

# 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*

**LD 1003     An Act To Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services** **Carried Over**

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

This bill is a concept draft pursuant to Joint Rule 208. The bill 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.

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

**LD 1013     An Act Regarding School Board Members and Their Spouses** **MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN THIBODEAU	ONTP MAJ OTP-AM MIN	

Current law prohibits a member of a school board or the spouse of a member of a school board from being an employee in a school that is within the jurisdiction of the school board on which that member serves. This bill provides for an exception to that prohibition if the spouse is employed as a part-time substitute teacher or a coach or in some other extracurricular position and the school administrative unit has a policy to handle conflicts of interest. This bill also, in other cases, allows the Commissioner of Education to waive the prohibition if the school administrative unit has a conflict of interest policy in place and can demonstrate, based on the size of the school administrative unit, the geographic location of the school administrative unit and the difficulty in getting employees, that the waiver is appropriate.

**Committee Amendment "A" (H-250)**

This amendment, which is the minority report, strikes the part of the bill that authorizes the Commissioner of Education to waive the prohibition of full-time employment of a spouse of a school board member in a public school within the jurisdiction of the school board.

**LD 1017     An Act To Improve the Essential Programs and Services Funding Model by Providing for a Cost of Housing Adjustment** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVEJOY BLISS	ONTP	

This bill requires that, beginning in fiscal year 2013-14, the regional adjustment to the salary and benefits costs of teachers and other school personnel be based on the cost of housing in the counties in the State. The bill also directs

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the Commissioner of Education, in conjunction with the Maine Education Policy Research Institute, to prepare a transition plan that addresses the development of the regional adjustment that is based on a cost of housing factor.

**LD 1033 An Act To Support Resource Sharing among Maine Libraries**

**HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO RECTOR	OTP-AM	S-369 ROSEN R

This bill provides funding to support weekly van delivery service to help defray the cost of sending and returning items through interlibrary loan to public libraries across the State.

**Committee Amendment "A" (H-225)**

This amendment specifies that the funds appropriated in the bill are to be used to defray the cost of van delivery service for those libraries that participated in the van delivery service in fiscal years 2009-10 and 2010-11.

**Senate Amendment "A" (S-369)**

This amendment incorporates Committee Amendment "A" and removes the funding for fiscal year 2011-12.

**Enacted Law Summary**

This bill was enacted but as of this printing, had not been acted upon by the Governor and, pursuant to Art. IV, Part 3rd, Sec. 2 of the Maine Constitution, currently has no final disposition. It provides funding in fiscal year 2012-2013 to support the weekly van delivery service to help defray the cost of sending and returning items through interlibrary loan to public libraries across the State.

**LD 1038 An Act Regarding Property Deposited with Museums and Historical Societies**

**PUBLIC 263**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON D	OTP-AM	H-465

This bill reduces storage and insurance costs for museums and historical societies by reducing by 22 years the period that abandoned property must be held before title may be taken. The bill adopts the American Association of Museums definition of "museum," clarifies the rights of those lending tangible collection materials to museums and protects museums exercising due diligence in emergency situations.

**Committee Amendment "A" (H-465)**

This amendment modifies the bill to provide that property that has a value of less than \$100 that has been abandoned to a museum for three years becomes the property of the museum. It also modifies the definition of "museum" to clarify the types of organizations governed by this provision of law.

**Enacted Law Summary**

Public Law 2011, chapter 263 provides that property that has a value of less than \$100 that has been abandoned to a museum for three years becomes the property of the museum. It revises notice requirements that apply to property