

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Education and Cultural Affairs

LD 326 An Act To Require That School Administrative Units Bear the Burden of Proving That an Individualized Education Program Is Appropriate MAJORITY (ONTP) REPORT

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

This bill places the burden of proof on a school administrative unit in a due process hearing to determine whether the individualized education program developed by the school administrative unit meets the needs of a child with a disability.

LD 347 Resolve, Directing the Commissioner of Education To Convene a Task Force To Develop a Proposal for a More Equitable Distribution of Kindergarten to Grade 12 State Education Funding ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY LANGLEY	ONTP	

This resolve directs the Commissioner of Education to convene a task force to develop a proposal for a more equitable distribution of kindergarten to grade 12 state education funding.

LD 349 An Act To Require the Inclusion of a Financial Statement on School Administrative Unit Bond Obligations When Voting on a School Construction Project DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING LANGLEY	OTP-AM	H-124 S-346 ROSEN R

This bill requires that the article submitted to the voters for a school construction project include a treasurer's statement outlining the total bonding capacity of the school administrative unit and the estimated cost of repaying the debt. The bill also clarifies that any errors in the estimates provided in the treasurer's statement do not invalidate ratification of the article. The bill requires that a treasurer's statement of the amount of indebtedness incurred, including indebtedness associated with bonds, lease agreements or lease-purchase agreements, must be provided when the indebtedness incurred exceeds \$20,000.

Committee Amendment "A" (H-124)

This amendment removes the provision from the bill that requires that a treasurer's statement of the amount of indebtedness incurred, including indebtedness associated with bonds, lease agreements or lease-purchase agreements, must be provided when the indebtedness incurred exceeds \$20,000.

Joint Standing Committee on Education and Cultural Affairs

Senate Amendment "A" To Committee Amendment "A" (S-346)

This amendment adds a mandate preamble.

LD 385 An Act To Amend the School Administrative Unit Consolidation Laws

PUBLIC 251

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P THOMAS	OTP-AM MAJ OTP-AM MIN	H-357

This bill amends the laws governing school administrative unit reorganization to eliminate the penalties set forth for nonconforming school administrative units. The bill also eliminates the provision that gives the Commissioner of Education final approval of a regional school unit, including an alternative organizational structure, and eliminates the requirement that a school after leaving an alternative organizational structure must join a conforming school administrative unit within two years.

Committee Amendment "A" (H-357)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes the emergency preamble and the emergency clause from the bill. The amendment also adds an effective date of July 1, 2012 to the bill, including provisions that repeal the following:

1. The Maine Revised Statutes, Title 20-A, section 15696, which sets out penalties for nonconforming school administrative units;
2. References in the Maine Revised Statutes to penalties for nonconforming school administrative units, including in provisions pertaining to a member municipality that withdraws from a regional school unit and does not join a conforming school administrative unit within two years, a member entity that withdraws from an alternative organizational structure and does not join a conforming school administrative unit within two years and referendum provision language for a nonconforming school administrative unit seeking to join an existing regional school unit;
3. Provisions governing school administrative units failing to approve a reorganization plan on or before January 30, 2009 in Public Law 2007, chapter 240, Part XXXX that cross-reference the penalties established for nonconforming school administrative units; and
4. Provisions in Public Law 2007, chapter 240, Part XXXX that cross-reference the penalties established for nonconforming school administrative units and direct the State Board of Education to modify rules governing the rating process for school construction.

Enacted Law Summary

Public Law 2011, chapter 251 amends the laws governing school administrative unit reorganization to eliminate the penalties set forth for nonconforming school administrative units. The law eliminates the provision that gives the Commissioner of Education final approval of a regional school unit, including an alternative organizational structure. The law also eliminates the requirement that a school, after leaving an alternative organizational structure, must join a conforming school administrative unit within two years. The law takes effect July 1, 2012.