

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

STAFF:

PHILLIP D. MCCARTHY, LEGISLATIVE ANALYST
CAROLYN RUSSO, LEGISLATIVE ANALYST
JILL IPPOLITI, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

SEN. BRIAN D. LANGLEY, CHAIR
SEN. GARRETT PAUL MASON
SEN. JUSTIN L. ALFOND

REP. DAVID E. RICHARDSON, CHAIR
REP. PETER E. EDGECOMB
REP. HOWARD E. MCFADDEN
REP. PETER B. JOHNSON
REP. JOYCE A. MAKER
REP. MICHAEL D. MCCLELLAN
REP. RICHARD V. WAGNER
REP. MARY PENNELL NELSON
REP. STEPHEN LOVEJOY
REP. HELEN RANKIN
REP. MADONNA M. SOCTOMAH

STATE OF MAINE
125TH LEGISLATURE
FIRST 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 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 976 An Act To Require 3 Years of Experience in a School Administrative Unit before a Teacher May Receive a Continuing Contract Offer

PUBLIC 172

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P THOMAS	OTP-AM	H-243

This bill extends the probationary teacher contract to three years and provides that a duly certified teacher is not eligible for a continuing contract in the employing school administrative unit until after the third year of a probationary teacher contract. This bill also extends the period of a duly certified teacher's contract to five years and requires the superintendent to notify the teacher in writing, prior to May 15th before the expiration of the fifth year of a duly certified teacher's contract, of the superintendent's decision to nominate or not nominate the teacher for another five-year contract.

Committee Amendment "A" (H-243)

This amendment specifies that superintendents must evaluate probationary teachers in their second year of employment as determined by school board policy. The amendment increases the probationary period of teachers from its current two-year period to a three-year period beginning with the 2012-2013 school year. The amendment directs superintendents to support probationary teachers throughout their probationary periods. The amendment also directs the Department of Education to review teacher evaluation systems to determine how they are used to aid hiring, retention and dismissal decisions and professional development. The Department of Education is directed to report its findings to the Joint Standing Committee on Education and Cultural Affairs by December 30, 2011.

Public Law 2011, chapter 420 (LD 1480), The Errors Bill, amended an error in this Committee Amendment by reinstating the existing two-year contract minimum for non-probationary teachers from the incorrect five-year provision.

Enacted Law Summary

Public Law 2011, chapter 172 directs superintendents to evaluate probationary teachers in their second year of employment as determined by school board policy. It increases the probationary period of teachers from its current two-year period to a three-year period beginning with the 2012-2013 school year. It directs superintendents to support probationary teachers throughout their probationary periods. Public Law 2011, chapter 172 also directs the Department of Education to review teacher evaluation systems to determine how they are used to aid hiring, retention and dismissal decisions and professional development. The Department of Education is directed to report its findings to the Joint Standing Committee on Education and Cultural Affairs by December 30, 2011.

LD 977 Resolve, To Analyze the Value of Distance Learning in a Rural Environment

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P THOMAS	ONTP	

This resolve directs the Department of Education to conduct an analysis of distance learning via the Internet statewide and for rural communities by establishing two pilot programs in the spring semester of 2012 and analyzing distance learning's cost, effectiveness and impact on the structure of educational districts and the teaching workforce and the feasibility of establishing an online high school. The resolve also requires the department to develop

Joint Standing Committee on Education and Cultural Affairs

legislation to allow enrollment of a student from one school administrative unit in an educational course offered via the Internet by another school administrative unit and to make distance learning via the Internet a top priority in the State.

LD 980 An Act To Prohibit Cyberbullying in Public Schools Carried Over

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

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.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 982 An Act To Create a Unified Board of Higher Education MAJORITY
(ONTP) REPORT**

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

This bill replaces the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy with the Board of Trustees of Higher Education to provide a unified body for the governance of those institutions. Part A makes changes to the law to replace some select references to the individual boards of trustees with the unified board and enacts a new chapter in the Maine Revised Statutes, Title 20-A with provisions that establish the new unified board. Part B establishes a transition team to recommend further changes to the law to fully accomplish the transition to the unified board. The transition team will specifically recommend changes to determine the qualifications of trustees and the powers and duties of the unified board in a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The report of the transition team must also recommend changes to the administration or organization and the existing law governing the University of Maine System, the Maine Maritime Academy and the Maine Community College System to ensure that any potential conflicts with the law establishing the new unified board are avoided. The joint standing committee is authorized to submit a bill to the Second Regular Session of the 125th Legislature based upon the report.