

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

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.