

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

Rep. Elizabeth Watson

Rep. Stephen C. Estes

Rep. Glenn Cummings

Rep. Vaughn A. Stedman

Rep. Mary Black Andrews

Rep. Carol Weston

Rep. Mary Ellen Ledwin

Rep. Donald G. Soctomah

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Maine State Legislature
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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).

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

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.

Joint Standing Committee on Education and Cultural Affairs

1. The rule must be amended to provide that the local policy must be reviewed at least annually. The provisionally adopted rule requires the local policy to be reviewed at least quarterly.
2. The rule must be amended to require the documentation of a time-out room or therapeutic restraint be provided to the program administrator within 2 school days. The provisionally adopted rule requires the documentation to be completed within 24 hours.
3. The rule must be amended to delete from the definition of "aversive therapy or treatment" the terms "loud noises" and "humiliating practices." The provisionally adopted rule provides that aversive therapy or treatment is prohibited. The terms that must be deleted are too subjective to provide sufficient guidance. The definition must also be amended to delete the unnecessary "etc." that is at the end of the examples of prohibited aversive therapy or treatment.

Enacted law summary

Resolve 2001, chapter 9 authorizes final adoption of regulations concerning the use of time-out rooms, therapeutic restraints and aversives, a provisionally-adopted, major substantive rule of the Department of Education. The rule requires that documentation of a time-out room or therapeutic restraint be provided to the program administrator within 2 school days; and also requires that the local policy concerning the use of time-out rooms, therapeutic restraints and aversives must be reviewed at least annually.

Resolve 2001, chapter 9 was finally passed as an emergency measure effective May 8, 2001.

LD 111

An Act to Appropriate Funds for the Bath Higher Education Center

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO SMALL	ONTP	

LD 111 proposed to provide a General Fund appropriation of \$1,400,000 in fiscal year 2001-02 to renovate and equip classroom space at the Bath Higher Education Center of the Maine Technical College System.

Similar provisions to those contained in the bill, contingent upon passage of a \$1,000,000 General Fund bond to develop, renovate and equip the proposed Bath Higher Education Center, were included in P&SL 2001, c. 37. Other bills proposed to support an operating budget for the proposed Bath Higher Education Center (see LD 532 and LD 1378).