

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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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 853

An Act To Encourage Efficiency in School Administration

ONTP

Sponsor(s)

MILLS P

Committee Report

ONTP

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes emergency legislation to encourage efficiency in school administration by requiring that on July 1, 2007, school administrative units join a state-chartered educational cooperative, referred to as a "co-op," to contract for the regional delivery of administrative services. Co-ops are described in depth by the Maine Heritage Policy Center in "The Maine View" issue of January 25, 2007 and are functionally similar to educational cooperatives, which are nonprofit entities described in "A Case for Cooperation" published by the Maine Children's Alliance in August of 2006. The bill would include, but would not be limited to, the following.

1. Emergency legislation is required as co-ops are created immediately so that each co-op may hire a director and begin planning in the summer of 2007. This provides a year's lead time before the commencement of the delivery of regional services on July 1, 2008.
2. Participation in a co-op is required for all school administrative units, including those in the unorganized territories. The geographic bounds of the co-ops conform to the existing 26 vocational service regions except that a co-op may include more than one region in order to serve at least 3,000 students. A co-op must continue to: provide strong vocational education programming; adopt a common calendar for the region; establish parallel accounting systems for each unit; serve as contract bargaining agent for each unit; provide coordinated transportation services in the co-op; oversee food services for each public school in the co-op; support information technology for all schools in the co-op; coordinate and expand opportunities for regional and inter-regional instruction through distance learning, the Internet and other course-sharing initiatives; perform central payroll for all units in the co-op; coordinate the efficient delivery of special education services in the co-op; assist schools with comprehensive professional development programs in the co-op; provide curriculum and assessment services as needed or requested; function as agent for large-volume purchasing of goods and services; provide legal and medical support to each school; assist units with energy and facilities management; maintain a pool of qualified substitute teachers; assist units in providing instruction for students who are homebound or in the hospital; provide enrichment programs for gifted and talented students; establish a protocol for the exercise of school choice among schools; and provide high-quality programs to counteract school violence and substance abuse.
3. Member units continue to retain local control, including the authority to hire, oversee, evaluate and discharge teachers and other personnel; define local curriculum, assessment and professional development practices; determine the location and levels of support for individual schools; manage local budgets, subject to assessments for regional services; substitute local services for those optionally offered by the co-op if the units can provide them more effectively or at a lower cost; and provide governance to the co-op. This bill permits units and schools to refocus on student achievement and relieves units from the burden of business management so the units may manage the core function of schools, the process of education and instruction.
4. Each co-op is governed by a board with proportional representation from each member unit's school board. Units support services provided by the co-op through a capitated fee, contract, money assessment or other method agreed to by the member units. A unit aggrieved by a cost apportionment decision of the co-op has a right of appeal to the State Board of Education, which may issue substantive rules governing such issues.
5. Because each co-op is managed by existing public entities, the member units, there is no delay for elections, the assumption or allocation of public debt or the transfer of buildings and other assets. Interim funding of co-ops through June 30, 2008 will be supported by a capitated contribution from the state of \$100 per student. As soon as formed, each co-op may supplement its state appropriation through assessing its member units if the units vote to do

Joint Standing Committee on Education and Cultural Affairs

so.

6. By July 1, 2008, every municipality must become part of a unit containing at least 1,200 students. Isolated small units, not contiguous to another, may retain their present governance. School unions are abolished. All segments of the unorganized territories will be assigned to a nearby or adjoining unit.

7. By August 1, 2007, the Commissioner of Education shall present to each co-op a suggested unit merger plan for local approval. Approved merger plans must be presented to the Legislature in January of 2008. For good cause shown, a merger may be delayed beyond July 1, 2008, although the merger plan must by then be in place.

8. This bill lengthens the school year beginning in September 2008 from 180 to 190 days, of which 185 are for instruction.

9. This bill amends the unit budget format by aligning it into segments aligned with co-op cost categories beginning July 1, 2008. This bill provides that, for units that must merge, no new employment contracts extending beyond June 30, 2008 may be agreed to until the restructuring provisions of this bill are in place.

LD 884 An Act To Provide Funding to Postsecondary Marine Training Programs

**ACCEPTED ONTP
REPORT**

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

This bill requires the Department of Education, working with the Chancellor of the University of Maine System and the President of the Maine Community College System, to develop marine training and education programs, to be available within the University of Maine System and the Maine Community College System. The programs are funded by a diversion of revenue from the sales and use tax imposed on watercraft. The current sales and use tax on watercraft is 5%. This bill maintains that rate but allocates 30% of the revenue from the sales and use tax imposed on watercraft, which is equivalent to 1.5% of the taxable sales that are subject to the 5% tax.

LD 898 An Act To Increase Educational Opportunities in the Kennebec Valley Region

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-44

This bill makes one-time General Fund appropriations of \$700,000 in fiscal year 2007-08 and \$200,000 in fiscal year 2008-09 to the University of Maine System to accelerate the transition of the University of Maine at Augusta from an institution focused on two-year degrees to an institution focused on granting four-year baccalaureate degrees that meets the educational, economic, cultural and professional needs of the Kennebec Valley region.

Committee Amendment "A" (S-44)

This amendment increases from \$200,000 to \$900,000 the appropriation in fiscal year 2008-09 and specifies that such funds are intended to be ongoing rather than one-time funds.