

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

August 2005

Members:

Sen. Elizabeth H. Mitchell, Chair

Sen. Elizabeth M. Schneider

Sen. Karl W. Turner

Rep. Jacqueline R. Norton, Chair

Rep. Edward D. Finch

Rep. Elaine Makas

Rep. Emily Ann Cain

Rep. Connie Goldman

Rep. Barbara E. Merrill

Rep. Vaughn A. Stedman

Rep. Gerald M. Davis

Rep. Peter Edgecomb

Rep. Scott E. Lansley

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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).

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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Education and Cultural Affairs

Enacted law summary

Public Law 2005, chapter 152 amends the law regarding the certification of educational personnel in 3 ways.

1. It authorizes the granting of a certificate or authorization of personnel who provide early childhood education programs or developmental therapy to all children from birth to age 5. Currently, the certificate or authorization is limited to educational personnel who provide programs or developmental therapy to children birth to school age 5 who have disabilities.
2. It repeals the requirement for certification that all educational personnel have knowledge of physiology and hygiene and the effects of alcohol, stimulants and narcotics upon the human system.
3. It revises the conditional certificate for administrators to allow the Department of Education to grant a maximum of 2 one-year conditional administrator certificates. Previously, conditional administrator certificates could be granted for only one year.

LD 1451 **Resolve, To Enforce Environmental Health Protection Measures in Public Schools** **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1451 proposed to require the Department of Education to identify and enforce significant environmental health protection measures for public schools serving kindergarten to grade 12. The department would have been required to develop recommendations for reporting requirements by school administrative units regarding the effectiveness of the measures and possible additional measures.

LD 1454 **An Act To Amend the Laws Regarding the School Revolving Renovation Fund** **PUBLIC 272
EMERGENCY**

<u>Sponsor(s)</u> GOLDMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-462
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LD 1454 proposed to allow reimbursement from the School Revolving Renovation Fund to school administrative units for costs incurred for first priority status health and safety projects approved by the Commissioner of Education.

Committee Amendment "A" (H-462) proposed to clarify that the amount of the reimbursement that a school administrative unit could receive from the School Revolving Renovation Fund for costs incurred for a first priority status health and safety project could not exceed 70% and could not be less than 30% of the costs of the first priority status health and safety project as determined in accordance with the Maine Revised Statutes, Title 30-A, section 6006-F, subsection 6, paragraph A.

Joint Standing Committee on Education and Cultural Affairs

Enacted law summary

Public Law 2005, chapter 272 allows reimbursement from the School Revolving Renovation Fund to school administrative units for costs incurred for first priority status health and safety projects approved by the Commissioner of Education. The law provides that the amount of the reimbursement that a school administrative unit may receive from the School Revolving Renovation Fund for costs incurred for a first priority status health and safety project may not exceed 70% and may not be less than 30% of the costs of the first priority status health and safety project as determined in accordance with the Maine Revised Statutes, Title 30-A, section 6006-F, subsection 6, paragraph A.

Public Law 2005, chapter 272 was enacted as an emergency measure effective June 2, 2005.

LD 1457 Resolve, To Reform the Maine Education System ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN NORTON	ONTP	

LD 1457 proposed to direct the Board of Education to convene a task force to review the special education system and to develop a proposal to phase it out and replace it with a new system under which every student, not just special education students, would receive an individual learning plan and eligible children under 9 years of age who are experiencing developmental delays are ensured a free appropriate public education. The department would have been required to invite interested parties and stakeholders to serve as members of the task force.

LD 1469 An Act To Create the Maine Merit Scholarship Program ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY BARTLETT	ONTP	

LD 1469 proposed to establish a merit-based scholarship program for eligible students who graduate from high school in Maine and who are admitted to one of the institutions of the University of Maine System or the Maine Community College System. Students must have graduated in the top 10% of their classes in high school and family income must be less than \$70,000 a year. The scholarships would have been for the full or partial cost of tuition less any financial aid, awards or grants that reduced the level of tuition. Students would have been required to retain a 3.0 grade point average in college in order to remain in the program. This merit-based scholarship program would have been administered by the Finance Authority of Maine. The Finance Authority of Maine, which would have been given routine technical rule-making authority, could have adjusted these eligibility requirements to control expenditures or increase participation in the program.