

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

May 2004

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Maine State Legislature



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

*121st Maine Legislature
Second Regular Session and
Second Special 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/billsumm.htm).

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
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Education and Cultural Affairs

The bill also proposed to provide that the General Purpose Aid for Local Schools program fully fund the local share of actual local special education costs, the local share of the foundation allocation and the actual local per-pupil expenditure for each state ward, state agency client and out-of-district placement who is educated as a tuition student in another school administrative unit or at a private school.

At the end of the session, the Education Committee, by letter, requested that the Commissioner of Education report to the committee during the First Regular Session of the 122nd Legislature with appropriate recommendations for the level of state subsidy that should be provided to local school administrative units for the actual special education costs of the placement of state agency clients and state wards in a residential placement within the unit.

LD 1716

Resolve, Regarding Participation in the Federal No Child Left Behind Act of 2001

RESOLVE 128

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-443
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LD 1716 proposed to prohibit the Department of Education from using state funds to implement the policies of the federal No Child Left Behind Act of 2001. The resolve also proposed to require the Department of Education to investigate the costs and benefits of not participating in the federal No Child Left Behind Act of 2001. The resolve further proposed to require the department to submit its findings to the Joint Standing Committee on Education and Cultural Affairs by March 15, 2004.

Committee Amendment "A" (S-443) proposed to strike and replace the resolve to accomplish the following.

1. It removed the emergency preamble and the emergency clause.
2. It clarified that the prohibition on the use of state funds to participate in the federal No Child Left Behind Act of 2001 would not prohibit the State from expending other state funds for activities that the Department of Education was already conducting consistent with the federal No Child Left Behind Act of 2001, or for activities authorized in the state budgets for fiscal year 2003-04 and fiscal year 2004-05.
3. It made an exception to the prohibition on the use of state funds to implement the policies of the federal No Child Left Behind Act of 2001 by authorizing the Department of Education to use state funds to conduct the investigation of the costs and benefits of participating in the federal No Child Left Behind Act of 2001.
4. It clarified that the investigation required by the resolve should focus on the costs and benefits of aligning the federal No Child Left Behind Act of 2001 with Maine's system of learning results and should include a comprehensive analysis of the costs and benefits of participating in the federal No Child Left Behind Act of 2001.
5. It changed the reporting date for the Department of Education to submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over education matters to January 15, 2005.

Joint Standing Committee on Education and Cultural Affairs

Enacted Law Summary

Resolve 2003, chapter 128 requires the Department of Education to investigate the costs and benefits of participating in the federal No Child Left Behind Act of 2001. This investigation must focus on the costs and benefits of aligning the federal No Child Left Behind Act of 2001 with Maine's system of learning results and must include a comprehensive analysis of the costs and benefits of participating in the federal No Child Left Behind Act of 2001. The resolve also requires the Department of Education to submit its findings and recommendations from this investigation to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2005.

The resolve also prohibits the Department of Education from using state funds to implement the policies mandated by the federal No Child Left Behind Act of 2001 that are not funded by the federal government under the No Child Left Behind Act of 2001, except for state funds necessary to accomplish the following:

1. The State may accept, administer and distribute federal funds made available to the State under the No Child Left Behind Act of 2001 in accordance with federal law and regulations even if there is a conflict with state statutes and rules;
2. The State may expend state funds for activities that the Department of Education was already conducting consistent with the federal No Child Left Behind Act of 2001, or for activities authorized in the state budgets for fiscal year 2003-04 and fiscal year 2004-05; and
3. The Department of Education may use state funds to conduct the investigation of the costs and benefits of participating in the federal No Child Left Behind Act of 2001 and to submit its report and recommendations to the Legislature as required by this resolve.

LD 1768

**An Act To Authorize Certain School Children To Carry
Emergency Medication on Their Persons**

PUBLIC 531

<u>Sponsor(s)</u> BARSTOW DOUGLASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-674
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LD 1768 proposed to require any public or approved private school to adopt a written local policy and procedure allowing students to possess and self-administer asthma inhalers in schools. The bill proposed to require that schools receive written approval from the student's parent or guardian and the student's physician before authorizing the student to self-administer an asthma inhaler. The bill also proposed to require the student's parent or guardian to provide written verification from the physician confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler in a school.

Committee Amendment "A" (H-674) proposed to change the title of the bill and proposed to strike and replace the bill to expand the provisions of the bill regarding the possession and self-administration of an asthma inhaler to include the possession and self-administration of an epinephrine pen. The amendment proposed to require a public school or private school approved for attendance purposes by the Department of Education to adopt a written local policy allowing students to possess and self-administer asthma inhalers and epinephrine pens in the school. It also proposed to require that a school receive written approval from the student's parent or guardian and the student's