

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

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

July 2009

**MEMBERS:**

SEN. JUSTIN L. ALFOND, CHAIR  
SEN. ELIZABETH M. SCHNEIDER  
SEN. CAROL WESTON

REP. PATRICIA B. SUTHERLAND, CHAIR  
REP. EDWARD D. FINCH  
REP. ALAN M. CASAVANT  
REP. RICHARD V. WAGNER  
REP. STEPHEN D. LOVEJOY  
REP. MARY PENNELL NELSON  
REP. HELEN RANKIN  
REP. DAVID E. RICHARDSON  
REP. HOWARD E. MCFADDEN  
REP. PETER B. JOHNSON

**STAFF:**

PHILLIP D. MCCARTHY, LEGISLATIVE ANALYST  
JILL IPPOLITI, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
FIRST 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 First Regular Session of the 124<sup>th</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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. 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 1036**

**An Act To Amend the Education Laws Regarding the State Board of Education's Degree-granting Authority, the Telecommunications Education Access Fund and Certain Definitions and Programs**

**PUBLIC 274**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTHERLAND ALFOND	OTP-AM	H-373

This bill accomplishes the following.

1. It repeals the definition of "financial definitions," "local allocation," "state allocation" and "state and local allocation" in the laws governing education.
2. It repeals a reference to the Maine State Commission for Higher Education Facilities.
3. It establishes the authority of the Commissioner of Education and the State Librarian to enter into contracts or order services on behalf of schools and libraries participating in the telecommunications education access fund and to take advantage of any discounts available pursuant to the federal Telecommunications Act of 1996.
4. It repeals the provision of law that provides that a superintendent of schools may appeal a school board's decision to discharge that superintendent and that requires the commissioner to hold a hearing as part of this appeal.
5. It clarifies that students in public preschool programs are included in the laws governing tuition charges for elementary school students.
6. It amends the definition of "degree" to include first professional and adds a definition of "coordinated program."
7. It provides that exemptions from degree-granting requirements granted to degree-granting institutions do not apply to those educational institutions that have specific undergraduate and graduate levels of degree-granting authority granted to them by the Legislature or the State Board of Education prior to September 18, 1981.
8. It provides clarification that the provision of law governing the merger, consolidation or reorganization of a degree-granting institution applies to a merger or consolidation of an educational institution with another external entity and that the provisions do not apply to the consolidation or reorganization of internal program entities within an educational institution.
9. It repeals the chapter of law that provides for teacher recognition grants, which no longer exist.
10. It repeals a definition of "teaching positions" that is no longer used.
11. It repeals the chapter of law that provides for innovative educational grants, which no longer exist as described in that chapter.

**Committee Amendment "A" (H-373)**

This amendment clarifies provisions regarding the authority of the State Board of Education to authorize additional degree-granting authority to an educational institution granted initial authority by the Legislature. It also removes the section of the bill that proposed repealing provisions for a superintendent to appeal a school board's decision to discharge the superintendent.

# Joint Standing Committee on Education and Cultural Affairs

## Enacted Law Summary

Public Law 2009, chapter 274 repeals several definitions in the laws governing education and a reference to the Maine State Commission for Higher Education Facilities. It establishes the authority of the Commissioner of Education and the State Librarian to enter into contracts or order services on behalf of schools and libraries participating in the telecommunications education access fund and to take advantage of any discounts available pursuant to the federal Telecommunications Act of 1996.

It clarifies that students in public preschool programs are included in the laws governing tuition charges for elementary school students. It clarifies provisions pertaining to degree-granting authority and the authority of the State Board of Education to authorize additional degree-granting authority to an educational institution granted initial authority by the Legislature. It clarifies that the provisions governing the merger, consolidation or reorganization of a degree-granting institution apply to a merger or consolidation of an educational institution with another external entity and that the provisions do not apply to the consolidation or reorganization of internal program entities within an educational institution for those educational institutions that have specific undergraduate and graduate levels of degree-granting authority granted to them by the Legislature or the State Board of Education prior to September 18, 1981.

It repeals the chapter of law that provides for teacher recognition grants, which no longer exist and repeals the chapter of law that provides for innovative educational grants, which no longer exist as described in that chapter.

**LD 1037     An Act To Require the Department of Education To Provide Certain Information to Individual Communities of Alternative Organizational Structures**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON	ONTP	

This bill requires the Department of Education to provide a detailed accounting of the amount of subsidy that a municipality in an alternative organizational structure qualifies for under the Essential Programs and Services Funding Act to each municipality in the alternative organizational structure.

**LD 1049     An Act To Encourage Cooperation among School Administrative Units**

**PUBLIC 154  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTHERLAND	OTP-AM	H-166

This bill provides for the formation of 20 regional education cooperatives. School administrative units established as of July 1, 2009 may voluntarily join a regional education cooperative of their choice, and each participating school administrative unit has a single representative to the cooperative board. The educational functions and support services to be provided by regional education cooperatives may include, but are not limited to:

1. Alternative education programs;
2. Special education programs or support services;