

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

tion 5003-A, subsection 3 is extended to December 15, 2013; and be it further

Sec. 2. Report. Resolved: That the Joint Standing Committee on Health and Human Services may submit a bill based on the report in section 1 to the Second Regular Session of the 126th Legislature; and be it further

Sec. 3. Retroactivity. Resolved: That this resolve is retroactive to January 15, 2013.

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

Effective July 2, 2013.

CHAPTER 74

S.P. 322 - L.D. 944

Resolve, To Review the Impact of Unfunded Education Mandates and Evaluate the Efficacy of Education Laws

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

Whereas, the enactment of unfunded education mandates and other provisions of federal and state education laws may result in adverse fiscal effects on school administrative units in the State, which are obligated to implement the new federal or state requirements without receiving the funding necessary to do so; and

Whereas, the economic consequences of the recent economic recession have reduced the amount of Federal Government and State Government revenues that are available to support the operations of public schools in the State and have affected the ability of local property taxpayers to bear the financial burden of unfunded education mandates on school administrative units in the State; and

Whereas, the Department of Education and the task force proposed by this resolve must begin their work as soon as possible in order to recommend legislation to repeal or modify education provisions that are archaic or unnecessary, lack a significant public purpose, require a disproportionate financial effort for the intended public policy benefit or result in adverse effects on school administrative units and career and technical regions in the State; 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 preserva-

tion of the public peace, health and safety; now, therefore, be it

Sec. 1. Department of Education to review unfunded education mandates. Resolved: That the Department of Education shall conduct an analysis of the efficacy of current education laws and the impact of unfunded education mandates and other regulatory burdens on school administrative units and career and technical regions in the State. The department's analysis must include a summary of recent research and surveys conducted by state officials and pursuant to legislative studies and education stakeholder groups, including an up-to-date list that identifies unfunded or underfunded federal or state education mandates, regulatory burdens and other education requirements that lack a significant public purpose, require a disproportionate financial effort for the intended public policy benefit, result in adverse effects on school administrative units, are found to be archaic or unnecessary or are no longer considered to be a priority with respect to the evolving public education system in the State; and be it further

Sec. 2. Commissioner of Education to convene review committee. Resolved: That the Commissioner of Education shall convene a review committee to examine the list of unfunded education mandates, regulatory burdens and other education requirements identified under the Department of Education's analysis pursuant to section 1. The Commissioner of Education shall invite the following education stakeholder groups to appoint representatives to serve as members of the review committee:

1. The State Board of Education;
2. The Maine Education Association;
3. The Maine Principals' Association;
4. The Maine School Boards Association;
5. The Maine School Superintendents Association;
6. The Maine Association of School Business Officials;
7. The Maine Administrators of Career and Technical Education;
8. The Maine Administrators of Services for Children with Disabilities; and
9. The Maine Parent Teacher Association; and be it further

Sec. 3. Review committee; duties. Resolved: That the review committee convened under section 2 shall examine the analysis conducted by the Department of Education pursuant to section 1 and evaluate the items and issues contained in the list compiled by the department. The evaluation conducted

by the review committee must include, but is not limited to:

1. A reexamination of the parameters established by the department in its analysis conducted pursuant to section 1;
2. An assessment of the costs and benefits of the unfunded or underfunded education mandates identified by the department;
3. An analysis of whether the mandates established education initiatives that contributed to the improvement of student performance and academic success or the prevention of dropouts, as defined in the Maine Revised Statutes, Title 20-A, section 5102, and juvenile delinquencies; and
4. A review of alternative funding mechanisms or solutions proposed or adopted in other states and jurisdictions to address the adverse effect of unfunded education mandates on public school systems.

The review committee shall amend the list identified by the department in section 1 and shall establish, by consensus, a list of priority recommendations regarding the unfunded or underfunded education mandates, regulatory burdens and other education requirements that should be repealed or amended by the Legislature; and be it further

Sec. 4. Review committee; report. Resolved: That the Commissioner of Education shall report the findings and conclusions of the review committee, including any proposed legislation to address the review committee's recommendations, to the Joint Standing Committee on Education and Cultural Affairs by January 10, 2014. The joint standing committee is authorized to submit a bill related to the report to the Second Regular Session of the 126th Legislature.

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

Effective July 3, 2013.

**CHAPTER 75
S.P. 607 - L.D. 1564**

**Resolve, Approving the 2013
Draft and Arrangement of the
Constitution of Maine Made by
the Chief Justice of the
Supreme Judicial Court and
Providing for Its Publication
and Distribution**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

Whereas, the 2013 recodification of the Constitution of Maine has been completed by the Chief Justice of the Supreme Judicial Court and submitted to the Legislature; and

Whereas, the recodification must be made available to the public as soon as possible and before the expiration of the 90-day period; 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. Constitution; approval of 2013 draft and arrangement, enrollment, distribution. Resolved: That the draft and arrangement of the Constitution of Maine, as amended, made by the Chief Justice of the Supreme Judicial Court, pursuant to the Constitution of Maine, Article X, Section 6, is approved and that the same be enrolled on parchment or other suitable material and deposited in the office of the Secretary of State; and be it further

Sec. 2. Enrollment on durable material. Resolved: That the Secretary of State is authorized and directed to cause the Constitution of Maine, as amended and arranged, to be enrolled on parchment or other suitable material and upon final approval of the Chief Justice of the Supreme Judicial Court to attest to the correctness of that enrollment under the seal of the State; and be it further

Sec. 3. Publication. Resolved: That the Secretary of State is authorized and directed to cause to be published in pamphlet form, subject to the approval of the Chief Justice of the Supreme Judicial Court, copies of the Constitution of Maine in such numbers as the Secretary of State determines necessary and that one copy of the pamphlet be forwarded to the municipal officers of each city and town and to the assessors of each plantation within the State.

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

Effective June 18, 2013.

**CHAPTER 76
H.P. 629 - L.D. 905**

**Resolve, Directing the
Department of Education To
Examine School Security**