

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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126TH 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 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.

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2. Teachers who are employees of a noncharter public school converting to a public charter school remain public employees for all purposes, unless a majority of teachers employed by the conversion public charter school vote to be represented in alternative ways.

3. Teachers who are employees of a start-up public charter school or a noncharter public school converting to a public charter school may collectively bargain as a separate bargaining unit or as part of an existing school administrative unit collective bargaining unit as determined by a majority of the teachers employed by the start-up public charter school or noncharter public school converting to a public charter school.

LD 1347

**An Act To Improve the School Administrative Unit Consolidation Laws
by Allowing a Regional School Unit To Dissolve Itself**

**LEAVE TO
WITHDRAW**

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to improve the school administrative unit consolidation laws by allowing for the dissolution of a regional school unit at the end of any school year. The bill provides the following process for the dissolution of a regional school unit.

1. A member municipality of a regional school unit may petition to hold a vote on the dissolution of the regional school unit.
2. If a majority of the voters in the municipality approve the petition, the petition must be presented to the regional school unit board and the Commissioner of Education. The commissioner shall contact the regional school unit board, municipal officers of the participating municipalities and representatives of the group that filed the petition to establish a dissolution committee, which must prepare a dissolution agreement for submission to the voters of the member municipalities in the regional school unit.
3. Each member municipality of the regional school unit may independently decide whether the member municipality wants to participate in the referendum vote to dissolve the regional school unit.
4. A majority of the member municipalities within the regional school unit must approve the decision to hold the referendum vote on the question on the dissolution of the regional school unit.
5. The regional school unit may be dissolved only if a majority of voters in a majority of the member municipalities within the regional school unit votes to approve the referendum question to dissolve the regional school unit.
6. If a majority of voters in a majority of the member municipalities within the regional school unit votes to approve the referendum question on the dissolution of the regional school unit, the regional school unit must be dissolved and the board of directors of the regional school unit and a dissolution committee comprised of members representing each of the member municipalities in the regional school unit must develop and execute a dissolution agreement.
7. The dissolution agreement must provide for the disposition of all real and personal property and other monetary assets.
8. The dissolution agreement must address the outstanding indebtedness of the regional school unit as follows:
 - A. Outstanding indebtedness may not include debt service for school property, including real estate, facilities

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and any other infrastructure debt that is the sole responsibility of a member municipality within the regional school unit; and

B. Except for the provisions in paragraph A, outstanding indebtedness must be apportioned to each member municipality of the regional school unit based on the percentage of resident students that each member municipality has of the total student resident count in the regional school unit.

9. The member municipalities of the dissolved regional school unit may not be penalized for dissolving the regional school unit.

10. The member municipalities of the dissolved regional school unit may join another existing regional school unit or alternative organizational structure or may form an alternative organizational structure with another school administrative unit or with other units.

11. A member municipality of the dissolved regional school unit that tuitions a majority of its resident students to another school administrative unit or a private school that is approved to receive publicly funded students is exempt from any requirements established for the minimum number of students under the school administrative unit consolidation law and may form its own municipal school unit. A municipal school unit formed under this exemption must continue to provide school choice to parents of students who reside in the member municipality.

LD 1349 An Act To Amend the Appointment Process for the Maine Charter School Commission

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFELD	OTP-AM	H-454

This bill proposes to change the process by which public charter schools and virtual public charter schools are authorized. The bill designates the Legislature as the sole authorizer of public charter schools and virtual public charter schools in the State. It amends the duties of the Maine Charter School Commission to include recommending to the Legislature approval or denial of public charter school applications. The bill requires the commission to enter into charter contracts with charter schools authorized by the Legislature. It assigns oversight and monitoring of public charter schools to the commission and requires the commission to recommend to the authorizer that the contract of a public charter school or virtual public charter school be renewed or not renewed. The bill also makes the commission responsible for performance compliance.

Committee Amendment "A" (H-454)

This amendment changes the title of the bill and strikes and replaces the bill to change the process by which the four public members of the Maine Charter School Commission are nominated and appointed to the commission. The amendment shifts the authority for appointing the public members to the entire State Board of Education. The amendment also requires that the appointment of a public member to the commission is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate.