

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128<sup>th</sup> 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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***

background check for all current employees of the school administrative unit and to obtain criminal history background checks for those employees for whom the school administrative unit does not have a criminal history background check.

**Committee Amendment "A" (S-221)**

This amendment changes the title, replaces the bill and requires, beginning January 1, 2018, a school administrative unit to submit quarterly to the Department of Education a list of the names of all employees and the date on which each person most recently commenced employment. Upon receipt of the list, the department is required to determine for each person included on the list whether the person has complied with all applicable criminal history record check and fingerprinting requirements. If any person has failed to comply with any applicable requirement, the department is required to immediately notify the school administrative unit of that person's failure to comply.

This amendment also provides ongoing funds for 90% of the cost to school administrative units to comply with the bill as amended by this amendment.

**Senate Amendment "A" To Committee Amendment "A" (S-510)**

This amendment changes the date by which school administrative units must begin submitting lists of employees to the Department of Education from January 1, 2018 to January 1, 2019. The amendment also strikes funding for fiscal year 2017-18.

**Enacted Law Summary**

Public Law 2017, chapter 426 requires school administrative units, beginning January 1, 2019, and quarterly thereafter, to submit to the Department of Education a list of the names of all employees subject to certification, approval or authorization and to indicate for each person the date on which the person most recently commenced employment with the school administrative unit. Upon receipt of the list, the department is required to determine whether each person has complied with all applicable criminal history record check and fingerprinting requirements and immediately notify the school of any failure to comply.

Public Law 2017, chapter 426 also provides ongoing funds for 90% of the cost to school administrative units to comply with the law.

**LD 1321      An Act To Promote Social and Emotional Learning and Development in Early Childhood      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C PIERCE T	OTP-AM ONTP	S-128 S-533 BREEN C

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires the Commissioner of Education to implement, beginning September 1, 2019, a statewide voluntary early childhood consultation program to provide support and guidance to early care and education teachers and to providers working in public preschools, child care centers, family child care settings and Head Start programs serving infants and young children who are experiencing challenging behaviors that put them at risk of learning difficulties and removal from early learning settings. The bill authorizes the Department of Education to designate an entity to design and implement an early childhood consultation program as a pilot project, and to report back to the joint standing committee of the Legislature having jurisdiction over education matters with its recommendations concerning the amendment of the statewide voluntary early childhood consultation program.

*Joint Standing Committee on Education and Cultural Affairs*

**Committee Amendment "A" (S-128)**

This amendment, which is the majority report of the committee, provides funding to the Department of Education for personnel necessary to carry out the purpose of the bill and costs associated with the development and implementation of a pilot project to establish an early childhood consultation program.

**Senate Amendment "B" To Committee Amendment "A" (S-533)**

This amendment removes the requirement that the Department of Education designate an entity to participate with the department to develop a pilot project to establish an early childhood consultation program. The amendment removes the funding proposed in fiscal year 2017-18 and instead provides that funding in fiscal year 2018-19. The amendment also allows the Department of Education to carry forward any remaining balance of funds provided to the department for the pilot project in fiscal year 2018-19 into fiscal year 2019-20.

**LD 1336      An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P	OTP-AM	H-605

This bill was reported out by the Committee during the First Regular Session of the 128th Legislature and then recommitted to the Committee. The bill was carried over to the Second Regular Session of the 128th Legislature.

This bill allows the withdrawal committee for a single municipality seeking to withdraw from a regional school unit to request an extension of time to submit an agreement to the Commissioner of Education for a period not to exceed 180 days after the formation of the withdrawal committee. The withdrawal committee by unanimous vote may request an extension from the commissioner beyond 180 days after the formation of the withdrawal committee.

It allows the withdrawal committee to petition the commissioner to order binding mediation between the parties if they fail to enter into an agreement within 180 days after the formation of the withdrawal committee. The agreement reached through mediation must be submitted to the commissioner for approval.

It requires the agreement for the withdrawal of a single municipality from a regional school unit to include a plan for providing child nutrition services in compliance with state and federal laws at schools operated by the withdrawing municipality and an anticipated budget for the schools operated by the withdrawing municipality for the first year of operation.

**Committee Amendment "A" (H-443)**

This amendment was the unanimous report of the Committee during the First Regular Session. It changes the bill's proposal to allow the withdrawal committee of a municipality petitioning to withdraw from a regional school unit to petition the Commissioner of Education to order binding mediation between the parties if they fail to enter into an agreement within 180 days after the formation of the withdrawal committee. The amendment instead allows the withdrawal committee to petition the commissioner to order mediation between the parties if they fail to enter into an agreement within 180 days. If the parties fail to enter into an agreement within 90 days after the commissioner orders mediation, the withdrawal committee may petition the commissioner to order binding mediation between the parties.

The amendment also provides that the referendum vote to approve the proposed agreement of withdrawal must be held before November 30th of the year prior to the proposed first year of operation of the schools of the petitioning municipality.