

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 1542

Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education

DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-507
	OTP-AM	H-546 MACDONALD W
	OTP-AM	

This resolve provides for legislative review of Chapter 180: Performance Evaluation and Professional Growth Systems, a major substantive rule of the Department of Education that was filed outside the legislative rule acceptance period.

Committee Amendment "A" (H-507)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that final adoption of Chapter 180: Performance Evaluation and Professional Growth Systems, a late-filed major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule. The specific changes are related to the following provisions of the rule:

1. The section concerning the use of measures of student learning and growth that are considered to be a significant factor in determining the summative effectiveness rating of an educator;
2. The section concerning the determination of the teacher of record for specific students; and
3. The section concerning the requirement that school administrative units must collaborate with educators and other education stakeholders in developing, implementing and reviewing a performance evaluation and professional development system.

The amendment also provides that the Maine Educator Effectiveness Council is authorized to continue to meet to review specified unresolved issues related to Department of Education rule Chapter 180, and that the Commissioner of Education must submit a report on the work of the council, including recommendations regarding proposed changes to the education statutes or Chapter 180, to the Joint Standing Committee on Education and Cultural Affairs by December 6, 2013. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 126th Legislature.

Committee Amendment "B" (H-508)

This amendment is one of 2 minority reports of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that final adoption of Chapter 180: Performance Evaluation and Professional Growth Systems, a late-filed major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule in the section concerning the determination of the teacher of record for specific students. The amendment also provides that the Maine Educator Effectiveness Council is authorized to continue to meet to review specified unresolved issues related to Department of Education rule Chapter 180, and that the Commissioner of Education must submit a report on the work of the council, including recommendations regarding proposed changes to the education statutes or Chapter 180, to the Joint Standing Committee on Education and Cultural Affairs by December 6, 2013. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 126th Legislature.

Committee Amendment "C" (H-509)

This amendment is one of 2 minority reports of the Joint Standing Committee on Education and Cultural Affairs.

Joint Standing Committee on Education and Cultural Affairs

The amendment provides that final adoption of Chapter 180: Performance Evaluation and Professional Growth Systems, a late-filed major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule. The specific changes are related to the following provisions of the rule:

1. The section concerning the use of measures of student learning and growth that are considered to be a significant factor in determining the summative effectiveness rating of an educator;
2. The section concerning the determination of the teacher of record for specific students;
3. The section concerning the requirement that school administrative units must collaborate with educators and other education stakeholders in developing, implementing and reviewing a performance evaluation and professional development system; and
4. The section concerning the requirement that school administrative units must form a steering committee to review and refine the performance evaluation and professional development system.

The amendment also provides that the Maine Educator Effectiveness Council is authorized to continue to meet to review specified unresolved issues related to Department of Education rule Chapter 180, and that the Commissioner of Education must submit a report on the work of the council, including recommendations regarding proposed changes to the education statutes or Chapter 180, to the Joint Standing Committee on Education and Cultural Affairs by December 6, 2013. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 126th Legislature.

House Amendment "A" To Committee Amendment "A" (H-546)

This amendment amends Committee Amendment "A" to provide greater detail regarding the permissible elements of a professional evaluation and professional growth system; to provide that educator effectiveness ratings may not be used for a reduction in force or nonrenewal of a contract unless all educators in the school administrative unit have received a rating and to require that members of a local education association be part of the initial group of stakeholders collaborating to develop the professional evaluation and professional growth evaluation system.

LD 1551 An Act Regarding the Board of Trustees of the Maine Public Broadcasting Corporation

**PUBLIC 367
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-263

This bill amends the law establishing the membership of the board of trustees of the Maine Public Broadcasting Corporation and requires the current board of trustees to amend the bylaws of the corporation by January 1, 2014 to establish the number, terms and qualifications of trustees of the corporation and the method and manner of their selection consistent with Maine nonprofit corporation laws. The members of the current board serve until the new board is selected.

Committee Amendment "A" (S-263)

This amendment adds an emergency preamble and emergency clause to the bill and provides that, beginning January 1, 2014, the membership of the board of trustees of the Maine Public Broadcasting Corporation must include one member representing the University of Maine System appointed by the Board of Trustees of the University of Maine System and one member to be appointed by the Governor, who is subject to review by the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to confirmation by the Senate. The amendment also provides that the chair of the board of trustees of the Maine Public Broadcasting Corporation must provide a report including the proposed changes to the bylaws related to the corporation's board of