

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
126<sup>TH</sup> 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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PHILLIP D. MCCARTHY, SR. LEGISLATIVE ANALYST  
KAREN NADEAU-DRILLEN, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

**STATE OF MAINE**  
126<sup>TH</sup> 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 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 Second Regular Session of the 126<sup>th</sup> 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*

Chapter 113 also requires the Department of Education to develop at least one complete performance evaluation and professional growth system model for teachers and at least one complete performance evaluation and professional growth system model for principals by July 3, 2014.

Resolve 2013, chapter 113 was finally passed as an emergency measure effective May 1, 2014.

**LD 1768     An Act To Allow All Current Members and Veterans of the United States  
Armed Forces To Be Eligible for In-state Tuition Rates**

**PUBLIC 488  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI TUTTLE	OTP-AM	H-695

Current law allows veterans of the Armed Forces of the United States who use so-called G.I. Bill benefits for tuition at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy to be eligible for in-state tuition rates, regardless of their state of residency. This bill extends that eligibility for in-state tuition rates to all veterans, regardless of their state of residency and regardless of whether they use G.I. Bill benefits to pay tuition.

**Committee Amendment "A" (H-695)**

This amendment provides that, if a current member of the United States Armed Forces or a veteran of the United States Armed Forces who has been honorably discharged is enrolled in a program of education at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy, that member or veteran is eligible for in-state tuition rates, regardless of the member's or veteran's state of residence.

**Enacted Law Summary**

Public Law 2013, chapter 488 provides that, if a current member of the United States Armed Forces or a veteran of the United States Armed Forces who has been honorably discharged is enrolled in a program of education at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy, that member or veteran is eligible for in-state tuition rates, regardless of the member's or veteran's state of residence.

Public Law 2013, chapter 488 was enacted as an emergency measure effective March 22, 2014.

**LD 1769     An Act To Implement the Recommendations of the Report Defining Cost  
Responsibility for Deaf and Hard-of-hearing Students Receiving  
Services from the Maine Educational Center for the Deaf and Hard of  
Hearing and the Governor Baxter School for the Deaf**

**PUBLIC 552**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-479

This bill has been submitted by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 2011, chapter 683, section 11, as amended by Public Law 2013, chapter 347. As required by these public laws, the Commissioner of Education and the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf submitted a joint report to the committee that included their findings, recommendations and the necessary changes to the Maine Revised Statutes, Title 20-A, chapter 304 that clarify the procedural and financial responsibilities of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and school administrative units that send students to attend the center preschool, the center school or a satellite school that is operated by the Maine Educational Center for the

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Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. This bill incorporates changes to law that the joint report indicated are necessary to implement its recommendations.

The committee has not taken a position on the substance of the joint report or this bill and by submitting this bill the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of the recommendations and the necessary changes to Title 20-A, chapter 304 included in the joint report or this bill. The committee is submitting the bill for the sole purpose of turning the proposals in the joint report into a printed bill that can be referred to the committee for an appropriate public hearing and subsequent processing in the normal course of business. The committee is taking this action to ensure clarity and transparency in the legislative review of the proposals included in the joint report submitted by the Commissioner of Education and the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

The bill provides that, beginning with the 2015-2016 school year:

1. The school administrative unit in which a deaf or hard-of-hearing student resides is responsible for providing a free, appropriate public education to a student placed in a center school program or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
2. The individualized education program team for the school administrative unit in which a deaf or hard-of-hearing student resides is responsible for the placement decision of the student and, when the center school or one of the satellite school programs is being considered as a placement for the student, must invite a representative of the center school or the satellite school to attend the individualized education program team meeting at which this placement is being considered;
3. The school administrative unit in which the student resides must pay the sums necessary to ensure that services required to meet the individualized education program are provided, including tuition, transportation services and other related services as defined by the Maine Revised Statutes, Title 20-A, section 7001, subsection 4-B, for each student placed in a center school program or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf; and
4. The School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf must pay the room and board costs for each student placed in a residential program in the center school or in one of the satellite school programs through funds appropriated by the State.

### **Committee Amendment "A" (S-479)**

This amendment clarifies that, beginning July 1, 2015, the Maine Educational Center for the Deaf and Hard of Hearing is responsible for the sums necessary to ensure that services required to meet the individualized education program are provided, including tuition, transportation services and other related services as defined by the Maine Revised Statutes, Title 20-A, section 7001, subsection 4-B, for each student placed in the center school or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. Beginning July 1, 2015, the school administrative unit in which a deaf or hard-of-hearing student resides is responsible for the costs of providing only those related services as defined by Title 20-A, section 7001, subsection 4-B that are not specified in the list of related services that must be provided by the Maine Educational Center for the Deaf and Hard of Hearing for students attending the center school program or one of the satellite school programs beginning in the 2015-2016 school year.

### **Enacted Law Summary**

Public Law 2013, chapter 552 amends the laws governing the responsibility for the costs of providing education programs and services to a deaf or hard-of-hearing student placed in the center school or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor

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Baxter School for the Deaf. Chapter 552 provides that, beginning with the 2015-2016 school year:

1. The school administrative unit in which a deaf or hard-of-hearing student resides is responsible for providing a free, appropriate public education to a student placed in a center school program or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
2. The individualized education program team for the school administrative unit in which a deaf or hard-of-hearing student resides is responsible for the placement decision of the student and, when the center school or one of the satellite school programs is being considered as a placement for the student, must invite a representative of the center school or the satellite school to attend the individualized education program team meeting at which this placement is being considered;
3. The Maine Educational Center for the Deaf and Hard of Hearing is responsible for the sums necessary to ensure that services required to meet the individualized education program are provided, including tuition, transportation services and other related services as defined by the Maine Revised Statutes, Title 20-A, section 7001, subsection 4-B, for each student placed in the center school or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf; and
4. The school administrative unit in which a deaf or hard-of-hearing student resides is responsible for the costs of providing only those related services as defined by Title 20-A, section 7001, subsection 4-B that are not specified in the list of related services that must be provided by the Maine Educational Center for the Deaf and Hard of Hearing for students attending the center school program or one of the satellite school programs beginning in the 2015-2016 school year.

**LD 1774      Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education**

**RESOLVE 101  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-688

This resolve provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education that was filed outside the legislative rule acceptance period.

**Committee Amendment "A" (H-688)**

This amendment provides that final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education that was filed outside the legislative rule acceptance period, is authorized contingent upon the State Board of Education making a specific change to the proposed rule.

**Enacted Law Summary**

Resolve 2013, chapter 101 provides that final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education is authorized contingent upon the State Board of Education making a specific change to the proposed rule.

Resolve 2013, chapter 101 was finally passed as an emergency measure effective April 3, 2014.