

# MAINE STATE LEGISLATURE

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**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

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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 1686      Resolve, To Clarify the Reporting of Debt Service Costs and the Allowance of Minor Capital School Improvement Projects Costs under Essential Programs and Services**

**RESOLVE 182  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO DAMON	OTP-AM	H-660 S-437 ALFOND

This bill allows the cost of minor capital school improvement projects, including, but not limited to, the replacement of windows, a boiler or a roof, to be permitted costs under the essential programs and services funding formula.

**Committee Amendment "A" (H-660)**

This amendment replaces the bill with a resolve that directs the Commissioner of Education to convene a stakeholder group to review current state law related to recognizing, funding and approving non-state-funded debt service costs incurred for minor capital school improvement projects. The Commissioner of Education shall present the findings and recommendations of the stakeholder group by January 15, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters. Following receipt of the report, the committee may submit a bill relating to the matters addressed in the report to the First Regular Session of the 125th Legislature.

**Senate Amendment "A" To Committee Amendment "A" (S-437)**

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over education matters to submit a bill to the 125th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 182 directs the Commissioner of Education to convene a stakeholder group to review current state law related to recognizing, funding and approving non-state-funded debt service costs incurred for minor capital school improvement projects. The Commissioner of Education shall present the findings and recommendations of the stakeholder group by January 15, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

Resolve 2009, chapter 182 was finally passed as an emergency measure effective March 30, 2010.

**LD 1704      An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs**

**PUBLIC 628**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS ALFOND	OTP-AM	H-736 H-781 SUTHERLAND

This bill transfers the responsibility for approving the curriculum for and certificates granted to activities coordinators in long-term care facilities from the Department of Education to the Department of Health and Human Services. The bill transfers the responsibility and authority for the approval and monitoring of nursing assistant training curricula, faculty and certification programs and the Maine Registry of Certified Nursing Assistants from

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

the Department of Education to the Department of Health and Human Services. The bill also transfers the authority to assess fees for certification of nursing assistants, for the competency testing of nursing assistants and for validation of test results to determine eligibility for certification and charge fees for certificates issued and duplicated for out-of-state vocational reciprocity, renewal of certificates and replacement of certificates from the Commissioner of Education to the Commissioner of Health and Human Services. Finally, the bill increases the fees charged for competency testing and the letter of verification of completion of a certified nursing assistant program.

### **Committee Amendment "A" (H-736)**

This amendment decreases the fees for competency testing of nursing assistants from \$55 in the bill to \$45. The amendment also eliminates one Office Assistant II position from the Department of Education and transfers the position to the Department of Health and Human Services, Division of Licensing and Regulatory Services. It establishes one Social Services Program Specialist II position in the Division of Licensing and Regulatory Services Special Revenue account in the Department of Health and Human Services to align the functions of the certified nursing assistant educational programs within one department.

### **House Amendment "A" To Committee Amendment "A" (H-781)**

This amendment clarifies that the position established in the Division of Licensing and Regulatory Services Special Revenue account in the Department of Health and Human Services is funded 75% with General Fund money and 25% with Other Special Revenue Funds from federal funding. It also strikes and replaces the appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 628 transfers the responsibility for approving the curriculum for and certificates granted to activities coordinators in long-term care facilities from the Department of Education to the Department of Health and Human Services. The law transfers the responsibility and authority for the approval and monitoring of nursing assistant training curricula, faculty and certification programs and the Maine Registry of Certified Nursing Assistants from the Department of Education to the Department of Health and Human Services. The law also transfers the authority to assess fees for certification of nursing assistants, for the competency testing of nursing assistants and for validation of test results to determine eligibility for certification and charge fees for certificates issued and duplicated for out-of-state vocational reciprocity, renewal of certificates and replacement of certificates from the Commissioner of Education to the Commissioner of Health and Human Services. The law also increases the fees charged for competency testing and the letter of verification of completion of a certified nursing assistant program.

### **LD 1705 An Act To Align the Duties of School Boards Concerning Student Safety with the Requirements of the Federal Gun-Free Schools Act and To Prohibit the Discharge of Firearms within 500 Feet of Public and Private School Properties**

**PUBLIC 614**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	OTP-AM	H-769 H-805 SUTHERLAND

This bill requires school boards to adopt policies consistent with federal legislation on gun-free schools. This bill also clarifies that the prohibition of the discharge of firearms within 500 feet of school property applies to both public school property and private school property.

### **Committee Amendment "A" (H-769)**