

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

July 2007

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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

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Education and Cultural Affairs

LD 150 An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority

PUBLIC 111

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON MITCHELL	OTP-AM	H-92

This bill amends, improves and clarifies certain sections of the Maine Revised Statutes, Title 20-A to change the lengths, terms and extensions of waivers for lease-purchase agreements for temporary, portable classroom space, removes the language requiring rules for home instruction and removes the language that the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf funding is determined by Department of Education rule.

Committee Amendment "A" (H-92)

This amendment makes technical changes to the bill.

Enacted Law Summary

Public Law 2007, chapter 111 amends, improves and clarifies certain sections of the Maine Revised Statutes, Title 20-A to change the lengths, terms and extensions of waivers for lease-purchase agreements for temporary, portable classroom space, removes the language requiring rules for home instruction and removes the language that the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf funding is determined by Department of Education rule.

LD 151 An Act To Include Student Representation on the State Board of Education

PUBLIC 200

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRINGTON SCHNEIDER	OTP-AM	H-271

This bill expands the membership of the State Board of Education to include one student member.

Committee Amendment "A" (H-271)

The bill added one student member to the State Board of Education. This amendment expands the membership of the board to include 2 student members, including one junior in high school and one senior in high school, to serve as nonvoting members. The amendment adds a requirement that one of the student members reside in the First Congressional District and one in the Second Congressional District at the time of their appointment. The amendment also changes several dates in the nomination process for prospective student members to align with the phase-in of the terms of student members. Finally, the amendment strikes the grade average prerequisite and replaces it with a provision that other qualifications would be established by the board in consultation with students in the State.

Enacted Law Summary

Public Law 2007, chapter 200 adds 2 student members, including one junior in high school and one senior in high school, to the membership of the State Board of Education to include to serve as nonvoting members. The law requires that one of the student members reside in the First Congressional District and one in the Second Congressional District at the time of their appointment. The law also provides that additional qualifications for student members would be established by the board in consultation with students in the State.

Joint Standing Committee on Education and Cultural Affairs

Public Law chapter 200 was enacted as an emergency measure effective June 4, 2007.

LD 184 An Act To Protect Children's Health on School Grounds

PUBLIC 156

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER	OTP-AM MAJ OTP-AM MIN	S-73

LD 184 prohibits brand-specific food or beverage advertising on school grounds, except for advertising on product packaging, and prohibits the use of tobacco on school grounds by members of the public. This bill also extends the prohibition on tobacco use on school grounds by employees and students when school is not in session.

Committee Amendment "A" (S-73)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It allows advertising of food and beverages that meet the standards for foods and beverages to be sold or distributed on school grounds as established in Chapter 51 of the rules of the Department of Education. It clarifies that the prohibition on advertising does not apply to print or broadcast media, to clothing with brand images or to product packaging. The amendment also prohibits the use of tobacco on school grounds by members of the public and eliminates the right to establish designated smoking areas for school employees. It allows designated smoking areas negotiated through collective bargaining to remain until the next negotiated contract.

Enacted Law Summary

Public Law 2007, chapter 156 prohibits brand-specific food or beverage advertising on school grounds, except for advertising on product packaging, and advertising of food and beverages that meet the standards for foods and beverages to be sold or distributed on school grounds. It prohibits the use of tobacco on school grounds by members of the public and extends the prohibition on tobacco use on school grounds by employees and students to include times when school is not in session. It eliminates the right to establish designated smoking areas for school employees. It allows designated smoking areas negotiated through collective bargaining to remain until the next negotiated contract.

LD 196 An Act To Modify the Maine Learning Results System

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FINCH		

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact several modifications to the State's system of learning results established in the education laws, the Maine Revised Statutes, Title 20-A, chapter 222.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.