

# 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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# 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*

**LD 1873**

**An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics**

**PUBLIC 688  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-606 ROSEN R

This bill is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Joint Order 2011, S.P. 644. The bill directs the Commissioner of Education to propose a model policy for public schools and private schools enrolling more than 60% of their students at public expense in this State on the management of concussive and other head injuries in school activities and athletics. The bill does the following.

1. It directs the commissioner to invite representatives of educational stakeholders and interested parties to participate in a working group that will meet during the spring and summer of 2012 to develop a model policy that addresses the prevention, diagnosis and treatment of concussive and other head injuries in students and student athletes.
2. It provides that the model policy must include the following requirements:
  - A. That athletic directors, coaches and other school personnel involved with school activities and athletics must be provided with training in the identification and management of concussive and other head injuries;
  - B. That a student participating in a school athletic activity and the student's parent or legal guardian must review the school's policy on the management of concussive and other head injuries;
  - C. That schools must use protocols and forms in the implementation of the policy on the management of concussive and other head injuries;
  - D. That a student suspected of having sustained a concussive or other head injury in any activity or athletic practice or game must be removed from participation immediately and evaluated for brain injury prior to returning to the activity or practices and games; and
  - E. That a student suspected of having sustained a concussion after an evaluation must be banned from further participation until the student has received written medical clearance from a licensed health care provider trained in concussion management for the student to begin the gradual resumption of participation in the activity or practices and games.
3. It establishes that schools are required to adopt a policy on management of head injuries and begin implementation of the policy by January 1, 2013, and further provides that schools must gradually implement the policy during the 2012-2013 and 2013-2014 school years.
4. It provides that the Commissioner of Education and school officials may share the model policy on the management of concussive and other head injuries, including the information, training, protocols and forms included in the policy, with statewide and local organizations that sponsor sports and athletics.

**Senate Amendment "A" (S-606)**

This amendment adds a mandate preamble and also changes a subsection number to prevent a conflict with Public Law 2011, chapter 571, section 1.

*Joint Standing Committee on Education and Cultural Affairs*

**Enacted Law Summary**

Public Law 2011, chapter 688 directs the Commissioner of Education to propose a model policy for public schools and private schools enrolling more than 60% of their students at public expense in this State on the management of concussive and other head injuries in school activities and athletics. The law also does the following.

1. It directs the commissioner to invite representatives of educational stakeholders and interested parties to participate in a working group that will meet during the spring and summer of 2012 to develop a model policy that addresses the prevention, diagnosis and treatment of concussive and other head injuries in students and student athletes.
2. It provides that the model policy must include the following requirements:
  - A. That athletic directors, coaches and other school personnel involved with school activities and athletics must be provided with training in the identification and management of concussive and other head injuries;
  - B. That a student participating in a school athletic activity and the student's parent or legal guardian must review the school's policy on the management of concussive and other head injuries;
  - C. That schools must use protocols and forms in the implementation of the policy on the management of concussive and other head injuries;
  - D. That a student suspected of having sustained a concussive or other head injury in any activity or athletic practice or game must be removed from participation immediately and evaluated for brain injury prior to returning to the activity or practices and games; and
  - E. That a student suspected of having sustained a concussion after an evaluation must be banned from further participation until the student has received written medical clearance from a licensed health care provider trained in concussion management for the student to begin the gradual resumption of participation in the activity or practices and games.
3. It establishes that schools are required to adopt a policy on management of head injuries and begin implementation of the policy by January 1, 2013, and further provides that schools must gradually implement the policy during the 2012-2013 and 2013-2014 school years.
4. It provides that the Commissioner of Education and school officials may share the model policy on the management of concussive and other head injuries, including the information, training, protocols and forms included in the policy, with statewide and local organizations that sponsor sports and athletics.

Public Law 2011, chapter 688 was enacted as an emergency measure effective May 21, 2012.

**LD 1899     An Act To Implement the Recommendations of the Joint Standing  
Committee on Education and Cultural Affairs after Its Review of the  
Maine Health and Higher Educational Facilities Authority Pursuant to  
the State Government Evaluation Act**

**PUBLIC 595**

Sponsor(s)

Committee Report

Amendments Adopted

OTP