

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).

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
ONT P.....	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

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.

Joint Standing Committee on Education and Cultural Affairs

Enacted Law Summary

Private & Special Law 2003, chapter 50 provides 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 law also provides that any amounts unencumbered at the end of each fiscal year shall not lapse but must be carried forward to be used for the same purpose.

LD 1861 **An Act To Require School Administrative Units To Report Their Costs for Legal, Consulting and Other Professional Services to the Department of Education** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	ONTP MAJ	
KANE	OTP-AM MIN	

LD 1861 proposed to require local school units to provide an itemized report of all expenditures for legal, consulting and other professional services.

Committee Amendment "A" (S-477), which was the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill with an amendment that clarifies that, beginning in fiscal year 2005-06, the annual reports submitted by school superintendents to the Commissioner of Education would be filed in the format and within the time periods specified by the commissioner. The amendment further proposed to provide that the annual report filed by superintendents would include a detailed report of all school administrative unit expenses for legal, consulting and other professional services in the format required by the Commissioner of Education to implement the Maine Education Data Management System in fiscal year 2005-06. The amendment also proposed to add an effective date of July 1, 2005. (Not adopted.)

During the session, the Education Committee, by letter, requested that the Commissioner of Education report to the committee during the legislative interim with a status report of the Department of Education's plans for revising the Handbook II-R and related reporting forms and with an updated timeline for the implementation of the Maine Education Data Management System project, which is scheduled for deployment in fiscal year 2005-06.

LD 1862 **Resolve, To Create an Associate Degree Program in Radiology Technology** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	OTP-AM	S-445
COLWELL		

LD 1862 proposed to implement recommendations of the Presiding Officers' Advisory Task Force on Creating a Future For Youth in Maine. The bill proposed to accomplish the following: