

MAINE STATE LEGISLATURE

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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

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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 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.

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LD 1269 An Act To Require That the Taking of a Statewide Assessment Test for High School Seniors Be Voluntary ONTP

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

This bill allows students in grade 12 to choose to not take an assessment test administered by their school, including the preliminary scholastic assessment test, or PSAT, or the scholastic assessment test, or SAT.

LD 1273 An Act To Establish a 2-week Quiet Period for School Teams ONTP

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

This bill prohibits the coach or other advisor of a school athletic team or other school-organized and affiliated team from having any contact with members of the team during the two-week period immediately prior to the beginning of that team's traditional competitive season. This bill prohibits the team or a school-affiliated booster club or support group aligned with that team from engaging in fund-raising during that same two-week period. This bill also prohibits a school administrative unit from being a member of any statewide interscholastic association that places more restrictive limits on contact by coaches or fund-raising.

LD 1274 An Act To Restore Equity in Education Funding PUBLIC 419

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM MAJ ONTP MIN	S-240 S-273 RAYE

This bill amends several provisions of the Essential Programs and Services Funding Act to more equitably allocate state funds that are appropriated for essential programs and services. The bill makes the following changes.

1. It amends the definition of "property fiscal capacity" in order to base the local school administrative unit's fiscal capacity on the most recent certified state valuation or the average of the certified state valuation for the three years prior to the most recently certified state valuation, whichever is lower. This change provides a more accurate determination of a school administrative unit's fiscal capacity while protecting those school administrative units that are experiencing increasing property valuation.

2. It amends the staffing ratios established to determine the calculation of salary and benefit costs for school-level staff positions by providing a 10% reduction in the staffing ratios for school administrative units with a total school population of less than 1,200 students. This change recognizes that school administrative units with fewer than 1,200 students still have to provide certain levels of instruction, support and administrative positions that do not

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conform to the existing staffing ratios, which are based on enrollment assumptions that do not apply to approved smaller school administrative units.

3. It amends the EPS per-pupil rate calculated by the Commissioner of Education for each school administrative unit by removing the reduction of federal Title I funds from the calculation for teacher salaries and benefit costs. This change reflects the fact that federal Title I funding is one of several sources of revenue that are allocated to school administrative units and expended to support essential programs and services.

4. It amends the regional adjustment in the total operating allocation for school administrative units based on the regional differences in teacher salary costs for the labor market areas in which school administrative units are located by removing the benefits costs for teachers and other school-level staff from the calculation of salary costs. This change addresses the inequitable treatment of school administrative units with lower teacher salary costs relative to statewide averages due to local economic circumstances.

Committee Amendment "A" (S-240)

This amendment, which is the majority report of the committee, removes the provisions in the bill that propose to change the following components of the Essential Programs and Services Funding Act:

1. The definition of "property fiscal capacity" upon which a local school administrative unit's fiscal capacity is based; and
2. The removal of the reduction of federal Title I funds from the calculation of salaries and benefits costs for teachers and other school-level staff who are not teachers from the EPS per-pupil rate calculated by the Commissioner of Education for each school administrative unit.

The amendment clarifies the provision in the bill that pertains to the calculation of salary costs included in the regional adjustment in the total operating allocation for school administrative units based on the regional differences in teacher salary costs for the labor market areas in which school administrative units are located. The amendment provides that the calculation of the regional adjustment does not apply to the benefits costs of teachers and other school-level personnel.

The amendment also adds an adjustment for a school administrative unit that is a minimum subsidy receiver if the percentage of economically disadvantaged students in the school administrative unit is greater than the state average percentage of economically disadvantaged students and the school administrative unit operates a school. Finally, the amendment adds an appropriations and allocations section to the bill.

Senate Amendment "A" To Committee Amendment "A" (S-273)

This amendment requires the Department of Education to implement the provisions of this legislation within the existing budgeted resources of the general purpose aid for local schools program.

Enacted Law Summary

Public Law 2011, chapter 419 amends several provisions of the Essential Programs and Services Funding Act to more equitably allocate state funds that are appropriated for essential programs and services. The law makes the following changes.

1. It amends the staffing ratios established to determine the calculation of salary and benefit costs for school-level staff positions by providing a 10% reduction in the staffing ratios for school administrative units with a total school population of less than 1,200 students.
2. It amends the regional adjustment in the total operating allocation for school administrative units based on the regional differences in teacher salary costs for the labor market areas in which school administrative units

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are located by providing that the regional adjustment does not apply to the benefits costs of teachers and other school-level personnel.

3. It adds an adjustment for a school administrative unit that is a minimum subsidy receiver if the percentage of economically disadvantaged students in the school administrative unit is greater than the state average percentage of economically disadvantaged students and the school administrative unit operates a school.

The law also requires the Department of Education to implement the provisions of this legislation within the existing budgeted resources of the general purpose aid for local schools program.

LD 1280 An Act To Establish a Pilot Physical Education Project in Four Maine Schools

**PUBLIC 108
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROCHELO ALFOND	OTP-AM	H-125

This bill implements the recommendations of the PE4ME planning and oversight team related to improving the health and physical fitness of elementary school children.

Committee Amendment "A" (H-125)

This amendment stipulates that the Department of Education and the Department of Health and Human Services are not required to select pilot project sites and implement pilot projects if sufficient funds are not available from the Obesity and Chronic Disease Fund.

Enacted Law Summary

Public Law 2011, chapter 108 authorizes the Department of Education and the Department of Health and Human Services to use resources allocated from the Obesity and Chronic Disease Fund to develop improved physical education programs for elementary schools in the State. It directs the Commissioner of Education, the Commissioner of Health and Human Services and the Maine Governor's Council on Physical Activity to reconvene the PE4ME planning and oversight team, established pursuant to Resolve 2007, chapter 102, to further implement plans for improving the health, nutrition and physical fitness of elementary school children in the State. It directs the PE4ME planning and oversight team to design and implement a pilot project to demonstrate the efficacy of progressive practices involving physical education and health education in up to 4 elementary schools in the State. The Department of Education and the Department of Health and Human Services are not required to implement pilot projects if sufficient funds are not available from the Obesity and Chronic Disease Fund. The PE4ME planning and oversight team is required to submit an interim report to the Legislature's Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by January 31, 2012 and a final report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 31, 2013.

Public Law 2011, chapter 108 was enacted as an emergency measure effective May 19, 2011.