

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular or First Special Sessions of the 123rd Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Education and Cultural Affairs

LD 2131 An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters

PUBLIC 679

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1049 FARRINGTON H-734

This bill allows the Legislative Youth Advisory Council to meet more than 6 times per year if those additional meetings are funded by outside funding sources approved by the Legislative Council and extends the biennial reporting date of the Legislative Youth Advisory Council from December 1st in each odd-numbered year to the first business day in February in each even-numbered year. The bill also amends the law governing the duties of school boards to allow, but not require, a school board to include a cocurricular honor contract as part of its districtwide code of conduct. The bill also directs the Commissioner of Education to adopt major substantive rules governing the minimum standards for cocurricular honor contracts if a school board chooses to include a cocurricular honor contract as part of the district's code of conduct.

Committee Amendment "A" (H-734)

This amendment allows the Legislative Youth Advisory Council to meet more than 6 times per year if the Executive Director of the Legislative Council determines that sufficient budgeted resources remain after paying all costs associated with the initial 6 meetings to pay any additional costs associated with any additional meetings. The amendment also strikes provisions in the bill requiring the Commissioner of Education to adopt rules establishing minimum standards for cocurricular honor contracts and replaces those provisions with more general guidelines for school boards regarding what may be included in cocurricular honor contracts should a school board decide to adopt such a contract.

House Amendment "A" (H-1049)

This amendment allows the Legislative Youth Advisory Council to meet up to an additional 3 times annually. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2007, chapter 679 allows the Legislative Youth Advisory Council to meet up to an additional 3 times annually. The law also provides that a school board may elect to adopt a cocurricular honor contract that specifies the behavior to be covered by the contract, the extent to which off-campus behavior is covered by the contract, the process for determining if behavior is in violation of the contract, and standards to ensure that the contract will be enforced consistently and fairly.

LD 2136 Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education

**RESOLVE 188
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-763 H-808 MARLEY

This resolve provides for legislative review of portions of Chapter 101: Maine Unified Special Education Regulation, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-763)

Joint Standing Committee on Education and Cultural Affairs

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that final adoption of the provisionally adopted major substantive rule is authorized contingent upon the Department of Education:

1. Amending the proposed rule by deleting the part of the rule pertaining to the determination of adverse effect for children 3 to 20 years of age and incorporating a definition for the term "adverse effect on educational performance" that comports with the definition that was recommended by a majority of the stakeholder group convened pursuant to Resolve 2007, chapter 138 to examine the federal and state rules and laws pertaining to the determination of adverse effect for children from 3 to 20 years of age;
2. Amending the proposed rule by deleting the part of the rule designated "4. Needs special education and related services"; and
3. Amending the proposed rule to establish provisions that require that an initial evaluation or a reevaluation of a child be conducted within 45 school days of receiving parental consent for the evaluation.

The amendment also directs the Commissioner of Education to:

1. Provide administrative guidance to local educational agencies, including intermediate educational units and school administrative units, that explains the importance of using assessments that are appropriate to identify any area of educational performance that may be negatively influenced by the child's disability when making a determination of adverse effect on educational performance for children from 3 to 20 years of age; and
2. Provide guidance to school administrative units clarifying that the content of the written notice provided to parents must be equivalent to the detailed summary and descriptions required by the former Department of Education Rule Chapter 101 provisions for the minutes of pupil evaluation team meetings.

House Amendment "A" (H-808)

This amendment deletes the requirement that a definition for the term "adverse effect on educational performance" be added to the rule before the rule may be authorized.

Enacted Law Summary

Resolve 2007, chapter 188 provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation, a major substantive rule of the Department of Education, is authorized contingent upon the Department of Education amending the proposed rule:

1. By deleting the part of the rule pertaining to the determination of adverse effect for children 3 to 20 years of age;
2. By deleting the part of the rule designated "4. Needs special education and related services"; and
3. To establish provisions that require that an initial evaluation or a reevaluation of a child be conducted within 45 school days of receiving parental consent for the evaluation.

The law also directs the Commissioner of Education to:

1. Provide administrative guidance to local educational agencies, including intermediate educational units and school administrative units, that explains the importance of using assessments that are appropriate to identify any area of educational performance that may be negatively influenced by the child's disability when making a determination of adverse effect on educational performance for children from 3 to 20 years of age; and
2. Provide guidance to school administrative units clarifying that the content of the written notice provided to parents must be equivalent to the detailed summary and descriptions required by the former Department of

Joint Standing Committee on Education and Cultural Affairs

Education Rule Chapter 101 provisions for the minutes of pupil evaluation team meetings.

Resolve 2007, chapter 188 was enacted as an emergency measure effective April 8, 2008.

LD 2174 **Resolve, Regarding Curriculum Requirements and Standards for Awarding a High School Diploma**

RESOLVE 173

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON	OTP-AM	H-761

This bill amends standards for student assessment; basic school approval; the elementary, middle and secondary courses of study; the comprehensive program of study for the high school diploma; and the Department of Education diploma in order to more fully implement Maine's system of learning results.

Committee Amendment "A" (H-761)

This amendment strikes the bill and replaces it with a resolve that directs the Commissioner of Education to establish a stakeholder group to examine the Maine Revised Statutes and Department of Education rules that pertain to the curriculum requirements and standards for awarding a high school diploma. The stakeholder group shall develop recommendations that demonstrate how students can meet graduation requirements using multiple pathways that include career and technical education programs.

The stakeholder group shall submit a report to the Commissioner of Education no later than November 28, 2008 that includes its findings, recommendations and any suggested changes to the Maine Revised Statutes or Department of Education rules that pertain to the curriculum requirements and standards for awarding a high school diploma. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over education matters by January 30, 2009 on the report submitted by the stakeholder group and on the status of rulemaking for Department of Education Rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units and Department of Education Rule Chapter 127: Instructional Program, Assessment and Diploma Requirements.

Enacted Law Summary

Resolve 2007, chapter 173 directs the Commissioner of Education to establish a stakeholder group to examine the Maine Revised Statutes and Department of Education rules that pertain to the curriculum requirements and standards for awarding a high school diploma. The resolve provides that the stakeholder group shall develop recommendations that demonstrate how students can meet graduation requirements using multiple pathways that include career and technical education programs.

The resolve also provides that the stakeholder group shall submit a report to the Commissioner of Education no later than November 28, 2008 that includes its findings, recommendations and any suggested changes to the Maine Revised Statutes or Department of Education rules that pertain to the curriculum requirements and standards for awarding a high school diploma. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over education matters by January 30, 2009 on the report submitted by the stakeholder group and on the status of rulemaking for Department of Education Rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units and Department of Education Rule Chapter 127: Instructional Program, Assessment and Diploma Requirements.