

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
125TH 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

STAFF:

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

MEMBERS:

SEN. BRIAN D. LANGLEY, CHAIR
SEN. GARRETT PAUL MASON
SEN. JUSTIN L. ALFOND

REP. DAVID E. RICHARDSON, CHAIR
REP. PETER E. EDGECOMB
REP. HOWARD E. MCFADDEN
REP. PETER B. JOHNSON
REP. JOYCE A. MAKER
REP. MICHAEL D. MCCLELLAN
REP. RICHARD V. WAGNER
REP. MARY PENNELL NELSON
REP. STEPHEN LOVEJOY
REP. HELEN RANKIN
REP. MADONNA M. SOCTOMAH

STATE OF MAINE
125TH LEGISLATURE
FIRST 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 First 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.

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 125th 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

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 JACKSON	ONTP MAJ 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 ALFOND	OTP-AM MAJ 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.

Joint Standing Committee on Education and Cultural Affairs

Enacted Law Summary

Public Law 2011, chapter 363 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. The law 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 law also provides 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. The law further requires the Department of Education to submit provisionally adopted rules to the Legislature by January 13, 2012 to implement the provisions of this legislation. Finally, the law changes 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.

LD 1136 An Act To Require the Opportunity To Recite the Pledge of Allegiance in Schools

PUBLIC 162

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR COLLINS	OTP	

This bill requires a school administrative unit to allow every student enrolled in the school administrative unit the opportunity to recite the Pledge of Allegiance at some point during a school day. This bill does not require a student to recite the Pledge of Allegiance.

Enacted Law Summary

Public Law 2011, chapter 162 requires a school administrative unit to allow every student enrolled in the school administrative unit the opportunity to recite the Pledge of Allegiance at some point during a school day. It does not require a student to recite the Pledge of Allegiance.

LD 1139 Resolve, To Promote Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM ALFOND	OTP-AM	H-387

This bill requires that, as a condition of graduation from high school, beginning with the 2012-2013 school year, each student receive instruction and achieve proficiency in cardiopulmonary resuscitation and the use of an automated external defibrillator.

Committee Amendment "A" (H-387)

This amendment replaces the bill with a resolve directing the Department of Education and the Department of Health and Human Services to gather information on the availability of automated external defibrillators and training in their use. It directs the Department of Education to examine the teaching of cardiopulmonary resuscitation and the use of automated external defibrillators in Maine schools. It requires the departments to report back to the