

# 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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**Members:**

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Sen. Michael F. Brennan  
Sen. Betty Lou Mitchell*

*Rep. Glenn Cummings, Chair  
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Rep. Gerald M. Davis*

# 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*

3. It also proposed to direct the Department of Education to consider the concerns raised by the Superintendent of the Governor Baxter School for the Deaf and advocates for teachers of the deaf who are prelingually deaf regarding the need for accommodations for prelingually deaf applicants for targeted need area certificates as the department proceeds with the filing of the revised rule for the remaining portions of Chapter 115: Certification, Authorization and Approval of Education Personnel.

**House Amendment "A" to Committee Amendment "A" (H-523)** proposed to amend Committee Amendment "A," House Paper 458, to reflect that it would be the intent of the Legislature that the Department of Education consider the concerns specified in the committee amendment.

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

Public Law 2003, chapter 445 provides an exception from any amended rules adopted by the State Board of Education that revise the qualifications requirements for targeted need area certificates, conditional certificates or transitional endorsements. Under this law, teachers who were issued targeted need area certificates, conditional certificates or transitional endorsements to teach prior to or during the school year preceding the adoption of revisions to the original rules are exempt from any revision in the qualifications required by amended rules adopted by the State Board of Education for targeted need area certificates, conditional certificates or transitional endorsements, provided that the holder of the targeted need area certificate, conditional certificate or transitional endorsement annually completes the required course work and testing as determined by the Department of Education for the school year preceding the adoption of revisions to the original rules. The law also provides that, until the Department of Education adopts revised rules for targeted need area certificates, the department may issue 2nd and 3rd targeted need area certificates to prelingually deaf applicants provided that an applicant can show evidence of having attempted the Pre-professional Skills Test during the first or 2nd year of holding the targeted need area certificate. Finally, the law directs the Department of Education to consider the need for accommodations for prelingually deaf applicants for targeted need area certificates as the department proceeds with the filing of the revised rule for the remaining portions of Chapter 115: Certification, Authorization and Approval of Education Personnel.

**LD 987**

### **An Act To Establish Consistent Requirements for High School Course Credits and Diploma Eligibility**

**PUBLIC 271**

Sponsor(s)  
MITCHELL  
GAGNE-FRIEL

Committee Report  
OTP

Amendments Adopted

LD 987 proposed to make the law regarding transfer of credit for equivalent instruction at nonapproved private schools consistent with earned credit for home school instruction by adding the authority for a principal to require student testing before transferring credit for equivalent instruction. The bill also proposed to predicate the awarding of a high school diploma on a student's satisfying both course credit and other requirements set by a local school board.

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

Public Law 2003, chapter 271 makes the law regarding transfer of credit for equivalent instruction at nonapproved private schools consistent with earned credit for homeschool instruction by adding the authority for a principal to

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require student testing before transferring credit for equivalent instruction. The bill also predicates award of a high school diploma on a student's satisfying both course credit and other requirements set by a local school board.

**LD 1032**                      **An Act Concerning the Processing Time for Substitute and Regular School Employee Fingerprinting**                      **PUBLIC 184**

<u>Sponsor(s)</u> LAVERRIERE-BOUC		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-200
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LD 1032 proposed to provide that, beginning with the 2003-2004 school year, a person employed by a school as a substitute, and who also needs fingerprinting and a criminal history record check must be issued a temporary approval card by the Department of Education and must meet the fingerprinting and criminal history record check requirements within 8 weeks of employment. Current law requires that a regular school employee subject to the fingerprinting and criminal history record check requirements must meet these requirements prior to the 20th day of employment. The bill also proposed to provide that, for a person employed as a substitute and who has been fingerprinted pursuant to criminal history record check requirements, the temporary approval card would remain valid until the Commissioner of Education would determine whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification.

**Committee Amendment "A" (H-200)** proposed to change the title of the bill and proposed to strike and replace the bill to expand the provisions of the bill, which would affect only a person employed by a school as a substitute, to include a person who is a regular school employee. The amendment proposed to provide that, beginning with the 2003-2004 school year, a person employed by a school as a substitute and a person who is a regular school employee and who would also need fingerprinting and a criminal history record check must be issued a temporary approval card by the Department of Education and must meet the fingerprinting and criminal history record check requirements within 8 weeks of employment. The amendment also proposed to provide that, for a person employed as a substitute and for a person who is a regular school employee and who has been fingerprinted pursuant to criminal history record check requirements, the temporary approval card would remain valid until the Commissioner of Education would determine whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification.

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

Public Law 2003, chapter 184 provides that, beginning with the 2003-2004 school year, a person employed by a school as a substitute and a person who is a regular school employee and who also needs fingerprinting and a criminal history record check must be issued a temporary approval card by the Department of Education and must meet the fingerprinting and criminal history record check requirements within 8 weeks of employment. The law also provides that, for a person employed as a substitute and for a person who is a regular school employee and who has been fingerprinted pursuant to criminal history record check requirements, the temporary approval card remains valid until the Commissioner of Education determines whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification.