

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

May 2014

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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

Committee Amendment "A" (H-779)

This amendment provides for the provision and administration of epinephrine auto injectors through collaborative practice agreements between physicians licensed in this State or school health advisors and school nurses.

Enacted Law Summary

Public Law 2013, chapter 526 provides for the provision and administration of epinephrine auto injectors through collaborative practice agreements between physicians licensed in this State or school health advisors and school nurses.

LD 1728 An Act To Prohibit Possession of a Replica or Simulated Firearm on or near School Property Accepted Majority (ONTP) Report

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

This bill prohibits the possession of a replica or simulated firearm on or near public or private school property and makes a violation of the law a Class E crime.

Committee Amendment "A" (S-402)

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, clarifies provisions proposed in the bill that prohibit the possession of a replica or simulated firearm on or near public or private school property. The amendment includes the following changes to the bill.

1. It clarifies the definition of "replica or simulated firearm" to provide that the object is not capable of expelling a projectile or is capable of expelling a projectile other than by the action of an explosive.
2. It clarifies the definition of "replica or simulated firearm" to provide that the object could reasonably be mistaken for an actual firearm.
3. It provides an exemption from the law for toys, look-alikes and imitation firearms that meet the marking conditions established under federal law.
4. It provides an exception for law enforcement officials.
5. It removes the provision that prohibits the possession of a replica or simulated firearm within 500 feet of public or private school property.
6. It changes the provision that makes the possession of a replica or simulated firearm on public or private school property a Class E crime by making that possession a civil violation.

LD 1736 Resolve, To Provide Maine Students with Access to Online and Digital Learning Opportunities through Their Existing School Districts Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY HUBBELL	OTP-AM OTP-AM	S-392 H-631 HUBBELL

Joint Standing Committee on Education and Cultural Affairs

This resolve directs the Department of Education to establish a virtual academy administered by the State providing all public schools in the State access to online courses for their students and to submit implementing legislation to the joint standing committee of the Legislature having jurisdiction over education matters. It also imposes a moratorium on the authorization of virtual public charter schools and public charter schools that integrate online and on-site instruction until after the virtual academy administered by the State is operational.

Committee Amendment "A" (S-392)

This amendment, which is the majority report of the committee strikes and replaces the resolve to accomplish the following.

1. It directs the Department of Education to convene a stakeholder group to develop plans to establish online and digital learning opportunities, which may include a state-administered virtual academy and a state-administered digital learning exchange, that provide all public schools in the State access to online instruction, online courses and digital learning resources for their students.
2. It directs the stakeholder group, in collaboration with the Department of Education, to complete the design of online and digital learning opportunities for Maine students and submit a report, including findings and any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2015.
3. It directs the stakeholder group, in collaboration with school administrative units in the State, to develop a memorandum of understanding with the Virtual Learning Academy Charter School in New Hampshire to provide Maine secondary school students with access to virtual learning programs during the 2014-2015 school year and it directs the Commissioner of Education to notify the Legislature whether or not the stakeholder group and the participating school administrative units in the State made a good faith effort to develop a memorandum of understanding in accordance on or before July 31, 2014.
4. It imposes a moratorium on the authorization and operation of virtual public charter schools subject to authorization by the Maine Charter School Commission until January 15, 2015 unless the Commissioner of Education notifies the Legislature that the stakeholder group and the participating school administrative units in the State failed to make a good faith effort to develop a memorandum of understanding on or before July 31, 2014.
5. It stipulates that the moratorium established by the resolve regarding the authorization or operation of virtual public charter schools prohibits a virtual public charter school that has not commenced operations as of the effective date of the resolve from commencing operations, regardless of whether the Maine Charter School Commission has approved, authorized or executed a contract authorizing that virtual public charter school prior to the effective date of the resolve; and it prohibits the Maine Charter School Commission from executing a contract or authorizing a virtual public charter school, including an application for a virtual public charter school pending approval by the commission on the effective date of the resolve.

Committee Amendment "B" (S-393)

This amendment, which is the minority report of the committee provides that the Department of Education must include two members of the joint standing committee of the Legislature having jurisdiction over education matters, members of the Maine Charter School Commission and providers of online learning programs in the group collaborating in the design of a state-administered virtual academy that the department must establish by August 1, 2016 to provide all public schools in the State access to online courses for their students.

The amendment provides that in designing the virtual academy the Department of Education must propose:

1. A funding model for the state-administered virtual academy that provides that state funding is allocated as a separate line item in the General Purpose Aid for Local Schools program; and

Joint Standing Committee on Education and Cultural Affairs

2. An amendment to the existing funding model for virtual public charter schools in order to provide that state funding is allocated as separate line items in the General Purpose Aid for Local Schools program and that the amount of funding provided for a student enrolled in a virtual public charter school does not exceed \$6,000 per student.

The amendment also strikes the moratorium proposed in the resolve that would prohibit the authorization of virtual public charter schools and public charter schools that integrate online and on-site instruction until after the virtual academy administered by the State is operational. This amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-631)

This amendment removes the emergency preamble and emergency clause.

LD 1747	Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department of Education	RESOLVE 113 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-757 H-777 JOHNSON P

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

Committee Amendment "A" (H-757)

This amendment provides that final adoption of portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a major substantive rule of the Department of Education, is authorized upon the Department of Education's making specific changes to the rule.

House Amendment "A" To Committee Amendment "A" (H-777)

This amendment amends Committee Amendment "A." The amendment differs from Committee Amendment "A" in the following ways.

1. It removes the provision in Committee Amendment "A" that sets requirements related to a school administrative unit that does not submit a performance evaluation and professional growth system, referred to as a PE/PG system, in compliance with the Maine Revised Statutes, Title 20-A, chapter 508 and the rule by June 1, 2015.
2. It includes requirements related to the criteria or instrument used to measure student growth.
3. It includes provisions setting requirements if the stakeholder group fails to reach consensus.
4. It adds provisions requiring the Department of Education to develop at least one complete model PE/PG system for teachers and at least one complete model PE/PG system for principals by July 3, 2014.

Enacted Law Summary

Resolve 2013, chapter 113 provides that final adoption of portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a major substantive rule of the Department of Education, is authorized upon the Department of Education's making specific changes to the rule.