

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

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

May 2008

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
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

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

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Education and Cultural Affairs

LD 672 makes ongoing General Fund appropriations of \$62,754 in fiscal year 2007-08 and \$87,747 in fiscal year 2008-09 to the Maine State Museum for one Museum Specialist III position beginning October 1, 2007 in order to allow 2 half-time Ph.D. scientists currently sharing one full-time position to both work full-time.

Committee Amendment "B" (S-403)

This amendment changes the start date for funding for the Museum Specialist III position from October 1, 2007 to August 1, 2008 and changes the appropriations amounts accordingly.

Senate Amendment "A" (S-671)

This amendment strikes the bill and replaces it with a resolve that requires the Maine State Museum Commission to study economical methods for properly maintaining state-owned natural science collections in the future and to report the results of this study to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2009. This amendment also provides that the joint standing committee is authorized to introduce legislation to the First Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2007, chapter 220 requires the Maine State Museum Commission to study economical methods for properly maintaining state-owned natural science collections in the future and to report the results of this study to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2009. The resolve also provides that the joint standing committee is authorized to introduce legislation to the First Regular Session of the 124th Legislature.

LD 1041 An Act To Improve the Essential Programs and Services Funding Formula

**ACCEPTED
REPORT A (ONTP)**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FINCH MARRACHE	ONTP A OTP-AM B OTP-AM C OTP-AM D	

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to improve various aspects of the funding formula for local schools contained in the Essential Programs and Services Funding Act.

LD 1152 An Act To Improve Public Education in Maine

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the education statutes to improve public education. The bill proposes to change:

1. The system of learning results, established in the Maine Revised Statutes, Title 20-A, chapter 222, to improve elementary and secondary public education in the State by advancing educational equity, reinforcing accountability and promoting the assessment of student learning;
2. The Essential Programs and Services Funding Act, established in Title 20-A, chapter 606-B, to ensure the

Joint Standing Committee on Education and Cultural Affairs

provision of adequate educational resources for all students to meet the standards in the 8 content standard subject areas of the system of learning results; and

3. The Child Development Services System, as defined in Title 20-A, section 7001, subsection 1-A, to ensure the provision of child find activities, early intervention services and free, appropriate public education services to eligible children as required by federal law and state statutes, including the provisions of Title 20-A, chapters 301 and 303.

LD 1426 An Act To Enhance the Prekindergarten Experience for Maine Children

ONTP

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

This bill requires the Department of Education to develop standards for all prekindergarten early childhood care and preschool education programs developed by school administrative units. The standards are designed to ensure meaningful collaboration with existing community-based child care providers and early care and education providers and include an analysis of the effects of such programs on existing programs. The standards will also ensure uniformity of standards relating to class sizes, adult to child ratios, teacher and assistant teacher qualifications, curricula and instruction, student screening and assessment, nutrition and physical environment, access to outdoor play areas and family involvement and support services.

LD 1932 An Act To Amend the Laws Regarding School Funding

VETOED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	OTP-AM MAJ OTP-AM MIN	S-467 S-554 DAMON

The bill amends the laws regarding school funding to address and correct school funding issues that present barriers to the implementation of school reorganization.

Committee of Conference Amendment "A" (S-467)

This unanimous committee of conference amendment replaces the bill and incorporates Committee Amendment "A" (S-410) as amended by House Amendment "F" to Committee Amendment "A" (H-718) and House Amendment "E" to Committee Amendment "A" (H-717) and House Amendment "E" (H-719) to the bill. This amendment differs from the listed amendments in 2 ways. It removes the delay of the budget referendum process included in Committee Amendment "A" and it further refines the population density factor exception in House Amendment "F" to Committee Amendment "A".

This amendment includes the following from Committee Amendment "A" (S-410).

1. It clarifies the authorization provided to regional planning committees to negotiate a cost-sharing agreement for those costs of a proposed regional school unit that are in addition to the local contribution required pursuant to the Maine Revised Statutes, Title 20-A, section 15690.

2. It repeals a cross-reference to the unit of law that is repealed in the bill regarding the requirement that each municipality that is a member of a new regional school unit contribute a minimum of 2 mills of the municipality's property fiscal capacity to the total cost of education of the new regional school unit.