

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2017

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STATE OF MAINE

128TH 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 128th 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. An appendix provides a summary of relevant session statistics.

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 128th Legislature is Wednesday, November 1, 2017. 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 50 An Act To Amend the Laws Governing Teacher Certification

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J DOW D	ONTP	

This bill provides that a person who has not completed an approved educator preparation program is eligible for a provisional teacher certificate if that person has satisfactorily completed a criminal history record check and attained certification from a nonprofit organization that was founded with United States Department of Education funding and that developed a certification program designed for professionals who want to change careers.

LD 51 An Act Regarding the Withdrawal of a Single Municipality from a Regional School Unit

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B MAKER J		

This bill adds requirements to an agreement for withdrawal of a single municipality from a regional school unit. The additional requirements are a plan for providing child nutrition services and an anticipated budget for the first year of operation of schools operated by the petitioning municipality. The bill requires the directors of a regional school unit board to respond to a proposed agreement of a withdrawing municipality within 30 days. It also authorizes a withdrawing municipality to request the Commissioner of Education to provide assistance to the withdrawing municipality and the directors of the regional school unit board in negotiations relating to the withdrawal agreement.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 95 An Act To Provide a Method for a Student To Be Excused from Standardized Testing

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N ESPLING E	ONTP	

This bill requires a school administrative unit to excuse a student from a standardized assessment at the written request of the student's parent or guardian and establishes requirements for school administrative units and the Department of Education related to excusing a student.

LD 96 An Act To Improve Attendance at Public Elementary Schools

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N STEARNS P	OTP-AM ONTP	S-28

Joint Standing Committee on Education and Cultural Affairs

This bill provides that a person five years of age or older who is enrolled in public day school is required to attend during the time it is in regular session. The bill provides that a person five years of age or older and under seven years of age may withdraw from school at any time within the 45 days after enrollment and may withdraw from school after 45 days after enrollment after consultation with the school board or its designee. The bill provides that students who are at least five years of age and enrolled in a public day school are subject to the same provisions regarding truancy as students who are at least seven years of age and have not completed grade six who are required to attend a public day school. The bill provides that a person five years of age or older and under seven years of age is not required to meet the alternatives to attendance requirements set forth in the Maine Revised Statutes, Title 20-A, section 5001-A, subsection 3.

Committee Amendment "A" (S-28)

This amendment is the majority report of the committee. The amendment removes the 45-day withdrawal period provisions from the bill and provides that unless a person five years of age or older and under seven years of age who is enrolled in public day school withdraws from the school, the person is required to attend public day school during the time it is in session.

LD 127	Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a Major Substantive Rule of the Department of Education	RESOLVE 12 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-225

This resolve provides for legislative review of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-225)

This amendment provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule.

Enacted Law Summary

Resolve 2017, chapter 12 provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule.

Resolve 2017, chapter 12 was finally passed as an emergency measure effective June 2, 2017.

LD 129	An Act To Include Locally Funded School Construction Projects in the School Funding Formula	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A SIROCKI H	ONTP	

This bill amends the definition of debt service costs to include, for purposes of the school funding formula, the cost of locally funded major capital projects for school construction that are not approved by the State Board of Education.