

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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STATE OF MAINE

125TH LEGISLATURE
SECOND REGULAR SESSION



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 Second 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.

<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; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation 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>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 125th Legislature is Thursday, August 30, 2012. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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This amendment strikes the provisions of Committee Amendment "A" that establish the Integrated Manufacturing Program Fund and eliminates the provision of \$820,000 in one-time funds to the Maine Community College System in fiscal year 2012-13. As amended, the bill still includes ongoing General Fund appropriations of \$257,000 per year beginning in fiscal year 2012-13 for York County Community College to respond to the demand for skilled workers in the precision machining industry.

Enacted Law Summary

Public Law 2011, chapter 667 provides ongoing General Fund appropriations of \$257,000 per year beginning in fiscal year 2012-13 for York County Community College to respond to the demand for skilled workers in the precision machining industry.

LD 675 Resolve, To Create a Working Group To Study Multidistrict Online Learning Options in Maine RESOLVE 116

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-375

This bill was carried over from the First Regular Session of the 125th Legislature. The bill allows nonresident students to enroll in a school administrative unit's online learning program, with the school administrative unit of residence for that student to pay the enrolling school administrative unit the student's tuition for the program. The bill also directs the Department of Education to create a stakeholder group to study the opportunities in and challenges of creating one online learning program for the State and to report to the Joint Standing Committee on Education and Cultural Affairs by January 4, 2012.

Committee Amendment "B" (S-375)

This amendment strikes and replaces the bill to create a resolve that directs the Department of Education to create a working group to study the opportunities in and challenges of establishing multidistrict online learning options for students in the State and to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 4, 2013. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs is authorized to submit a bill to the 126th Legislature.

Enacted Law Summary

Resolve 2011, chapter 116 directs the Department of Education to create a working group to study the opportunities in and challenges of establishing multidistrict online learning options for students in the State and to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 4, 2013. The joint standing committee is authorized to submit a bill to the 126th Legislature.

LD 958 Resolve, To Authorize the Legislature To Contract for an Independent Review To Evaluate the Essential Programs and Services Funding Act RESOLVE 166 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P THOMAS	OTP-AM	H-920

This bill was carried over from the First Regular Session of the 125th Legislature. The resolve directs the Department of Education to have an independent agency not previously involved with the essential programs and

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services funding formula review the essential programs and services model to analyze the impact of its implementation on children from economically disadvantaged areas, the funding shifts experienced by small rural schools and the result of the regional salary adjustment variable and the economically disadvantaged student variable on the equity of the distribution of state aid to municipalities for education and to provide a report to the Joint Standing Committee on Education and Cultural Affairs by December 1, 2011. The bill authorized the joint standing committee to submit a bill relating to the report to the Second Regular Session of the 125th Legislature.

Committee Amendment "B" (H-920)

This amendment strikes and replaces the resolve, which directs the Department of Education to have an independent agency not previously involved with the essential programs and services funding formula review the essential programs and services funding formula to analyze the impact of its implementation on certain issues involved with funding public education in Maine. The amendment authorizes the Legislature to enter into a contract for an independent review of the Essential Programs and Services Funding Act through a process that awards a contract to a qualified research entity. The review of Maine's school funding formula must be designed to provide the Legislature with an objective evaluation of the Essential Programs and Services Funding Act that includes, but is not limited to, comparisons between fair and equitable state education finance policies established in other comparable states and such policies in Maine.

The amendment requires the Office of Program Evaluation and Government Accountability to provide assistance to the Joint Standing Committee on Education and Cultural Affairs on the development and administration of a process that awards a contract to a qualified research entity to conduct the independent review of the Essential Programs and Services Funding Act. The involvement by that office in this project was approved by a vote of 12-0 by the Government Oversight Committee on March 9, 2012. The amendment also establishes an advisory committee to advise the Office of Program Evaluation and Government Accountability and the Joint Standing Committee on Education and Cultural Affairs on matters related to administering the contract for the independent review of the Essential Programs and Services Funding Act.

The amendment also provides that the qualified research entity selected to conduct the independent review must present a preliminary report of the results of the initial evaluation required under the review to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by April 1, 2013. The final report, including the results of the detailed evaluation required under the independent review, must be presented to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 1, 2013. The joint standing committee is authorized to submit a bill relating to the final report to the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2011, chapter 166 authorizes the Legislature to enter into a contract for an independent review of the Essential Programs and Services Funding Act through a process that awards a contract to a qualified research entity. The review of Maine's school funding formula must be designed to provide the Legislature with an objective evaluation of the Essential Programs and Services Funding Act that includes, but is not limited to, comparisons between fair and equitable state education finance policies established in other comparable states and such policies in Maine.

The resolve requires the Office of Program Evaluation and Government Accountability to provide assistance to the Joint Standing Committee on Education and Cultural Affairs on the development and administration of a process that awards a contract to a qualified research entity to conduct the independent review of the Essential Programs and Services Funding Act. The resolve also establishes an advisory committee to advise the Office of Program Evaluation and Government Accountability and the Joint Standing Committee on Education and Cultural Affairs on matters related to administering the contract for the independent review of the Essential Programs and Services Funding Act.

Finally, the resolve provides that the qualified research entity selected to conduct the independent review must

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present a preliminary report of the results of the initial evaluation required under the review to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by April 1, 2013. The final report, including the results of the detailed evaluation required under the independent review, must be presented to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 1, 2013. The joint standing committee is authorized to submit a bill relating to the final report to the Second Regular Session of the 126th Legislature.

Resolve 2011, chapter 166 was finally passed as an emergency measure effective May 16, 2012.

LD 980 An Act To Prohibit Cyberbullying in Public Schools ONTP

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

This bill was carried over from the First Regular Session of the 125th Legislature. Current law requires each school board to adopt a policy that addresses injurious hazing. This bill repeals the injurious hazing law and enacts provisions requiring school boards to adopt policies prohibiting offensive student or organizational behavior, including injurious hazing, harassment, bullying and cyberbullying. It requires the school board to include in the policy a procedure for reporting the offensive behavior to the authorities. The bill also makes harassment by cyberbullying a civil violation.

**LD 1003 Resolve, To Assist Maine Schools To Obtain Federal Funds for RESOLVE 145
Medically Necessary Services EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB SHERMAN	OTP-AM	H-788

The bill was carried over from the First Regular Session of the 125th Legislature. The bill, which is a concept draft pursuant to Joint Rule 208, proposes to increase school administrative units' access to federal Medicaid funding for medically necessary services provided by those school administrative units to special education students for whom those services are required under an individualized education plan adopted for the student and as part of a free and appropriate public education.

Committee Amendment "A" (H-788)

This amendment strikes and replaces the bill with a resolve and does the following.

1. It adds an emergency preamble and an emergency clause.
2. It directs the Department of Education and the Department of Health and Human Services to work together with an interagency stakeholder group to refine existing MaineCare policies, develop new policies or prepare nonregulatory guidance on billing procedures, as appropriate, to ensure the provision of medically necessary services to students in school-based settings.
3. It provides that, after due consideration of the input of the stakeholders and relevant work groups involved in the interagency stakeholder group and if determined to be appropriate by the Department of Education and the