

# MAINE STATE LEGISLATURE

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minority

3/12/12  
ROPS

L.D. 1742

Date: 3/12/12

(Filing No. H-758)

Minority

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1284, L.D. 1742, Bill, "An Act To Amend Education Laws"

Amend the bill in Part A by inserting after section 1 the following:

Sec. A-2. 20-A MRSA §6051, sub-§1, ¶H, as enacted by PL 2009, c. 571, Pt. E, §12, is amended to read:

H. A determination of whether the school administrative unit has complied with budget content requirements pursuant to section 15693, subsection 1 and cost center summary budget format requirements pursuant to sections 1305-C, 1485, 1701-C and 2307; and

Sec. A-3. 20-A MRSA §6051, sub-§1, ¶I, as enacted by PL 2009, c. 571, Pt. E, §13, is amended to read:

I. A determination of whether the school administrative unit has exceeded its authority to expend funds, as provided by the total budget summary article; and

Sec. A-4. 20-A MRSA §6051, sub-§1, ¶J is enacted to read:

J. A determination of whether the school administrative unit has complied with the applicable provisions of the unexpended balances requirements established under section 15004.'

Amend the bill in Part B in section 1 in subsection 4 in the 4th line (page 1, line 34 in L.D.) by striking out the following: "30" and inserting the following: '45'

Amend the bill in Part E in section 1 in subsection 9 in the last line (page 3, line 34 in L.D.) by inserting after the following: "expense." the following: 'For the purposes of this subsection, "foreign exchange student" means a student who has been approved for a J-1 visa to participate in the Exchange Visitor Program for secondary school students pursuant to the provisions of the federal Mutual Educational and Cultural Exchange Program under 22 United States Code, Chapter 33 and 22 Code of Federal Regulations, Section 62.25.'

COMMITTEE AMENDMENT

ROFS

1 Amend the bill in Part H in section 1 in §8101-A by striking out all of subsection 3  
2 and inserting the following:

3 '3. Waivers. Beginning with the 2012-2013 school year, a school administrative unit  
4 that did not operate a gifted and talented program in the 2011-2012 school year may  
5 apply to the commissioner for a one-year waiver of this requirement if full  
6 implementation of this requirement presents an undue burden. The commissioner may  
7 grant a school administrative unit a waiver upon receipt of an application from the school  
8 administrative unit that includes the basis for the waiver request. Financial hardship is  
9 one criterion the commissioner must consider in determining whether to grant a waiver.  
10 The rules amended or adopted by the department under subsection 4 must establish  
11 requirements applicable to the commissioner's authority to grant a one-year waiver to a  
12 school administrative unit and must provide requirements for an extension of a one-year  
13 waiver granted to a school administrative unit, including provisions that require that any  
14 additional request for extensions must be submitted and reviewed on an annual basis.

15 4. Rules. The department shall amend or adopt routine technical rules as defined in  
16 Title 5, chapter 375, subchapter 2-A establishing procedures and criteria for approval of  
17 gifted and talented education programs under this chapter.'

18 Amend the bill by inserting after Part I the following:

19 **'PART J**

20 **Sec. J-1. 20-A MRSA §1511**, as amended by PL 2011, c. 171, §4, is further  
21 amended to read:

22 **§1511. Supermajority vote to close school in the regional school unit**

23 A school operated within the regional school unit may not be closed for lack of need  
24 unless closure of the school is approved at a regular or special meeting of the regional  
25 school unit board by an affirmative vote of 2/3 of the elected membership or voting  
26 power of those serving on the regional school unit board at the time of the vote. A  
27 regional school unit must proceed in accordance with section 1512 for elementary schools  
28 or for secondary schools if the regional school unit has more than one secondary school.  
29 For regional school units with only one member municipality, section 1512 does not  
30 apply and the regional school unit must proceed in accordance with section 4102,  
31 subsection 4, paragraph B-1.'

32 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
33 section number to read consecutively.

34 **SUMMARY**

35 This amendment is the minority report of the Joint Standing Committee on Education  
36 and Cultural Affairs. The amendment makes the following changes to the bill.

- 37 1. It provides that the required annual audit of school administrative units must  
38 include a determination of whether the school administrative unit has complied with  
39 unexpended balances requirements established under the Maine Revised Statutes, Title  
40 20-A, section 15004.





# 125th MAINE LEGISLATURE

LD 1742

LR 2563(03)

## An Act To Amend Education Laws

Fiscal Note for Bill as Amended by Committee Amendment "B" (H-758)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

### Fiscal Note

State Mandate - Unfunded

#### State Mandates

**Required Activity**

Requires local school administrative units to implement a gifted and talented education program.

**Unit Affected**

School

**Local Cost**

Moderate statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

#### Fiscal Detail and Notes

Additional costs to the Department of Education associated with rulemaking can be absorbed within existing budgeted resources.