

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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PHILLIP D. MCCARTHY, LEGISLATIVE ANALYST
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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6. It amends the requirement in current law that provides that a municipality may withdraw from a regional school unit only after a 2/3 vote approves a withdrawal agreement that is placed before the voters of the municipality in a municipal election. The amendment:

A. Provides that a municipality may withdraw from a regional school unit only after the withdrawal agreement is approved by a majority vote of those casting valid votes in the municipality and the total number of votes cast for and against the withdrawal agreement equals or exceeds 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election. These requirements are repealed January 1, 2015, at which time the 2/3 vote requirement will be reinstated; and

B. Provides an exception for a member municipality of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12 by continuing to require a 2/3 vote of those casting valid votes in the municipality before the member municipality of the reformulated school administrative district may withdraw from the regional school unit. This requirement is repealed January 1, 2015.

7. It amends the supermajority vote needed to close a school within a regional school unit by providing that a school may not be closed for lack of need unless closure of the school is approved by an affirmative vote of 2/3 of the elected membership or voting power of those serving on the regional school unit board of directors at the time of the vote.

LD 1762

An Act To Amend and Clarify the Public Charter School Law

PUBLIC 570

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON	OTP-AM MAJ ONTP MIN	S-422 S-451 LANGLEY

This bill amends the law authorizing creation of public charter schools. The bill makes the following changes with regard to authorizers of public charter schools. It allows the Commissioner of Education to suspend an authorizer's authority to enter into new charter contracts if the commissioner finds the authorizer is deficient in performing its functions. It clarifies the functioning of local school boards that join together to form a regional charter school. It clarifies membership and operations of the State Charter School Commission, including specifying members who are appointed because of their membership on the State Board of Education continue to serve on the commission only as long as they are members of the State Board of Education. It provides the transitional 10-school limit on public charter schools in current law applies only to schools approved by the commission. It requires a public charter school authorizer to give a public charter school written notice of deficiencies in the school and to provide written notice of the authorizer's charter revocation procedures and criteria.

The bill makes the following changes with regard to public charter schools. It provides governing boards of public charter schools are subject to the same conflict of interest provisions as noncharter public school boards. It clarifies when public charter schools take over responsibility for special education services for a student transferring from a noncharter public school and clarifies special education funding. The bill changes the law regarding payment of special education funds to a public charter school authorized by a local school board by requiring the payments be made to the local school board, not to the public charter school. The bill ensures a public charter school student has the same access to career and technical education programs as students in the noncharter public school in the student's resident school administrative unit.

Under current laws, if a school administrative unit fails to make payment to a public charter school, the Treasurer of

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State is directed to withhold payments to that school administrative unit. This bill provides the Treasurer of State may withhold those funds from the municipalities that are members of the school administrative unit. Finally, the bill provides public charter schools have access to high-risk pools and emergency funds operated by the State or by the school's authorizer, but do not have access to local high-risk or emergency funds.

Committee Amendment "A" (S-422)

The amendment does the following.

1. It changes the name of the charter school commission from "State Charter School Commission" to "Maine Charter School Commission" and allows reimbursement to commission members for all expenses.
2. It defines "catchment area" as the geographic area from which a public charter school expects to draw a majority of its students.
3. It adds a provision regarding catchment areas to the criteria a proposed public charter school's plan of organization must meet and clarifies a catchment area may not be designed to exclude areas with high rates of poverty, English language learners, at-risk students or students with disabilities.
4. It clarifies that the term of a member of the commission who is not a member of the State Board of Education ends on June 30th of the final year of the member's term and that grounds for removing a member of the commission must be specified in the commission rules.
5. It provides beginning June 30, 2014, commission rules are major substantive rules.
6. It removes authority for teachers at a public charter school to form a professional group that operates an instructional program under an agreement with the public charter school.
7. It adds detailed requirements for the auditing of public charter schools.
8. It specifies the reimbursement procedures for high-cost in-district special education placement, high-cost out-of-district special education placement and gifted and talented students served by a public charter school.
9. It removes a provision regarding access to risk pools for high-cost special education services and fiscal emergencies.

Senate Amendment "A" To Committee Amendment "A" (S-451)

This amendment alters the committee amendment to remove the emergency preamble and emergency clause from the legislation.

Enacted Law Summary

Public Law 2011, chapter 570 amends the law authorizing creation of public charter schools. It allows the Commissioner of Education to suspend an authorizer's authority to enter into new charter contracts if the commissioner finds the authorizer is deficient in performing its functions. It clarifies the functioning of local school boards that join together to form a regional charter school. It clarifies membership and operations of the Maine Charter School Commission, including specifying that members who are appointed because of their membership on the State Board of Education continue to serve on the commission only as long as they are members of the State Board of Education and further specifies that the terms of members who are not on the State Board of Education end on June 30th of the final year of the member's term. It clarifies Maine Charter School Commission rules are major substantive beginning June 30, 2014. It provides the transitional 10-school limit on public charter schools in current law applies only to schools approved by the commission. It requires a public charter school authorizer to give a public charter school written notice of deficiencies in the school and to provide written notice of the authorizer's charter revocation procedures and criteria.

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The law provides governing boards of public charter schools are subject to the same conflict of interest provisions as noncharter public school boards. It clarifies when public charter schools take over responsibility for special education services for a student transferring from a noncharter public school and clarifies special education funding. It changes the law regarding payment of special education funds to a public charter school authorized by a local school board by requiring the payments be made to the local school board, not to the public charter school. It ensures a public charter school student has the same access to career and technical education programs as students in the noncharter public school in the student's resident school administrative unit.

The law provides the Treasurer of State may withhold funds from the municipalities that are members of the school administrative unit. It removes authority for teachers at a public charter school to form a professional group that operates an instructional program under an agreement with a public charter school. It adds detailed requirements for auditing public charter schools. It specifies the reimbursement procedures for high-cost in-district special education placement, high-cost out-of-district special education placement and gifted and talented students served by a public charter school.

**LD 1766 *Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education* **RESOLVE 135
EMERGENCY****

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

This resolve provides for legislative review of portions of Chapter 61: Rules for Major Capital School Construction Projects, a major substantive rule of the Department of Education and the State Board of Education.

Enacted Law Summary

Resolve 2011, chapter 135 provides that final adoption of portions of Chapter 61: Rules for Major Capital School Construction Projects, a major substantive rule of the Department of Education and the State Board of Education, is authorized.

Resolve 2011, chapter 135 was finally passed as an emergency measure effective March 29, 2012.

LD 1767 *An Act To Authorize the Commissioner of Education To Allow Access to Criminal History Record Information to Entities Providing Document Management and To Remove Applicants' Fingerprints from the Fingerprint File* **PUBLIC 521**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON D	OTP-AM	H-730

This bill authorizes the Commissioner of Education to allow access to criminal history record information to entities providing document management to the Department of Education. It authorizes the Commissioner of Education to remove electronic and physical fingerprint records in the fingerprint file maintained by the Department of Public Safety, State Bureau of Identification when the applicant for a department credential has not had an active credential for a period of 5 years.