

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Education and Cultural Affairs*

*August 2001*

**Members:**

*Sen. Betty Lou Mitchell, Chair*

*Sen. John M. Nutting*

*Sen. Margaret Rotundo*

*Rep. Shirley K. Richard, Chair*

*Rep. Mabel J. Desmond*

*Rep. James G. Skoglund*

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**120th Legislature**  
**First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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:

*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*  
*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 21, 2001**.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

## Joint Standing Committee on Education and Cultural Affairs

**LD 1**                      **An Act to Phase Out Community Income Considerations from the School Funding Formula**                      **CARRIED OVER**

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

LD 1 proposes to phase out over a 3-year period the consideration of local median household income and proposes to increase by an equal percentage the reliance on property values in determining the local contribution portion of the school funding formula. The bill has been carried over to the Second Regular Session.

**LD 3**                      **An Act to Establish Guidelines for High School Sports**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	ONTP      MAJ OTP-AM    MIN	

LD 3 proposed to require all school administrative units to allow student athletes and coaches to participate in sports-related activities at any time throughout the year. The bill also proposed to prohibit school administrative units from requiring student athletes to participate in sports outside the regular season in order to participate during the regular season.

**LD 21**                      **An Act to Allow the Awarding of High School Diplomas to Veterans of World War II and the Korean Conflict**                      **PUBLIC 85  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD MARTIN	OTP-AM	H-124

LD 21 proposed to allow a local school board the option of granting a diploma to a veteran of World War II who was honorably discharged even though the veteran does not meet the graduation requirements of this Title.

**Committee Amendment "A" (H-124)** proposed to replace the bill while maintaining the original intent and incorporates issues included in 2 other similar bills, LD 182 and LD 282.

This amendment proposed to give secondary schools the authority to issue high school diplomas to veterans of World War II and the Korean Conflict who did not receive their diplomas because of service in the armed forces. The decision of whether to issue diplomas would be within the discretion of the secondary schools.

This amendment proposed to establish requirements for qualifying for a diploma. The person would be required to meet all the following requirements.

## Joint Standing Committee on Education and Cultural Affairs

1. Either the veteran or the veteran's family must apply for the diploma. Diplomas may be awarded after the veteran has died.
2. The secondary school that receives the application may award the diploma only if the veteran attended that school, attended a secondary school in the geographic area now served by that secondary school or currently resides in the geographic area served by that secondary school no matter where the veteran attended secondary school.
3. The veteran must have left secondary school to serve in the Armed Forces of the United States during World War II or the Korean Conflict. This amendment defines "Armed Forces" to include the Army, Navy, Air Force, Marine Corps and Coast Guard. It also includes the Merchant Marines, but only for the dates for which members of the Merchant Marines are considered "veterans" by the Federal Government.
4. The veteran did not receive a diploma because of service in the armed forces.
5. The veteran must have received an honorable discharge or a certificate of honorable service from the armed forces.

The amendment also proposed to add a fiscal note to the bill.

### *Enacted law summary*

Public Law 2001, chapter 85 gives secondary schools the authority to issue high school diplomas to veterans of World War II and the Korean Conflict who did not receive their diplomas because of service in the armed forces. The law establishes requirements for qualifying for a diploma. The decision of whether to issue diplomas is within the discretion of the secondary schools.

Public Law 2001, chapter 85 was enacted as an emergency measure effective May 8, 2001.

**LD 22**

**Resolve, Regarding Legislative Review of Chapter 125.17D:  
Regulations Governing Timeout Rooms, Therapeutic Restraints  
and Aversives in Public Schools and Approved Private Schools, a  
Major Substantive Rule of the Department of Education**

**RESOLVE 9  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-125

LD 22, a resolve, proposed to provide for legislative review of Chapter 125.17D: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a major substantive rule of the Department of Education.

**Committee Amendment "A" (H-125)** proposed to make certain specific changes in the rule concerning the use of time-out rooms, therapeutic restraints and aversives provisionally adopted by the Department of Education.