

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**

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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
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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 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.

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Sharing Tables - Guidance for Schools" and disseminate the new guidance to public schools in the State.

The bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Agriculture, Conservation and Forestry to grant public school food service programs a variance under the departments' jointly adopted rules regulating food safety in order to allow public school food service programs to collect food that was taken from the food service line by students and placed on a share table and to redistribute that food through the food service line; to allow students to take food from a share table and consume that food in the same breakfast, lunch or snack period or at another time; to allow students to place unwanted, eligible food items on a share table at any time during their breakfast, lunch or snack period; and to allow school staff members under certain circumstances to collect and redistribute food from a share table.

The bill does not mandate the creation of share tables within schools or require schools to purchase additional food or materials.

See also LD 541.

LD 1369 An Act To Create an Additional Pathway To Certify Industrial Arts Teachers To Foster Career and Technical Subjects in Maine Schools Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N DIAMOND B	ONTP OTP-AM	H-473

This bill directs the State Board of Education to adopt rules to amend the credentialing of education personnel to create a pathway for a teacher to obtain an endorsement on a teaching certificate for a component of industrial arts with an experiential lab that includes, but is not limited to: automotive body repair, diagnostics and mechanics; welding; electrical; carpentry; and computer-aided design. Rules must include at least the following qualifications for a teacher to be eligible for an endorsement: a completed apprenticeship registered with a statewide or national apprenticeship and training organization; a completed two-year degree or certificate from a technical institution accredited by a national association of career and technical schools or similar organization; completion of a minimum number of hours of paid applied employment or teaching in the endorsement area being sought; and completion of a minimum number of hours of experience learning the trade or craft for which the endorsement is sought. Rules adopted pursuant to this subsection are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Committee Amendment "A" (H-473)

This amendment, which is the minority report of the committee, requires the State Board of Education to create an industrial arts pathway to a conditional certificate and requires that the industrial arts endorsement be separate from other endorsements.

LD 1370 An Act To Address Dangerous Behavior in the Classroom PUBLIC 458

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MCCREA D	OTP-AM ONTP	S-237

Current law requires the Commissioner of Education to provide technical assistance to school administrative units if they request assistance in the provision of violence prevention training. This bill requires a school administrative unit to immediately investigate allegations of violent behavior by a student against a public school employee and, if

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an allegation is substantiated, to institute an action plan to avoid future violent behavior. The action plan must be instituted prior to the student's return to school and must emphasize minimizing suspensions and expulsions of a student who demonstrated violent behavior, prioritizing counseling and guidance services for the student, restorative justice and training for public school employees who interact with the student. The bill also prohibits a school administrative unit from counting time away from work due to an injury resulting from violent behavior against a public school employee's accrued sick leave.

Committee Amendment "A" (S-237)

This amendment, which is the majority report of the committee, strikes and replaces the bill, changes the title and makes the following additional changes.

1. It changes the focus of the bill from violent behavior to dangerous behavior and defines "dangerous behavior" to mean behavior of a student that presents a risk of injury or harm to a student or others.
2. It amends the process in the bill regarding investigations. It requires review of a report of an incident of dangerous behavior and the development of an individualized response plan. It stipulates that these provisions do not limit any federally protected right of a student, including, but not limited to, federally protected rights of students with disabilities, and provides that, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification, evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law rather than under the process described in the bill, as amended.
3. It moves the provisions in the bill regarding the counting of sick leave of a public school employee injured from dangerous behavior to the Maine Revised Statutes, Title 20-A, section 13601, which contains other provisions regulating sick leave.
4. It adds a mandate preamble.

Enacted Law Summary

Public Law 2019, chapter 458 requires a school administrative unit to immediately investigate allegations of dangerous behavior by a student, defined as behavior that presents a risk of injury or harm to a student or others. During the investigation, the school administrative unit must review of a report of an incident of dangerous behavior and if substantiated, develop of an individualized response plan. The law stipulates that its provisions do not limit any federally protected right of a student, including, but not limited to, federally protected rights of students with disabilities, and provides that, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification, evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law rather than under the process described in the bill, as amended.

Public Law 2019, chapter 458 also prohibits a school administrative unit from counting time away from work due to an injury resulting from violent behavior against a public school employee's accrued sick leave.

**LD 1376 An Act To Direct the Department of Education To Amend Its Rules To
Ensure That Physical Restraint and Seclusion Policies Are Followed and
Make Biennial Reports on the Use of Physical Restraint and Seclusion**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D	OTP-AM ONTP	H-617