

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> 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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CAROLYN RUSSO, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

# STATE OF MAINE

125<sup>TH</sup> LEGISLATURE  
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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 Second 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.

<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 &amp; 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&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; 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 125<sup>th</sup> 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***

Rule of the Department of Education, is authorized contingent upon the Department of Education amending the proposed rule:

1. By changing the name of the application form to reflect it is a student information form;
2. By clarifying public charter schools have to transfer student records to public noncharter schools in a timely manner;
3. By clarifying when a public noncharter school that is the only public school option for students in the school administrative unit chooses to convert to a public school, town approval is determined by referendum;
4. By clarifying when the department is determining the 5% or 10% enrollment limits, it excludes from the base enrollment previously enrolled students in the public charter school;
5. By conforming transportation funding and gifted and talented funding descriptions to reflect changes in the law; and
6. By adding a plan for the provision of special education services to the charter school application process.

**LD 1788**

**Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank**

**RESOLVE 137  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ OTP-AM MIN	H-741 S-436 LANGLEY

This resolve provides for legislative review of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a major substantive rule of the Department of Education and the Maine Municipal Bond Bank.

**Committee Amendment "A" (H-741)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that final adoption of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank, is authorized contingent upon the department and the bank making 2 specified changes to the proposed rule.

**Senate Amendment "A" To Committee Amendment "A" (S-436)**

This amendment removes language that requires the rule governing the School Revolving Renovation Fund to be amended by restoring the priority list categories for funding renovation projects. It provides that the rule be amended by adding language that provides that approved projects must be funded based on the availability of funds and in priority order from priority one to priority five. The Commissioner of Education may approve funding for renovation projects as an exception to the priority one to priority five funding rule if category-specific funds become available from sources other than principal and interest received from the repayment of loans made from the fund, interest earned from the investment of fund balances and funds from school construction audit recoveries.

*Joint Standing Committee on Education and Cultural Affairs*

**Enacted Law Summary**

Resolve 2011, chapter 137 provides that final adoption of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a major substantive rule of the Department of Education and the Maine Municipal Bond Bank, is authorized contingent upon the department and the bank making the following changes to the proposed rule:

1. Adds language to provide that approved renovation projects must be funded based on the availability of funds and in priority order from priority one to priority five; and
2. Adds language to provide that the Commissioner of Education may approve funding for renovation projects as an exception to the priority one to priority five funding rule if category-specific funds become available from sources other than principal and interest received from the repayment of loans made from the fund, interest earned from the investment of fund balances and funds from school construction audit recoveries.

Resolve 2011, chapter 137 was finally passed as an emergency measure effective March 29, 2012.

**LD 1838      Resolve, Regarding Legislative Review of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the Department of Education**

**RESOLVE 146  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-820

This resolve provides for legislative review of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a major substantive rule of the Department of Education.

**Committee Amendment "A" (H-820)**

This amendment provides that final adoption of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a major substantive rule of the Department of Education, is authorized contingent upon the department making the following changes to the proposed rule:

1. Changing the definition of "covered entities" to clarify that public charter schools are one of the covered entities;
2. Amending the rule in Section 2, subsection 16, by striking and replacing the language in paragraphs C and D to clarify the definition of "physical restraint" to provide that physical restraint does not include:
  - A. Physical contact when the purpose of the intervention is to comfort a student and the student voluntarily accepts the contact; and
  - B. Momentarily deflecting the movement of a child when the child's movements would be destructive, harmful or dangerous to the child or to others;
3. Amending the rule in Section 6, subsection 1, paragraph B to clarify that when a staff person who is not certified in a state-approved training program initiates physical restraint, trained personnel must be summoned to the scene only if the emergency situation continues;