

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2009

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# STATE OF MAINE

124<sup>TH</sup> 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 124<sup>th</sup> 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 124<sup>th</sup> 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

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

## *Joint Standing Committee on Education and Cultural Affairs*

science, technology, engineering and math areas; and to integrate the information that the department collects into current curricula to avoid additional work for all involved. The Joint Standing Committee on Education and Cultural Affairs may submit legislation based on the Department of Education's report to the Second Regular Session of the 124th Legislature by February 1, 2010.

### **Committee Amendment "A" (S-208)**

This amendment provides the addition of the University of Maine System to assist the Department of Education in the collection of 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.

### **Enacted Law Summary**

Resolve 2009, chapter 98 directs the Department of Education, with the assistance of the University of Maine System, 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 science, technology, engineering and math areas; and to integrate the information that the department collects into current curricula to avoid additional work for all involved. The Joint Standing Committee on Education and Cultural Affairs may submit legislation based on the Department of Education's report to the Second Regular Session of the 124th Legislature by February 1, 2010.

### **LD 1104 An Act To Require the Convening of the Professional Standards Board**

**PUBLIC 157  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTHERLAND	OTP	

The Professional Standards Board was established in 2005. The board has not met and the need for an advisory board for the State Board of Education has grown. This bill establishes a date for the board to be appointed by and a date for the board to convene.

### **Enacted Law Summary**

Public Law 2009, chapter 157 provides that all appointments to the Professional Standards Board established in the Maine Revised Statutes, Title 20-A, section 13101, subsection 1 must be made by July 1, 2009. The law further provides that the board shall convene no later than September 1, 2009.

Public Law 2009, chapter 157 was enacted as an emergency measure effective May 18, 2009.