

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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STATE OF MAINE

125TH 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 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

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;

Joint Standing Committee on Education and Cultural Affairs

4. Amending the rule in Section 7, subsection 1, paragraph B to clarify that a staff person who initiates physical restraint or seclusion that involves a student who has been placed in an out-of-district placement must report the incident to the entity responsible for the student's education within 24 hours or by the next business day;
5. Amending the rule in Section 8, subsection 1, paragraph M to clarify that the incident report documenting the use of physical restraint or seclusion must indicate if any of the personnel involved in the incident were certified in a state-approved training program; and
6. Amending the rule in Section 12 to clarify that the state-approved training programs may include regional training programs and regional "train the trainer" program models to provide the required training for personnel in the covered entities.

The amendment also adds a new section to the resolve to direct the Department of Education to provide, no later than September 1, 2012, nonregulatory guidance to school administrative units, public charter schools, private schools and other covered entities that are subject to the requirements of Chapter 33.

Enacted Law Summary

Resolve 2011, chapter 146 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 6 specified changes to the proposed rule.

The law also directs the Department of Education to provide, no later than September 1, 2012, nonregulatory guidance to school administrative units, public charter schools, private schools and other covered entities that are subject to the requirements of Chapter 33.

Resolve 2011, chapter 146 was finally passed as an emergency measure effective April 4, 2012.

LD 1839 An Act To Define Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf PUBLIC 683

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM MAJ ONTP MIN	S-497

This bill clarifies that the school administrative unit is responsible for the costs of transporting students who are placed in an educational program at the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

Committee Amendment "A" (S-497)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes and replaces the bill and clarifies the laws governing the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. The amendment:

1. Establishes the center preschool program;
2. Establishes as chief administrator the Executive Director of the Maine Educational Center for the Deaf and