

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

June 2012

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

STATE OF MAINE

125TH LEGISLATURE
SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

<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; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation 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>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 125th Legislature is Thursday, August 30, 2012. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Education and Cultural Affairs

Department of Health and Human Services, the departments shall pursue amendments to the MaineCare rules and to the state plan related to the provision of medically necessary services to eligible children in school-based settings by July 1, 2012.

4. It requires the Department of Education and the Department of Health and Human Services to report jointly to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services on March 30, 2012, on the status of the work undertaken by that date. The report must include a timeline that establishes specific dates for each of the initiatives included in any proposed changes to existing MaineCare policies, any new policies to be developed or any nonregulatory guidance on billing procedures to be developed by the departments.

Enacted Law Summary

Resolve 2011, chapter 145 directs the Department of Education and the Department of Health and Human Services to work together with an interagency stakeholder group to refine existing MaineCare policies, develop new policies or prepare nonregulatory guidance on billing procedures, as appropriate, to ensure the provision of medically necessary services to students in school-based settings. The resolve provides that, after due consideration of the input of the stakeholders and relevant work groups involved in the interagency stakeholder group and if determined to be appropriate by the Department of Education and the Department of Health and Human Services, the departments shall pursue amendments to the MaineCare rules and to the state plan related to the provision of medically necessary services to eligible children in school-based settings by July 1, 2012.

The resolve requires the Department of Education and the Department of Health and Human Services to report jointly to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services on March 30, 2012, on the status of the work undertaken by that date. The report must include a timeline that establishes specific dates for each of the initiatives included in any proposed changes to existing MaineCare policies, any new policies to be developed or any nonregulatory guidance on billing procedures to be developed by the departments.

Resolve 2011, chapter 145 became law as a result of the Legislature's vote to override the Governor's veto.

Resolve 2011, chapter 145 was finally passed as an emergency measure effective April 4, 2012.

LD 1033 An Act To Support Resource Sharing among Maine Libraries

PUBLIC 470

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO RECTOR	OTP-AM	S-369 ROSEN R

LD 1033 was enacted by the Legislature during the First Regular Session of the 125th, and the bill provides funding to support weekly van delivery service to help defray the cost of sending and returning items through interlibrary loan to public libraries across the State.

Committee Amendment "A" (H-225)

This amendment specifies that the funds appropriated in the bill are to be used to defray the cost of van delivery service for those libraries that participated in the van delivery service in fiscal years 2009-10 and 2010-11.

Senate Amendment "A" (S-369)

This amendment incorporates Committee Amendment "A" and removes the funding for fiscal year 2011-12.

Joint Standing Committee on Education and Cultural Affairs

Enacted Law Summary

Public Law 2011, chapter 470 provides funding in fiscal year 2012-2013 to support the weekly van delivery service to help defray the cost of sending and returning items through interlibrary loan to public libraries across the State.

LD 1237 An Act To Prohibit Bullying and Cyberbullying in Schools

PUBLIC 659

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORRISON BARTLETT	OTP-AM	H-745 S-598 ROSEN R

This bill was carried over from the First Regular Session. The bill requires each school administrative unit to adopt, by August 15, 2012, a harassment, intimidation and bullying prevention policy based upon a model policy developed by the Commissioner of Education in conjunction with an advisory committee composed of representatives of parents, guardians, teachers, school employees, volunteers, students, administrators, community representatives, the Maine School Superintendents Association, the Maine Principals' Association and other interested parties. Harassment, intimidation and bullying prevention policies must be posted on the publicly accessible portions of the Department of Education's website and the respective school administrative unit's website.

Committee Amendment "B" (H-745)

This amendment replaces the bill, which requires the Commissioner of Education to develop a model harassment, intimidation and bullying prevention policy and requires that school administrative units adopt a policy based on the model by August 15, 2012. The amendment:

1. Requires the Department of Education to develop a model policy on bullying and cyberbullying in accordance with the requirements set forth in the Maine Revised Statutes, Title 20-A, section 6554 by January 1, 2013;
2. Defines "bullying" to include cyberbullying and establishes a prohibition on bullying to ensure a safe and secure student learning environment in public schools in the State;
3. Provides that when a school board revises the school administrative unit's existing policies and procedures established to address bullying pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 15, the school board shall adopt a policy that is consistent with the provisions established to prohibit bullying at school or on school grounds, including cyberbullying that takes place at school or elsewhere through the use of technology;
4. Provides that the policy adopted by a school board to address bullying must include the following provisions:
 - A. The responsibility of the superintendent or the superintendent's designee to implement and enforce the policy;
 - B. The requirement that school staff members, including persons involved with extracurricular or cocurricular activities, report incidents of bullying;