

# 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  
119TH LEGISLATURE**

**SECOND REGULAR SESSION**

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

**JULY 2000**

***MEMBERS:***

*Sen. Georgette B. Berube, Chair*

*Sen. Robert E. Murray, Jr.*

*Sen. Mary E. Small*

*Rep. Michael F. Brennan, Chair*

*Rep. Shirley K. Richard*

*Rep. Mabel J. Desmond*

*Rep. James G. Skoglund*

*Rep. Elizabeth Watson*

*Rep. Christina L. Baker*

*Rep. Vaughn A. Stedman*

*Rep. Irvin G. Belanger*

*Rep. Mary Black Andrews*

*Rep. Carol Weston*

***Staff:***

*Phillip D. McCarthy, Ed.D., Legislative Analyst*

*Office of Policy and Legal Analysis*

*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**  
**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](http://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  
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 August 11, 2000.

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

The amendment also proposed to specify that the Department of Education would have indicated to the school superintendent approval for an applicant, unless the applicant was subject to denial, revocation, suspension or nonrenewal under the Department of Education standards.

While Committee Amendment "B" as amended by Senate Amendment "A" was passed to be enacted by both bodies and sent to the Governor for approval, the Governor vetoed the bill and the Legislature failed to override the veto. Please also see LD 2490 regarding fingerprinting and criminal history record checks for educational personnel.

**LD 2546**                      **Resolve, to Ensure Equity to High School Athletes Participating in Skiing**                      **ONTP**

<u>Sponsor(s)</u> NUTTING J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
--------------------------------	--	---------------------------------	--	---------------------------

LD 2546 proposed to extend the 1999-2000 high school downhill and cross-country skiing season until March 19, 2000. Under the current rules adopted by the Maine Principals' Association, the governing body for high school sports, the 1999-2000 high school downhill and cross-country skiing season is scheduled to end February 26, 2000; and competitions and the coaching of student athletes are prohibited beyond February 26, 2000.

**LD 2549**                      **An Act to Implement Recommendations Concerning Protection of Indian Archaeological Sites**                      **PUBLIC 748**

<u>Sponsor(s)</u> SOCTOMAH		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-763 MICHAUD
-------------------------------	--	--------------------------------	--	--

LD 2549 proposed increased protection for archaeological sites by amending the laws governing these sites in the following ways. It proposed:

1. To amend the definition of an archaeological site on state-controlled land to include a site judged eligible for listing on the National Register of Historic Places by the Maine Historic Preservation Commission and approved by the appropriate land managing agency director or local governing body. Current law requires the site to be listed on the National Register of Historic Places.
2. To make the unlawful excavation of a protected archaeological site a Class E crime for which a fine of not less than \$250 must be adjudged. To provide that the court may order the defendant to pay an amount equal to the reasonable cost of a proper archaeological excavation had the area that was unlawfully excavated been properly excavated. Current law provides that unlawful excavation is a civil violation for which a forfeiture of not less than \$50 must be adjudged.
3. To provide that an emergency archaeological site designation may be made for a period not to exceed 10 years and that the Director of the Maine Historic Preservation Commission and the landowner shall specify in writing the area that is the subject of such a designation.

4. To provide funding for increased monitoring of archaeological sites. This funding supports a part-time monitoring coordinator using existing part-time project personnel and site monitors. It also provides funds for the development and delivery of training materials for law enforcement officers.

**Senate Amendment "A" (S-763)** proposed that the funding be on a one-time basis.

***Enacted law summary***

Public Law 1999, chapter 748 provides increased protection for archaeological sites by amending the laws governing these sites in the following ways.

1. It amends the definition of an archaeological site on state-controlled land to include a site judged eligible for listing on the National Register of Historic Places by the Maine Historic Preservation Commission and approved by the appropriate land managing agency director or local governing body. Current law requires the site to be listed on the National Register of Historic Places.
2. It makes the unlawful excavation of a protected archaeological site a Class E crime for which a fine of not less than \$250 must be adjudged. It provides that the court may order the defendant to pay an amount equal to the reasonable cost of a proper archaeological excavation had the area that was unlawfully excavated been properly excavated. Current law provides that unlawful excavation is a civil violation for which a forfeiture of not less than \$50 must be adjudged.
3. It provides that an emergency archaeological site designation may be made for a period not to exceed 10 years and that the Director of the Maine Historic Preservation Commission and the landowner shall specify in writing the area that is the subject of such a designation.
4. It provides one-time funding for increased monitoring of archaeological sites. This funding supports a part-time monitoring coordinator using existing part-time project personnel and site monitors. It also provides funds for the development and delivery of training materials for law enforcement officers.

**LD 2572**

**An Act to Fund the Cost of the Waiver of Tuition, Fees and Other Expenses for Native American Students in the Maine Technical College System, University of Maine System and Maine Maritime Academy**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS MURPHY T	ONTP	

LD 2572 was referred to the Appropriations and Financial Affairs Committee and proposed to provide funds to cover the cost of the waiver of tuition, fees and other expenses for students who are Native Americans in the Maine Technical College System, the University of Maine System and the Maine Maritime Academy.