

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> 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 123<sup>rd</sup> Maine  
Legislature coming from the

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

May 2008

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**STATE OF MAINE**  
123<sup>RD</sup> 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 123<sup>rd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.<sup>1</sup> 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 123<sup>rd</sup> Legislature.

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

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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.

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3. It includes language inadvertently left out of the bill regarding the requirement that the reorganization plan include a process for amending the cost-sharing formula.
4. It clarifies the roles of the municipal officers and the school committee for municipal school units whose municipal charters give authority to approve the school budget to the municipal officers and establishes the requirements for calling a budget meeting and the procedures for the budget meeting.
5. It clarifies the relationship between a regional school unit board and a local school that seeks to raise additional funds for an elementary school or a secondary school that is owned or managed by the member municipality. The amendment also removes 2 references to "elementary" schools in the school closure provisions to clarify that secondary schools are also subject to these requirements.
6. It permits the Commissioner of Education to authorize so-called "doughnut hole" school units that have 1,200 or fewer students and no other available reorganization partners to form a regional school unit that serves at least 1,000 students if these isolated, rural school units meet certain criteria.
7. It clarifies the assumption of existing debt that is transferred from an original education unit to a new regional school unit that is formed after July 1, 2008.
8. It provides regional school unit boards with the legal authority to receive and spend state and local funds, including funds for the election of regional school unit board members and to hire a superintendent prior to the operational date of the new regional school unit on July 1, 2009.

This amendment includes the following from House Amendment "E" to Committee Amendment "A" (H-717).

1. Part B of this amendment changes the deadline by which a referendum must be held to January 15, 2009 and changes dates that are linked to the referendum date by the same amount of time.
2. Part C of this amendment authorizes regional school unions as an alternative to the regional school unit method of school reorganization. A regional school union must perform certain core functions, which include employment of a superintendent, performance of all business functions, special education administration, transportation administration, adoption of a core curriculum and all state and federal reporting. A regional school union is formed in the same manner as a regional school unit by means of a reorganization plan prepared by a reorganization planning committee, with approval of the Commissioner of Education and approval at a referendum. Regional school unions are subject to the same requirements as regional school units with respect to minimum numbers of students, exceptions to minimum numbers of students, timelines for submission of reorganization plans, operational date and applicable penalties. School administrative units that form a regional school union become "local educational units" with no further responsibility for the administrative functions, which are taken over by the regional school union.
3. It also requires that a budget validation referendum be conducted to approve the budget for a regional school union.

This amendment includes the following from House Amendment "E" to the bill (H-719).

1. It enacts into law provisions regarding reorganization of regional school units. The new provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1403, 1405 and 1406 and allow the dissolution of regional school units, the withdrawal from a regional school unit by a municipality and the transfer by a municipality out of one regional school unit into another. The amendment includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education and to make rules concerning the reorganization of the regional school units.

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2. It clarifies that the procedures set forth for withdrawal from a regional school unit are available to a municipality prior to the formation of the regional school unit.
3. It also makes technical corrections to align the employment and collective bargaining provisions of the bill, which apply in the event of dissolution of a regional school unit or withdrawal or transfer of a single municipality from a regional school unit, with the employment and collective bargaining provisions enacted in Public Law 2007, chapter 240, Part XXXX and codified in the Maine Revised Statutes, Title 20-A, sections 1463 and 1464.

This amendment includes the provision from House Amendment "F" to Committee Amendment "A" (H-718) that allows a state-approved unit of school administration that was responsible for operating public schools prior to the reorganization of school administrative units pursuant to the Maine Revised Statutes, Title 20-A, chapter 103-A to serve fewer than 1,200 students if the area it serves has fewer than 50 residents per square mile. This amendment differs from House Amendment "F" to Committee Amendment "A" by refining the population density exception to require the Commissioner of Education to lower the 1,200-student requirement when the commissioner determines that the number is impractical.

### **Senate Amendment "D" (S-554)**

This amendment removes the emergency preamble and emergency clause.

### **LD 1944 An Act Regarding the Application of Term Limits for the State Board of Education**

**PUBLIC 528**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FINCH	OTP-AM	H-745

This bill provides that if a person appointed to fill a vacancy on the State Board of Education serves more than 2 1/2 years of an unexpired term, that service counts as one term for purposes of the limitation on terms imposed on board members. It also clarifies that the limitation on terms imposed on members of the State Board of Education applies to terms served by current board members except that if a current board member's service is in excess of that permitted by the limitation on terms, that member may finish the member's term.

### **Committee Amendment "A" (H-745)**

This amendment clarifies that the term of office for a member of the State Board of Education begins when the member is sworn into office.

### **Enacted Law Summary**

Public Law 2007, chapter 528 provides that if a person appointed to fill a vacancy on the State Board of Education serves more than 2 1/2 years of an unexpired term, that service counts as one term for purposes of the limitation on terms imposed on board members. The law also clarifies that the limitation on terms imposed on members of the State Board of Education applies to terms served by current board members except that if a current board member's service is in excess of that permitted by the limitation on terms, that member may finish the member's term. The law further clarifies that the term of office for a member of the State Board of Education begins when the member is sworn into office.