

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to preserve the provisions of the Essential Programs and Services Funding Act that determine each school administrative unit's total allocation, but to discontinue the method of determining the local share and the state share of the total allocation by means of the maximum mill rate expectation system. The bill would restore the structure of the school subsidy distribution system that was discontinued in fiscal year 2005-06. Prior to fiscal year 2005-06, the school funding formula utilized a combination of relative local property valuation, weighted at 85%, and relative local median income, weighted at 15%, to determine the local share of the total allocation.

LD 1325 An Act To Ensure Adequate Funding for Students of Alternative Schools

ONTP

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

LD 1325 amends the existing statutes regarding responsibility for funding alternative education programs, including private programs, for students who enroll in alternative education programs outside the school administrative units in which they reside.

LD 1333 An Act To Develop an Equitable Funding Formula for the University of Maine System Campuses

ONTP

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

LD 1333 is a concept draft pursuant to Joint Rule 208. This bill proposes to require an examination of the method by which state funds are distributed throughout the University of Maine System and to develop a more equitable formula for the distribution of those funds among the University of Maine System campuses.

LD 1366 An Act To Limit the Loss a School Administrative Unit Could Receive under the School Funding Formula

ONTP

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

This bill establishes a 5% limit to the amount of state subsidy that a school administrative unit could lose from the preceding year to the current year under the Essential Programs and Services Funding Act.

LD 1367 An Act To Address the Inequities of the Probationary Teacher Laws

ONTP

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

This bill amends the laws pertaining to probationary teachers by:

1. Requiring an evaluation process jointly developed between the school board and the collective bargaining agent to be used in the nomination of a teacher;

Joint Standing Committee on Education and Cultural Affairs

2. Requiring a right to hearing if a contract is not renewed;
3. Requiring a decision not to renew a teacher's contract to be based upon just cause detailed in a written notice to the teacher; and
4. Allowing a school board to override a nonrenewal decision made by a superintendent.

LD 1368 An Act To Revise the Essential Programs and Services Funding Formula To Increase Equity in School Funding

ONTP

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

This bill provides several revisions to the Essential Programs and Services Funding Act that are designed to achieve the goals of adequacy and equity in the funding of education for kindergarten to grade 12 public schools in the State. The bill accomplishes the following.

1. It requires that the per-pupil targeted technology resource funds be paid to the school administrative unit or private school that each tuition student attends in addition to tuition rates calculated pursuant to the Maine Revised Statutes, Title 20-A, chapter 219.
2. It removes the provisions in funding formula that recognize the allocation of federal resources that are provided to school administrative units.
3. It requires that, beginning in fiscal year 2007-08, the regional adjustment to the salary and benefits costs of teachers and other school personnel that is based on labor market areas in the State must be at least 1.0 for all labor market areas in the State.

LD 1385 An Act To Strengthen Arts Education for All Maine Students

**ACCEPTED ONTP
REPORT**

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

LD 1385 changes the courses required for a high school diploma to include 2 years of courses in the fine arts, which may include art, music, forensics or drama. Current law requires one year of courses in the fine arts. The bill also requires that, when assessment of secondary students is required in the content areas of the system of learning results, student achievement in the visual and performing arts be assessed based in part on a portfolio or performance.

Committee Amendment "A" (H-169)

This amendment, minority report of the committee, removes "forensics" from the disciplines listed as fine arts and adds "dance." The minority report was not adopted.