

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1036

H.P. 711

House of Representatives, March 17, 2009

An Act To Amend the Education Laws Regarding the State Board of Education's Degree-granting Authority, the Appeal of a School Board's Decision To Discharge a Superintendent, the Telecommunications Education Access Fund and Certain Definitions and Programs

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SUTHERLAND of Chapman.
Cosponsored by Senator ALFOND of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §17001, sub-§13, ¶B,** as amended by PL 1999, c. 489, §1, is
3 further amended to read:

4 B. "Earnable compensation" does not include:

5 (1) For any member who has 10 years of creditable service by July 1, 1993 or
6 who has reached 60 years of age and has been in service for a minimum of one
7 year immediately before that date, ~~payment for more than 30 days of unused~~
8 ~~accumulated or accrued sick leave, payment for more than 30 days of unused~~
9 ~~vacation leave or payment for more than 30 days of a combination of both and,~~
10 ~~effective October 1, 1999, whether or not the member is in service on October 1,~~
11 ~~1999, the 30-day limitation may not be decreased and the exclusion set out in~~
12 ~~subparagraph (2) may not be made applicable to such a member;~~

13 (2) For any member who is not covered by subparagraph (1), payment for any
14 unused accumulated or accrued sick leave or payment for any unused vacation
15 leave; or

16 (3) Any other payment that is not compensation for actual services rendered or
17 that is not paid at the time the actual services are rendered; ~~or.~~

18 ~~(4) Teacher recognition grants paid pursuant to Title 20-A, section 13503-A.~~

19 A payment for unused sick leave or unused vacation leave may not be included as
20 part of earnable compensation unless it is paid upon the member's last termination
21 before the member applies for retirement benefits.

22 **Sec. 2. 20-A MRSA §1, sub-§13,** as enacted by PL 1981, c. 693, §§5 and 8, is
23 repealed.

24 **Sec. 3. 20-A MRSA §1, sub-§16,** as enacted by PL 1981, c. 693, §§5 and 8, is
25 repealed.

26 **Sec. 4. 20-A MRSA §1, sub-§35,** as enacted by PL 1981, c. 693, §§5 and 8, is
27 repealed.

28 **Sec. 5. 20-A MRSA §1, sub-§37,** as enacted by PL 1981, c. 693, §§5 and 8, is
29 repealed.

30 **Sec. 6. 20-A MRSA §202, sub-§3,** as enacted by PL 1981, c. 693, §§5 and 8, is
31 repealed.

32 **Sec. 7. 20-A MRSA §256, sub-§1,** as amended by PL 2001, c. 454, §5, is further
33 amended to read:

34 **1. Report to Governor and Legislature.** The commissioner shall prepare and
35 deliver to the Governor and Legislature an annual report on the status of public education
36 in the State regarding the implementation of the system of learning results as established
37 in section 6209, including any suggestions and recommendations to improve public

1 education and including the reporting requirements of section 13506, subsection 3-A.
2 This annual report must also include a description of the activities and accomplishments
3 of the state board.

4 The commissioner shall include in the annual report a listing of requests by school
5 districts for affirmative action workshops and an assessment of the department's ability to
6 meet past and projected demand for in-service training related to affirmative action or
7 gender equity.

8 The commissioner may be invited by the Speaker of the House of Representatives and the
9 President of the Senate annually, in January, to appear before a joint session of the
10 Legislature to address the Legislature on the status of public education in the State and
11 such related matters as the commissioner desires to bring to the Legislature's attention.

12 **Sec. 8. 20-A MRSA §256, sub-§10** is enacted to read:

13 **10. Telecommunications education access fund.** The commissioner or the State
14 Librarian may enter into contracts or order services on behalf of schools and libraries in
15 connection with the telecommunications education access fund pursuant to Title 35-A,
16 section 7104-B. The commissioner or the State Librarian may take advantage of any
17 discounts available pursuant to the federal Telecommunications Act of 1996.

18 **Sec. 9. 20-A MRSA §1052, sub-§3**, as enacted by PL 1981, c. 693, §§5 and 8, is
19 repealed.

20 **Sec. 10. 20-A MRSA §5804, first ¶**, as enacted by PL 1981, c. 693, §§5 and 8, is
21 amended to read:

22 Tuition charged for elementary school students shall including students who attend
23 public preschool programs must be as follows:

24 **Sec. 11. 20-A MRSA §10701, sub-§1-A** is enacted to read:

25 **1-A. Coordinated program.** "Coordinated program" means a program or course
26 offered by an out-of-state institution in collaboration with a Maine degree-granting
27 educational institution that has been approved by the state board.

