

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

August 2019

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# STATE OF MAINE

129<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* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129<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. An appendix provides a summary of relevant session statistics.

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 129<sup>th</sup> Legislature is Thursday, September 19, 2019. 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 770      An Act To Provide for a Later Starting Time for High Schools**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	ONTP OTP-AM	

This bill requires that, by September 1, 2020, each school administrative unit ensure that its secondary schools' school days start no earlier than 8:30 a.m.

**Committee Amendment "A" (H-130)**

This amendment, which is the minority report of the committee, allows a school administrative unit to authorize its secondary schools' school days to start no earlier than 8:30 a.m.

This amendment was not adopted.

**LD 773      An Act Regarding Secondary School Education Concerning Sexual  
Activity and Sexual Assault**

**PUBLIC 196**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M ACKLEY K	OTP-AM	H-266

This bill requires the Commissioner of Education to review the content standards and performance indicators for the content area of health, physical education and wellness, including instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions, beginning in the 2019-2020 school year as part of the commissioner's five-year review cycle of the content standards and performance indicators required under the system of learning results.

**Committee Amendment "A" (H-266)**

This amendment adds a mandate preamble.

**Enacted Law Summary**

Public Law 2019, chapter 196 requires the Commissioner of Education to review the content standards and performance indicators for the content area of health, physical education and wellness, including instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions, beginning in the 2019-2020 school year as part of the commissioner's five-year review cycle of the content standards and performance indicators required under the system of learning results.

**LD 791      An Act To Provide School Districts with Full State Funding for Students  
with High-cost Special Education Needs**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D EVANGELOS J		

*Joint Standing Committee on Education and Cultural Affairs*

This bill requires the State, beginning July 1, 2020, to provide a school administrative unit 100% of the funding needed for high-cost special education students.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 798      An Act To Protect Maine Children and Students from Preventable Diseases by Repealing Certain Exemptions from the Laws Governing Immunization Requirements**

**PUBLIC 154**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R WOODSOME D	OTP-AM ONTP	H-120

Current law allows exemptions from immunization requirements based on religious or philosophical beliefs for students in elementary and secondary schools and postsecondary schools and employees of nursery schools and health care facilities. This bill removes those exemptions.

The bill also directs the Department of Education and the Department of Health and Human Services to remove any immunization exemptions based on religious or philosophical beliefs from their rules and requires the Department of Education to adopt rules allowing a student who is covered by an individualized education plan and has elected a philosophical or religious exemption from immunization requirements to continue to attend school under the existing exemption as long as an appropriate medical professional provides a statement that the medical professional has provided information on the risks and benefits associated with the choice to immunize.

**Committee Amendment "A" (H-120)**

Current law allows exemptions from immunization requirements based on religious or philosophical beliefs for students in elementary and secondary schools and postsecondary schools and employees of nursery schools and health care facilities. This amendment, which is the majority report, of the committee, removes those exemptions effective September 1, 2021.

Current law relating to enrollment in any public or private elementary or secondary school provides that the superintendent may not permit any child to be enrolled in or to attend school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against the disease except when the parent or child provides a physician's written statement that immunization against one or more of the diseases may be medically inadvisable. Instead, this amendment requires the parent or child to provide a written statement from a licensed physician, nurse practitioner or physician assistant that, in that physician's, nurse practitioner's or physician assistant's professional judgment, immunization against one or more of the diseases may be medically inadvisable.

Current law relating to immunization of students enrolled in any public or private postsecondary school provides that a chief administrative officer may not permit a student to be enrolled in or to attend a school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against the disease except when the parent or the student provides a physician's written statement or a written statement from a school health provider that immunization against one or more of the diseases may be medically inadvisable. Instead, this amendment requires that the parent or the student provide a written statement from a licensed physician, nurse practitioner or physician assistant that, in that physician's, nurse practitioner's or physician assistant's professional judgment, immunization against one or more of the diseases may be medically inadvisable.

This amendment keeps the directive in the unallocated section of the bill to the Department of Education and the Department of Health and Human Services to remove any immunization exemptions based on religious or