

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

LD 1283 An Act To Reform the School Budget Validation Process

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| WESTON | ONTP | |

This bill amends the school budget approval process by allowing a budget to be approved at a school board meeting rather than a district-wide meeting, and then go directly to referendum vote. The bill also changes slightly the wording on the required referendum if a school budget exceeds the maximum state and local spending target.

LD 1287 An Act To Amend the Laws Governing Consolidation of School Administrative Units To Eliminate Penalties, Establish Incentives and Allow Alternative Voting Procedures for Budgets

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DAMON | ONTP | |

This bill makes several technical and substantive changes to the laws governing the consolidation of school administrative units enacted in 2007 and amended in 2008. The bill converts the penalty system in the current law, which establishes a financial penalty to be applied to those school systems that fail to consolidate if required to, into a financial incentive system that provides a reduced local effort requirement for those school systems that achieve the required consolidation during the first 3 years. The bill also authorizes regional school units to establish a school budget adoption system that is an alternative to the current budget validation referendum process. The alternative system, if approved by the voters of the regional school unit at referendum, would allow the budget to be approved by the voters directly at referendum rather than go through the multi-step approval process whereby the budget needs to be adopted by several local votes in succession. The bill also makes several technical amendments, including:

1. Adding a cross-reference that was inadvertently omitted in existing law so that the towns within any community school districts or school administrative districts that may exist in the future can commit their taxes in the circumstance of a prolonged failure to adopt a school budget, just as is currently available to municipal schools and regional school units; and
2. Clarifying the procedures to be followed during a school budget referendum vote regarding the display of informational material in the polling place and the voting booth.

LD 1295 An Act To Establish the Middle School of Science and Mathematics

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SCHATZ | ONTP | |

Joint Standing Committee on Education and Cultural Affairs

This bill establishes the Middle School of Science and Mathematics as a public chartered school located on the Blue Hill peninsula to provide students with a challenging educational experience with an emphasis on math and science.

LD 1297 Resolve, To Review Changing the Duties of the State Board of Education

**RESOLVE 140
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| JOY | OTP-AM | H-478 S-339 BARTLETT |

This bill dissolves the State Board of Education on July 1, 2010, and directs the Department of Education to study and recommend legislation to transfer the powers and duties of the board to other agencies in anticipation of the dissolution.

Committee Amendment "A" (H-478)

This amendment replaces the bill with a resolve to establish a stakeholder group to review the role of the State Board of Education and submit a report and recommendations to the Joint Standing Committee on Education and Cultural Affairs by December 1, 2009. The Joint Standing Committee on Education and Cultural Affairs may introduce legislation to the Second Regular Session of the 124th Legislature. The amendment also changes the bill title and incorporates an emergency preamble and an emergency clause.

Senate Amendment "B" To Committee Amendment "A" (S-339)

This amendment adds 2 additional legislative members to the stakeholder group and clarifies that the President of the Senate and the Speaker of the House are to appoint all members of the stakeholder group and that the first appointed members of the Senate and the House of Representatives are to serve as cochairs of the stakeholder group. This amendment specifies that the representatives of the Department of Education and the State Board of Education are the commissioner and the chair, respectively, or their designees.

Enacted Law Summary

Resolve 2009, chapter 140 establishes a stakeholder group to review the role of the State Board of Education and submit a report and recommendations to the Joint Standing Committee on Education and Cultural Affairs by December 1, 2009. The Joint Standing Committee on Education and Cultural Affairs may introduce legislation to the Second Regular Session of the 124th Legislature.

Resolve 2009, chapter 140 was finally passed as an emergency measure effective June 19, 2009.

LD 1298 An Act To Adjust the Special Education Funding for Minimum Subsidy Receivers

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| DOSTIE NUTTING J | ONTP | |

This bill adjusts the subsidy for special education for those school administrative units that are minimum receivers of state subsidy by reducing the transition percentage for special education costs to 25%.