

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
126<sup>TH</sup> 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

126<sup>TH</sup> LEGISLATURE  
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## 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 126<sup>th</sup> 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 126<sup>th</sup> 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 1144 An Act To Further Ensure Effective Teaching and School Leadership**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUSIAK	OTP-AM ONTP	H-254

This bill makes several changes related to the implementation of the performance evaluation and professional growth system provisions established in the Maine Revised Statutes, Title 20-A, chapter 508.

1. It removes 2 of the data elements that the Department of Education is required to collect in order to evaluate the performance of educator preparation programs.
2. It requires the Department of Education to amend or adopt rules regarding the implementation procedures related to the qualifications and preparation that trained evaluators must have in order to participate in the performance evaluation of teachers and school principals.
3. It amends the provisions requiring targeted funds for implementing the performance evaluation and professional growth systems for teachers and principals to require that, beginning with the 2013-2014 school year, the Commissioner of Education provide state funding, outside of the funding provided to school administrative units through the general purpose aid for local schools program, to implement performance evaluation and professional growth systems for teachers and principals.
4. It provides that school administrative units are not required to implement the performance evaluation and professional growth systems for teachers and principals until the Legislature funds the state share of the total cost of funding public education from kindergarten to grade 12 at the 55% level required by the Essential Programs and Services Funding Act. It also provides that targeted educator evaluation funds may be provided only if general purpose aid for local schools exceeds the required 55% state share.

**Committee Amendment "A" (H-254)**

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, makes 2 changes to the bill related to the performance evaluation and professional growth system provisions established in the Maine Revised Statutes, Title 20-A, chapter 508:

1. It removes the provision in the bill that provides that school administrative units would not be required to implement the performance evaluation and professional growth systems for teachers and principals until the Legislature funds the state share of the total cost of funding public education from kindergarten to grade 12 at the 55% level required by the Essential Programs and Services Funding Act; and
2. It removes the provision in the bill that provides that targeted educator evaluation funds would be provided only if general purpose aid for local schools exceeds the required 55% state share.

**LD 1160 An Act To Reduce Obesity among Schoolchildren**

**DIED BETWEEN  
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT MACDONALD W	OTP-AM ONTP	S-255

## *Joint Standing Committee on Education and Cultural Affairs*

This bill requires a student from kindergarten to grade 5 to participate in a minimum of 30 minutes of daily physical activity at school. A physical activity period may not be denied as punishment or discipline. The bill does not prohibit a teacher from restricting a student's participation in physical activity if that participation presents a danger to the student or to others or if the restriction is consistent with the student's individual education plan. A teacher may provide an alternative physical activity for a student behaving inappropriately during a physical activity period. The bill prohibits a public school from using food as a reward or punishment for a student's behavior or performance in kindergarten to grade 12.

### **Committee Amendment "A" (S-81)**

This amendment, which is the majority report, provides that the prohibition on the use of food as a reward or punishment for behavior or performance of a student does not apply if such use is consistent with the student's individual education plan. This amendment also adds a mandate preamble to the bill.

### **Senate Amendment "A" To Committee Amendment "A" (S-121)**

This amendment strikes the provisions in the bill and Committee Amendment "A" regarding the use of food as a reward or punishment.

### **Committee of Conference Amendment "A" (S-255)**

This committee of conference amendment incorporates the changes made by Committee Amendment "A" and Senate Amendment "A" to Committee Amendment "A" and makes a change to the requirement that students participate in daily physical activity. It makes the following changes to the bill.

1. It adds a mandate preamble.
2. It requires students from kindergarten to grade 5 to participate in a minimum of 30 minutes of daily physical activity on average at school. The bill requires these students to participate in a minimum of 30 minutes of physical activity at school every day.
3. It strikes the provisions regarding the use of food as a reward or punishment.

### **LD 1184      **Resolve, Requiring Rulemaking Regarding Special Education Requirements and Review of School Administrative Units That Do Not Operate Any Schools****

**RESOLVE 70**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL SAVIELLO	OTP-AM	H-399

This bill provides that the responsibility for compliance with special education requirements for children with disabilities resides with the school the student attends if the school administrative unit in which the student resides does not own, lease or otherwise operate any schools.

### **Committee Amendment "A" (H-399)**

This amendment replaces the bill with a resolve. The amendment directs the Department of Education to amend its rules governing special education to establish a process for the department to review sending school units with respect to children with disabilities who reside within the sending school unit who attend a receiving school.

### **Enacted Law Summary**

Resolve 2013, chapter 70 directs the Department of Education to amend its rules governing special education to