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Senate Legislative Record

One Hundred and Thirty-First Legislature

State of Maine

Daily Edition

First Special Session

Beginning April 5, 2023

Beginning with Page S-387

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Ensure a High-quality Education for Students with Disabilities by Clarifying the Definition of 'State Agency Client' and Who Provides Special Education Programs and Services"

H.P. 49 L.D. 79

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-327)**.

Signed:

Senators:
RAFFERTY of York
PIERCE of Cumberland

Representatives:
BRENNAN of Portland
DODGE of Belfast
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
WORTH of Ellsworth

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:
LIBBY of Cumberland

Representatives:
BAGSHAW of Windham
LYMAN of Livermore Falls
POLEWARCZYK of Wiscasset
SAMPSON of Alfred

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-327)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-327)**.

Reports **READ**.

Senator **RAFFERTY** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Libby.

Senator **LIBBY**: Thank you, Mr. President. Point of order. The fiscal note on this bill, along with two other bills I've been concerned about recently, really doesn't correctly identify the local cost. And so, I really feel like some of these bills, this one included, are a mandate and would require two-thirds. Is that your understanding?

THE PRESIDENT: I don't know, Senator Libby. The Revisor's Office and the OFPR does the fiscal notes - well, the OFPR does, and they're nonpartisan. I struggle with their notes often. But, I mean, you're certainly able to take it up with them and see if it should be revised, but - that's all I got on that. So, absolutely.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Libby.

Senator **LIBBY**: Yeah, I mean, each one of them a little bit different, and one of - in one case, the fiscal note says that if there is a local cost then, of course, the law says that the locals don't have to do it, don't have to carry it out. So, if that's the case, that's telling me it's a mandate. You know what I mean? So, in other words, if some school system decides well, these new 22-year-olds that we're going to have to provide a free and appropriate education for are going to cost us more money, then they can actually not do that, according to the law. So, in this particular case, it's really important, I think, that we at least consider it, and I would move to table this item.

On motion by Senator **LIBBY** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Update the Special Education Laws"

H.P. 66 L.D. 98

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-328)**.

Signed:

Senators:
RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:
BRENNAN of Portland
DODGE of Belfast
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
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