

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

July 2013

MEMBERS:

SEN. REBECCA J. MILLETT, CHAIR
SEN. CHRISTOPHER K. JOHNSON
SEN. BRIAN D. LANGLEY

REP. W. BRUCE MACDONALD, CHAIR
REP. MARY P. NELSON
REP. HELEN RANKIN
REP. MATTHEA DAUGHTRY
REP. BRIAN L. HUBBELL
REP. VICTORIA P. KORNFIELD
REP. PETER B. JOHNSON
REP. JOYCE A. MAKER
REP. MICHAEL D. MCCLELLAN
REP. MATTHEW G. POULIOT
REP. MADONNA M. SOCTOMAH

STAFF:

PHILLIP D. MCCARTHY, SR. LEGISLATIVE ANALYST
JON CLARK, DEPUTY DIRECTOR
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE

126TH LEGISLATURE

FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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

This amendment, which is the majority report of the committee, amends the bill to provide that part-time teachers must also meet the teacher employment provisions of the public charter school law. The amendment also directs the Department of Education, in consultation with the Maine Charter School Commission, to review funding provisions related to determining the per-pupil allocation amount necessary for the costs of operating virtual public charter schools and validating the appropriate amount of operating costs that should be provided for students enrolled in virtual public charter schools and report the results of its review to the Joint Standing Committee on Education and Cultural Affairs, which is authorized to report out a bill to the Second Regular Session of the 126th Legislature.

Committee Amendment "B" (H-438)

This amendment, which is the minority report of the committee, strikes the bill and replaces it with a resolve that directs the Department of Education, in consultation with the Maine Charter School Commission, to review funding provisions related to determining the per-pupil allocation amount necessary for the costs of operating virtual public charter schools and validating the appropriate amount of operating costs that should be provided for students enrolled in virtual public charter schools and report the results of its review to the Joint Standing Committee on Education and Cultural Affairs, which is authorized to report out a bill to the Second Regular Session of the 126th Legislature.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 485 An Act To Amend and Clarify Certain Education Laws

PUBLIC 167

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P LANGLEY	OTP-AM	H-149

This bill amends and clarifies certain education laws. Part A amends and clarifies requirements for the withdrawal of a municipality from a regional school unit and provides that annual audits must include a schedule of expenditures of federal funds. Part B:

1. Amends and clarifies allowable debt service costs for state-funded school construction projects and repeals obsolete language;
2. Clarifies when design and funding approval by the State Board of Education is granted;
3. Clarifies that a local school unit will be notified by the Commissioner of Education only after any approved vote has been considered by the State Board of Education; and
4. Clarifies statutory language requiring the compliance review of state-funded school construction projects.

Part C:

1. Revises the definition of "adult education" to provide that adult education programs must be provided through a career pathways and service system and to include adult workforce training and retraining and adult career and technical education in the list of adult education courses;
2. Provides that career and technical education regions may offer only adult career and technical education and adult workforce training and retraining courses and must perform intake and data management functions;
3. Removes career pathways learners from the list of learners served by adult workforce training and retraining;

Joint Standing Committee on Education and Cultural Affairs

4. Repeals the definition of "career pathways services" as a separate service as it has now been integrated as part of the overall definition of "adult education"; and
5. Includes college transition courses and adult workforce training and retraining among other administrative costs for the purpose of reimbursement.

Part D authorizes the Commissioner of Education to issue subpoenas for education records relevant to an investigation regarding the certification of educational personnel.

Committee Amendment "A" (H-149)

This amendment refines the provision in Part C of the bill to clarify that career and technical education regions may be eligible for reimbursement for adult career and technical education courses and adult workforce training and retraining courses. The amendment clarifies that career and technical education regions must meet the accountability requirements described in the Maine Revised Statutes, Title 20-A, section 8601-A, subsection 1, including the use of the adult education intake form and the adult education data management system.

Enacted Law Summary

Public Law 2013, chapter 167 amends and clarifies the following education laws.

1. It amends and clarifies requirements for the withdrawal of a municipality from a regional school unit;
2. It provides that annual audits must include a schedule of expenditures of federal funds.
3. It amends and clarifies provisions related to school construction projects, including:
 - A. The allowable debt service costs for state-funded school construction projects and repeals obsolete language;
 - B. When design and funding approval by the State Board of Education is granted for state-funded school construction projects;
 - C. When a local school unit will be notified by the Commissioner of Education after an approved vote has been considered by the State Board of Education; and
 - D. Refining statutory language requiring the compliance review of state-funded school construction projects.
4. It amends and clarifies provisions related to adult education programs, including:
 - A. Revising the definition of "adult education" to provide that adult education programs must be provided through a career pathways and service system and to include adult workforce training and retraining and adult career and technical education in the list of adult education courses;
 - B. Clarifying that career and technical education regions may be eligible for reimbursement for adult career and technical education courses and adult workforce training and retraining courses when they meet the accountability requirements described in the Maine Revised Statutes, Title 20-A, section 8601-A, subsection 1;
 - C. Removing career pathways learners from the list of learners served by adult workforce training and retraining;
 - D. Repealing the definition of "career pathways services" as a separate service as it has now been integrated as part of the overall definition of "adult education"; and

Joint Standing Committee on Education and Cultural Affairs

E. Incorporating college transition courses and adult workforce training and retraining among other administrative costs for the purpose of reimbursement.

5. It authorizes the Commissioner of Education to issue subpoenas for education records relevant to an investigation regarding the certification of educational personnel.

LD 521 An Act To Change the Budget Approval Process for Alternative Organizational Structures VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS MAKER	OTP	

This bill changes the school budget approval process for alternative organizational structures. Current law requires that a change in who approves a budget must be approved at the next statewide election. The bill requires that such a determination of who approves a budget must be approved at a special meeting authorized by a majority of the governing body of the alternative organizational structure rather than at the next statewide election.

LD 528 An Act To Require Parental Consent for a School To Conduct Mental Health or Behavioral Screening on a Student ONTP

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

This bill requires a school administrative unit to obtain written consent from a student's parent or guardian before conducting any mental health or behavioral screening or testing of the student.

LD 529 Resolve, Directing the Department of Education To Develop Safety Standards for School Access ONTP

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

This resolve directs the Department of Education to develop safety standards for entryways in existing and new school construction and report these standards to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2014.

LD 530 An Act To Ensure That the Standard of a Student's Best Interest Is Applied to Superintendent Agreements for Transfer Students PUBLIC 337

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON MILLETT	OTP-AM	H-316

This bill clarifies the standard to be applied by superintendents when considering the transfer of a student from one school administrative unit to another by incorporating the standard set forth in the Maine Revised Statutes, Title