

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> 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 125<sup>th</sup> 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 125<sup>th</sup> 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***

**Committee Amendment "A" (H-490)**

This amendment, which is the majority report of the committee, provides that a student enrolled in an equivalent instruction program in a private school that enrolls fewer than 30 students is eligible to participate in public school cocurricular, extracurricular and interscholastic activities when the private school is not a member of the Interscholastic Division of the Maine Principals' Association, a statewide association that promotes, organizes and regulates statewide interscholastic activities in both public and private schools.

This amendment is a Committee of Conference report and incorporates the substance of Committee Amendment "A," Senate Amendment "A" and Senate Amendment "B." The amendment provides that a student enrolled in an equivalent instruction program in a private school is eligible to participate in public school cocurricular, extracurricular and interscholastic activities when the private school is not a member of the Interscholastic Division of the Maine Principals' Association, a statewide association that promotes, organizes and regulates statewide interscholastic activities in both public and private schools.

This amendment also allows the principal of a school to withhold approval of participation of a student in cocurricular, extracurricular or interscholastic activities.

This amendment also strikes the restriction that allows only students of private schools that enroll fewer than 30 students to be eligible to participate in public school cocurricular, extracurricular and interscholastic activities.

**Enacted Law Summary**

Public Law 2011, chapter 456 provides that a student enrolled in an equivalent instruction program in a private school is eligible to participate in public school cocurricular, extracurricular and interscholastic activities when the private school is not a member of the Interscholastic Division of the Maine Principals' Association, a statewide association that promotes, organizes and regulates statewide interscholastic activities in both public and private schools. The law also allows the principal of a school to withhold approval of participation of a student in cocurricular, extracurricular or interscholastic activities.

**LD 911      Resolve, Directing the Maine Community College System To Establish the Great Works School Campus      MAJORITY (ONTP) REPORT**

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

This resolve directs the Maine Community College System to establish the Great Works School in Sanford as a campus of the Maine Community College System.

**LD 929      Resolve, To Establish a Study Group To Review the Teacher Certification Process      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN ALFOND	ONTP	

*Joint Standing Committee on Education and Cultural Affairs*

This resolve directs the Commissioner of Education to establish a study group to review the teacher certification process and recommend ways to streamline and simplify the process and reduce the time needed to receive certification as a teacher with particular emphasis on certification for individuals without degrees in education. The commissioner is required to report the results of the study undertaken by the study group along with any recommended legislation to the Joint Standing Committee on Education and Cultural Affairs.

**LD 938      An Act To Permit Public School Online Learning Programs To Accept  
Nonresident Tuition Students**

**PUBLIC 353  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAULIEU CRAVEN	OTP-AM	H-537

This bill permits Maine public school systems that offer online learning programs to allow nonresident students to participate in those programs on a tuition basis. The participation of nonresident tuition students in these programs will benefit the sponsoring public school systems both educationally and financially.

**Committee Amendment "A" (H-537)**

This amendment clarifies the provisions in the bill that permit Maine public school systems that offer online learning programs to allow nonresident students to participate in those programs on a tuition basis when the students, and their parents, reside outside the State. The amendment also adds language to repeal these provisions in three years. The amendment changes provisions in the bill that provide that tuition students whose parents reside outside the State may not be counted for purposes of the Essential Programs and Services Funding Act, may not be included in the statewide assessment program established pursuant to the Maine Revised Statutes, Title 20-A, chapter 222 and are not subject to Title 20-A, chapter 223 provisions pertaining to student health, immunization and health screening to clarify that the tuition student must also reside outside the State for these exemptions to apply. The amendment also strikes provisions in the bill that propose to establish a definition of "learning coach" and to add the term to provisions pertaining to online learning programs or courses.

**Enacted Law Summary**

Public Law 2011, chapter 353 permits school administrative units that offer online learning programs and courses to allow nonresident students to participate in those programs and courses on a tuition basis when the students, and their parents, reside outside the State. The law provides that tuition students whose parents reside outside the State may not be counted for purposes of the Essential Programs and Services Funding Act, may not be included in the statewide assessment program established pursuant to the Maine Revised Statutes, Title 20-A, chapter 222 and are not subject to Title 20-A, chapter 223 provisions pertaining to student health, immunization and health screening. The law also includes language to repeal these provisions in three years.

Public Law 2011, chapter 353 was enacted as an emergency measure effective June 15, 2011.

**LD 944      An Act To Increase College Attainment**

**MINORITY  
(ONTP) REPORT**

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