

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**

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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

Enacted Law Summary

Public Law 2017, chapter 247 requires a school administrative unit, a public school within a school administrative unit or a private school, if asking for a student's social security number, to inform the student's parent or legal guardian or the student if the student is 18 years of age or older for what purpose the social security number will be used. It requires the unit or school to provide the parent, legal guardian or student with the opportunity to opt out of providing the social security number.

Public Law 2017, chapter 247 also requires a school administrative unit, a public school within a school administrative unit or a private school that collects a student's social security number to delete it from the student's records once the student is no longer enrolled.

LD 679 An Act To Reform School Testing Procedures ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER R	ONTP	

This bill limits statewide assessment program testing requirements to grades three, five, seven, nine and 11 and limits any use of alternative measures of student achievement to grades nine and 11. It also limits the statewide system of learning results testing requirements to students in grades three, five, seven, nine and 11. The bill authorizes the Commissioner of Education to adopt rules to implement the provisions of the bill.

LD 680 An Act To Allow the Employment or Service in a School of a Spouse of a School Board or Committee Member ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S CARPENTER M	ONTP	

This bill allows a spouse of a school board member to be employed or serve in a volunteer position in a public school within the jurisdiction of the school board to which the member is elected or in a contract high school or academy located within a supervisory union in which the member is a representative on the union committee upon a two-thirds vote of the school board or committee.

LD 681 An Act Regarding Sexual Activity and Sexual Assault at Secondary and Postsecondary Educational Institutions CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M MAKER J	OTP-AM ONTP	H-505

This bill requires that instruction involving affirmative consent, communication and decision making regarding sexual activity be a mandatory part of secondary school instruction. "Affirmative consent" is defined as consent to sexual activity that can be revoked at any time and does not include silence, lack of resistance or consent given while intoxicated. This bill also requires a postsecondary educational institution to make a notation on a student's transcript if the student has been convicted of sexual assault committed on the campus of the postsecondary educational institution.

Committee Amendment "A" (H-505)

Joint Standing Committee on Education and Cultural Affairs

This amendment, which is the majority report of the committee, strikes the part of the bill that requires a notation to be made on the transcript of a postsecondary student who is convicted of sexual assault. This amendment requires the Commissioner of Education to review the content standards and performance indicators for the content area of health, physical education and wellness, including instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions, during the 2017-2018 school year as part of the commissioner's five-year review cycle of the content standards and performance indicators required under the system of learning results.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 682 An Act To Eliminate the Regional Adjustment for Public School Systems ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H CARPENTER M	ONTP	

This bill removes the regional adjustment in the total operating allocation for schools under the Essential Programs and Services Funding Act.

LD 736 An Act To Create Equity in Funding of Rural Schools ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D SAMPSON H	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to create equity in funding of rural schools by examining the funding of the most disadvantaged school administrative units under the school funding formula and determining how best to provide financial resources to better assist these school administrative units.

LD 737 An Act To Allow Public Schools To Reserve Funds Designated for Operating Costs Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM ONTP	H-371

This bill allows a school administrative district to establish a reserve fund for operating costs of the school administrative district, including salary and benefits.

Committee Amendment "A" (H-371)

This amendment is the majority report of the committee. The amendment adds a provision authorizing a school administrative district to establish a reserve fund for operating costs and to expend money from the reserve fund by including a request in the district budget and receiving voter approval of a referendum article at a district meeting or a district budget meeting.