

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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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

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confidential information pertaining to denials, revocations, suspensions, surrenders and reinstatements of teaching certificates to applicants for teacher certification or recertification and for professional licenses or credentials for other comparable professions. The Office of Policy and Legal Analysis shall also review the apparent conflict between the statutory provisions set forth in the Maine Revised Statutes, Title 20-A, section 6103 and Title 22, section 4011-A and submit a report to the Joint Standing Committee on Education and Cultural Affairs.

Enacted Law Summary

Public Law 2007, chapter 666 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. The law also provides that the Office of Policy and Legal Analysis conduct a review of the following:

1. The laws in other states and jurisdictions related to the dissemination of confidential information pertaining to denials, revocations, suspensions, surrenders and reinstatements of teaching certificates to applicants for teacher certification or recertification and for professional licenses or credentials for other comparable professions; and
2. The apparent conflict between the statutory provisions set forth in the Maine Revised Statutes, Title 20-A, section 6103 and Title 22, section 4011-A.

LD 2299 An Act To Make Technical Corrections in the Laws Regarding Funding Adult Education Programs and the Closure of an Elementary School in a School District

**PUBLIC 599
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

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 correct inconsistencies in the laws governing the reorganization of school administrative units.

1. It corrects inconsistencies in the laws pertaining to the authority of school administrative units to raise and appropriate funds for adult education programs.
2. It replaces provisions that were repealed pursuant to Public Law 2007, chapter 240, Part XXXX that are related to the closure of an elementary school within a school administrative district or a community school district and establishes that these provisions are retroactive to June 7, 2007.

Enacted Law Summary

Public Law 2007, chapter 599, makes the following changes to correct inconsistencies in the laws governing the reorganization of school administrative units.

1. It corrects inconsistencies in the laws pertaining to the authority of school administrative units to raise and appropriate funds for adult education programs.
2. It replaces provisions that were repealed pursuant to Public Law 2007, chapter 240, Part XXXX that are related to the closure of an elementary school within a school administrative district or a community school district and establishes that these provisions are retroactive to June 7, 2007.

Public Law 2007, chapter 599 was enacted as an emergency measure effective April 11, 2008.