

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

July 2006

Members:

Sen. Elizabeth H. Mitchell, Chair

Sen. Elizabeth M. Schneider

Sen. Karl W. Turner

Rep. Jacqueline R. Norton, Chair

Rep. Edward D. Finch

Rep. Elaine Makas

Rep. Emily Ann Cain

Rep. Connie Goldman

Rep. Vaughn A. Stedman

Rep. Gerald M. Davis

Rep. Peter Edgecomb

Rep. Scott E. Lansley

Rep. Barbara E. Merrill

Staff:

Phillip D. McCarthy, Legislative Analyst

Jill Ippoliti, Legislative Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670

Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second Regular Session

Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla/billsumm.htm).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

| | |
|---|---|
| CON RES XXX..... | Chapter # of Constitutional Resolution passed by both Houses |
| CONF CMTE UNABLE TO AGREE..... | Committee of Conference unable to agree; bill died |
| DIED BETWEEN BODIES..... | House & Senate disagree; bill died |
| DIED IN CONCURRENCE..... | One body accepts ONTP report; the other indefinitely postpones the bill |
| DIED ON ADJOURNMENT..... | Action incomplete when session ended; bill died |
| EMERGENCY..... | Enacted law takes effect sooner than 90 days |
| FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... | Emergency bill failed to get 2/3 vote |
| FAILED ENACTMENT/FINAL PASSAGE..... | Bill failed to get majority vote |
| FAILED MANDATE ENACTMENT..... | Bill imposing local mandate failed to get 2/3 vote |
| NOT PROPERLY BEFORE THE BODY..... | Ruled out of order by the presiding officers; bill died |
| INDEF PP..... | Bill Indefinitely Postponed |
| ONTP..... | Ought Not To Pass report accepted |
| OTP-ND..... | Committee report Ought To Pass In New Draft |
| P&S XXX..... | Chapter # of enacted Private & Special Law |
| PASSED..... | Joint Order passed in both bodies |
| PUBLIC XXX..... | Chapter # of enacted Public Law |
| RESOLVE XXX..... | Chapter # of finally passed Resolve |
| UNSIGNED (Pocket Veto)..... | Bill held by Governor |
| VETO SUSTAINED..... | Legislature failed to override Governor's Veto |

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

Joint Standing Committee on Education and Cultural Affairs

LD 1851 proposed to remove existing uncertainties with respect to the name and legal authority of the governing body of the Flanders Bay Community School District. The bill proposed to clarify the authority of the district school committee of the Flanders Bay Community School District to act as the governing body of the district; provide that the district is governed by the laws of the State applicable to community school districts; and validate and approve all prior actions and obligations of the district and its governing body.

Enacted law summary

Private and Special Law 2005, chapter 39 removes existing uncertainties with respect to the name and legal authority of the governing body of the Flanders Bay Community School District. The law clarifies the authority of the district school committee of the Flanders Bay Community School District to act as the governing body of the district, provides that the district is governed by the laws of the State applicable to community school districts, and validates and approves all prior actions and obligations of the district and its governing body.

Private and Special Law 2005, chapter 39 was enacted as an emergency measure effective March 17, 2006.

LD 1867 An Act To Amend the Elementary School Closing Process for ONTP School Administrative Districts and Community School Districts

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|----------------------------------|---------------------------|
| STEDMAN | OTP-AM MAJ ONTP MIN | |

LD 1867 proposed to eliminate the requirement for a referendum vote in a member municipality of a school administrative district or community school district where the school board has voted to close an elementary school. Under the proposed bill, a referendum vote could still be triggered by a petition signed by 10% of the number of voters in the affected municipality who voted in the last gubernatorial election.

LD 1876 An Act To Inform Parents of Students' Privacy Rights ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| FARRINGTON BROMLEY | ONTP | |

LD 1876 proposed to require all secondary schools subject to the No Child Left Behind Act of 2001 to provide each parent, or student who is 18 years of age, with specific information regarding the requirements of the No Child Left Behind Act. The federal No Child Left Behind Act of 2001 requires secondary schools that receive federal funding to provide a student's name, address and telephone listing to military recruiters and institutions of higher education. Schools are required to notify parents of the requirements of the No Child Left Behind Act, but this may be done through a letter in the student handbook. A parent may request that such information not be released. This bill proposed to require the school to provide each parent, or a student who is at least 18 years of age, with a form that allows the parent or student to prohibit the school from providing information about the student to military recruiters or institutions of higher education or both. The parent or student would notify the school of the parent's or student's option through a number of means, including e-mail and regular mail. In

Joint Standing Committee on Education and Cultural Affairs

addition, this bill proposed that, if a school provides an emergency contact form to parents, it would include the opt-out form on the emergency contact form.

LD 1902 **An Act Concerning Energy Conservation in Schools** **PUBLIC 499**

| | | | | |
|-----------------------------|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u> TUTTLE | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-791 |
|-----------------------------|--|-----------------------------------|--|------------------------------------|

LD 1902 proposed to raise the allowable contract cost for improving school energy conservation or combined energy conservation and air quality improvements from \$1,000,000 to \$2,000,000.

Committee Amendment “A” (H-791) proposed to retain the provision in the bill that raises the allowable contract cost for making school energy conservation or combined energy conservation and air quality improvements from \$1,000,000 to \$2,000,000. The amendment also proposed to decrease the length of the allowable contract from 20 years to 15 years and proposed to clarify that a school administrative unit could enter into such an improvement contract only for an existing school administrative unit facility. It further proposed to provide that a school administrative unit's costs for entering into such an improvement contract would not be applicable to school construction project costs, the debt service on which would be eligible for subsidy purposes under the Maine Revised Statutes, Title 20-A, section 15907.

Enacted law summary

Public Law 2005, chapter 499 raises the allowable contract cost for improving school energy conservation or combined energy conservation and air quality improvements from \$1,000,000 to \$2,000,000. The law also decreases the length of the allowable contract from 20 years to 15 years and clarifies that a school administrative unit may enter into such an improvement contract only for an existing school administrative unit facility. The law further provides that a school administrative unit's costs for entering into such an improvement contract are not applicable to school construction project costs, the debt service on which is eligible for subsidy purposes under the Maine Revised Statutes, Title 20-A, section 15907.

LD 1903 **An Act To Restore the Cost-sharing Agreement Established by the Voters of Maine School Administrative District No. 40** **P & S 38
EMERGENCY**

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|------------------------------------|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u> MILLER DOW | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-771 |
|------------------------------------|--|-----------------------------------|--|------------------------------------|

LD 1903 proposed to reestablish the cost-sharing agreement established in 1992 at a referendum election by the voters of Maine School Administrative District No. 40. That cost-sharing formula apportions all the local share contributions to the school district on the basis of 50% of each town's valuation and 50% of each town's student population. The bill also proposed to preserve the right of the voters of the school district to amend that formula in the future according to the procedures to amend cost-sharing arrangements that are available under current law. Locally approved school administrative district cost-sharing agreements were preempted by Public Law 2003, chapter 712, which first became effective for the 2005-06 school fiscal year. In some districts, that preemption