

# 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*

**Members:**

*Sen. Neria R. Douglass, Chair*

*Sen. Michael F. Brennan*

*Sen. Betty Lou Mitchell*

*Rep. Glenn A. Cummings, Chair*

*Rep. Rosita Gagne-Friel*

*Rep. Jacqueline R. Norton*

*Rep. Jonathan Thomas*

*Rep. Edward D. Finch*

*Rep. Jeremy Fischer*

*Rep. Mary Black Andrews*

*Rep. Thomas W. Murphy, Jr.*

*Rep. Mary Ellen Ledwin*

*Rep. Gerald M. Davis*

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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](http://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**

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### **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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW DOUGLASS	OTP-AM	H-674

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

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primary health care provider before the school authorizes the student to self-administer an asthma inhaler or an epinephrine pen. It further proposed to require the student's parent or guardian to provide written verification from the primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in a school. Finally, it proposed to require that the school nurse evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school.

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

Public Law 2003, chapter 531 requires public schools and private schools 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. The written local policy must include the following requirements:

1. That the school receives written approval from the student's parent or guardian and the student's primary health care provider before the school authorizes the student to self-administer an asthma inhaler or an epinephrine pen;
2. That the student's parent or guardian provides written verification from the primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in a school; and
3. That the school nurse evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school.

**LD 1787**

**An Act To Support the New Century Community Program**

**P&S 50**

Sponsor(s)  
BRUNO  
ROTUNDO

Committee Report  
OTP

Amendments Adopted  
S-594 CATHCART

LD 1787 was referred to the Joint Standing Committee on Appropriations and Financial Affairs and proposed to provide funding to the New Century Community Program. This bill proposed to include an on-going General Fund appropriation of \$4,500,000 beginning in fiscal year 2004-05 to the Maine State Cultural Affairs Council for the New Century Community Program. The goals of the program are to strengthen local cultural resources, including community arts activities, humanities programs and historic preservation activities; provide educational services beyond the reach of the standard educational system; and preserve both the State's material culture and its built environment through grants for preservation and restoration.

**Senate Amendment "A" (S-594)** proposed to provide reduced funding for the New Century Community Program in 2004-05. The amendment proposed to provide a General Fund appropriation of \$100,000 in fiscal year 2004-05 to the Maine State Cultural Affairs Council for the New Century Community Program. The amendment also proposed that any amounts unencumbered at the end of each fiscal year would not lapse but must be carried forward to be used for the same purpose.