

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

individual student social security numbers unless additional federal funding is received to expand the department's current kindergarten to grade 12 longitudinal data system to a statewide system.

LD 1362 An Act To Create a Unified Board of Higher Education

**ACCEPTED ONTP
REPORT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| ROTUNDO BOWMAN | ONTP MAJ OTP MIN | |

This bill replaces the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy with the Board of Trustees of Higher Education to provide a unified body for the governance of those institutions.

Part A makes changes to the law to replace some select references to the individual boards of trustees with the unified board and enacts a new chapter in the Maine Revised Statutes, Title 20-A, with provisions that establish the new unified board.

Part B establishes a transition team to recommend further changes to the law to fully accomplish the transition to the unified board. The transition team will specifically recommend changes to determine the qualifications of trustees and the powers and duties of the unified board in a report to the Joint Standing Committee on Education and Cultural Affairs. The report of the transition team must also recommend changes to the administration or organization and the existing law governing the University of Maine System, the Maine Maritime Academy and the Maine Community College System to ensure that any potential conflicts with the law establishing the new unified board are avoided. The joint standing committee is authorized to submit a bill to the Second Regular Session of the 124th Legislature based upon the report.

LD 1407 An Act To Assess the Physical Education Capacity of Elementary Schools in Maine and To Establish the Obesity and Chronic Disease Fund within the Department of Education

PUBLIC 264

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BERRY MILLS P | OTP-AM MAJ ONTP MIN | H-343 |

This bill:

1. Creates the Physical Education Program, which encourages elementary schools to implement a vigorous physical activity and physical education program involving equipment, teacher training and student physical assessments;
2. Requires evaluation standards for the Physical Education Program including evaluation of the infrastructure and content of the physical education curriculum of each elementary school in the program and the impact of this curriculum on the school's students and requires the Commissioner of Education to make a statewide assessment of the needs of elementary schools to meet the requirements of the program;
3. Establishes the Obesity and Chronic Disease Fund under the administration of the Department of Health and Human Services to fund the Physical Education Program including equipment, staff training and personnel expenses

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of the schools to implement the program and to provide funds for obesity prevention and promoting healthy school environments; and

4. Requires the Commissioner of Education to explore federal and other funding resources to fund the program.

Committee Amendment "A" (H-343)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, replaces the bill. The amendment preserves provisions in the bill that require the Commissioner of Education to conduct an assessment of the physical education capacities of elementary schools in the State using a survey or sampling methodology and to report on that assessment to the Joint Standing Committee on Education and Cultural Affairs by February 1, 2010. The amendment also preserves provisions in the bill that establish the Obesity and Chronic Disease Fund, although the fund is transferred by this amendment from the Department of Health and Human Services to the Department of Education. This amendment does not appropriate any funds to the Obesity and Chronic Disease Fund, but expressly allows the fund to receive public or private funds or income from other sources. The Commissioner of Education is not authorized, however, to make any expenditures from the fund prior to July 1, 2010.

The amendment also authorizes the Joint Standing Committee on Education and Cultural Affairs to submit a bill to the Second Regular Session of the 124th Legislature pertaining to physical education in elementary schools in the State after receipt of the assessment of the physical education capacity of elementary schools.

Enacted Law Summary

Public Law 2009, chapter 264 requires the Commissioner of Education to conduct an assessment of the physical education capacities of elementary schools in the State using a survey or sampling methodology and to report on that assessment to the Joint Standing Committee on Education and Cultural Affairs by February 1, 2010. The law also establishes the Obesity and Chronic Disease Fund within the Department of Education to receive public or private funds or income from other sources; however, the Commissioner of Education is not authorized to make any expenditures from the fund prior to July 1, 2010. The law authorizes the Joint Standing Committee on Education and Cultural Affairs to submit a bill to the Second Regular Session of the 124th Legislature pertaining to physical education in elementary schools in the State after receipt of the assessment of the physical education capacity of elementary schools.

LD 1414 An Act To Amend the Laws Governing Spending by School Administrative Units

ONTP

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

This bill allows a school administrative unit to exceed its maximum state and local spending target under the Essential Programs and Services Funding Act by the higher of 5% over the state and local spending target or an amount equal to the unit's previous year's budget multiplied by the rate of growth of the current year's maximum state and local spending target over the previous year's maximum state and local spending target without having to have the amount approved by referendum. This bill creates new referendum language for a school administrative unit that exceeds its maximum state and local spending target.