

MAINE STATE LEGISLATURE

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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

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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

LD 772 **An Act To Implement the Recommendations of the Task Force on Franco-Americans Regarding the Reporting of Franco-American Ethnicity Data** **ONTP**

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

This bill requires the superintendent of each school administrative unit and the administrator of each private school to report to the Commissioner of Education the number of Franco-American students in their schools.

LD 773 **Resolve, To Enhance the Study of Franco-American History in Schools** **ONTP**

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

This resolve directs the Commissioner of Education to include Franco-American studies in the content standards and performance indicators for teaching social studies in Maine schools and provides a one-time appropriation of \$25,000 in fiscal year 2013-14.

LD 783 **An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY BURNS	OTP-AM ONTP	

Under current law, until January 1, 2015, a municipality that wishes to withdraw from a regional school unit must approve that withdrawal by a majority vote, with the total number of votes cast at least equal to 50% of the total number of votes cast in that municipality for Governor in the last gubernatorial election. If the municipality is part of a school administrative district that was reformulated as a regional school unit pursuant to the school consolidation laws, a 2/3 approval is needed. Beginning January 1, 2015, any withdrawal must be approved by 2/3 of the voters, without any requirement regarding the total number of votes cast.

This bill allows a municipality to withdraw from a regional school unit by a majority vote and eliminates the requirement regarding the total number of votes cast. The bill requires that a facilitator to oversee negotiations be appointed if, after 90 days of its formation, the withdrawal committee that is selected by the municipality seeking to withdraw from the regional school unit fails to reach an agreement with the regional school unit.

Committee Amendment "A" (H-552)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, strikes the provision in the bill that requires that a facilitator to oversee negotiations must be appointed if, after 90 days of its formation, the withdrawal committee that is selected by the municipality seeking to withdraw from the regional school unit fails to reach an agreement with the regional school unit. The amendment also updates a section of law that was amended in Public Law 2013, chapter 167, Part A, section 2 to avoid a conflict. The amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-561)

Joint Standing Committee on Education and Cultural Affairs

This amendment provides that if a municipality that is a member of a regional school unit withdraws from that regional school unit in accordance with the requirements set forth in the Maine Revised Statutes, Title 20-A, section 1466, subsection 9, any increase in administrative costs incurred by that municipality as a result of that withdrawal must be borne by that municipality.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-342)

This amendment incorporates the substance of House Amendment "A" to Committee Amendment "A" (H-561). In addition, this amendment retains until July 1, 2014, the existing law governing the number of votes required to withdraw from a regional school unit. This amendment provides that beginning July 1, 2014 a municipality may withdraw from a regional school unit by majority vote and eliminates the requirement regarding the total number of votes cast. This amendment also replaces the appropriations and allocations section in Committee Amendment "A."

This bill was recommitted to the Education and Cultural Affairs Committee 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 791	An Act To Improve Equity for Economically Disadvantaged Students Seeking To Transfer to an Approved Private School or a Public School	PUBLIC 356
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN JOHNSON C	OTP-AM OTP-AM	H-414

This bill provides that, if the Commissioner of Education decides to allow a student transfer that was not approved by the superintendents of the affected school administrative units, the commissioner is required to provide a written description of the basis of the commissioner's determination that the transfer is in the best interest of the student and the State is required to reimburse the receiving school administrative unit's actual costs for implementing the transfer order. The bill also provides that the commissioner's decision may be appealed by one or both of the superintendents to the State Board of Education.

Committee Amendment "A" (H-414)

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, strikes and replaces the bill. It provides that a student may transfer from one school administrative unit to another under a so-called superintendents' agreement only if the receiving school administrative unit operates a public school that includes the grade level of the student whose parent requests the transfer.

Committee Amendment "B" (H-415)

This amendment, which is the minority report of the joint standing committee, strikes and replaces the bill to authorize the Commissioner of Education to reimburse families of economically disadvantaged students for tuition and transportation costs associated with attending approved private schools or public elementary or secondary schools in school administrative units other than those units in which those families reside.

Enacted Law Summary

Public Law 2013, chapter 356 provides that a student may transfer from one school administrative unit to another under a so-called superintendents' agreement only if the receiving school administrative unit operates a public school that includes the grade level of the student whose parent requests the transfer.