

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Education and Cultural Affairs*

*July 2003*

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# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

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

<i>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
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*Joint Standing Committee on Education and Cultural Affairs*

**LD 149**

**An Act to Transfer Bureau of General Services School  
Construction Functions to the Maine Department of Education**

**CARRIED OVER**

<u>Sponsor(s)</u> NASS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 149, which is a concept draft pursuant to Joint Rule 208, proposes to move current oversight of state-approved school construction projects from the Department of Administrative and Financial Service, Bureau of General Services to the Department of Education. The purpose of this change would be to create a single oversight and service entity, so that all of the major functions, from application through final project completion, associated with school construction projects are delivered from a single agency.

Under the bill, fees currently collected by the Bureau of General Services would be assigned to the Department of Education to support the additional responsibility the Department of Education would assume. Position counts at the Bureau of General Services would be transferred to the Department of Education as necessary. The bill has been carried over to the Second Regular Session.

**LD 160**

**An Act To Amend the Laws Governing Home Instruction**

**PUBLIC 181  
EMERGENCY**

<u>Sponsor(s)</u> WESTON GAGNE-FRIEL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-79
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LD 160 proposed to provide that a child is excused from attending a public day school if the person responsible for ensuring the child's attendance provides a written notice of intent to provide home instruction to the Commissioner of Education within 14 calendar days of the beginning of home instruction. This notice must contain a statement of assurance that the home instruction program will provide 175 days of instruction annually and provide instruction in the following subjects: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts and, in at least one grade from grade 6 to 12, Maine studies. A home instruction program must also provide that, at one grade level from grade 7 to 12, the student must demonstrate proficiency in the use of computers.

**Committee Amendment "A" (S-79)** proposed to make changes to the bill to clarify the intent of the original bill, proposed to add certain provisions to the bill that are currently contained in Department of Education rules related to equivalent instruction through a home instruction program and proposed to make changes to other sections of the statutes related to equivalent instruction through a home instruction program so that they are consistent with the intent of the original bill. The committee amendment also proposed to include the following provisions.

1. It proposed to provide that a student is excused from attending a public day school if the student's parent or guardian provides a written notice of intent to provide home instruction to the Commissioner of Education and to the superintendent of the local school administrative unit within 10 calendar days of the beginning of the home instruction program.

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2. It proposed to provide that the notice of intent to provide a home instruction program must contain a statement of assurance that the home instruction program will provide for an annual assessment of the student's academic progress. It also proposed to specify the several forms of assessment that comply with this requirement.
3. It proposed to provide that, following the initial year of providing a home instruction program, the notice of intent to continue to provide a home instruction program must include a copy of the annual assessment of the student's academic progress from the prior year.
4. It proposed to make technical changes to 2 related statutory provisions so that these provisions are consistent with the new "notice of intent" requirements governing the provision of equivalent instruction through a home instruction program.
5. It proposed to provide that the information filed under the new "notice of intent" requirements governing the provision of equivalent instruction through a home instruction program and any other education records pertaining to the home instruction program must be maintained by the student's parent or guardian until the home instruction program concludes. It further provides that these records must be made available to the Commissioner of Education upon request.
6. It proposed to provide that the Commissioner of Education should amend or adopt rules to be consistent with the new "notice of intent" requirements governing the provision of equivalent instruction through a home instruction program. The rules adopted are proposed to be major substantive rules.
7. It proposed to underscore that, notwithstanding any Department of Education rules to the contrary, the Commissioner of Education shall use the new written "notice of intent" provisions in excusing a child from attendance at a public day school if a parent or guardian of the child who intends to provide equivalent instruction through a home instruction program for the child in the 2003-2004 school year provides the notice of intent.
8. It proposed to add an emergency preamble and an emergency clause to the bill.

### ***Enacted Law Summary***

Public Law 2003, chapter 181 provides that a child is excused from attending a public day school if the child's parent or guardian provides a written notice of intent to provide home instruction to the Commissioner of Education within 10 calendar days of the beginning of home instruction. This notice must contain a statement of assurance that the home instruction program will provide 175 days of instruction annually, provide instruction in certain subject areas and provide for an annual assessment of the child's academic progress. The law also provides that the Commissioner of Education shall adopt major substantive rules to be consistent with these new requirements.

Public Law 2003, chapter 181 was enacted as an emergency measure effective May 16, 2003.