

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

STATE OF MAINE

125TH LEGISLATURE
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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 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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Enacted Law Summary

Public Law 2011, chapter 470 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 1237

An Act To Prohibit Bullying and Cyberbullying in Schools

PUBLIC 659

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| MORRISON BARTLETT | OTP-AM | H-745 S-598 ROSEN R |

This bill was carried over from the First Regular Session. The bill requires each school administrative unit to adopt, by August 15, 2012, a harassment, intimidation and bullying prevention policy based upon a model policy developed by the Commissioner of Education in conjunction with an advisory committee composed of representatives of parents, guardians, teachers, school employees, volunteers, students, administrators, community representatives, the Maine School Superintendents Association, the Maine Principals' Association and other interested parties. Harassment, intimidation and bullying prevention policies must be posted on the publicly accessible portions of the Department of Education's website and the respective school administrative unit's website.

Committee Amendment "B" (H-745)

This amendment replaces the bill, which requires the Commissioner of Education to develop a model harassment, intimidation and bullying prevention policy and requires that school administrative units adopt a policy based on the model by August 15, 2012. The amendment:

1. Requires the Department of Education to develop a model policy on bullying and cyberbullying in accordance with the requirements set forth in the Maine Revised Statutes, Title 20-A, section 6554 by January 1, 2013;
2. Defines "bullying" to include cyberbullying and establishes a prohibition on bullying to ensure a safe and secure student learning environment in public schools in the State;
3. Provides that when a school board revises the school administrative unit's existing policies and procedures established to address bullying pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 15, the school board shall adopt a policy that is consistent with the provisions established to prohibit bullying at school or on school grounds, including cyberbullying that takes place at school or elsewhere through the use of technology;
4. Provides that the policy adopted by a school board to address bullying must include the following provisions:
 - A. The responsibility of the superintendent or the superintendent's designee to implement and enforce the policy;
 - B. The requirement that school staff members, including persons involved with extracurricular or cocurricular activities, report incidents of bullying;

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- C. The procedures for students, school personnel, parents, legal guardians and others to report incidents of bullying;
 - D. The procedures for promptly investigating and responding to incidents of bullying, including communicating measures to ensure the safety of a targeted student and prevent further acts of bullying;
 - E. A statement of the disciplinary actions that a person who engages in bullying may be subjected to, including the imposition of a series of graduated consequences that include alternative discipline practices;
 - F. A procedure, consistent with the school board's other appeals procedures, to appeal the decision of a school principal or superintendent's designee involving disciplinary action taken or not taken against a person who engages in bullying; and
 - G. A statement that communication with law enforcement officials is permitted if a school principal or superintendent's designee believes that the pursuit of civil action or criminal charges is appropriate;
- 5. Requires a school board to disseminate its policies to address bullying, including posting the policies on the school administrative unit's publicly accessible website and incorporating details of the policies in the student handbook;
 - 6. Provides that a superintendent or the superintendent's designee is responsible for ensuring that every substantiated incidence of bullying is addressed;
 - 7. Provides that each school administrative unit shall file its policies to address bullying with the Department of Education and requires the Commissioner of Education to create a procedure for reporting incidents of bullying and cyberbullying to the department on at least an annual basis; and
 - 8. Provides that a school administrative unit shall provide professional development and staff training in the best approaches to implementing its policies to address bullying.

Senate Amendment "A" To Committee Amendment "B" (S-598)

This amendment adds a mandate preamble.

Enacted Law Summary

Public Law 2011, chapter 659 requires the Commissioner of Education to develop a model policy on bullying and cyberbullying in accordance with the requirements set forth in the Maine Revised Statutes, Title 20-A, section 6554 by January 1, 2013. The law accomplishes the following.

- 1. It defines "bullying" to include cyberbullying and establishes a prohibition on bullying to ensure a safe and secure student learning environment in public schools in the State.
- 2. It provides that when a school board revises the school administrative unit's existing policies and procedures established to address bullying pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 15, the school board shall adopt a policy that is consistent with the provisions established to prohibit bullying at school or on school grounds, including cyberbullying that takes place at school or elsewhere through the use of technology.
- 3. It provides that the policy adopted by a school board to address bullying must include the following provisions:
 - A. The responsibility of the superintendent or the superintendent's designee to implement and enforce the policy;
 - B. The requirement that school staff members, including persons involved with extracurricular or cocurricular

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activities, report incidents of bullying;

C. The procedures for students, school personnel, parents, legal guardians and others to report incidents of bullying;

D. The procedures for promptly investigating and responding to incidents of bullying, including communicating measures to ensure the safety of a targeted student and prevent further acts of bullying;

E. A statement of the disciplinary actions that a person who engages in bullying may be subjected to, including the imposition of a series of graduated consequences that include alternative discipline practices;

F. A procedure, consistent with the school board's other appeals procedures, to appeal the decision of a school principal or superintendent's designee involving disciplinary action taken or not taken against a person who engages in bullying; and

G. A statement that communication with law enforcement officials is permitted if a school principal or superintendent's designee believes that the pursuit of civil action or criminal charges is appropriate.

4. It requires a school board to disseminate its policies to address bullying, including posting the policies on the school administrative unit's publicly accessible website and incorporating details of the policies in the student handbook.

5. It provides that a superintendent or the superintendent's designee is responsible for ensuring that every substantiated incidence of bullying is addressed.

6. It provides that each school administrative unit shall file its policies to address bullying with the Department of Education and requires the Commissioner of Education to create a procedure for reporting incidents of bullying and cyberbullying to the department on at least an annual basis.

7. It provides that a school administrative unit shall provide professional development and staff training in the best approaches to implementing its policies to address bullying.

LD 1316 An Act To Expand Magnet Schools in Maine

ONTP

Sponsor(s)

LOVEJOY

Committee Report

ONTP

Amendments Adopted

This 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 give school districts across the State authority to create magnet schools, either within their communities or in partnerships with other districts. Magnet schools that are created under this bill will be eligible for state funds under the essential programs and services funding formula.