The law further provides a 5-year phase-in period for those school personnel who are in the approval category to permit compliance in the remaining timeframe; and also postpones fingerprinting for substitutes and contracted services providers until the 2001-02 school year to allow the Department of Education to collect data on the number of affected individuals who are employed by school administrative units in the State.

The law also specifies that the State will provide reimbursement for any person, organization, school administrative unit or school who has already paid for the fingerprinting and criminal history record check. The law further requires that the State Bureau of Identification may not use the fingerprints of educational personnel for any other purpose than employment screening as provided in the Maine Revised Statutes, Title 20-A, section 6103.

Public Law 1999, chapter 791 was enacted as an emergency measure effective May 18, 2000.

LD 2492

An Act to Ensure Adequate Funding of Adult Education

**P & S 96
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND MICHAUD	OTP-AM	H-848 S-756 MICHAUD

LD 2492 was referred to the Appropriations and Financial Affairs Committee and proposed to appropriate funds to the Department of Education to increase the state subsidy for adult education programs.

Committee Amendment "A" (H-848) proposed to strike the appropriation section of the bill and replace it with a new appropriation section and an allocation section. The new proposed sections would organize