

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> 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

128<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



## 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 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 date for non-emergency legislation enacted in the First Regular Session of the 128<sup>th</sup> 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 1370    An Act To Enhance Safety on College and University Campuses by Allowing Firearms To Be Carried on the Campuses of Public Colleges and Universities**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA R BRAKEY E	ONTP OTP-AM	

This bill provides that the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy may adopt rules and establish policies relating to firearms except that these rules and policies may not regulate or prohibit the otherwise lawful possession, carrying or transporting of firearms or ammunition by a person issued a permit to carry a concealed handgun under the Maine Revised Statutes, Title 25, chapter 252 or a person who may carry a concealed handgun under Title 25, section 2001-A, subsection 2, paragraph A-1. The bill also provides, with certain exceptions, that a person issued a permit to carry a concealed handgun under Title 25, chapter 252 or a person who may carry a concealed handgun under Title 25, section 2001-A, subsection 2, paragraph A-1 may not carry a concealed weapon within a student dormitory or residence hall or within a building of a public entertainment facility at which signs are conspicuously posted at entrances notifying attendees of any restriction on the possession of firearms in the facility during a game or event.

#### **Committee Amendment "A" (H-373)**

This amendment, which is the minority report of the committee, provides that rules and policies of the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy may not regulate or prohibit the otherwise lawful possession, carrying or transporting of a firearm by a person who has been issued a permit to carry a concealed handgun. The amendment removes the prohibition on rules and policies governing persons exempt from the concealed-carry permit requirement. The amendment adds an appropriations and allocations section.

This amendment was not adopted.

### **LD 1371    An Act To Address Costs for Certain Special Education Students**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M	ONTP	

This emergency bill amends and enacts new statutory provisions in the school funding formula to address the high costs for certain in-district and out-of-district special education students beginning in the 2017-2018 school year. The bill provides school administrative units with additional state funding for certain special education students under the Essential Programs and Services Funding Act.

The bill amends the calculation of special education costs that are included in the amount of state subsidy that is allocated to school administrative units for the placement of special education students, including high-cost in-district and high-cost out-of-district students, under the essential programs and services school funding formula for those special education students whose costs for the special education programs and services required by federal and state law exceed \$100,000 in a given fiscal year.

The bill also amends a provision of law in Title 20-A, section 15689 to establish a new adjustment to the state share of the total allocation provided to school administrative units that receive a minimum state allocation to guarantee

## *Joint Standing Committee on Education and Cultural Affairs*

additional state funding for special education costs for special education students whose costs for the special education programs and services required by federal and state law exceed \$100,000 in a given fiscal year.

### **LD 1396     An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work as Educators**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM OTP-AM ONTP	H-522

This bill amends the provisions of the Maine Public Employees Retirement System regarding compensation and service retirement benefits for retired state employees and retired teachers who return to service as classroom-based employees or school administrators in the following ways.

1. It allows a retired state employee or retired teacher to be restored to service as a classroom-based employee or school administrator beyond the current five-year limit.
2. It removes the cap of 75% of compensation established for the position that the state employee or retired teacher is filling.
3. It allows a retired state employee or retired teacher who returns to service as a classroom-based employee or school administrator to receive full retirement, health, dental and life insurance benefits as offered for the position to be filled and suspends the provisions of retiree health, dental and life insurance benefits for retired state employees or retired teachers during the period of reemployment.
4. It retains the current provisions that a retired state employee or retired teacher who returns to service is not a member and therefore may not accrue additional creditable service or change the retired state employee's or retired teacher's earnable compensation for benefit calculation purposes.
5. It requires full employee and employer contributions to the retirement system for the unfunded liability and the state group health plan for retiree health care based upon the retired state employee's or retired teacher's compensation.

#### **Committee Amendment "A" (H-522)**

This amendment is the majority report of the committee. The amendment clarifies that a retired state employee or retired teacher who returns to service as a classroom-based employee or school administrator is entitled to the same normal retirement cost contributions that the employer is required to provide to the Maine Public Employees Retirement System that would be required for the position if the position were filled by an employee who is not a retired state employee or retired teacher.

This amendment was not adopted.

#### **Committee Amendment "B" (H-523)**

This amendment is the minority report of the committee. The amendment clarifies that a retired state employee or retired teacher who returns to service as a classroom-based employee or school administrator is entitled to the same normal retirement cost contributions that the employer and the employee are required to provide to the Maine Public Employees Retirement System that would be required for the position if the position were filled by an employee who is not a retired state employee or retired teacher.

This amendment was not adopted.