

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)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2012

State to develop the timeline for a presidential primary and to ensure compliance with existing state and federal law governing the conduct of elections and consult with representatives of political parties regarding party rules; and be it further

Sec. 2. Report. Resolved: That, no later than December 1, 2012, the joint standing committee of the Legislature having jurisdiction over elections matters shall complete its report detailing the options considered at its meeting held in accordance with section 1 and develop necessary implementing legislation. The joint standing committee may report out a bill to establish a presidential primary to the First Regular Session of the 126th Legislature.

See title page for effective date.

CHAPTER 165

H.P. 578 - L.D. 771

Resolve, To Support the Development of a Model Charter for the St. John Valley Regional Planning Commission

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in order to provide more time for the development of a charter, this legislation needs to take effect as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Sec. 1. Commissioner of Economic and Community Development to support the process to develop the St. John Valley Regional Planning Commission charter. Resolved: That the Commissioner of Economic and Community Development shall invite representatives from the unorganized townships and following municipalities within Aroostook County to at least 2 meetings to facilitate the development of a model charter that would establish the St. John Valley Regional Planning Commission: Caswell Plantation, Cyr Plantation, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, St. Agatha, Stockholm, Van Buren, Wallagrass Plantation and Woodland. The commissioner shall provide assistance at the meetings to facilitate the development of a model charter for the St. John Valley Regional Planning Commission and provide assistance with identifying

any regulatory obstacles or impediments to establishing such a charter; and be it further

Sec. 2. Report. Resolved: That, no later than December 5, 2012, the Department of Economic and Community Development shall provide a report to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on any meetings held under section 1. The department shall include with the report recommendations regarding the proposal to establish in law a charter for the St. John Valley Regional Planning Commission. The joint standing committee is authorized to submit a bill related to section 1 to the First Regular Session of the 126th Legislature; and be it further

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Administration - Economic and Community Development 0069

Initiative: Provides one-time funds for the cost associated with staff from the Department of Economic and Community Development traveling to Aroostook County to provide assistance at a minimum of 2 meetings to facilitate the development of a model charter for the St. John Valley Regional Planning Commission.

GENERAL FUND	2011-12	2012-13
All Other	\$1,700	\$0
GENERAL FUND TOTAL	\$1,700	\$0

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 29, 2012.

CHAPTER 166

H.P. 702 - L.D. 958

Resolve, To Authorize the Legislature To Contract for an Independent Review To Evaluate the Essential Programs and Services Funding Act

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, since enactment of the Essential Programs and Services Funding Act established under the Maine Revised Statutes, Title 20-A, chapter 606-B, the Legislature has debated both incremental and comprehensive funding reform proposals to remedy perceived flaws in the school funding formula and the state subsidy distribution mechanism; and

Whereas, in order to obtain information in a timely manner to make informed policy decisions, the Legislature should provide for an independent review of education finance policies and practices associated with the Essential Programs and Services Funding Act; and

Whereas, the Legislature should promptly contract with a qualified research entity to conduct an objective evaluation of the Essential Programs and Services Funding Act as it relates to the best practices of other states' school funding systems that are considered to be fair and equitable; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Legislature to contract for independent review of the essential programs and services model. Resolved: That the Legislature, through the Joint Standing Committee on Education and Cultural Affairs, may contract with a qualified research entity to conduct pursuant to sections 5 and 6 an independent review of the Essential Programs and Services Funding Act established under the Maine Revised Statutes, Title 20-A, chapter 606-B; and be it further

Sec. 2. Assistance; request for proposals process. Resolved: That, at the direction of the Joint Standing Committee on Education and Cultural Affairs, referred to in this resolve as "the joint standing committee," the Office of Program Evaluation and Government Accountability, referred to in this resolve as "the office," shall develop and administer a request for proposals process to permit the Legislature, through the joint standing committee, to award a contract pursuant to section 1. The office, with the advice and assistance of the Independent Review Advisory Committee, established under section 4 and referred to in this resolve as "the advisory committee," and in consultation with and with the approval of the joint standing committee, shall:

1. Develop and administer a request for proposals process in accordance with section 3;
2. Administer the contract entered into pursuant to section 1, including monitoring the research entity's performance in meeting deadlines, providing deliver-

ables pursuant to sections 5 and 6 and complying with other terms of the contract; and

3. Within available resources, provide other assistance to the joint standing committee relating to the contract and the purposes of this resolve; and be it further

Sec. 3. Request for proposals; standards and selection process. Resolved: That the office, with the advice and assistance of the advisory committee, and in consultation with and with the approval of the joint standing committee, shall administer a request for proposals process in accordance with this section.

1. The qualifications of a research entity providing proposals must include, but are not limited to, the financial, technical and operational capacity of the entity to conduct state-level education policy research and fiscal analysis, as demonstrated by the entity's professional experience and expertise.

2. With the approval of the joint standing committee, the office shall issue a request for proposals and publish notice of the request on the Legislature's publicly accessible website and through advertisements in 2 or more public newspapers circulated wholly or in part in the State and may provide any further notice of the request to any other media or entities, as approved by the joint standing committee. The notice must provide that the office will accept, for 30 days after the first date of publication, proposals from qualified research entities that meet the standards approved by the joint standing committee.

