

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

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.

Joint Standing Committee on Education and Cultural Affairs

1. It amends the definition of "accredited Maine junior college, college or university" in the program to reflect the name change of junior college to community college and to include the requirement that the institution must have accreditation.
2. It amends the definition of "Maine resident" to clarify when an individual is considered a Maine resident for the purposes of this program.
3. It defines the terms "financial aid package" and "educational cost-of-living adjustment."
4. It changes the eligibility criteria for participation in the program.
5. It repeals the definition of "opportunity contract" and provisions pertaining to the use of the contract.
6. It requires the Maine Community College System and the University of Maine System to publish and disseminate to the Department of Education and all accredited Maine community colleges, colleges and universities the average in-state tuition and mandatory fees.
7. It requires the State Tax Assessor to annually determine the principal cap and benchmark loan payment amounts and to provide to an accredited Maine community college, college or university the information necessary to document a student's eligibility for the educational opportunity tax credit. The principal cap is based on in-state tuition and mandatory fees for either the Maine Community College System or the University of Maine System, depending on whether the enrollment is for pursuit of an associate degree or of a bachelor's degree.
8. It requires the Department of Education, in consultation with the State Tax Assessor, to make information about the program available on the department's publicly accessible website. The department shall refer any questions regarding the program to the relevant accredited Maine community college, college or university's financial aid office.
9. It provides that all accredited Maine community colleges, colleges and universities shall certify the total principal that an individual who has earned a degree at the institution has received as part of the individual's financial aid package.
10. It repeals the rule-making provision established in Maine Revised Statutes for the administration of the program.
11. It directs all accredited Maine community colleges, colleges and universities to file a report with the Department of Education by February 1, 2011 and February 1, 2012 on how the program is working and it directs the department to convey the information gathered to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2011 and March 1, 2012.
12. It also directs the State Tax Assessor to report on implementation of the program to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2011 and March 1, 2012.
13. It directs the State Board of Education to repeal the rules adopted for the administration of the program.

Part B of the amendment amends the educational opportunity tax credit to reflect the changes that were made to the program in Part A and enacts an income modification to Maine taxable income with respect to loan payment amounts paid by employers that are subject to federal income taxes.

Enacted Law Summary

Public Law 2009, chapter 553 makes a number of improvements to the Job Creation Through Educational Opportunity Program. The law accomplishes the following.

Joint Standing Committee on Education and Cultural Affairs

1. It amends the definition of "accredited Maine junior college, college or university" in the program to reflect the name change of junior college to community college and to include the requirement that the institution must have accreditation.
2. It amends the definition of "Maine resident" to clarify when an individual is considered a Maine resident for the purposes of this program.
3. It defines the terms "financial aid package" and "educational cost-of-living adjustment."
4. It changes the eligibility criteria for participation in the program.
5. It repeals the definition of "opportunity contract" and provisions pertaining to the use of the contract.
6. It requires the Maine Community College System and the University of Maine System to publish and disseminate to the Department of Education and all accredited Maine community colleges, colleges and universities the average in-state tuition and mandatory fees.
7. It requires the State Tax Assessor to annually determine the principal cap and benchmark loan payment amounts and to provide to an accredited Maine community college, college or university the information necessary to document a student's eligibility for the educational opportunity tax credit. The principal cap is based on in-state tuition and mandatory fees for either the Maine Community College System or the University of Maine System, depending on whether the enrollment is for pursuit of an associate degree or of a bachelor's degree.
8. It requires the Department of Education, in consultation with the State Tax Assessor, to make information about the program available on the department's publicly accessible website. The department shall refer any questions regarding the program to the relevant accredited Maine community college, college or university's financial aid office.
9. It provides that all accredited Maine community colleges, colleges and universities shall certify the total principal that an individual who has earned a degree at the institution has received as part of the individual's financial aid package.
10. It repeals the rule-making provision established in Maine Revised Statutes for the administration of the program.
11. It directs all accredited Maine community colleges, colleges and universities to file a report with the Department of Education by February 1, 2011 and February 1, 2012 on how the program is working and it directs the department to convey the information gathered to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2011 and March 1, 2012.
12. It also directs the State Tax Assessor to report on implementation of the program to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2011 and March 1, 2012.
13. It directs the State Board of Education to repeal the rules adopted for the administration of the program.
14. It amends the educational opportunity tax credit statutes to reflect the changes that were made to the program in the education statutes and enacts an income modification to Maine taxable income with respect to loan payment amounts paid by employers that are subject to federal income taxes.