

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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



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

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

April 2010

**MEMBERS:**

SEN. JUSTIN L. ALFOND, CHAIR  
SEN. ELIZABETH M. SCHNEIDER  
SEN. CAROL WESTON

REP. PATRICIA B. SUTHERLAND, CHAIR  
REP. EDWARD D. FINCH  
REP. ALAN M. CASAVANT  
REP. RICHARD V. WAGNER  
REP. STEPHEN D. LOVEJOY  
REP. MARY PENNELL NELSON  
REP. HELEN RANKIN  
REP. DAVID E. RICHARDSON  
REP. HOWARD E. MCFADDEN  
REP. PETER B. JOHNSON

**STAFF:**

PHILLIP D. MCCARTHY, LEGISLATIVE ANALYST  
JILL IPPOLITI, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
SECOND 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 Second 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:

<i>CARRIED OVER</i> .....	<i>Carried over to a subsequent session of the Legislature</i>
<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 HOUSES</i> .....	<i>House &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 of the 124<sup>th</sup> Legislature is Monday, July 12, 2010. 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 1532

An Act To Align Education Laws with Certain Federal Laws

PUBLIC 508

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-373

This bill provides that a student placed by the Department of Health and Human Services with an adult who is not the child's parent or legal guardian in accordance with the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 is considered a resident of either the school administrative unit where the student resides during the placement or the school administrative unit where the student resided prior to the placement based on the best interest of the student. The Department of Health and Human Services shall determine which of the two units is appropriate and notify the unit in writing of its determination.

The bill further provides that all students with disabilities must have access to accessible instructional materials and may receive instruction in Braille. Accessible instructional materials and provisions for the accessibility of online learning programs for individuals with disabilities must be in alignment with the accessible instructional materials provisions of the federal Individuals with Disabilities Education Improvement Act of 2004 and in alignment with the universal design provisions of the 1998 amendments to the federal Higher Education Act of 1965 contained in the federal Higher Education Act Amendments of 1998.

The bill also changes the requirement that all special education programs receive a visit from the Department of Education at least once every five years to as often as necessary to comply with federal requirements. It does not prohibit a request from a school administrative unit for the commissioner to review a special education program for the purpose of review and assistance whenever necessary.

### **Committee Amendment "A" (S-373)**

This amendment provides that the Department of Health and Human Services shall consult with the Department of Education, the school administrative unit where the student resides and the school administrative unit where the student is placed with an adult that is not the child's parent or legal guardian when the department is determining the appropriate school administrative unit for providing public education for the student. The amendment also provides that, after this determination is made, the school administrative unit that provides public education for a student shall count the student as part of its annual student count for subsidy purposes.

### **Enacted Law Summary**

Public Law 2009, chapter 508 enacts measures to align certain state education laws with federal laws. The law accomplishes the following.

1. It provides that a student placed by the Department of Health and Human Services with an adult who is not the child's parent or legal guardian in accordance with the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 is considered a resident of either the school administrative unit where the student resides during the placement or the school administrative unit where the student resided prior to the placement based on the best interest of the student. The Department of Health and Human Services, in consultation with the Department of Education, the school administrative unit where the student resides and the school administrative unit where the student is placed, shall determine which of the two school units is appropriate and notify the school unit in writing of its determination. After this determination is made, the school administrative unit that provides public education for a student shall count the student as part of its annual student count for subsidy purposes.

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

2. It provides that all students with disabilities must have access to accessible instructional materials and may receive instruction in Braille. Accessible instructional materials and provisions for the accessibility of online learning programs for individuals with disabilities must be in alignment with the accessible instructional materials provisions of the federal Individuals with Disabilities Education Improvement Act of 2004 and in alignment with the universal design provisions of the 1998 amendments to the federal Higher Education Act of 1965 contained in the federal Higher Education Act Amendments of 1998.
3. It changes the requirement that all special education programs receive a visit from the Department of Education at least once every five years to as often as necessary to comply with federal requirements. It does not prohibit a request from a school administrative unit for the commissioner to review a special education program for the purpose of review and assistance whenever necessary.

**LD 1563      Resolve, To Develop Model Academic Year Calendars**

**RESOLVE 154**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTHERLAND ALFOND	OTP-AM   MAJ ONTP   MIN	H-601  H-636   SUTHERLAND

This resolve directs the Commissioner of Education to establish a study group consisting of kindergarten-to-grade 12 school officials, primarily superintendents and career and technical education directors, to prepare a draft model academic year calendar by December 1, 2010. It also authorizes the joint standing committee of the Legislature having jurisdiction over education matters to submit legislation to implement the findings of the study group to the First Regular Session of the 125th Legislature.

**Committee Amendment "A" (H-601)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment changes the reporting date of the working group and requires that it develop draft model academic year calendars that account for regional differences within the State, rather than one statewide model, and authorizes the working group to seek input from other stakeholders as it determines appropriate. The amendment also clarifies that this is a working group, rather than a study group.

**House Amendment "A" (H-636)**

This amendment authorizes the joint standing committee of the Legislature having jurisdiction over education matters to submit a bill, rather than legislation, to the First Regular Session of the 125th Legislature to implement the findings of the working group on model academic year calendars.

**Enacted Law Summary**

Resolve 2009, chapter 154 directs the Commissioner of Education to establish a working group consisting of kindergarten-to-grade 12 school officials, primarily superintendents and career and technical education directors, to prepare draft model academic year calendars that account for regional differences within the State by February 11, 2011. It provides that the working group may seek input from other stakeholders as it determines appropriate and that the working group shall present recommendations to the Commissioner of Education on how to present the model academic year calendars for statewide review. It also authorizes the joint standing committee of the Legislature having jurisdiction over education matters to submit a bill to implement the findings of the working group to the First Regular Session of the 125th Legislature.