3. After proposals have been received and the period for accepting proposals has expired, the office, with the advice and counsel of the advisory committee, shall evaluate the proposals and present a ranking of or recommendations regarding the proposals to the joint standing committee. The joint standing committee shall review the recommendations and choose the proposal it wishes to accept. The joint standing committee shall notify the Executive Director of the Legislative Council of its selection of a proposal. The executive director shall execute a contract with the selected research entity on behalf of the Legislature.

4. Notwithstanding the Maine Revised Statutes, Title 1, section 402, except for the name and mailing address of a research entity that submits a proposal, the proposal and all other materials prepared, used or submitted in connection with the proposal are confidential and are not subject to public review until the period for accepting proposals has expired; and be it further

Sec. 4. Independent Review Advisory Committee. Resolved: That the Independent Review Advisory Committee is established to advise the office and joint standing committee on matters related to developing a request for proposals and administer-

ing the contract entered into pursuant to this resolve. The advisory committee consists of the following members:

1. The Commissioner of Education or the commissioner's designee;
2. The Chair of the State Board of Education or the chair's designee;
3. A Co-director of the Education Research Institute established pursuant to the Maine Revised Statutes, Title 20-A, section 10;
4. The Executive Director of the Maine School Management Association or the executive director's designee; and
5. The Director of the Margaret Chase Smith Policy Center at the University of Maine or the director's designee who is a faculty researcher, research associate or policy fellow at the Margaret Chase Smith Policy Center.

The advisory committee shall elect a chair from among its members. The office shall provide to the members of the joint standing committee notice of the meetings of the office with the advisory committee so that members of the joint standing committee may attend; and be it further

Sec. 5. Scope of the review. Resolved: That the contract entered into pursuant to section 1 must require an objective evaluation of the Essential Programs and Services Funding Act and must require a review of the school funding formula. The evaluation must include, but is not limited to, comparisons between municipalities within this State and between this State and other comparable states and must address the following issues:

1. Whether the school funding formula and the subsidy distribution method in the laws of the State are fair and equitable and how the Essential Programs and Services Funding Act compares to other states' school funding systems that are considered to be fair and equitable;
2. The various ways that school funding systems in other states determine and calculate the costs and components of a comprehensive education system and the advantages and disadvantages of those different approaches;
3. The percentage of the total cost of public education that is provided by the state in other states' school funding systems and how the state share is funded in the other states;
4. The advantages and disadvantages of calculating state aid to school administrative units based on student enrollment count and property valuation;

5. How other states define a municipality's ability to pay for public education and what the arguments are in favor of and against those definitions;

6. The effectiveness of state aid provided by other states' school funding systems to support economically disadvantaged students in local school districts as compared to the support provided to economically disadvantaged students in school administrative units under the laws of the State; and

7. Changes that should be made to the definitions of the cost components and to the funding distribution method in the Essential Programs and Services Funding Act to provide adequate resources for a comprehensive education system and to more accurately determine the percentage of essential programs and services funding levels that each school administrative unit should receive from the State; and be it further

Sec. 6. General requirements of the review. Resolved: That the contract entered into pursuant to section 1 must require:

1. A review of previous studies and available data related to the State's school funding laws; a review of school funding systems in comparable states; an assessment of each of the issues in section 5, including the arguments in favor of and against the provisions of the State's school funding laws; recommended alternatives to the Essential Programs and Services Funding Act; and a review of:

A. The existing studies of the Essential Programs and Services Funding Act, including research that was conducted to develop the State's school funding system and research conducted since the enactment of the Essential Programs and Services Funding Act;

B. The existing school finance data collected by the Department of Education and state and local tax revenue data collected by the Department of Administrative and Financial Services, Bureau of Revenue Services related to the education finance system under the Essential Programs and Services Funding Act; and

C. The education finance systems in comparable states with an emphasis on other states in New England and states committed to education quality, student equity and taxpayer equity; and

2. An in-depth analysis of the recommended alternatives to the Essential Programs and Services Funding Act included in subsection 1 and an evaluation of:

A. The recommended alternatives necessary to provide adequate resources for a comprehensive education system and to more accurately determine the percentage of essential programs and

services funding levels that each school administrative unit should receive from the State;

B. The recommended alternatives to the definitions of the cost components and to the funding distribution method in the Essential Programs and Services Funding Act; and

C. The costs and benefits of the recommended alternatives, including comparative analyses and calculations related to education quality, student equity and taxpayer equity.

The Department of Education, the Department of Administrative and Financial Services, Bureau of Revenue Services and the Education Research Institute established pursuant to the Maine Revised Statutes, Title 20-A, section 10 shall provide the qualified research entity selected with access to previous reports on school funding in the State and access to database information necessary to carry out the evaluation.

