

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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STATE OF MAINE

125TH LEGISLATURE
SECOND REGULAR SESSION



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.

Joint Standing Committee on Education and Cultural Affairs

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.

Joint Standing Committee on Education and Cultural Affairs

Committee Amendment "A" (H-730)

This amendment 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 7 years.

Enacted Law Summary

Public Law 2011, chapter 521 authorizes the Commissioner of Education to allow access to criminal history record information to entities providing document management to the Department of Education. The law also 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 7 years.

LD 1770 An Act To Encourage Parental Involvement in Education

PUBLIC 571

Sponsor(s)

ALFOND

Committee Report

OTP-AM

Amendments Adopted

S-448

This bill requires school administrative units and public charter schools, in consultation with parents, teachers and administrators, to develop a parental involvement plan that promotes student achievement. Each school board and governing board is required to annually approve a parental involvement plan for the school administrative unit and the public charter school and to submit the plan to the Commissioner of Education. The bill also requires the Commissioner of Education to post on the Department of Education's publicly accessible website the names of all schools and public charter schools that do not develop a parental involvement plan.

Committee Amendment "A" (S-448)

This amendment strikes and replaces the bill. It directs the Commissioner of Education, in collaboration with school boards, school administrators, teachers, parents, students and other community members, to review parental involvement initiatives developed in this State and other jurisdictions that promote improvement in student learning and academic achievement. The commissioner is required to select exemplary parental involvement initiatives and post information on the selected initiatives on the Department of Education's publicly accessible website. The commissioner is also required to disseminate information in writing to school administrative units on the exemplary parental involvement initiatives posted on the department's publicly accessible website no later than December 31, 2012, and to strongly encourage school boards to adopt local procedures for implementing a districtwide parental involvement initiative as school board policy. The amendment provides that, beginning with the 2013-2014 school year, a school administrative unit that adopts a parental involvement initiative may submit a copy of that initiative to the department, which the commissioner is required to post on the department's publicly accessible website along with links to the publicly accessible websites of those school administrative units that have adopted districtwide parental involvement initiatives as school board policy.

Enacted Law Summary

Public Law 2011, chapter 571 directs the Commissioner of Education, in collaboration with school boards, school administrators, teachers, parents, students and other community members, to review parental involvement initiatives developed in this State and other jurisdictions that promote improvement in student learning and academic achievement. The commissioner is required to select exemplary parental involvement initiatives and post information on the selected initiatives on the Department of Education's publicly accessible website. The commissioner is also required to disseminate information in writing to school administrative units on the exemplary