

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND REGULAR SESSION



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 Session of the 124th 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>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<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 HOUSES</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 of the 124th Legislature is Monday, July 12, 2010. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Education and Cultural Affairs

LD 570

An Act To Improve the Laws Governing the Consolidation of School Administrative Units

**PUBLIC 580
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FINCH	OTP-AM	H-768

This bill was carried over from the First Regular Session of the 124th Legislature. The bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures designed to improve the laws governing the consolidation of school administrative units.

Committee Amendment "A" (H-768)

This amendment strikes and replaces the concept draft and enacts measures designed to improve the laws governing the consolidation of school administrative units. The amendment accomplishes the following.

1. It amends the school administrative unit reorganization laws to permit the Commissioner of Education to approve a reorganization plan for forming a regional school unit or an alternative organizational structure when the Commissioner of Education finds that the school administrative units have documented, in a notice of intent, that they have exhausted all efforts to meet the established requirements and face unique circumstances that warrant an exception to the minimum student enrollment requirements. It also establishes that the commissioner's decision on approval of a reorganization plan under this provision is final.
2. It provides that, beginning in fiscal year 2011-12, school administrative units that are member entities of an alternative organizational structure must be recognized by the Department of Education as discrete school administrative units for school subsidy purposes, unless the member entities of the alternative organizational structure include in their reorganization plan the decision to be recognized as a single school administrative unit for school subsidy purposes. It also provides that, for an alternative organizational structure that was established on or before June 30, 2010, the governing board of the alternative organizational structure may elect to have the member entities of the alternative organizational structure be recognized as discrete school administrative units for school subsidy purposes.
3. It establishes provisions to clarify the formation of an alternative organizational structure including the following:
 - A. It adds a requirement that a reorganization plan submitted by an alternative organizational structure must include a plan for adoption of consistent collective bargaining agreements in addition to school policies and school calendars;
 - B. It eliminates the budget validation referendum vote for the budget of an alternative organizational structure;
 - C. It retains the option of an alternative organizational structure being treated as a single school unit for the purposes of state subsidy; and
 - D. It permits the Commissioner of Education to count students from the unorganized territory as "attending students" for the purpose of reviewing the minimum student enrollment criteria required for submitting a reorganization plan.
4. It establishes provisions for the withdrawal of a member municipality from a regional school unit and the transfer of a member municipality out of one regional school unit and into another. These provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1405 and 1406 pertaining to school administrative districts,

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except that a member municipality that wishes to withdraw from a regional school unit must have been a member of that regional school unit for at least three years and voters in the member municipality must approve withdrawal by a two-thirds majority vote. It also provides that a member municipality that does not join a conforming school administrative unit within two years of withdrawal is subject to the penalties applicable to a nonconforming school administrative unit under Title 20-A, section 15696. It further adds a provision to clarify that the regional school unit from which the member municipality withdraws may not be penalized for two years after the withdrawal of the municipality. Finally, it includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education.

5. It adds provisions to permit a member entity to withdraw from an alternative organizational structure when the alternative organizational structure is approved after July 1, 2010 and it provides that alternative organizational structures that were approved by the Commissioner of Education prior to July 1, 2009 may continue to use the withdrawal provisions approved as part of their reorganization plans.

6. It provides regional school units with a local option for establishing a single, common date for starting the term of office for duly elected members of the regional school unit board when the elections for board members are held on different dates by the member municipalities that make up the regional school unit.

7. It amends collective bargaining provisions in Title 20-A, chapter 103-A to provide requirements for alternative organizational structures that align with the existing provisions for regional school units.

Enacted Law Summary

Public Law 2009, chapter 580 enacts measures designed to improve the laws governing the consolidation of school administrative units. The law accomplishes the following.

1. It amends the school administrative unit reorganization laws to permit the Commissioner of Education to approve a reorganization plan for forming a regional school unit or an alternative organizational structure when the Commissioner of Education finds that the school administrative units have documented, in a notice of intent, that they have exhausted all efforts to meet the established requirements and face unique circumstances that warrant an exception to the minimum student enrollment requirements. It also establishes that the commissioner's decision on approval of a reorganization plan under this provision is final.

2. It provides that, beginning in fiscal year 2011-12, school administrative units that are member entities of an alternative organizational structure must be recognized by the Department of Education as discrete school administrative units for school subsidy purposes, unless the member entities of the alternative organizational structure include in their reorganization plan the decision to be recognized as a single school administrative unit for school subsidy purposes. It also provides that, for an alternative organizational structure that was established on or before June 30, 2010, the governing board of the alternative organizational structure may elect to have the member entities of the alternative organizational structure be recognized as discrete school administrative units for school subsidy purposes.

3. It establishes provisions to clarify the formation of an alternative organizational structure including the following:

A. It adds a requirement that a reorganization plan submitted by an alternative organizational structure must include a plan for adoption of consistent collective bargaining agreements in addition to school policies and school calendars;

B. It eliminates the budget validation referendum vote for the budget of an alternative organizational structure;

C. It retains the option of an alternative organizational structure being treated as a single school unit for the purposes of state subsidy; and

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D. It permits the Commissioner of Education to count students from the unorganized territory as "attending students" for the purpose of reviewing the minimum student enrollment criteria required for submitting a reorganization plan.

4. It establishes provisions for the withdrawal of a member municipality from a regional school unit and the transfer of a member municipality out of one regional school unit and into another. These provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1405 and 1406 pertaining to school administrative districts, except that a member municipality that wishes to withdraw from a regional school unit must have been a member of that regional school unit for at least three years and voters in the member municipality must approve withdrawal by a two-thirds majority vote. It also provides that a member municipality that does not join a conforming school administrative unit within two years of withdrawal is subject to the penalties applicable to a nonconforming school administrative unit under Title 20-A, section 15696. It further adds a provision to clarify that the regional school unit from which the member municipality withdraws may not be penalized for two years after the withdrawal of the municipality. Finally, it includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education.

5. It adds provisions to permit a member entity to withdraw from an alternative organizational structure when the alternative organizational structure is approved after July 1, 2010 and it provides that alternative organizational structures that were approved by the Commissioner of Education prior to July 1, 2009 may continue to use the withdrawal provisions approved as part of their reorganization plans.

6. It provides regional school units with a local option for establishing a single, common date for starting the term of office for duly elected members of the regional school unit board when the elections for board members are held on different dates by the member municipalities that make up the regional school unit.

7. It amends collective bargaining provisions in Title 20-A, chapter 103-A to provide requirements for alternative organizational structures that align with the existing provisions for regional school units.

Public Law 2009, chapter 580 was enacted as an emergency measure effective April 1, 2010.

LD 1296 An Act To Strengthen the Job Creation Through Educational Opportunity Program

PUBLIC 553

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON RAYE	OTP-AM	H-703

This bill, which was carried over from the First Regular Session of the 124th Legislature, was rereferred from the Joint Standing Committee on Taxation. The bill amends provisions of the educational opportunity tax credit enacted in 2007 to improve administration of the program. Participating students would enter the program by registering electronically for the "job credit through educational opportunity program" rather than signing an "opportunity contract." The bill makes provisions for partial benefits for students transferring to an eligible Maine institution. The bill also clarifies or provides needed definitions, requires additional promotion of the program and requires institutions to report to the Department of Education in 2010 and 2011 on how the program is working.

Committee Amendment "A" (H-703)

This amendment strikes and replaces the bill in order to make a number of improvements to the Job Creation Through Educational Opportunity Program. Part A of the amendment accomplishes the following.