

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

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

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



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 First Regular Session of the 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Education and Cultural Affairs

LD 1077 Resolve, To Establish the Commission To Establish The Maine Academy of Living Treasures

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAGNAN ALFOND	ONTP	

This resolve establishes the Commission To Study Establishing The Maine Academy of Living Treasures to review and establish the groundwork to institute the Maine Academy of Living Treasures to be composed of citizens from the State who exemplify the highest levels of skill and craft in the arts and humanities. The commission shall issue a report describing the types of recognition to be given to each member of the academy and academy member responsibilities to the Second Regular Session of the 124th Legislature.

LD 1090 An Act To Provide a Waiver of the Tuition Remaining after the Application of Federal Department of Veterans Affairs Payments to Veterans Eligible for Benefits under the Post-9/11 Veterans Educational Assistance Act of 2008

PUBLIC 443

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX ALFOND	OTP-AM MAJ ONTP MIN	H-372 H-421 CORNELL DU HOUX

This bill qualifies a student who is an active member or veteran of the Armed Forces of the United States, regardless of the state of residence, for in-state tuition rates for first-time enrollment at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy, including an enrollee who transfers from a postsecondary institution in another state with a similar provision.

Committee Amendment "A" (H-372)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment incorporates a fiscal note.

House Amendment "A" (H-421)

This amendment provides the opportunity for the University of Maine System, the Maine Community College System and Maine Maritime Academy to receive the maximum possible funding from the federal Department of Veterans Affairs in support of the veterans who are eligible for benefits under the new Post-9/11 Veterans Educational Assistance Act of 2008.

Enacted Law Summary

Public Law 2009, chapter 443 qualifies a student who is an active member or veteran of the Armed Forces of the United States, regardless of the state of residence, for in-state tuition rates for first-time enrollment at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy, including an enrollee who transfers from a postsecondary institution in another state with a similar provision. The law provides the opportunity for the University of Maine System, the Maine Community College System and Maine Maritime Academy to receive the maximum possible funding from the federal Department of Veterans Affairs in support of the veterans who are eligible for benefits under the new Post-9/11 Veterans Educational Assistance Act of

Joint Standing Committee on Education and Cultural Affairs

2008.

LD 1096 An Act To Protect School Children from Dangerous or Abusive Restraint and Seclusion

**ACCEPTED ONTP
REPORT**

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

This bill addresses the use of physical restraint or isolation. The bill amends the law that suspends civil liability for anyone in the educational system entrusted with the care or supervision of a person for special or limited purposes using a reasonable degree of force. The bill adds a provision that allows civil liability for an unreasonable degree of force evidenced by a violation of rules of the Department of Education regulating the use of time-out rooms, therapeutic restraints and aversive therapy. The bill also establishes a violation of such a rule as grounds for a due process hearing if the action is against a child with a disability. The bill further prohibits a physical restraint against a child with a disability in which the child's face contacts the floor while a person applies pressure to the child's back.

LD 1097 An Act To Improve Alternative Organizational Structures by Requiring the Department of Education To Provide Them with Estimated Allocations

ONTP

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

Current law requires the Commissioner of Education to notify a school board of the amount of school subsidy to be allocated to the school administrative unit. This bill requires the Commissioner of Education to also provide the governing body of alternative organizational structures with the computation and the amount of the allocation of school subsidy that the commissioner has estimated for the alternative organizational structure and each member entity in the alternative organizational structure.

LD 1101 Resolve, To Understand and Assist in Efforts To Promote Science, Technology, Engineering and Math Education

RESOLVE 98

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-208

This resolve directs the Department of Education to collect information on science, technology, engineering and math initiatives in consultation with public and private partnerships, businesses, pilot projects and nonprofit and other organizations that are already working with science, technology, engineering and math issues by November 1, 2009. The department shall focus on finding ways to inspire young people in prekindergarten to grade 12 to become interested in the science, technology, engineering and math areas of education; to find funding sources; to encourage students to enter into the fields of science, technology, engineering and math; to raise the level of education in