

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

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

October 2018

STAFF:

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

MEMBERS:

SEN. BRIAN D. LANGLEY, CHAIR
SEN. JOYCE A. MAKER
SEN. REBECCA J. MILLETT

REP. VICTORIA P. KORNFIELD, CHAIR
REP. MATTHEA E. LARSEN DAUGHTRY
REP. RICHARD R. FARNSWORTH
REP. TERESA S. PIERCE
REP. ROGER JASON FULLER
REP. DAVID HAROLD MCCREA
REP. PHYLLIS A. GINZLER
REP. BETH PELOQUIN TURNER
REP. HEIDI H. SAMPSON
REP. HAROLD L. STEWART III

STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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 amendment is the minority report of the committee. The amendment retains the bill's provisions to delay by one year the timeline for the implementation of proficiency-based diplomas. The amendment makes several changes to the implementation of the proficiency-based system, including:

1. Refining the provisions regarding the exceptions for students with disabilities to be awarded a proficiency-based diploma; and
2. Strengthening the provisions for career and technical education students to meet the proficiency-based diploma requirements within the context of the career and technical education curriculum, including career and technical education programs and courses as defined in the Department of Education's rules.

The amendment also requires that the Department of Education provide technical assistance to school administrative units in implementing proficiency-based systems, including providing definitions of proficiency, establishing criteria for ensuring that the intents and purposes of a proficiency-based system are achieved, developing model course descriptions and developing training resources for use in training educators.

House Amendment "A" To Committee Amendment "A" (H-797)

This amendment strikes the appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 466 amends the statutes related to the proficiency-based diploma standard and transcript provisions in the Maine Revised Statutes, Title 20-A, section 4722-A to provide that the proficiency-based diploma standard and transcript provisions may be implemented by schools. The law also provides that the proficiency-based diploma standard and transcript rules adopted by the Commissioner of Education pursuant to Title 20-A, section 4722-A are changed from routine technical rules to major substantive rules.

LD 1684 An Act Regarding Meals in Public Schools

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TUELL W	OTP-AM ONTP	S-413

This bill was carried over on the Special Appropriations Table from the Second Regular Session of the 128th Legislature to the next special session by joint order S.P. 748.

The bill does the following.

1. It requires a public school that provides free and reduced-price meals or other meals to students pursuant to the Maine Revised Statutes, Title 20-A, chapter 223, subchapter 7 or otherwise provides to students meals eligible for reimbursement under a program administered by the United States Department of Agriculture to provide such a meal to a student who requests the meal and is otherwise eligible for the meal regardless of the student's inability to pay for the school meal or failure in the past to pay for school meals. It also requires the school to take certain actions to assist the parent or guardian of a student who requests such a meal.
2. It prohibits a public school from punishing a student in certain ways solely because of the student's inability to pay for a meal or because of any payments due for previous meals. It also prohibits a public school from refusing a meal to a student as a form of or as part of a disciplinary action.
3. It prohibits a public school from openly identifying or stigmatizing a student who cannot pay for a meal or who

Joint Standing Committee on Education and Cultural Affairs

has payments due for previous meals by requiring the student to wear a wristband, hand stamp or other identifying mark or sign noticeable by others.

4. It requires a public school to communicate about a student's meal debts directly to the parent or guardian of the student rather than to the student. A public school may ask a student to carry to the student's parent or guardian a letter regarding a student's meal debt.

Committee Amendment "A" (S-413)

This amendment is the majority report of the committee. The amendment changes the title and strikes the bill. The amendment:

- 1. Requires a public school that provides National School Lunch Program meals to students pursuant to the Maine Revised Statutes, Title 20-A, chapter 223, subchapter 7 or otherwise provides to students meals eligible for reimbursement under a program administered by the United States Department of Agriculture to provide such a meal to a student who requests the meal and is otherwise eligible for the meal regardless of the student's ability to pay for the meal or failure in the past to pay for meals;
- 2. Prohibits a public school from openly identifying or stigmatizing a student who cannot pay for a meal or who has payments due for previous meals;
- 3. Requires a public school to communicate about a student's meal debts directly to the parent or guardian of the student rather than to the student; and
- 4. Requires the school board of a public school to establish a policy for collection of debts owed to the school lunch program.

The fiscal note on the amendment identifies a requirement in this amendment as a potential significant state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds that the provisions identified as a potential mandate do not require a local school administrative unit to expand or modify its activities so as to necessitate additional expenditures from local revenue.

The committee has determined that the potential state mandate provision prepared by the Office of Fiscal and Program Review is not in fact a mandate for public schools. The amendment does not require the public school to pay for the school meal debts, since the amendment requires the public school to directly communicate with a parent or guardian about the student's meal debts and requires the school board of the public school to establish a policy for the collection of debts owed to the school lunch program.

LD 1689 An Act To Repeal Certain Provisions Regarding the System Administration Allocation Affecting Maine School Districts in the 2018-2019 Biennial Budget

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN D	OTP-AM ONTP OTP-AM	S-415

This bill was carried over on the Special Appropriations Table from the Second Regular Session of the 128th Legislature to the next special session by joint order S.P. 748.

Current law requires that, beginning in fiscal year 2018-19, a portion of the system administration allocation must be allocated to school administrative units that have established regionalized administrative services. This bill