The contract entered into pursuant to section 1 must require the qualified research entity selected to provide opportunities for input from education stakeholder groups in the State as part of its evaluation; and be it further

Sec. 7. Disqualification. Resolved: That the Education Research Institute established pursuant to the Maine Revised Statutes, Title 20-A, section 10, due to its prior involvement with the development, review and analysis of the essential programs and services funding model, is disqualified from being considered or selected to enter into the contract pursuant to section 1; and be it further

Sec. 8. Preliminary and final reports. Resolved: That the qualified research entity selected to conduct the independent review pursuant to this resolve shall present a preliminary report of the results of the review under section 6, subsection 1 to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs no later than April 1, 2013. The research entity shall present the final report, including the results of the review under section 6, subsection 2, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 1, 2013. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may submit a bill relating to the final report to the Second Regular Session of the 126th Legislature; and be it further

Sec. 9. Suspension of contract to review essential programs and services components. Resolved: That, notwithstanding the Maine Revised Statutes, Title 20-A, section 15689-A, subsection 3, for fiscal year 2011-12 and fiscal year 2012-13, the Commissioner of Education may not contract with a statewide education research institute to review certain cost components of the Essential Programs and Services Funding Act in accordance with the schedule

established in Title 20-A, section 15686-A; and be it further

Sec. 10. Contract to compile and analyze education data. Resolved: That, notwithstanding the Maine Revised Statutes, Title 20-A, section 15689-A, subsection 6, for fiscal year 2011-12 and fiscal year 2012-13, the Commissioner of Education and the Legislature may contract with a statewide education research institute for the compilation and analysis of education data in accordance with Title 20-A, section 10, except that the contract for these 2 fiscal years may not exceed the balance of funds remaining after funds allocated for this purpose are transferred pursuant to this resolve to the Legislature to fund the contract authorized under section 1; and be it further

Sec. 11. Committee meetings authorized. Resolved: That the joint standing committee may meet up to 4 times to carry out its responsibilities under this resolve; and be it further

Sec. 12. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools 0308

Initiative: Deappropriates funds no longer required for the contract to review the cost components of the Essential Programs and Services Funding Act pursuant to the Maine Revised Statutes, Title 20-A, section 15689-A, subsection 3 and for a portion of the contract with a statewide education policy research institute for the compilation and analysis of education data in accordance with the provisions established pursuant to Title 20-A, section 10.

GENERAL FUND	2011-12	2012-13
All Other	(\$150,000)	(\$300,000)
GENERAL FUND TOTAL	(\$150,000)	(\$300,000)

**EDUCATION,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2011-12	2012-13
GENERAL FUND	(\$150,000)	(\$300,000)
DEPARTMENT TOTAL - ALL FUNDS	(\$150,000)	(\$300,000)

LEGISLATURE

Legislature 0081

Initiative: Provides funds for a contract to conduct an independent review of the school funding formula and related state subsidy distribution method in the Essen-

tial Programs and Services Funding Act. Funds appropriated for this purpose may not lapse but must be carried forward to be used to complete the independent review authorized by this resolve.

GENERAL FUND	2011-12	2012-13
All Other	\$150,000	\$300,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$150,000	\$300,000
LEGISLATURE		
DEPARTMENT TOTALS	2011-12	2012-13
GENERAL FUND	\$150,000	\$300,000
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$150,000	\$300,000
SECTION TOTALS	2011-12	2012-13
GENERAL FUND	\$0	\$0
	<hr/>	<hr/>
SECTION TOTAL - ALL FUNDS	\$0	\$0

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 29, 2012.

CHAPTER 167

S.P. 574 - L.D. 1675

Resolve, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings

Sec. 1. Coordinate and establish a response team to facilitate redevelopment of unoccupied mills. Resolved: That, beginning August 1, 2012, the Department of Economic and Community Development shall establish and coordinate a response team to facilitate the redevelopment of unoccupied mills and other large unoccupied buildings. The Department of Environmental Protection, the Finance Authority of Maine and the Maine State Housing Authority shall participate in the response team, and the Department of Economic and Community Development shall invite the participation in the response team of a representative of a commercial real estate developer, a representative from an economic development

district, a local economic development representative and a private sector representative knowledgeable in the mill redevelopment process. The response team shall facilitate the Department of Economic and Community Development's efforts to redevelop unoccupied mills, other large unoccupied buildings and former schools that are now unoccupied. The response team shall provide assistance upon request to a municipality that is actively working to implement a redevelopment business plan for an unoccupied building and that has identified within the business plan possible financing resources and marketing plans for the redevelopment of the unoccupied site. The response team may assist by visiting the unoccupied site and engaging in discussions with local officials regarding the availability of federal, state and local financing resources for municipalities seeking to redevelop such sites as well as identifying and removing whenever possible any regulatory obstacles to the redevelopment of the site; and be it further

Sec. 2. Report. Resolved: That, no later than February 1, 2013, the Department of Economic and Community Development shall provide a report to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the Governor on the coordinated response efforts under section 1. The Department of Economic and Community Development shall submit with the report any recommendations for changes that may be required in statute or local ordinances to remove obstacles to the redevelopment of the sites under section 1. The joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters is authorized to report out a bill implementing the recommendations to the First Regular Session of the 126th Legislature.

See title page for effective date.