

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)

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

MEMBERS:

SEN. PETER B. BOWMAN, CHAIR
SEN. ELIZABETH H. MITCHELL
SEN. PETER MILLS

REP. JACQUELINE R. NORTON, CHAIR
REP. EDWARD D. FINCH
REP. ELAINE MAKAS
REP. DAVID W. FARRINGTON
REP. CHARLES WILLIAM HARLOW
REP. PATRICIA B. SUTHERLAND
REP. PETER EDGECOMB
REP. HOWARD E. MCFADDEN
REP. ROBERTA M. MUSE
REP. MEREDITH N. STRANG BURGESS

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

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

composition of the State Board of Education must be broadly representative of the geographic regions of the State. The amendment also clarifies that the residency requirement for members appointed to the State Board of Education is limited to their residency at the time of their appointment. The amendment further provides that the members serving on the State Board of Education at the time of the effective date of this Act continue to serve for the remainder of the terms for which they were appointed and, after the expiration of those terms, that the appointment of State Board of Education members must be made consistent with the provisions of this Act.

Senate Amendment "A" (S-107)

This amendment retains language in the bill that provides that the membership of the State Board of Education must be broadly representative of municipalities of varying sizes.

Enacted Law Summary

Public Law 2007, chapter 179 changes the composition of the State Board of Education by requiring that membership of the board be broadly representative of the geographic regions of the State and of municipalities of varying sizes.

LD 821 Resolve, To Make University of Maine System Tuition Affordable ONTP

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

This resolve is a concept draft pursuant to Joint Rule 208. This emergency resolve proposes to direct the University of Maine System to reduce by 10% the salaries of all administrative positions within the system and to use those savings to lower tuition for Maine resident students.

LD 834 Resolve, To Create a Study Commission To Review and Report on the Possibility of Making All Public School Teachers in Maine Employees of the State ACCEPTED ONTP REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM MILLS P	OTP-AM MAJ ONTP MIN	

This resolve establishes the Commission to Review and Report on the Possibility of Making All Public School Teachers in Maine Employees of the State.

LD 835 An Act To Encourage School Administrative Units To Collaborate with Other School Administrative Units ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to provide the opportunity for current school administrative units to form regional cooperatives to aid in the efficient delivery of educational services while maintaining a high-quality educational system for students, teachers, community members and schools. The bill would balance the independence of the legislative bodies of school administrative units and local control with the efficient delivery of administrative services for schools while enhancing the educational programs provided for prekindergarten to grade 12 public education students in the State.

Joint Standing Committee on Education and Cultural Affairs

Under this bill, school administrative units would form regional cooperatives that serve at least 2,800 students. The bill would also establish the Efficient Delivery of Educational Services Commission, referred to in this concept draft as "the commission," whose responsibilities include management of the fund, along with supporting, approving and monitoring the progress of the regional cooperatives. The regional cooperatives would apply to the commission for approval and financial incentives through the existing Fund for the Efficient Delivery of Educational Services, established under the Maine Revised Statutes, Title 20-A, section 15754. The commission would implement reorganization and cost savings for school administrative units that do not participate in a regional cooperative and for school administrative units that are unable to achieve the cost-savings benchmarks established by the commission for regional cooperatives.

Key Elements:

1. A school administrative unit may enter into an agreement with another school administrative unit or units to form a regional cooperative to increase efficiency and lower costs of delivering public education for prekindergarten to grade 12 students and to provide for equitable, high-quality education for all students.
2. School administrative units would develop regional cooperatives that are contiguous and advantageous to the community and their delivery of an educational system for prekindergarten to grade 12 students.
3. The commission would be formed to support, approve, and monitor regional cooperatives. The commission would approve regional cooperatives and offer financial incentives to regional cooperatives through the Fund for the Efficient Delivery of Educational Services. The commission would define the expenditures to be included in the system administration cost category established in Title 20-A, section 15680 and would establish benchmarks for the level of per-pupil cost savings to be achieved by school administrative units for the 2008-2009 and 2010-2011 legislative biennia.
4. In order for an entity to qualify for approval by commission as a regional cooperative, the entity must have a minimum of 2,800 students and establish a regional plan to generate cost savings in the delivery of public education services from prekindergarten to grade 12.
5. The commission may approve some extreme cases of geographic hardship for entities with less than the approved number of students.
6. School administrative units with current student populations of at least 2,800 would not be required to form regional cooperatives, but would be required to comply with the annual per-pupil expenditure benchmarks established by the commission for the system administration cost category. If the commission determines that such a school administrative unit fails to meet these benchmarks, then the commission would develop and implement a reorganization and cost-savings plan for the school administrative unit.
7. If a school administrative unit has not entered into a regional cooperative by June 2009 or if the commission determines that school administrative unit has failed to meet the annual per-pupil expenditure benchmarks established by the commission for the system administration cost category, then the commission would develop and implement a reorganization and cost-savings plan for the school administrative unit.

Timeline:

From September 2007 to June 2008: School administrative units seek input from the public about regional cooperatives and begin planning regional cooperatives.

By June 2008: School administrative units form regional cooperatives and apply to the commission.

Joint Standing Committee on Education and Cultural Affairs

By July 2008: Commission approves regional cooperatives.

By June 2009: Regional cooperatives implement plans, make adjustments and report cost savings.

By July 2009: Commission implements reorganization and cost-saving plans for school administrative units that have not entered into a regional cooperative or that have failed to meet the annual per-pupil expenditure benchmarks established by the commission for the system administration cost category.

By May 2010: Regional cooperatives realign work, plan for sustainability and report progress.

LD 836 An Act To Enhance Special Education

PUBLIC 307

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKAS TURNER	OTP-AM	H-417

This bill aligns existing law with the 2004 reauthorization of the federal Individuals with Disabilities Education Act and the regulations recently adopted by the United States Department of Education. The bill ensures state compliance with federal statutes and regulations and ensures that the State, school administrative units and other agencies are eligible for continued federal assistance. The bill specifies that Child Development Services System sites and governing boards are covered under the Maine Tort Claims Act; this inclusion expires June 30, 2008. The bill also specifies that Child Development Services System employees are public employees.

Committee Amendment "A" (H-417)

This amendment strikes the proposed repeal contained in the bill of several existing statutory provisions related to the duties of the board of directors of the regional sites of the Child Development Services System. The amendment is consistent with the intent of the bill that proposed to extend the repeal dates established in Public Law 2005, chapter 662 to permit more time for the implementation of several initiatives within the early childhood special education program that centralize fiscal administration, salary and benefits administration and data management policies and procedures.

The amendment also authorizes the state intermediate educational unit to function as the public employer of employees of a regional site within the early childhood special education program if the employees of a regional site choose to be represented by an agent for the purposes of collective bargaining. Finally, the amendment authorizes the state intermediate educational unit to enter into contracts, leases or other arrangements to perform its duties.

Enacted Law Summary

Public Law 2007, chapter 307 extends the repeal dates established in Public Law 2005, chapter 662 to permit more time for the implementation of several initiatives within the Child Development Services System that centralize fiscal administration, salary and benefits administration and data management policies and procedures for the early childhood special education program. The law also authorizes the state intermediate educational unit to function as the public employer of employees of a regional site within the early childhood special education program if the employees of a regional site choose to be represented by an agent for the purposes of collective bargaining. Finally, the law authorizes the state intermediate educational unit to enter into contracts, leases or other arrangements to perform its duties.