

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

Staff:

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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

LD 1529

Resolve, Regarding Legislative Review of Chapter 180, Subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a Major Substantive Rule of the Department of Education

**RESOLVE 79
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-461

LD 1529 proposed to provide for legislative review of Chapter 180, subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-461) proposed to provide that the provisionally adopted rule submitted by the Department of Education could be authorized only if certain designated portions of the rule were amended to:

1. Clarify that the parent of an eligible 5-year-old child shall provide informed consent to their regional site of the Child Development Services System that includes an explanation of the option to either remain in the Child Development Services System or the option to enroll in kindergarten and the specific free, appropriate public education services that are available in kindergarten;
2. Establish that the regional site of the Child Development Services System shall provide a copy of the individualized family service plan or the individualized education plan for each eligible 5-year-old child whose parent elects to receive services to the Child Development Services State Office; and
3. Establish that the parent of an eligible 5-year-old child who has been unable to inform their regional site of the Child Development Services System of their choice by May 1st can submit a request for consideration to the Child Development Services State Office by June 15th.

Enacted law summary

Resolve 2005, chapter 79 provides for legislative review of Chapter 180, subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a major substantive rule of the Department of Education.

The resolve authorizes final adoption of the rule provided that certain designated portions of the rule are amended to:

1. Clarify that the parent of an eligible 5-year-old child shall provide informed consent to their regional site of the Child Development Services System that includes an explanation of the option to either remain in the Child Development Services System or the option to enroll in kindergarten and the specific free, appropriate public education services that are available in kindergarten;
2. Establish that the regional site of the Child Development Services System shall provide a copy of the individualized family service plan or the individualized education plan for each eligible 5-year-old child whose parent elects to receive services to the Child Development Services State Office; and

Joint Standing Committee on Education and Cultural Affairs

3. Establish that the parent of an eligible 5-year-old child who has been unable to inform their regional site of the Child Development Services System of their choice by May 1st can submit a request for consideration to the Child Development Services State Office by June 15th.

Resolve 2005, chapter 79 was enacted as an emergency measure effective June 2, 2005.

LD 1530 **Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education** **RESOLVE 41 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1530 proposed to provide for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a major substantive rule of the Department of Education.

Enacted law summary

Resolve 2005, chapter 41 provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a major substantive rule of the Department of Education.

Resolve 2005, chapter 41 was enacted as an emergency measure effective May 20, 2005.

LD 1543 **An Act To Facilitate Summer Youth Employment** **ONTP**

<u>Sponsor(s)</u> PINGREE COWGER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1543 proposed prohibiting the University of Maine System, the Maine Community College System and the Maine Maritime Academy from commencing classes prior to Labor Day.