

MAINE STATE LEGISLATURE

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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

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STATE OF MAINE
123RD LEGISLATURE
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**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.

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1. It amends the school transportation statutes to clarify that public preschool students are included in the group of elementary students for whom school administrative units are required to provide transportation.
2. It provides that any adoption or amendment of a rule by the Department of Education that concerns the transportation of public preschool students is a major substantive rule and subject to legislative review.
3. It makes several changes in the postsecondary educational institution statutes, including adding the certification of advanced studies to the list of degrees that may be conferred by postsecondary educational institutions, updating references to "junior college" to "community college," adding the Maine Maritime Academy to the list of public institutions not included in the definition of "educational institution" and clarifying the postsecondary degree-granting approval process and the State Board of Education's role in that process.
4. It specifically authorizes the State Board of Education to advise the Commissioner of Education and the Legislature on matters pertaining to education in elementary and secondary schools and post-secondary educational institutions.
5. It repeals the statutory provisions relating to the Maine State Commission for Higher Education Facilities, whose duties were assumed by the Maine Health and Higher Educational Facilities Authority.
6. It clarifies that the school nurse consultant within the Department of Education is jointly supervised by the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services and the Policy Director of Special Services within the Department of Education.
7. It eliminates the sunsets on the transition periods and makes the centralization of the fiscal, data and human resources of the Child Development Services System permanent to achieve a more efficient and effective Child Development Services System delivery and governance system.

LD 2082 An Act To Preserve Successful Historic Neighborhood Schools

**PUBLIC 578
EMERGENCY**

Sponsor(s)

HINCK

Committee Report

OTP-AM

Amendments Adopted

H-816

This bill allows the Public Utilities Commission and the State Board of Education to grant waivers from mandatory energy efficiency standards for building construction and renovation on a case-by-case basis for the renovation of historic school buildings. Under the bill, the Public Utilities Commission may grant a waiver from the mandatory energy standards for commercial construction to a local school authority that can demonstrate that a proposed renovation of a historic school building is in substantial compliance with the energy efficiency standards or that it provides substantial energy efficiency, education, social or environmental benefits over alternative proposals. The State Board of Education may grant a waiver from its school energy efficiency standards rules to a local school authority that has obtained a waiver from the mandatory energy standards for commercial construction from the Public Utilities Commission. The bill also directs the State Board of Education to amend its rules governing school energy efficiency standards to allow for such a waiver.

Committee Amendment "A" (H-816)

This amendment strikes and replaces the bill to allow the State Board of Education, in consultation with the Public Utilities Commission and the Executive Director of the State Historic Preservation Commission, to grant waivers from mandatory energy efficiency standards for building construction and renovation on a case-by-case basis for the substantial renovation of historic school buildings. Under the amendment, the State Board of Education shall grant a waiver from the mandatory energy standards for commercial construction to a local school authority that can demonstrate that the renovation of the historic school building would not compromise existing public health and

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safety requirements for school facilities and can demonstrate that 2 or more of the following circumstances exist:

1. The proposed renovation of the historic school building is in substantial compliance with the energy efficiency standards;
2. The proposed renovation of the historic school building provides substantial energy efficiency and also provides education, social or environmental benefits over alternative proposals; and
3. Adherence to the energy building standards would result in irreparable damage to the historic character of the historic school building.

The amendment also directs the State Board of Education to adopt or amend rules to allow for a waiver of the energy efficiency standards for the substantial renovation of a historic school building.

Enacted Law Summary

Public Law 2007, chapter 578 allows the State Board of Education, in consultation with the Public Utilities Commission and the Executive Director of the State Historic Preservation Commission, to grant waivers from mandatory energy efficiency standards for building construction and renovation on a case-by-case basis for the substantial renovation of historic school buildings. Under the law, the State Board of Education shall grant a waiver from the mandatory energy standards for commercial construction to a local school authority that can demonstrate that the renovation of the historic school building would not compromise existing public health and safety requirements for school facilities and can demonstrate that 2 or more of the following circumstances exist:

1. The proposed renovation of the historic school building is in substantial compliance with the energy efficiency standards;
2. The proposed renovation of the historic school building provides substantial energy efficiency and also provides education, social or environmental benefits over alternative proposals; and
3. Adherence to the energy building standards would result in irreparable damage to the historic character of the historic school building.

The law also directs the State Board of Education to adopt or amend rules to allow for a waiver of the energy efficiency standards for the substantial renovation of a historic school building.

Public Law 2007, chapter 578 was enacted as an emergency measure effective April 8, 2008.

**LD 2083 Resolve, To Expand Access to Foreign Language Instruction in Maine
 Schools**

**RESOLVE 162
EMERGENCY**

Sponsor(s)

TREAT

Committee Report

OTP-AM

Amendments Adopted

H-733

This bill allows teachers of modern and classical languages whose primary language is not English to retain certification while receiving support to pass the required Praxis test.

Committee Amendment "A" (H-733)

This amendment replaces the provision of the resolve concerning modern and classical language teachers. It requires the State Board of Education to adopt routine technical rules concerning testing and certification for world language teachers to allow an individual whose first language is the target language that the individual teaches to renew that individual's targeted need certificate annually upon meeting certain requirements and to specify there is