

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

July 2013

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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 160

An Act To Amend the Laws Pertaining to Archaeological Sites

PUBLIC 89

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN KATZ	OTP-AM	H-62

This bill amends the laws governing the excavation of archaeological sites. It creates the new defined term "protected site" that takes the place of and has the same meaning as the current term "site". The new term "protected site" is then used throughout these laws in place of "site". The result is, with one exception, no net change in legal effect. The exception is the confidentiality provision. The bill modifies the current definition of "site" to remove all of the limiting criteria and uses this newly-defined term in the confidentiality section. The result is an expansion of confidentiality protection. Under current law, Maine Historic Preservation Commission or the Maine State Museum may designate as confidential any information in the possession of state agencies or the University of Maine System about the location or attributes of archeological sites only if the sites meet all the current limiting criteria (site is located on state-controlled land or land subject to a landowner agreement, site is listed on or eligible to be listed on the National Register of Historic Places, and site is posted; or the site is given an emergency designation, with the permission of the landowner, as being directly threatened, and the site is posted). Under the bill, confidentiality may be extended to information about the location or attributes of any site containing artifacts or evidence of habitation, occupation or use by historic or prehistoric people.

Committee Amendment "A" (H-62)

This amendment makes the following changes to the bill.

1. It requires the directors of the Maine Historic Preservation Commission and the Maine State Museum to establish procedures for reviewing at least once every 10 years site location information designated as confidential in order to determine whether continued confidentiality is necessary and, if not, to remove the confidentiality designation.
2. It requires the Maine Historic Preservation Commission and the Maine State Museum to consult with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs with regard to the adequate and appropriate curation of Native American artifacts recovered from protected sites, as defined in the bill.
3. It makes a technical wording change.

Enacted Law Summary

Public Law 2013, chapter 89 makes the following changes to law.

Under current law, Maine Historic Preservation Commission or the Maine State Museum may designate as confidential any information in the possession of state agencies or the University of Maine System about the location or attributes of archeological sites only if the sites meet all the current limiting criteria (site is located on state-controlled land or land subject to a landowner agreement, site is listed on or eligible to be listed on the National Register of Historic Places, and site is posted; or the site is given an emergency designation, with the permission of the landowner, as being directly threatened, and the site is posted). Under this law, confidentiality may be extended to information about the location or attributes of any site containing artifacts or evidence of habitation, occupation or use by historic or prehistoric people.

This law requires the directors of the Maine Historic Preservation Commission and the Maine State Museum to establish procedures for reviewing at least once every 10 years site location information designated as confidential in order to determine whether continued confidentiality is necessary and, if not, to remove the confidentiality

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designation.

It also requires the Maine Historic Preservation Commission and the Maine State Museum to consult with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs with regard to the adequate and appropriate curation of Native American artifacts recovered from protected sites, as defined in the bill.

LD 178 Resolve, To Provide Consistency in Rules of the Department of Education Regarding Visual and Performing Arts Requirements for High School Graduation

RESOLVE 38

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON MILLETT	OTP-AM	H-156

This resolve requires the Department of Education to amend its rules relating to high school graduation requirements to permit the visual and performing arts requirement to be met by completion of a credit in dance, music, theater or visual arts. This change is intended to resolve confusion resulting from different descriptions of the standard for visual and performing arts requirements in the rules of the department.

Committee Amendment "A" (H-156)

This amendment adds forensics to the list of courses that the Department of Education must include in the amendments to its rules relating to courses that may fulfill high school graduation requirements in the area of visual and performing arts.

Enacted Law Summary

Resolve 2013, chapter 38 requires the Department of Education to amend its rules relating to high school graduation requirements to permit the visual and performing arts requirement to be met by completion of a credit in dance, music, theater, forensics or visual arts. The resolve directs the department to determine the extent to which graduation requirements in the area of visual and performing arts may be met by the study of forensics, which may include, but is not limited to, the separate or integrated study of the art of public speaking, the art of formal debate and the interpretive performance of literature as they relate to the area of visual and performing arts.

LD 193 An Act To Authorize InterCoast Career Institute To Grant the Degree of Associate Degree in Applied Science

P & S 14

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE COLLINS	OTP	

This bill authorizes InterCoast Colleges to grant the degree of Associate Degree in Applied Science.

Enacted Law Summary

Private and Special Law 2013, Chapter 14 authorizes InterCoast Colleges to grant the degree of Associate Degree in Applied Science.