

# 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.

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*Joint Standing Committee on Education and Cultural Affairs*

- 2. It proposed to provide that, beginning in school year 2003-04, a school administrative unit engaged simultaneously in 2 or more approved major capital projects is eligible to include the principal and interest costs for each major capital project in the determination of the debt service millage limit;
- 3. It proposed to provide that, beginning in school year 2003-04, a school administrative unit engaged simultaneously in an approved major capital project and a nonstate funded project is eligible for state support for 100% of the principal and interest costs for the approved major capital project and for 50% of the principal and interest costs for the nonstate funded project if the project was approved by the commissioner after the school administrative unit applied to the state board for major capital project approval and the project application involved received a rating in the top 50% on the major capital project priority list; and
- 4. It proposed to direct the Department of Education and the State Board of Education to amend or adopt rules necessary to implement the changes to the debt service "circuit breaker" program.

**LD 1508**

**Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health**

**RESOLVE 56  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-423 H-521 CUMMINGS
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LD 1508, a resolve, proposed to provide for legislative review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a major substantive rule of the Department of Labor, Bureau of Labor Standards.

**Committee Amendment "A" (H-423)** proposed to provide that the provisionally adopted rule submitted by the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health could be authorized only if the rule was amended as follows.

- 1. The following designated parts of the provisionally adopted rule must be deleted: "III. Educational institution's duty to respond," "V. Board of Occupational safety and Health oversight of this rule," "VI. Educational institutions' additional duties to advance student safety through sound student safety practices initiatives" and "VII. Enforcement"; and
- 2. The part designated "I. Summary of purpose" must be amended by deleting the 2nd sentence, which summarizes parts of the rule that are not authorized for final adoption.

The amendment also proposed to add a new section to the resolve to report that the Joint Standing Committee on Education and Cultural Affairs made the following findings:

- 1. The portions of the rule that would not be authorized for final adoption would add new requirements to the existing health and safety requirements already mandated to school administrative units and that these new requirements could have a significant fiscal impact on school administrative units; and

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2. The portions of the rule that would be authorized for final adoption are sufficient to permit the Department of Labor, Bureau of Labor Standards to communicate allegations of unsafe student conditions in educational institutions and to provide any technical assistance that could be necessary to these educational institutions.

The amendment further proposed to strike and replace the title of the resolve to more accurately reflect the entity that adopted the rules.

**House Amendment "A" to Committee Amendment "A"** (H-521) proposed to amend the “finding section” of the committee amendment to reflect that it is the Legislature that is making the final determination regarding the provisionally adopted rules.

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

Resolve 2003, chapter 56 requires the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health to amend its provisionally adopted major substantive rules regarding sound student safety practices in Maine's public schools and colleges. The resolve specifies that the portions of the rule that are authorized for final adoption are only those portions sufficient to permit the Bureau of Labor Standards to communicate allegations of unsafe student conditions in educational institutions and to provide any technical assistance that may be necessary to these educational institutions.

Resolve 2003, chapter 56 was passed as an emergency measure effective June 2, 2003.

<b>LD 1530</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education</b>	<b>RESOLVE 60 EMERGENCY</b>
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Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-453

LD 1530, a resolve, proposed to provide for legislative review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education.

**Committee Amendment "A" (H-453)** proposed to provide that only specific portions of the provisionally adopted major substantive rule submitted by the Department of Education could be authorized and also proposed to provide that the remainder of the provisionally adopted major substantive rule could not be adopted, but rather must be reviewed and resubmitted by the Department of Education. The amendment proposed to authorize the adoption of the proposed provisions to the Administrator Certificates section of the rule only if certain portions of this section of the rule would be amended to include references to the Interstate School Leaders Licensure Consortium standards as part of the alternative pathways to certain administrator certificates.

The amendment also proposed to require that, pending the decision of the United States Department of Education on the Maine Department of Education's Consolidated State Application for State Grants under Title IX, Part C, Section 9302 of the federal Elementary and Secondary Education Act, Public Law 107-110, the Department of Education would review and file a revised provisionally adopted major substantive rule. The amendment further proposed to require that the Department of Education would also consider the concerns raised by interested parties during public hearings and work sessions on this rule conducted by the Joint Standing Committee on Education and