

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

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

April 2010

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STATE OF MAINE

124TH 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 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:

<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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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 124th 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 1784

Resolve, Directing the Joint Standing Committee on State and Local Government To Study the Rule-making Process under the Maine Administrative Procedure Act

RESOLVE 207

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR ALFOND	ONTP MAJ OTP-AM MIN	S-522 BARTLETT

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to examine the rule-making authority of the Commissioner of Education as it relates to rules that have been submitted to the Legislature by the commissioner, considered by the Legislature and rejected by the Legislature.

Committee Amendment "A" (H-777)

This amendment, which is the minority report of the committee, replaces the bill with a resolve. It establishes the Commission To Study the Rule-making Process under the Maine Administrative Procedure Act to examine issues relating to emergency rules and major substantive rules, including the adequacy of information, legislative oversight and notice, the implications for state agencies of the statutory deadline for submitting major substantive rules to the Legislature and the relationship between legislative intention and the rule as drafted by a department. The amendment authorizes the commission to make findings and recommendations and to submit suggested legislation. The joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to submit a bill to the First Regular Session of the 125th Legislature.

House Amendment "A" To Committee Amendment "A" (H-808)

This amendment removes language specifying the joint standing committees from which members of the Commission to Study the Rule-making Process under the Maine Administrative Procedure Act must be appointed and removes authority of the joint standing committee of the Legislature having jurisdiction over state and local government matters to submit a bill to the 125th Legislature.

House Amendment "B" To Committee Amendment "A" (H-818)

This amendment removes the emergency preamble and the emergency clause.

Senate Amendment "A" (S-522)

This amendment changes the concept draft to a resolve. This amendment authorizes the Joint Standing Committee on State and Local Government to meet up to three times during the 2010 interim for the purpose of studying the rule-making process under the Maine Administrative Procedure Act. The committee is required to submit a report and recommended legislation by November 3, 2010 to the First Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2009, chapter 207 authorizes the Joint Standing Committee on State and Local Government to meet up to three times during the 2010 interim for the purpose of studying the rule-making process under the Maine Administrative Procedure Act. In conducting the study, the committee shall examine issues relating to emergency rules and major substantive rules, including the adequacy of information, legislative oversight and notice, the implications for state agencies of the statutory deadline for submitting major substantive rules to the Legislature and the relationship between legislative intention and the rule as drafted by a department. The committee is required to submit a report and recommended legislation by November 3, 2010 to the First Regular Session of the 125th Legislature.