

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

LD 1739 An Act To Remove the Requirement That the Annual Budget of a Regional School Unit Must Be Approved at a Budget Validation Referendum

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCFADDEN SHERMAN	ONTP	

This bill removes the requirement that a referendum must be held in a regional school unit to allow the voters to validate or reject the total budget adopted at the regional school unit budget meeting.

LD 1741 Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education

**RESOLVE 200
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-795

This resolve provides for legislative review of portions of Chapter 101: Maine Unified Special Education Regulation, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-795)

Part A of this amendment provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rules.

The amendment provides that three provisions of the rule must expire on June 30, 2011 and the portions of the rule that were in effect on June 15, 2009 that pertain to these provisions must be reinstated on July 1, 2011.

Part B of the amendment requires the Commissioner of Education to convene a stakeholder group to examine the federal and state rules and laws that pertain to the portions of the rule that expire June 30, 2011. The stakeholder group shall develop findings and recommendations regarding any changes to the rule, and the Commissioner of Education is authorized to submit major substantive rules that pertain to these provisions for legislative review in the First Regular Session of the 125th Legislature.

Part C of the amendment directs the Department of Education to conduct a review of the Medicaid rate schedule for qualified licensed contractors and report findings and recommendations no later than January 14, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

Enacted Law Summary

Resolve 2009, chapter 200 provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rules.

The resolve provides that three provisions of the rule must expire on June 30, 2011 and the portions of the rule that

Joint Standing Committee on Education and Cultural Affairs

were in effect on June 15, 2009 that pertain to these provisions must be reinstated on July 1, 2011.

The resolve also requires the Commissioner of Education to convene a stakeholder group to examine the federal and state rules and laws that pertain to the portions of the rule that expire June 30, 2011. The stakeholder group shall develop findings and recommendations regarding any changes to the rule, and the Commissioner of Education is authorized to submit major substantive rules that pertain to these provisions for legislative review in the First Regular Session of the 125th Legislature.

Finally, the resolve directs the Department of Education to conduct a review of the Medicaid rate schedule for qualified licensed contractors and report findings and recommendations no later than January 14, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

Resolve 2009, chapter 200 was finally passed as an emergency measure effective April 2, 2010.

LD 1747 An Act To Allow the Town of Wells and the Town of Ogunquit To **DIED BETWEEN
Amend the Terms of Their Cost-sharing Agreement for Their **HOUSES**
Community School District and To Provide Each Town the Ability To
Withdraw from the Wells-Ogunquit Community School District**

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

This bill amends the terms of the cost-sharing agreement for the Wells-Ogunquit Community School District and allows each town the right to withdraw from the community school district after 2014.

Committee Amendment "A" (S-422)

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment replaces the bill to allow either Wells or Ogunquit to withdraw from the Wells-Ogunquit Community School District using a process similar to the process established in statute for a municipality to withdraw from a regional school unit. The amendment also directs the Commissioner of Education to adapt that process to the unique circumstances of these two towns.

House Amendment "A" To Committee Amendment "A" (H-815)

This amendment provides that if one of the towns is willing to bear the costs, the Town of Wells and the Town of Ogunquit shall enter into mediation of any disputes related to the sharing of costs for the Wells-Ogunquit Community School District. If mediation is not successful after one year, the towns may jointly agree to an extension or, if one of the towns is willing to bear the costs, the towns shall enter binding arbitration under the Maine Uniform Arbitration Act.

LD 1750 An Act To Require the State To Pay the Costs of School Administration **ACCEPTED ONTP
Consolidation **REPORT****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR HOBBINS	ONTP MAJ OTP-AM MIN	