

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
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 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.

Joint Standing Committee on Education and Cultural Affairs

LD 2314 An Act To Amend School Funding Laws

**DIED ON
ADJOURNMENT**

Sponsor(s)

NORTON
ROTUNDO

Committee Report

Amendments Adopted

This bill amends the laws regarding school funding to address and correct school funding issues that present barriers to the implementation of school administration reorganization.

**LD 2323 An Act To Remove Barriers to the Reorganization of School
Administrative Units**

PUBLIC 668

Sponsor(s)

BOWMAN

Committee Report

Amendments Adopted

H-1041 FARRINGTON

This bill makes the following changes to the laws governing the reorganization of school administrative units.

1. It corrects a cross-reference for the cost center summary budget format and the budget validation referendum process that school administrative districts and community school districts must comply with for budgets developed after January 1, 2008.
2. It articulates, without limitation, the core functions for which a regional school unit is responsible.
3. 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.
4. It clarifies the "Method B" apportionment process of weighted votes for regional school unit boards.
5. It provides for the election and staggered terms of the initial regional school unit board.
6. It replaces the law authorizing the formation of a local school committee for a member municipality and provides greater guidance in delegating functions and responsibilities to local school committees.
7. It clarifies the relationship between a regional school unit board and a local school committee that seeks to raise additional funds for an elementary school or a secondary school that is owned or managed by the member municipality.
8. 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.
9. 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.
10. It establishes the requirements for calling a budget meeting and the procedures for the budget meeting.
11. It clarifies the assumption of existing debt that is transferred from an original education unit to a new regional

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school unit that is formed after July 1, 2008.

12. It removes references to "elementary" schools in the school closure provisions to clarify that secondary schools are also subject to these requirements.
13. It authorizes a municipal school committee to expand its membership from 5 members to as many as 7 members.
14. It clarifies the provisions governing tuition when there is no elementary school or no secondary school in a school administrative unit.
15. It clarifies the content and timing of the audit provisions.
16. It repeals a unit of law, and corrects a cross-reference to it, 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.
17. It grandfathers the special education adjustment for so-called minimum subsidy receivers.
18. 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.
19. It authorizes the Commissioner of Education to approve plans for alternative organizational structures under the school reorganization law. To approve a plan for an alternative organizational structure, the commissioner must find that the plan will satisfy the purposes of the school reorganization law including: consolidation of system administration; consolidation of administration of special education, transportation and business functions; adoption of a core curriculum; and adoption of consistent school policies, school calendars and collective bargaining agreements.

House Amendment "G" (H-1041)

This amendment strikes the emergency preamble and emergency clause and incorporates the following changes to clarify and improve the laws governing the formation of regional school units or alternative organizational structures.

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:

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- 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.
 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.
 10. It provides that the sections of the Act that amend the Maine Revised Statutes, Title 20-A, sections 1305-C, 1701-C and 2307 apply retroactively to January 1, 2008 as long as the retroactivity application does not affect the validity of a budget meeting or budget validation referendum called or conducted in accordance with prior law before the effective date of this Act.

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Public Law 2007, chapter 668 incorporates the following changes to clarify and improve the laws governing the formation of regional school units.

1. It provides that, after July 1, 2009, the definition of "school administrative unit" may only include a regional school unit, a municipal school unit, an alternative organizational structure approved by the Commissioner of Education, a kindergarten-to-grade-8 school administrative district that has not reorganized as a regional school unit, a community school district that has not reorganized as a regional school unit, a municipal or quasi-municipal district responsible for operating public schools that has not reorganized as a regional school unit, and a municipal school unit, school administrative district, community school district or any other quasi-municipal district responsible for operating public schools that forms a part of an alternative organizational structure by the Commissioner of Education.
2. It corrects a cross-reference for the cost center summary budget format and the budget validation referendum process that school administrative districts and community school districts must comply with for budgets developed after January 1, 2008; and it further provides that these provisions apply retroactively to January 1, 2008 as long as the retroactivity application does not affect the validity of a budget meeting or budget validation referendum called or conducted in accordance with prior law before the effective date of this Act.
3. It articulates, without limitation, the core functions for which a regional school unit is responsible.
4. 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.
5. 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.
6. 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.
7. It clarifies the "Method B" apportionment process of weighted votes for regional school unit boards.
8. It provides for the election and staggered terms of the initial regional school unit board.
9. It replaces the law authorizing the formation of a local school committee for a member municipality, provides greater guidance in delegating functions and responsibilities to local school committees, and clarifies the relationship between a regional school unit board and a local school committee that seeks to raise additional funds for an elementary school or a secondary school that is owned or managed by the member municipality.
10. 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.
11. 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.
12. It establishes the requirements for calling a budget meeting and the procedures for the budget meeting.

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13. 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.
14. 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.
15. 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.
16. It removes references to "elementary" schools in the school closure provisions to clarify that secondary schools are also subject to these requirements.
17. It authorizes a municipal school committee to expand its membership from 5 members to as many as 7 members.
18. 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.
19. It clarifies the provisions governing tuition when there is no elementary school or no secondary school in a school administrative unit.
20. It clarifies the content and timing of the audit provisions.
21. 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.
22. It repeals a unit of law, and corrects a cross-reference to it, 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.
23. It grandfathers the special education adjustment for so-called "minimum subsidy receivers."
24. It authorizes the Commissioner of Education to approve plans for alternative organizational structures under the school reorganization law. To approve a plan for an alternative organizational structure, the commissioner must find that the plan will satisfy the purposes of the school reorganization law including: consolidation of system

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administration; consolidation of administration of special education, transportation and business functions; adoption of a core curriculum; and adoption of consistent school policies, school calendars and collective bargaining agreements.

25. 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.

26. 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.

27. 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.

28. 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.