

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.

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collected by the Department of Education. The law also establishes an incentive to encourage teachers with at least 3 years of experience who agree to mentor another teacher through the national board certification process to apply for national board certification. The law provides that, beginning with fiscal year 2012-13, the department must establish a nonlapsing scholarship fund to encourage teachers to apply to and enroll in the certification program of the National Board for Professional Teaching Standards. The law includes an appropriations and allocations section.

Public Law 2011, chapter 702 became law as a result of the Legislature's vote to override the Governor's veto.

LD 1782 Resolve, Regarding Legislative Review of Portions of Chapter 101: ONTP
Maine Unified Special Education Regulation Birth to Age Twenty,
Including Certain Sections and the Appendix, a Major Substantive Rule
of the Department of Education

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

This resolve provides for legislative review of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, Including Certain Sections and the Appendix, a major substantive rule of the Department of Education.

While this resolve was not enacted, portions of these provisionally adopted rules were addressed in LD 1724, which was finally passed as Resolve 2011, chapter 134.

LD 1783 Resolve, Regarding Legislative Review of Chapter 140: Public Charter RESOLVE 136
Schools, a Major Substantive Rule of the Department of Education

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-759 S-459 LANGLEY

This resolve provides for legislative review of Chapter 140: Public Charter Schools, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-759)

This amendment addresses technical and substantive changes to the proposed major substantive rule Chapter 140: Public Charter Schools in the areas of application, procedures for conversion and enrollment, transfer of records and funding.

Senate Amendment "A" (S-459)

This amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Resolve 2011, chapter 136 provides final adoption of Chapter 140: Public Charter Schools, a Major Substantive

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Rule of the Department of Education, is authorized contingent upon the Department of Education amending the proposed rule:

1. By changing the name of the application form to reflect it is a student information form;
2. By clarifying public charter schools have to transfer student records to public noncharter schools in a timely manner;
3. By clarifying when a public noncharter school that is the only public school option for students in the school administrative unit chooses to convert to a public school, town approval is determined by referendum;
4. By clarifying when the department is determining the 5% or 10% enrollment limits, it excludes from the base enrollment previously enrolled students in the public charter school;
5. By conforming transportation funding and gifted and talented funding descriptions to reflect changes in the law; and
6. By adding a plan for the provision of special education services to the charter school application process.

LD 1788 Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank

**RESOLVE 137
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ OTP-AM MIN	H-741 S-436 LANGLEY

This resolve provides for legislative review of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a major substantive rule of the Department of Education and the Maine Municipal Bond Bank.

Committee Amendment "A" (H-741)

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that final adoption of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank, is authorized contingent upon the department and the bank making 2 specified changes to the proposed rule.

Senate Amendment "A" To Committee Amendment "A" (S-436)

This amendment removes language that requires the rule governing the School Revolving Renovation Fund to be amended by restoring the priority list categories for funding renovation projects. It provides that the rule be amended by adding language that provides that approved projects must be funded based on the availability of funds and in priority order from priority one to priority five. The Commissioner of Education may approve funding for renovation projects as an exception to the priority one to priority five funding rule if category-specific funds become available from sources other than principal and interest received from the repayment of loans made from the fund, interest earned from the investment of fund balances and funds from school construction audit recoveries.