

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH 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

STAFF:

HILLARY RISLER, LEGISLATIVE ANALYST
KAREN S. NADEAU, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

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STATE OF MAINE

129TH LEGISLATURE
FIRST REGULAR SESSION



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 129th 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 129th 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

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

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philosophical beliefs from their rules.

This amendment places in statute the directive in the unallocated section of the bill 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 a licensed physician, nurse practitioner or physician assistant provides a statement that the physician, nurse practitioner or physician assistant has provided information on the risks and benefits associated with the choice to immunize.

This amendment also requires the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services to submit a report, by January 1st of each odd-numbered year, to the joint standing committees of the Legislature having jurisdiction over health and human services matters and education matters concerning any new developments in the evaluation of vaccine safety and effectiveness. The joint standing committees of the Legislature having jurisdiction over health and human services matters and education matters are each authorized to submit a bill during the legislative session in which the report was submitted.

Senate Amendment "A" To Committee Amendment "A" (S-66)

This amendment retains the elimination of the so-called philosophical exemption from immunization requirements but removes the elimination of the so-called religious exemption from immunization requirements.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-141)

This amendment retains the elimination of the so-called philosophical exemption from immunization requirements but removes the elimination of the so-called religious exemption from immunization requirements.

This amendment was not adopted.

Enacted Law Summary

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. Public Law 2019, chapter 154 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. Public Law 2019, chapter 154 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. Public Law 2019, chapter 154 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.

Public Law 2019, chapter 154 allows 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

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existing exemption as long as a licensed physician, nurse practitioner or physician assistant provides a statement that the physician, nurse practitioner or physician assistant has provided information on the risks and benefits associated with the choice to immunize.

Public Law 2019, chapter 154 requires the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services to submit a report, by January 1st of each odd-numbered year, to the joint standing committees of the Legislature having jurisdiction over health and human services matters and education matters concerning any new developments in the evaluation of vaccine safety and effectiveness. The joint standing committees of the Legislature having jurisdiction over health and human services matters and education matters are each authorized to submit a bill during the legislative session in which the report was submitted.

LD 843	An Act To Clarify Parental Consent Regarding the Release of Student Information	Leave to Withdraw Pursuant to Joint Rule
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<u>Sponsor(s)</u> RYKERSON D	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill, which is a concept draft pursuant to Joint Rule 208, proposes to clarify the laws governing parental consent regarding the release of student information.

LD 852	Resolve, To Establish the Task Force To Study the Coordination of Services and Expansion of Educational Programs for Young Adults with Disabilities	Died On Adjournment
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<u>Sponsor(s)</u> PEBORTH S LUCHINI L	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-126
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This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a task force to study the benefits, assessments and expansion of continuing education programs for young adults with disabilities after high school. The members of the task force would include a variety of experts, providers and parents, and the task force would be charged with developing recommendations to enhance the coordination of programs and recommend targeted reforms to ensure the most efficient and effective provision of services. This bill would also implement targeted reforms that have been recommended by existing or previous task forces.

Committee Amendment "A" (H-126)

This amendment establishes the Task Force To Study the Coordination of Services and Expansion of Educational Programs for Young Adults with Disabilities. The membership of the task force consists of Legislators who serve on the joint standing committees of the Legislature having jurisdiction over education and cultural affairs, health and human services matters and labor and housing matters, the Commissioner of Education, the Commissioner of Health and Human Services and the Commissioner of Labor and members of organizations or associations knowledgeable about services for young adults with disabilities after high school. The Commissioner of Education convenes the task force, which must hold a minimum of four meetings and submit a report to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs, health and human services matters and labor and housing matters on recommendations and targeted reforms to improve the efficiency and effectiveness of services provided by different agencies and continuing educational opportunities for young adults with disabilities after high school.