

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2009

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STATE OF MAINE

124TH 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 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:

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 124th 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

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;

Joint Standing Committee on Education and Cultural Affairs

3. Public preschool programs or 2-year kindergartens;
4. Gifted and talented education programs;
5. Online learning and distance education programs;
6. Postsecondary education options;
7. Adult education programs;
8. Purchasing or contracting for goods or services;
9. Staff training or professional development;
10. Technology or technology support services;
11. Accounting, payroll and financial management;
12. Transportation routing and vehicle maintenance;
13. Food service planning and purchasing; and
14. Energy management and facilities maintenance.

Participating school administrative units voluntarily choose which educational functions or support services they purchase from the regional education cooperative and contribute only for the costs of those educational functions or support services that they use. Savings achieved through the regional education cooperative accrue to the participating school administrative units, with a portion reserved for administrative costs of the regional education cooperative.

Committee Amendment "A" (H-166)

This amendment removes the provisions in the bill that establish a limit of 20 cooperative agreements that may be in operation at any time. The amendment also provides that, if the Commissioner of Education finds that an application for a cooperative agreement contains the information required to be included in the application, the commissioner shall notify the school administrative units participating in the cooperative agreement that the application is approved, pending a ratification vote by each of the school boards of the participating school administrative units. The amendment further provides that, instead of requiring reapplication to the commissioner in addition to the vote as proposed in the bill, a cooperative agreement may be renewed upon a ratification vote to renew the cooperative agreement by each of the school boards of the participating school administrative units.

Enacted Law Summary

Public Law 2009, chapter 154 provides for the formation of 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;
3. Public preschool programs or 2-year kindergartens;

Joint Standing Committee on Education and Cultural Affairs

4. Gifted and talented education programs;
5. Online learning and distance education programs;
6. Postsecondary education options;
7. Adult education programs;
8. Purchasing or contracting for goods or services;
9. Staff training or professional development;
10. Technology or technology support services;
11. Accounting, payroll and financial management;
12. Transportation routing and vehicle maintenance;
13. Food service planning and purchasing; and
14. Energy management and facilities maintenance.

Participating school administrative units voluntarily choose which educational functions or support services they purchase from the regional education cooperative and contribute only for the costs of those educational functions or support services that they use. Savings achieved through the regional education cooperative accrue to the participating school administrative units, with a portion reserved for administrative costs of the regional education cooperative.

Public Law 2009, chapter 154 was enacted as an emergency measure effective May 18, 2009.

LD 1068 An Act To Extend the Summer Tourism Season and Thereby Increase Sales Tax Revenues by Requiring that the School Year in Maine Begin After Labor Day

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	ONTP MAJ OTP-AM MIN	

This bill requires that the school year for Maine public schools and the fall semester for state universities and colleges not begin until after Labor Day of each year.

Committee Amendment "A" (H-220)

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. It allows the Maine Maritime Academy to begin the fall semester before Labor Day. It also authorizes the Commissioner of Education to allow a school administrative unit to begin school before Labor Day if a harvest recess is proposed in that school administrative unit's school calendar. The amendment adds an appropriations and allocations section to the bill.