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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 301, L.D. 462, Bill, "An Act To Clarify Rulemaking for Transportation of Public School Students"

Amend the bill in section 1 by striking out all of subsection 17 (page 1, lines 4 to 12 in L.D.) and inserting the following:

'17. Rules; federal or state requirements for public preschool transportation. The department may adopt rules to implement the provisions of this section. A rule authorized or provisionally adopted by the department pursuant to this subsection or Title 29-A, section 2311 after January 1, 2008 that concerns the transportation of public preschool students is a major substantive rule and subject to legislative review in accordance with Title 5, chapter 375, subchapter 2-A. An amendment to a rule adopted pursuant to this subsection or Title 29-A, section 2311 prior to January 1, 2008 is considered a major substantive rule when the amendment concerns the transportation of public preschool students, and it is subject to legislative review in accordance with Title 5, chapter 375, subchapter 2-A. Should the Federal Government or the State require transportation of public preschool children, the department shall develop and adopt rules regarding such transportation, and those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the bill in section 2 in §2311 by striking out all of the indented paragraph (page 1, lines 16 to 20 in L.D.) and inserting the following:

'The Commissioner of Education may adopt or amend rules consistent with this Title and in accordance with the Maine Administrative Procedure Act, concerning school bus construction, equipment, operation and identification. Rules adopted pursuant to this section that concern the transportation of public preschool students are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Should the Federal Government or the State require transportation of public preschool children, the Department of Education shall develop and adopt rules regarding such transportation, and those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.'

COMMITTEE AMENDMENT

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**SUMMARY**

This amendment requires the Department of Education to adopt major substantive rules in the event that the Federal Government or the State requires transportation to be provided for public preschool children.