

MAINE STATE LEGISLATURE

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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

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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 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

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

Joint Standing Committee on Education and Cultural Affairs

respective legislative committees of jurisdiction.

LD 1149 An Act To Provide Equitable Access to Postsecondary Courses

ONTP

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

LD 1149 authorizes students who are home-schooled and students at certain private schools to attend postsecondary courses under the same conditions as those set for students who attend public secondary schools and allows the postsecondary educational institutions to receive the state subsidy for those students. See the bill summary for LD 1197.

LD 1173 An Act To Make Changes to the Maine College Savings Program

PUBLIC 150

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON D LANGLEY	OTP-AM	H-208

This bill makes changes to the Maine College Savings Program, also known as NextGen or the NextGen College Investing Plan, by vesting the act of "holding" the program fund in the authority and not the Treasurer of State; by clarifying that in holding the program fund, the authority may invest, reinvest or commingle the assets in the program fund as authorized or may cause such assets to be invested, reinvested or commingled. The bill alters the composition of the Advisory Committee on College Savings by changing the position held by a member with knowledge of student financial assistance to an at-large position and by changing the Governor-appointed positions held by two members representing institutions of higher education with experience in and knowledge of higher education financial and investment matters to one Governor-appointed member with experience in and knowledge of institutional investment of funds and one member appointed by the chair of the authority's board of directors who is a member of the authority's board of directors, other than the Treasurer of State.

Committee Amendment "A" (H-208)

This amendment changes the effective date proposed in the bill from June 30, 2012 to July 1, 2012. The July 1, 2012 effective date aligns the new provisions proposed by the bill with the start of the state fiscal year.

Enacted Law Summary

Public Law 2011, chapter 150 makes changes to the Maine College Savings Program, also known as NextGen or the NextGen College Investing Plan, by vesting the act of "holding" the program fund in the authority and not the Treasurer of State; by clarifying that in holding the program fund, the authority may invest, reinvest or commingle the assets in the program fund as authorized or may cause such assets to be invested, reinvested or commingled. The law alters the composition of the Advisory Committee on College Savings by changing the position held by a member with knowledge of student financial assistance to an at-large position and by changing the Governor-appointed positions held by two members representing institutions of higher education with experience in and knowledge of higher education financial and investment matters to one Governor-appointed member with experience in and knowledge of institutional investment of funds and one member appointed by the chair of the authority's board of directors who is a member of the authority's board of directors, other than the Treasurer of State.