

# 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*

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.

**LD 1185 An Act To Enhance Efforts To Use Locally Produced Food in Schools**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE ALFOND	OTP-AM	

This bill requires a school administrative unit to report on its use of local foods in its school meal programs. It requires the Department of Education to make the reporting available to the public and to publish a list of schools that meet benchmarks for increasing the use of local foods. It also requires the Department of Education to establish rules to implement the provisions.

**Committee Amendment "A" (H-233)**

This amendment provides that school administrative units must determine and report at least annually the percentage of food purchased, grown or otherwise acquired for use in its elementary schools and secondary schools that is grown, raised or caught in the State as well as the percentage of dairy products purchased for use in its elementary schools and secondary schools that is produced in the State. It also adds an effective date of July 1, 2014.

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 1231 An Act To Amend the Compulsory School Attendance Laws**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT CAIN	OTP-AM ONTP	H-432

This bill amends the laws related to compulsory school attendance in order to improve the enforcement of federal and state requirements pertaining to compulsory school attendance in the State. The bill:

1. Changes the law regarding compulsory school age by:
  - A. Providing that a child who enrolls in a public day school before the child is 7 years of age is required to remain in attendance at a public day school or at an equivalent instruction alternative to attendance at a public day school in accordance with the Maine Revised Statutes, Title 20-A, section 5001-A, subsection 3; and
  - B. Changing the age when a child may stop attending school from 17 to 18 years of age;
2. Directs the Commissioner of Education to provide guidance to school boards, superintendents, principals and other school officials pertaining to the enforcement of the compulsory school attendance laws that require children to be enrolled from 7 years of age to 18 years of age in a public school or an equivalent instruction alternative. The enforcement guidance provided must clarify that a child who enrolls in a school administrative unit before the child is 7 years of age as allowed under Title 20-A, section 5201, subsection 2, paragraph B is required to remain in attendance at a public school or at an equivalent instruction alternative in accordance with Title 20-A, section

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5001-A; and

3. Directs the Commissioner of Education to provide guidance to school boards, superintendents, principals and other school officials regarding enforcement of federal and state laws related to student eligibility for certain federal and state welfare benefits and supplemental security income for children with disabilities.

**Committee Amendment "A" (H-432)**

This amendment, which is the majority report for the Joint Standing Committee on Education and Cultural Affairs, strikes and replaces the bill to change the compulsory school attendance laws to provide that a child who enrolls in a public day school before the child is 7 years of age is required to remain in attendance at a public day school or at an equivalent instruction alternative to attendance at a public day school unless the child's parent provides school officials with a written notice of intent to withdraw the child from school and a written assurance that the child will be enrolled in a school before the child reaches 7 years of age.

**LD 1235 An Act Regarding School Construction**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MACDONALD W	OTP-AM	S-239 S-312 MILLETT

This bill requires the State Board of Education to amend its rules regarding major capital school construction projects to allow a school administrative unit to begin the school construction planning process without being penalized on any of the Department of Education's school construction priority lists.

**Committee Amendment "A" (S-239)**

This amendment replaces the bill. The amendment requires the State Board of Education to adopt or amend the rules regarding major capital school construction projects to allow the top 20 school administrative units in the Department of Education's rating system used to develop any priority lists for funding school construction projects to begin the school construction planning process without being penalized under the rating system. The bill requires this without any limit. The amendment also strikes outdated provisions from the rule-making statute.

**Senate Amendment "A" To Committee Amendment "A" (S-312)**

This amendment:

1. Changes from 20 to 12 the number of school administrative units that may begin the school construction preplanning process without being penalized under the Department of Education's rating system;
2. Specifies that "school construction preplanning process" includes working with the department and the State Board of Education on a collaborative process with interested stakeholders and community members to develop a unified vision for the school construction project;
3. Specifies that costs associated with the development of conceptual drawings by an architect may be reimbursable as a project cost, consistent with department rules, for projects approved by the department; and
4. Provides that a school administrative unit that engages in school construction preplanning may not be accorded any preference in the development by the department of any future priority lists for funding school construction projects.