

# 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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# 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*

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)**

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

This amendment clarifies the provision in current law that permits a school board to offer instructional activities related to firearms or allow firearms to be brought on school property for instructional purposes by requiring that the school board has adopted appropriate safeguards to ensure student safety.

The amendment makes the following changes to the school safety provisions in current law that prohibit the possession of firearms on school property and the discharge of firearms within 500 feet of school property.

1. It clarifies that the prohibitions on the possession of a firearm and on the discharge of a firearm apply to both public school property and to the school property of approved private schools under the Maine Revised Statutes, Title 20-A, chapter 117.
2. It provides an exception to the prohibition on possessing firearms on school property for a person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that is held during a legal open firearm season and when the event is held outside of regular school hours and is authorized by the school board.
3. It eliminates the inclusion of school property of a community college from the prohibitions because the provisions of Title 20-A, section 10009 provide the Maine Community College System with the power to regulate the possession of firearms on community college property.

### **House Amendment "B" To Committee Amendment "A" (H-805)**

This amendment incorporates the substance of House Amendment "A" to Committee Amendment "A" except that it clarifies that a school-operated gun range and a school-sanctioned program must be authorized by a written policy adopted by the school's governing body.

### **Enacted Law Summary**

Public Law 2009, chapter 614 aligns the duties of school boards concerning student safety with recent changes in the federal Gun-free School Zones Act of 1994. The law accomplishes the following.

1. It clarifies that the prohibitions in the federal Gun-free School Zones Act of 1994 pertain to possessing a firearm at school as well as bringing a firearm to school.
2. It clarifies the provision in current law that permits a school board to offer instructional activities related to firearms or allow firearms to be brought on school property for instructional purposes by requiring that the school board has adopted appropriate safeguards to ensure student safety.
3. It makes the following changes to the school safety provisions in current law that prohibit the possession of firearms on school property and the discharge of firearms within 500 feet of school property.
  - A. It clarifies that the prohibitions on the possession of a firearm and on the discharge of a firearm apply to both public school property and to the school property of approved private schools under the Maine Revised Statutes, Title 20-A, chapter 117.
  - B. It provides an exception to the prohibition on possessing firearms on school property for a person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that is held during a legal open firearm season and when the event is held outside of regular school hours and is authorized by the school board.
  - C. It eliminates the inclusion of school property of a community college from the prohibitions because the provisions of Title 20-A, section 10009 provide the Maine Community College System with the power to regulate the possession of firearms on community college property.

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

4. It clarifies that a school-operated gun range and a school-sanctioned program must be authorized by a written policy adopted by the school's governing body.

**LD 1729     An Act To Form a Western Maine Regional School Unit**

**ONTP**

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

This bill allows School Administrative District 58, Coplin Plantation, Highland Plantation and those unorganized territories with students who attend School Administrative District 58 to form a regional school unit. It authorizes the Commissioner of Education to approve the formation of such a regional school unit.

**LD 1732     An Act To Allow a Municipality To Withdraw from a Regional School Unit**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER ROSEN R	ONTP	

This bill enacts into law provisions regarding the reorganization of regional school units. The new provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1405 and 1406 and allow the withdrawal from a regional school unit of a municipality and the transfer of a municipality out of one regional school unit and into another. A municipality that wishes to withdraw from a regional school unit must have been a member of that regional school unit for at least three years and must become a member of a regional school unit within two years of withdrawal or be subject to the penalties that apply to nonconforming school administrative units. The bill also includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education.

While this bill was not enacted, Public Law 2009, chapter 580 includes similar provisions that allow the withdrawal from a regional school unit of a municipality and the transfer of a municipality out of one regional school unit and into another.

**LD 1733     An Act To Exempt from Penalties School Administrative Units That Would Lose Subsidy as a Result of Reorganization**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN RECTOR	ONTP	

This bill provides that penalties for a school administrative unit that does not conform to reorganization requirements do not apply if the school administrative unit would lose state subsidy as a result of its reorganization or if the reorganization failed because a participating school administrative unit would lose state subsidy.