

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> 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

125<sup>TH</sup> 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 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.

<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 &amp; 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&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; 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 125<sup>th</sup> 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.

*Joint Standing Committee on Education and Cultural Affairs*

focus the code of conduct on positive intervention and expectations rather than unacceptable student behavior and that focus school disciplinary policies on evidence-based positive and restorative interventions rather than set punishments for specific behavior. It also discourages the use of zero-tolerance practices in school discipline.

6. It establishes due process standards for school expulsion proceedings to inform students and their parents or legal guardians of the procedural steps involved in and of their legal rights prior to, during and following the due process hearing and provide an explanation of the consequences of expulsion.

7. It amends the laws regarding school expulsion to provide that a school board may expel a student for a specific time period not to exceed the total number of instructional days approved by the school board for the current school year or the school board may expel the student and authorize the superintendent to provide the expelled student with a written reentry plan that does not specify the length of the expulsion, but instead specifies the conditions that must be met in order for the student to be readmitted to school after the expulsion.

8. It also provides that, if a school board authorizes the superintendent to provide the expelled student with a written reentry plan, the school board shall provide that:

A. The reentry plan is developed by the superintendent, in consultation with the student and the student's parents or legal guardian;

B. The reentry plan must provide guidance to the expelled student regarding what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur;

C. The reentry plan may require the expelled student to take reasonable measures determined by the superintendent to be helpful to establish the student's readiness to return to school;

D. The expelled student's parents are responsible for the cost of any professional services necessary to establish the student's readiness to return to school under the reentry plan, except for the costs of a child with a disability that is, or is subsequently determined to be, eligible for a free and appropriate public education in accordance with 34 Code of Federal Regulations, Sections 300.530, Paragraph (d) and 300.534, Paragraph (d); and

E. For a child with a disability who is expelled by a school board, the superintendent may, as appropriate, notify the student's individualized education program team.

9. It further amends the laws regarding school expulsion to authorize school boards to provide educational services to an expelled student in an alternative setting.

**LD 1592**

**An Act To Update the Laws Concerning the Maine School of Science and Mathematics**

**PUBLIC 473**

Sponsor(s)

AYOTTE  
JACKSON

Committee Report

OTP

Amendments Adopted

This bill updates the laws concerning the Maine School of Science and Mathematics to change the designation of the school from a chartered school to a magnet school and changes the title of "superintendent" of the school to "executive director" to avoid confusion with other statutory terms.

*Joint Standing Committee on Education and Cultural Affairs*

**Enacted Law Summary**

Public Law 2011, chapter 473 updates the laws concerning the Maine School of Science and Mathematics to change the designation of the school from a chartered school to a magnet school and changes the title of "superintendent" of the school to "executive director" to avoid confusion with other statutory terms.

**LD 1601      Resolve, To Amend the Resolve Establishing the Task Force on Franco-Americans      **RESOLVE 119  
EMERGENCY****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	OTP-AM	H-686

This resolve, which is an emergency, amends Resolve 2011, chapter 102, which established the Task Force on Franco-Americans. The resolve extends the time during which appointments may be made for the task force and authorizes the task force to hold 4 meetings. The resolve also provides that the task force chairs may call and convene the first meeting of the task force during the Second Regular Session or any subsequent special session of the 125th Legislature. It also directs the Franco-American Center at the University of Maine to provide necessary staffing services to the task force when the Legislature is in regular or special session. The resolve also adds a retroactivity clause.

**Committee Amendment "A" (H-686)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2011, chapter 119 amends Resolve 2011, chapter 102, which established the Task Force on Franco-Americans. The resolve extends the time during which appointments may be made for the task force and authorizes the task force to hold 4 meetings. The resolve also provides that the task force chairs may call and convene the first meeting of the task force during the Second Regular Session or any subsequent special session of the 125th Legislature. It also directs the Franco-American Center at the University of Maine to provide necessary staffing services to the task force when the Legislature is in regular or special session. The resolve also adds a retroactivity clause.

Resolve 2011, chapter 119 was finally passed as an emergency measure effective March 7, 2012.

**LD 1645      An Act To Require the Maine Community College System, the University of Maine System and the Maine Maritime Academy To Report the Number of Students Enrolled in Remedial Courses      **PUBLIC 615****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM MAJ OTP-AM MIN	S-475

This bill requires the Maine Community College System, the University of Maine System and the Maine Maritime Academy to report annually on the number of traditional students who attended high school in the State and who are enrolled in remedial courses at each campus within their respective systems.