

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2007

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# STATE OF MAINE

123<sup>RD</sup> 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 123<sup>rd</sup> 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 448 An Act To Improve Equity in School Funding**

**ONTP**

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

This bill provides that, beginning in fiscal year 2007-08, the regional adjustment provided to school administrative units under the Essential Programs and Services Funding Act must be based on the regional differences in teacher salary costs or the regional differences in teacher housing costs within labor market areas in the State, whichever provides a greater regional adjustment to the school administrative unit.

**LD 453 An Act To Enhance the Choices for Children and Parents from Areas without Public Secondary Schools**

**ONTP**

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

LD 453 allows sectarian schools to be eligible for the receipt of public funds for tuition purposes, with the tuition discounted pro rata for the portion of the sectarian school's curriculum that is religion instruction.

**LD 454 An Act To Amend Truancy Laws Regarding Parent Involvement**

**PUBLIC 304**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SILSBY	OTP-AM MAJ ONTP MIN	H-168 H-384 SILSBY

LD 454 strengthens the truancy laws by making it a Class E crime for parents who fail to take corrective measures for truant children from kindergarten to grade 6.

**Committee Amendment "A" (H-168)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It clarifies that the truancy provisions apply to students 7 years of age and older. It requires that certain excusable absences be approved in advance, instead of just reported. It includes language for enforcement provisions in the truancy statutes for the unorganized territories.

**House Amendment "A" (H-384)**

This amendment removes the provision in the bill making it a Class E crime for parents who fail to take corrective measures for truant children from kindergarten to grade 6. It amends the definition of "jeopardy" in the statutes administered by the Department of Health and Human Services to include deprivation of education when the child is at least 7 years of age and has not completed grade 6. It requires a superintendent to include in the mandatory notice sent to parents of truant children that the superintendent is authorized to notify the Department of Health and Human Services of the truancy. It amends the definition of "abuse and neglect" to include violation of truancy laws by parents of children who are at least 7 years of age and have not completed grade 6. It allows a court to impose a fine not to exceed \$250 for habitual truancy and allows the court to suspend all or part of a fine for habitual truancy upon compliance with a court order issued in connection with the habitual truancy.

**Enacted Law Summary**

## *Joint Standing Committee on Education and Cultural Affairs*

Public Law 2007, chapter 304 amends the definition of "jeopardy" in the statutes administered by the Department of Health and Human Services to include deprivation of education when the child is at least 7 years of age and has not completed grade 6. It requires a superintendent to include in the mandatory notice sent to parents of truant children that the superintendent is authorized to notify the Department of Health and Human Services of the truancy. It amends the definition of "abuse and neglect" to include violation of truancy laws by parents of children who are at least 7 years of age and have not completed grade 6. It allows a court to impose a fine not to exceed \$250 for habitual truancy and allows the court to suspend all or part of a fine for habitual truancy upon compliance with a court order issued in connection with the habitual truancy.

**LD 462      An Act Authorizing the Institute for Doctoral Studies in the Visual Arts  
To Confer the Degree of Doctor of Visual Arts**

**P & S 1  
EMERGENCY**

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

LD 462 authorizes the Institute for Doctoral Studies in the Visual Arts to confer the degree of Doctor of Visual Arts upon students in accordance with the Maine Revised Statutes, Title 20-A, section 10704. The State Board of Education voted unanimously to approve the institute's application to confer the degree and transmitted its recommendation to the Joint Standing Committee on Education and Cultural Affairs in accordance with the Department of Education's rules, Chapter 149.

**Enacted Law Summary**

Private and Special Law 2007, chapter 1 authorizes the Institute for Doctoral Studies in the Visual Arts to confer the degree of Doctor of Visual Arts upon students.

**LD 464      An Act To Reform Public Education by Encouraging Regional  
Approaches**

**ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to reform public education by implementing recommendations included in the report entitled, "A Case for Cooperation: Making Connections to Improve Education for All Maine Students," published by the Maine Children's Alliance in 2006. The bill would amend the education laws in order to encourage new and expanded regional approaches to school organization and to facilitate voluntary cooperation in the delivery of educational programs and services.

Legislation developed to reform public education would include, but would not be limited to, the following:

1. The establishment of school planning alliances in 26 regions of the State based upon the existing centers and regions in the career and technical education system established in the Maine Revised Statutes, Title 20-A, chapter 313. A school planning alliance would be authorized to create a plan to increase educational opportunities, streamline administration and gain efficiencies for the school administrative units within the region;
2. The establishment of a new type of school administrative unit, the regional school district, as an option for school administrative units within a school planning alliance as described in section 1 to cooperate in creating a more effective and cost-efficient school system;