

# 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.

## *Joint Standing Committee on Education and Cultural Affairs*

model selected may not impact the funds that would normally be used for new school construction projects that are prioritized and selected under the current guidelines for major capital school construction.

3. It requires that a qualified applicant be selected by December 31, 2008 to implement the innovative model.

**LD 2268    An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the Maine State Museum Commission under the Government Evaluation Act and To Revise the Review Schedule**

**PUBLIC 560**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill is the report of the Joint Standing Committee on Education and Cultural Affairs authorized under Title 3, section 955, subsection 4. It establishes the next date for reports of the cultural affairs agencies under the Government Evaluation Act. It adds a provision to the duties of the Maine State Museum Commission specifically authorizing the commission to designate a private nonprofit support organization to organize and foster support for the museum and its programs.

### **Enacted Law Summary**

Public Law 2007, chapter 560 implements the recommendations of the Joint Standing Committee on Education and Cultural Affairs regarding the review of the cultural affairs agencies pursuant to the Government Evaluation Act. It adds a provision to the duties of the Maine State Museum Commission specifically authorizing the commission to designate a private nonprofit support organization to organize and foster support for the museum and its programs. It also establishes the next date for reports of the cultural affairs agencies under the Government Evaluation Act.

**LD 2272    An Act To Reduce the Percentage of the Cost of Local Schools Paid by the State from 55% to 49%**

**ONTP**

Sponsor(s)

Committee Report

Amendments Adopted

JOY

ONTP

This bill reduces from 55% to 49% the level of the state share of the total cost of funding public education from kindergarten to grade 12. The bill also directs that the amount of savings resulting from this reduction be used to provide funding for the State's foster care program, long-term care services and home-based care services and the Maine Community College System.

**LD 2280    An Act To Clarify and Improve the Laws Governing the Formation of Regional School Units**

**INDEF PP**

Sponsor(s)

Committee Report

Amendments Adopted

OTP    A  
OTP-AM    B  
ONTP    C

This bill is introduced by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 2007, chapter 240, Part XXXX, section 47. The bill makes the following changes to clarify and improve the laws governing the formation of regional school units.

## *Joint Standing Committee on Education and Cultural Affairs*

1. It provides that a kindergarten-to-grade-12 school administrative district that is reformulated as a regional school unit without dissolving the school administrative district may continue to use the same name and operate as the same legal entity; and it amends the definition of "school administrative unit" to clarify that community school districts and kindergarten-to-grade-8 school administrative districts that do not join a regional school unit may remain in operation after July 1, 2009. The current law reformulates all kindergarten-to-grade-12 school administrative districts as regional school units by July 1, 2009 but is silent on the ability of community school districts and kindergarten-to-grade-8 school administrative districts to remain operational after that date.
2. It changes the deadline by which a referendum must be held to January 30, 2009 and changes dates that are linked to the referendum date by the same amount of time. The current law governing the reorganization of school administrative units requires that a referendum must be held on a proposed reorganization on or before November 4, 2008.
3. It provides consistent language across the allocated and unallocated provisions in the law to clarify the budget referendum ballot question to be placed before the voters at a budget validation referendum vote.
4. It clarifies and amends the budget approval and validation process provisions to:
  - A. Increase the number of days from the legislative body meeting to the referendum validation from 10 days to 14 days;
  - B. Provide that absentee ballots may not be distributed until the day after the regional school unit budget meeting;
  - C. In the event that a regional school unit budget has not been approved and validated prior to the start of the fiscal year, authorize municipalities to levy taxes based on the most recent school budget approved at the regional school unit budget meeting until a budget is validated by voters; and
  - D. Eliminate the need for 2 separate ballot questions for the budget validation referendum vote and combine information on 2 votes into one document provided with the warrant for the referendum vote.
5. It clarifies the debt liability of the school administrative units that are members of a career and technical education region, including the disposition of debt incurred for a school construction or renovation project at a career and technical education region by the school administrative units that are members of the career and technical education region.
6. It clarifies the financial responsibility for the preservation of school choice in a new regional school unit when a member municipality continues to provide tuition for students to attend a school outside of the new regional school unit. The provision provides that the member municipality is responsible for providing appropriations for any additional expense above the sending regional school unit tuition rate for students who are educated outside of the regional school unit.
7. It clarifies the rights and obligations of regional school units concerning the reassignment of teachers and other employees of the regional school unit in the transitional period from the operational date of the regional school unit until the completion of negotiations for a regional school unit-wide collective bargaining agreement.
8. It replaces the so-called "53-86% penalty" for any school administrative unit that fails to approve a reorganization plan on or before January 30, 2009 and to implement that plan by July 1, 2009 with a penalty that provides that the school administrative unit's full-value education mill rate pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A is increased by 2% for the purpose of calculating the school administrative unit's required contribution to meet the local share of education costs established pursuant to Title 20-A, section 15688, subsection 3-A.

## *Joint Standing Committee on Education and Cultural Affairs*

9. It directs the Department of Education to conduct a review of the results of referenda votes on proposed reorganization plans and the status of the reorganization of school administrative units as regional school units consistent with the July 1, 2009 implementation timeline. It also directs the department to develop recommendations related to the circumstances and criteria under which the Commissioner of Education could grant a waiver to a school administrative unit that has not complied with the implementation timelines, including any necessary flexibility that would provide the commissioner with the authority to adjust the timelines for complying with the law, to waive penalties or to approve an alternative plan submitted by a reorganization planning committee. It further directs the department to clarify what happens if voters of an individual school administrative unit fail to approve a reorganization plan that results in the school administrative unit's not meeting the implementation timeline for reorganization.

**LD 2281    An Act To Amend the Laws Governing the Reorganization of School Administrative Units**

**INDEF PP**

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

This bill is introduced by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 2007, chapter 240, Part XXXX, section 47. The bill makes the following changes to the laws governing the formation of regional school units.

1. It provides an exemption for those regional school units in which the regional school unit board has approved a budget that proposes to spend less than 5% above the level of funding outlined in the essential programs and services funding model from the budget validation referendum process until the regional school unit board proposes a budget that meets or exceeds that funding level.
2. It provides an exemption for municipal school units from the budget validation referendum vote in cases in which the municipal charter defines roles and a process for developing and approving the school budget.
3. It provides an exemption for those municipal school units in which the school committee has approved a budget that proposes to spend less than 5% above the level of funding outlined in the essential programs and services funding model from the budget validation referendum process until the school committee proposes a budget that meets or exceeds that funding level.

**LD 2291    An Act To Amend Teacher Confidentiality Laws**

**PUBLIC 666**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	OTP-AM   MAJ OTP-AM   MIN	H-1024

This bill requires that the Department of Education report all denials, revocations, suspensions, surrenders and reinstatements of certification that are not under appeal or still subject to appeal to a national association of state directors of teacher education and certification.

**Committee of Conference Amendment "A" (H-1024)**

This committee of conference amendment incorporates Committee Amendment "A", which corrects a cross-reference in the bill. The amendment also provides that, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall review the laws in other states and jurisdictions related to the dissemination of