

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2011

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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 First Regular Session of the 125<sup>th</sup> 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.

*CARRIED OVER* ..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. 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*

This resolve authorizes the transfer of ownership of the former School Administrative District No. 56 superintendent's building to the Town of Searsport.

**LD 1083      An Act To Allow the Town of Arundel To Withdraw from Its Regional School Unit without Penalty      ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SULLIVAN          | ONTP                    |                           |

This bill exempts the Town of Arundel from certain requirements contained in the school administrative unit reorganization law. The bill accomplishes the following.

1. It exempts the Town of Arundel from the requirements pertaining to the withdrawal of a single municipality from a regional school unit.
2. It provides that the Town of Arundel may not be subject to the penalties applicable to a nonconforming school administrative unit.
3. It exempts the Town of Arundel from the requirement that it join with another regional school unit or alternative organizational structure.
4. It provides that, upon the submission of a notice of intent to the Commissioner of Education, the commissioner is required to treat the Town of Arundel in a manner similar to the treatment of other school administrative units that were approved as regional school units after receiving exemptions from and accommodations to the Maine Revised Statutes, Title 20-A, chapter 103-A.

**LD 1094      An Act To Improve the Delivery of School Psychological Services to Children      PUBLIC 386**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| ALFOND            | OTP-AM                  | S-279                     |

This bill changes the term "school psychological service provider" to "school psychologist" in the law pertaining to school psychological services. The bill directs the Commissioner of Education to revise the rules to align the code of ethics and practice standards with those set by the National Association of School Psychologists and the American Psychological Association. It requires a school psychologist in the first year of employment to participate in at least two hours per week of individual or group supervision with a certified school psychologist or licensed psychologist. The bill also authorizes a school to be reimbursed for services provided by a school psychologist to students who are Medicaid recipients.

**Committee Amendment "A" (S-279)**

This amendment distinguishes between two levels of school psychologists. It replaces the scope of services section in the bill. It revises the supervision requirements for a school psychologist receiving initial certification. It removes the MaineCare reimbursement provision in the bill. It directs the Advisory Committee on School Psychologists to convene a stakeholders group and requires a report to the Joint Standing Committee on Education

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

and Cultural Affairs no later than January 15, 2012. It authorizes the Joint Standing Committee on Educational and Cultural Affairs to submit legislation to the Second Regular Session of the 125th Legislature.

**Enacted Law Summary**

Public Law 2011, chapter 386 distinguishes between two levels of school psychologists at the specialist level and at the doctoral level. It clarifies the scope of services that a school psychologist may deliver to children from birth to grade 12. It references the current Model for Comprehensive and Integrated School Psychological Services as published by the National Association of School Psychologists for an articulation of the scope and delivery of services. It revises the supervision requirements for a school psychologist receiving initial certification. It directs the Advisory Committee on School Psychologists to convene a stakeholders group to discuss issues regarding certification of school psychologists and requires a report by the Commissioner of Education to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2012. It authorizes the Joint Standing Committee on Educational and Cultural Affairs to submit legislation to the Second Regular Session of the 125th Legislature based on the work of the stakeholders group.

**LD 1107      An Act To Eliminate Penalties under the School Administrative Unit Consolidation Laws for Grand Isle School Department, Madawaska School Department, School Administrative District No. 32 and School Administrative District No. 33      MAJORITY (ONTP) REPORT**

| <u>Sponsor(s)</u>    | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| THERIAULT<br>JACKSON | ONTP MAJ<br>OTP-AM MIN  |                           |

This bill waives the penalties for nonconforming school administrative units for School Administrative District No. 33, Grand Isle School Department, Madawaska School Department and School Administrative District No. 32.

**LD 1110      An Act Regarding the Attendance of Attorneys at Individualized Education Program Team Meetings      PUBLIC 363**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KENT<br>ALFOND    | OTP-AM MAJ<br>ONTP MIN  | H-590                     |

This bill provides that a school administrative unit may not be represented at a pupil evaluation team meeting by an attorney unless the parent is also represented at the meeting by an attorney.

This amendment is a committee of conference report and incorporates provisions of Committee Amendment "A" that change the name of the team required to develop or amend an individualized education plan for a child with a disability in accordance with the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended. The amendment adds language that requires a school administrative unit to notify parents in writing seven days prior to an individualized education program team meeting whether the school administrative unit will have an attorney present at the meeting. The amendment also adds language that, in the event that the parent of a child with a disability has an attorney present at the individualized education program team meeting, the school administrative unit may have an attorney present without providing prior written notice. Finally, the amendment requires the Department of Education to submit provisionally adopted rules to the Legislature by January 13, 2012 to implement the provisions of this legislation.