

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

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

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular or First Special Sessions of the 123rd Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Education and Cultural Affairs

no limit on the number of times the certificate may be renewed under those conditions.

Enacted Law Summary

Resolve 2007, chapter 162 requires the State Board of Education to adopt routine technical rules concerning testing and certification for world language teachers to allow an individual whose first language is the target language that the individual teaches to renew that individual's targeted need certificate annually upon meeting certain requirements and to specify there is no limit on the number of times the certificate may be renewed under those conditions.

Resolve 2007, chapter 162 was enacted as an emergency measure effective March 24, 2008.

LD 2114 **Resolve, Requiring the State To Use Valid Risk and Preventive Factors for Youth Programs** **RESOLVE 180**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-448

This resolve requires the State, in its biannual survey of students, to use a survey of students in grades 6 to 12 that reliably and validly measures those risk and protective factors shown by research to predict adolescent health and behavior problems, including substance abuse and delinquency.

Committee Amendment "A" (S-448)

This amendment clarifies that the biannual survey of students referenced in the bill must reliably and validly measure the risk and protective measures specified in the bill at both the state and local level.

Enacted Law Summary

Resolve 2007, chapter 180 requires the State, in its biannual survey of students, to use a survey of students in grades 6 to 12 that reliably and validly measures those risk and protective factors shown by research to predict adolescent health and behavior problems, including substance abuse and delinquency, at both the state and local level.

LD 2121 **Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education** **RESOLVE 187
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-750

This resolve provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a major substantive rule of the Department of Education and the State Board of Education.

Committee Amendment "A" (H-750)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment amends the provisionally adopted changes to Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II to remove a proposed certificate for financial services managers and to grandfather eligibility for the early childhood teaching endorsement for teachers employed in prekindergarten or kindergarten to 3rd grade programs in the State at any time between February 1, 2007 and February 1, 2008.

Enacted Law Summary

Joint Standing Committee on Education and Cultural Affairs

Resolve 2007, chapter 187 provides that final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a major substantive rule of the Department of Education and the State Board of Education, is authorized only if the following changes are made:

1. The proposed certificate for financial services managers is removed; and
2. The early childhood teaching endorsement is amended to establish eligibility for that endorsement for any person who was employed as a teacher in a prekindergarten or kindergarten to 3rd grade program in the State at any time between February 1, 2007 and February 1, 2008.

Resolve 2007, chapter 187 was enacted as an emergency measure effective April 8, 2008.

LD 2122 Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education

**RESOLVE 174
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a major substantive rule of the Department of Education.

Enacted Law Summary

Resolve 2007, chapter 174 provides that final adoption of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a major substantive rule of the Department of Education, is authorized.

Resolve 2007, chapter 174 was enacted as an emergency measure effective March 31, 2008.

LD 2123 Resolve, Regarding Legislative Review of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-869

This resolve provides for legislative review of portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a major substantive rule of the Department of Education and the State Board of Education.

Committee Amendment "B" (H-869)

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that the provisionally adopted rule is authorized only if the rule is amended to include that, as a condition for approval for state funding, the applicant school administrative unit demonstrates that the proposed solution is equivalent to or better than other options after taking into consideration all resources and facilities within the region, including those that are reasonably available from other school administrative units.