

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

Staff:

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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

LD 1765

An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-532
	OTP-AM MIN	

LD 1765 was reported from the Joint Standing Committee on Education and Cultural Affairs pursuant to 2001 Joint Order, House Paper 1143 and proposed to authorize the Maine State Police and the Commissioner of Education to release certain general information relating to the fingerprinting and criminal history record checks of educational personnel. The bill proposed to provide an exception for the following information from the confidentiality provision established for the criminal history record checks of educational personnel:

1. Information explaining the process used by the Maine State Police for fingerprinting and conducting criminal history record checks;
2. Statistics and information on the number of persons fingerprinted and the number of criminal history record checks completed, being processed and projected to be completed in each 5-year licensing cycle;
3. Information explaining the process used by the Department of Education for reviewing criminal history record checks, applying the statutory standard for disqualification and determining appropriate agency action;
4. Statistics and information on the number of applications for certification, authorization and approval processed by or pending with the Department of Education and the number projected to be processed in each 5-year licensing cycle; and
5. Aggregate statistics and aggregate information on the number of individuals for whom the Commissioner of Education denied, refused to renew, revoked or suspended a certificate, authorization or approval, or determined to be ineligible for employment based on the results of a criminal history record check.

The bill further proposed to require that the dissemination of statistics and other information must be made in a manner that preserves the confidentiality of the information contained in the criminal history records provided to the Commissioner of Education from which these statistics are drawn. Finally, the bill proposed to allow the Maine State Police, for fiscal year 2000-01 only, to disseminate the number of criminal history records that contain a record of conviction data and were provided to the Commissioner of Education following the completion of processing criminal history record checks during fiscal years 1999-00 and 2000-01.

Committee Amendment "A" (H-532) was the majority report of the Joint Standing Committee on Education and Cultural Affairs and proposed to clarify that the Commissioner of Education may disseminate information about only the aggregate number of educational personnel applicants who have been fingerprinted and the aggregate number that represents the sum total of educational personnel applicants for whom the commissioner has denied, refused to renew, revoked or suspended a certificate, authorization or approval, or that the commissioner has determined to be ineligible for employment based on the results of a criminal history record check.

It also proposed to add a fiscal note to the bill.

Joint Standing Committee on Education and Cultural Affairs

Committee Amendment "B" (H-755) was the minority report and proposed to authorize the Commissioner of Education to report a list of all the crimes and offenses for which individuals were rendered ineligible for employment and a number of those individuals who were convicted of any criminal offense involving the physical or sexual abuse or exploitation of a child.

It also proposed to add a fiscal note to the bill. The amendment was not adopted.

LD 1779

An Act to Create the Legislative Youth Advisory Council

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> QUINT BENNETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-474
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LD 1779 proposed to establish the Legislative Youth Advisory Council to provide advice to the Legislature and its committees, commissions and task forces, the President of the Senate and the Speaker of the House on matters relating to youth.

Committee Amendment "A" (H-474) proposed to clarify that members of the Legislative Youth Advisory Council may be reappointed for additional 2-year terms, as long as they remain eligible for service on the council, and to remove a provision in the bill that incorrectly cited the Department of Education as the entity that grants school credit for extracurricular service.

While this bill as amended died on adjournment, the Part II budget bill included similar provisions to those contained in the bill as amended by the committee amendment (see P.L. 2001, c. 439, Part PPPP).

LD 1781

Resolve, Regarding Legislative Review of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule of the Department of Education

**RESOLVE 41
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1781, a resolve, proposed to provide for legislative review of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a major substantive rule of the Department of Education.

Enacted law summary

Resolve 2001, chapter 41 authorizes final adoption of regulations concerning the formula for distribution of funds to the regional sites of the Child Development Services System, a provisionally-adopted, major substantive rule of the Department of Education. The rule governs the annual distribution of funds to regional intermediate educational units in accordance with a funding formula to ensure the provision of Childfind, early intervention services and special education and related services for eligible children from birth to under age 3.