

# 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**  
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

**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**  
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.

---

<sup>1</sup> 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

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.