

# 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](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 1306**

**An Act to Implement the Recommendations of the Task Force on  
Educational Programming at Juvenile Correctional Facilities**

**PUBLIC 452**

|                   |                         |                           |
|-------------------|-------------------------|---------------------------|
| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|                   | OTP-AM                  | H-667<br>S-384 GOLDTHWAIT |

LD 1306 proposed to implement certain recommendations of the task force on educational programming at juvenile correctional facilities. The bill proposed to accomplish the following:

1. Provide that criminal justice agency officials must provide notice to the superintendent of the school to which a juvenile who has been charged in a juvenile petition that alleged the use or threatened use of physical force against a person or who was adjudicated as having committed one or more juvenile crimes seeks admission of the availability of information concerning that juvenile;
2. Provide that, upon request of a superintendent of the school in which a juvenile seeks admission, a juvenile community corrections officer must provide the superintendent with certain information related to the current status of a juvenile's compliance with any informal adjustment alternative program, supervised work or service program, restitution program, juvenile drug treatment court program or conditions of probation as determined by a juvenile community corrections officer or ordered by the court;
3. Require the Commissioner of Education to establish standards and to provide technical assistance regarding reintegration teams for juveniles released or discharged from juvenile corrections facilities and seeking admission into schools in the State;
4. Require school superintendents to provide planning for reintegration teams, including training for school personnel involved in reintegration planning and with access to confidential records of juveniles;
5. Require compliance with reintegration planning provisions as part of basic school approval for public and private schools approved for tuition purposes;
6. Amend the scope and duties of the Commissioner of Education's advisory committee on truancy, dropouts and alternative education to include reintegration planning for a juvenile released or discharged from a juvenile corrections facility and seeking admission into a school in the State;
7. Require that school superintendents report annually on planning efforts for reintegrating juveniles into the school environment to the Commissioner of Education's advisory committee on truancy, dropouts and alternative education; and
8. Require the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services and the chair of the policy review council established under the Maine Revised Statutes, Title 34-A, section 3002-A or their designees to present an annual report to the Council on Children and Families and the Children's Cabinet on the progress of implementation efforts regarding the juvenile correctional educational programs, the integration of behavioral health, mental health and substance abuse programming and release and discharge planning, transition services, aftercare services and reintegration planning provided to youths discharged from juvenile correctional facilities.

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**Committee Amendment “A” (H-667)** proposed to replace section 1 of the bill with changes to existing law in both the Maine Juvenile Code and the laws governing the Department of Corrections. These proposed changes recognize a school's interest in having information to ensure a successful reintegration of a juvenile offender and clarify the current ability for the department and others to share information, which may otherwise be confidential, with the school for purposes of reintegration. This amendment also proposed to require the Department of Corrections to notify the superintendent of a school about the availability of information when a juvenile in the custody of the Department of Corrections is seeking admission to that school after release from a juvenile correctional facility. The superintendent may then request information about the juvenile for use by a reintegration team, which must be provided as long as it falls under the requirements guarding the release of confidential information pertaining to juveniles in the juvenile justice system. The superintendent must establish a reintegration team to plan for the juvenile's transition into the school.

The amendment further proposed to amend Section 3 of the bill to correct a cross-reference to delete the provision concerning parents, custodians and guardians consenting in writing to the release of additional information because even if such consent is given, there may be information that is not appropriate or may be unlawful to share. The Maine Revised Statutes, Title 15 and Title 34-A already take account of this and allow for sharing of appropriate information by consent.

This amendment also proposed to clarify that a juvenile is not "transferred" from a juvenile correction facility to a school, but is enrolled.

This amendment further proposed to clarify that current confidentiality laws, as amended to include reintegration, are sufficient to inform a school about a juvenile's compliance with relevant conditions. Only if those conditions are not complied with should a school be able to deny admission to a juvenile.

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

**Senate Amendment “A” (S-384)** proposed to add a mandate preamble to the bill.

### *Enacted law summary*

Public Law 2001, chapter 452 implements certain recommendations of the task force on educational programming at juvenile correctional facilities. The law amends existing statutes governing the Maine Juvenile Code, the Department of Corrections, the Department of Education and local school administrative units in recognizing a school's interest in having information to ensure a successful reintegration of a juvenile offender and clarify the current ability for the Department of Corrections and others to share information, which may otherwise be confidential, with the school for purposes of reintegration.

The law accomplishes the following:

1. It requires the Department of Corrections to notify the superintendent of a school about the availability of information when a juvenile in the custody of the Department of Corrections is seeking admission to that school after release from a juvenile correctional facility. The superintendent may then request information about the juvenile for use by a reintegration team, which must be provided as long as it falls under the requirements guarding the release of confidential information pertaining to juveniles in the juvenile justice system. The superintendent must establish a reintegration team to plan for the juvenile's transition into the school;

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2. It requires the Commissioner of Education to establish standards and to provide technical assistance regarding reintegration teams for juveniles released or discharged from juvenile corrections facilities and seeking admission into schools in the State;
3. It requires school superintendents to provide planning for reintegration teams, including training for school personnel involved in reintegration planning and with access to confidential records of juveniles;
4. It requires compliance with reintegration planning provisions as part of basic school approval for public and private schools approved for tuition purposes;
5. It expands the scope and duties of the Commissioner of Education's advisory committee on truancy, dropouts and alternative education to include reintegration planning for a juvenile released or discharged from a juvenile correctional facility and seeking admission into a school in the State;
6. It requires that school superintendents report annually on planning efforts for reintegrating juveniles into the school environment to the Commissioner of Education's advisory committee on truancy, dropouts and alternative education;
7. It clarifies that current confidentiality laws, as amended to include reintegration, are sufficient to inform a school about a juvenile's compliance with relevant conditions. Only if those conditions are not complied with should a school be able to deny admission to a juvenile; and
8. It requires the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services and the chair of the policy review council established under the Maine Revised Statutes, Title 34-A, section 3002-A or their designees to present an annual report to the Council on Children and Families and the Children's Cabinet on the progress of implementation efforts regarding the juvenile correctional educational programs, the integration of behavioral health, mental health and substance abuse programming and release and discharge planning, transition services, aftercare services and reintegration planning provided to youths discharged from juvenile correctional facilities.

**LD 1312**

**An Act to Eliminate the \$1,000,000 Cap Eligibility Requirement for the School Revolving Renovation Fund**

**ONTP**

Sponsor(s)  
MITCHELL B  
LEDWIN

Committee Report  
ONTP

Amendments Adopted

LD 1312 proposed to prohibit placing a limit on the amount of money that may be disbursed from the School Revolving Renovation Fund to a school administrative unit, school building or project.