

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Education and Cultural Affairs*

*May 2002*

**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**  
**Second Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 2002**

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 arranged alphabetically by committee name 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
PASSED	Joint Order passed in both bodies
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 July 25, 2002.

**Patrick T. Norton, Interim Director**  
**Offices located in Room 215 of the Cross Office Building**

## Joint Standing Committee on Education and Cultural Affairs

### *Enacted law summary*

Resolve 2001, chapter 117 provides for legislative review of portions of Chapter 126: Immunization Requirements for School Children, a rule of the Department of Human Services, and portions of Chapter 261: Immunization Requirements for School Children, a rule of the Department of Education, major substantive rules jointly adopted by the Department of Human Services and the Department of Education.

Resolve 2001, chapter 117 was finally passed as an emergency measure effective April 11, 2002.

### **LD 2128**

**An Act to Authorize a General Fund Bond Issue in the Amount of \$28,500,000 to Capitalize the School Revolving Renovation Fund, to Provide Grants to Public Educational Institutions to Install Sprinkler Systems in Dormitories, to Renovate the Harlow Office Building and to Provide a Center for Homeless Teenagers**

**PUBLIC 674**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL MICHAUD		H-1080 H-1108

LD 2128 was referred to the Joint Standing Committee on Appropriations and Financial Affairs. This bill proposed to authorize a General Fund bond issue in the amount of \$15,000,000 to capitalize the School Revolving Renovation Fund for repairs and improvements in public school facilities to address health, safety and compliance deficiencies, as well as general renovation needs and learning space upgrades.

**Committee Amendment “A” (H-1080)** was the majority report of the committee. Part A proposed to require public educational institutions to install automatic sprinkler systems in their dormitories, but only if the bond issue in Part B is approved by the voters.

Part B proposed to provide for a bond issue in the amount of \$47,000,000, to be used for the following purposes:

1. The sum of \$15,000,000 to capitalize the School Revolving Renovation Fund for repairs and improvements in public school facilities to address health, safety and compliance deficiencies; general renovation needs; and learning space upgrades;
2. The sum of \$13,900,000 to construct a new correctional facility in Machias to replace the existing Downeast Correctional Facility in Bucks Harbor in order to meet the need for minimum custody prison beds, achieve operational efficiencies and compliance with state and national environmental and building standards and to support enhanced transition programs for prisoners reentering the community;

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3. The sum of \$11,100,000 to construct an infirmary and extended care unit for special needs prisoners, to modernize existing buildings and to enhance security at the Maine Correctional Center in South Windham in order to meet current and future medical needs of the prisoner population; support treatment program for health care, substance abuse and sex offenders; and improve intake reception; and
4. The sum of \$7,000,000 to provide grants to be administered by the Finance Authority of Maine to public educational institutions for the purchase and installation of automatic sprinkler systems in dormitories.

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

**House Amendment “C” To Committee Amendment “A” (H-1108)** proposed to amend Committee Amendment "A" to retain the provisions of the amendment to require public educational institutions to install automatic sprinkler systems in their dormitories, but only if the bond issue in Part B is approved by the voters.

Part B proposed to provide for a bond issue in the amount of \$28,500,000, to be used for the following purposes:

1. The sum of \$13,000,000 to capitalize the School Revolving Renovation Fund for repairs and improvements in public school facilities to address health, safety and compliance deficiencies; general renovation needs; and learning space upgrades;
2. The sum of \$7,000,000 to provide funds to be administered by the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System to public educational institutions for the purchase and installation of automatic sprinkler systems in dormitories. The grants may be awarded only to those institutions that demonstrate to the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System that reasonable progress has been made towards meeting the requirements of the federal Americans with Disabilities Act of 1990 on each institution's campus;
3. The sum of \$500,000 for the renovation of a building in the Portland area to establish a center for homeless teenagers; and
4. The sum of \$8,000,000 to renovate the Augusta East Campus Harlow Building.

### ***Enacted law summary***

Public Law, 2001, chapter 674 provides for a bond issue in the amount of \$28,500,000, to be used for the following purposes:

1. The sum of \$13,000,000 to capitalize the School Revolving Renovation Fund for repairs and improvements in public school facilities to address health, safety and compliance deficiencies; general renovation needs; and learning space upgrades;

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2. The sum of \$7,000,000 to provide funds to be administered by the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System to public educational institutions for the purchase and installation of automatic sprinkler systems in dormitories. The grants may be awarded only to those institutions that demonstrate to the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System that reasonable progress has been made towards meeting the requirements of the federal Americans with Disabilities Act of 1990 on each institution's campus;
3. The sum of \$500,000 for the renovation of a building in the Portland area to establish a center for homeless teenagers; and
4. The sum of \$8,000,000 to renovate the Augusta East Campus Harlow Building.

**LD 2136**                      **Resolve, Regarding Legislative Review of Amendments to Chapter 127, Instructional Program, Assessment and Diploma Requirements, a Major Substantive Rule of the Department of Education**                      **RESOLVE 107**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM      MAJ	H-954
	OTP-AM      MIN	

LD 2136 proposed to approve amendments to Chapter 127: Instructional Program, Assessment and Diploma Requirements, a “provisionally adopted” major substantive rule of the Department of Education.

**Committee Amendment "A" (H-954)**, which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to authorize the "final adoption" of the "provisionally adopted" rule only if the rules are amended as follows.

1. The rule must be amended to delete the requirement that data presented from a local assessment system must meet applicable federal law and regulations. The provisionally adopted rule proposed to require that the standards for a local assessment system must meet applicable federal law and regulations.
2. The rules must be amended to delete the phase-in requirement established for awarding diplomas for secondary school students who had not taken one-half credit in Maine studies in grades 6, 7 or 8. The provisionally adopted rule proposed to establish a phase-in requirement -- prior to the 2006-07 school year -- for certain content standard subject areas in awarding diplomas for secondary school students. Under this requirement for the “social studies” content standard subject area, school boards shall adopt policies to phase in the new requirements for awarding diplomas, including the minimum requirement that a student who had not taken one-half credit in “Maine studies” in grades 6, 7 or 8 must do so before they could receive a secondary school diploma.
3. The rules must be amended to correct a reference to a special education student’s “Individualized Education Plan.”