28 **Sec. 12. 20-A MRSA §10701, sub-§2**, as amended by PL 2007, c. 572, Pt. A, §7,
29 is further amended to read:

30 **2. Degree.** "Degree" means a document of achievement at the associate level or
31 higher conferred by a postsecondary educational institution authorized to confer that
32 degree in its home state. It includes educational, academic, literary and professional
33 degrees. It also includes associate, baccalaureate, master's, first professional and doctoral
34 degrees and certificates of advanced graduate studies.

35 **Sec. 13. 20-A MRSA §10708, sub-§1**, as enacted by PL 1981, c. 693, §§5 and 8,
36 is amended to read:

1 **1. Prior to September 18, 1981.** Have specific undergraduate and graduate levels
2 of degree-granting authority granted to them by the Legislature or the state board prior to
3 September 18, 1981;

4 **Sec. 14. 20-A MRSA §10712, sub-§4,** as enacted by PL 1991, c. 563, §4, is
5 amended to read:

6 **4. Merger; consolidation; reorganization.** The merger or consolidation of the
7 educational institution with any other external entity, or the reorganization of the
8 educational institution, including, but not limited to; reorganization in bankruptcy. This
9 subsection does not apply to the consolidation or reorganization of preexisting degree
10 program entities within an educational institution. An educational institution in a
11 reorganization plan, except for an institution that had specific degree-granting authority
12 granted to it by the Legislature prior to September 18, 1981, requires authorization by the
13 state board following procedures as specified under section 10707.

14 **Sec. 15. 20-A MRSA c. 506,** as amended, is repealed.

15 **Sec. 16. 20-A MRSA §15001, sub-§3,** as enacted by PL 1981, c. 693, §§5 and 8
16 and amended by PL 2005, c. 397, Pt. D, §3, is repealed.

17 **Sec. 17. 20-A MRSA c. 612,** as amended, is repealed.

18 **Sec. 18. 27 MRSA §40, sub-§3** is enacted to read:

19 **3. Telecommunications education access fund.** The State Librarian or the
20 Commissioner of Education may enter into contracts or order services on behalf of
21 schools and libraries in connection with the telecommunications education access fund
22 pursuant to Title 35-A, section 7104-B. The State Librarian or the Commissioner of
23 Education may take advantage of any discounts available pursuant to the federal
24 Telecommunications Act of 1996.

25 **Sec. 19. 35-A MRSA §7104-B, sub-§4-A** is enacted to read:

26 **4-A. State Librarian; Commissioner of Education.** The State Librarian or the
27 Commissioner of Education may enter into contracts or order services on behalf of
28 qualified schools and qualified libraries in connection with the fund and may take
29 advantage of any discounts available pursuant to the federal Telecommunications Act of
30 1996.

31 **SUMMARY**

32 This bill accomplishes the following.

33 1. It repeals the definition of "financial definitions," "local allocation," "state
34 allocation" and "state and local allocation" in the laws governing education.

35 2. It repeals a reference to the Maine State Commission for Higher Education
36 Facilities.

1 3. It establishes the authority of the Commissioner of Education and the State
2 Librarian to enter into contracts or order services on behalf of schools and libraries
3 participating in the telecommunications education access fund and to take advantage of
4 any discounts available pursuant to the federal Telecommunications Act of 1996.

5 4. It repeals the provision of law that provides that a superintendent of schools may
6 appeal a school board's decision to discharge that superintendent and that requires the
7 commissioner to hold a hearing as part of this appeal.

8 5. It clarifies that students in public preschool programs are included in the laws
9 governing tuition charges for elementary school students.

10 6. It amends the definition of "degree" to include first professional and adds a
11 definition of "coordinated program."

12 7. It provides that exemptions from degree-granting requirements granted to degree-
13 granting institutions do not apply to those educational institutions that have specific
14 undergraduate and graduate levels of degree-granting authority granted to them by the
15 Legislature or the State Board of Education prior to September 18, 1981.

16 8. It provides clarification that the provision of law governing the merger,
17 consolidation or reorganization of a degree-granting institution applies to a merger or
18 consolidation of an educational institution with another external entity and that the
19 provisions do not apply to the consolidation or reorganization of internal program entities
20 within an educational institution.

21 9. It repeals the chapter of law that provides for teacher recognition grants, which no
22 longer exist.

23 10. It repeals a definition of "teaching positions" that is no longer used.

24 11. It repeals the chapter of law that provides for innovative educational grants,
25 which no longer exist as described in that chapter.