

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

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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 1434 An Act To Clarify the Laws Regarding Education in the Unorganized Territories

ONTP

Sponsor(s)

TUELL W

Committee Report

ONTP

Amendments Adopted

This bill clarifies the following state laws related to education in the unorganized territories.

1. It requires the Department of Education to collect and publish academic outcome data for any public school located in an unorganized territory. The data must be collected and published in accordance with existing kindergarten to grade 12 educational reporting guidelines.
2. It requires the Department of Education to develop and publish budget data for any public school located in an unorganized territory. The data must be collected and published in accordance with existing kindergarten to grade 12 educational reporting guidelines.
3. It eliminates the Commissioner of Education's power to appoint agents and special attendance officers in the unorganized territories and requires that the Department of Education contract for school administrative services for the unorganized territories with neighboring school administrative units.
4. It provides that public schools located in unorganized territories are subject to the requirements of the system of learning results.

LD 1452 An Act To Ensure Student Privacy in the Digital Age

ONTP

Sponsor(s)

SAMPSON H
WOODSOME D

Committee Report

ONTP

Amendments Adopted

This bill:

1. Establishes data privacy practices for the Department of Education, school administrative units, schools, other agencies and third parties handling protected student data;
2. Subject to rule-making authority granted to the State Board of Education, requires administrative, physical and technical safeguards to be implemented to protect the privacy and integrity of protected student data;
3. Requires written consent by a parent or guardian of a student, or by a student 18 years of age or older, to share the student's personally identifiable information, with protections when no consent is required;
4. Subjects research using student personally identifiable information to student privacy protections;
5. Provides requirements for the minimization of and prohibitions on the collection of certain information without consent;
6. Establishes the right of a parent or guardian of a student, or a student 18 years of age or older, to inspect the student's personally identifiable information and make corrections for inaccuracies or misleading data;
7. Ensures the effectiveness of privacy protections of students by establishing the position of a state education

Joint Standing Committee on Education and Cultural Affairs

privacy officer within the Department of Education who is responsible to the State Board of Education;

8. Establishes a private right of action, including civil penalties and damages against third parties, for failure to adequately protect student personally identifiable information or protected student data against the department, school administrative units or schools, except under specific circumstances; and

9. Requires the provisions of this Act be implemented by routine technical rules prior to October 31, 2018, and any rules adopted after the effective date of this Act on July 1, 2019 be major substantive rules.

LD 1470 An Act To Facilitate Voluntary Cooperation among School Systems

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL B	ONTP OTP-AM	

This bill enacts chapter 113-B in the Maine Revised Statutes, Title 20-A to facilitate voluntary collaboration and cooperation among school administrative units and career and technical education regions. It repeals chapter 113-A, "Regional Education Cooperatives," and chapter 114, "Regional Collaboration," and enacts a statute modeled on Title 30-A, chapter 115, "Interlocal Cooperation." Under this new chapter, school administrative units and career and technical education regions are authorized to exercise any of their powers on a joint or cooperative basis, including the undertaking of joint school construction projects and the issuance of bonds or notes.

Committee Amendment "A" (H-455)

This amendment, which is the minority report of the committee, adds a section to the bill to provide that the employees of a jointly created entity established under the Maine Revised Statutes, Title 20-A, chapter 113-B, which is enacted in the bill, are subject to the public sector collective bargaining laws for a public employer in accordance with Title 26, chapter 9-A.

This amendment was not adopted.

LD 1471 An Act To Amend the Laws Governing the Deduction for MaineCare Payments from a School Administrative Unit's State Subsidy

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR J	ONTP	

This bill amends the law regarding MaineCare payments of school administrative units. Under current law, the Commissioner of Education is authorized to pay on behalf of a school administrative unit allowable school-based costs that represent the school administrative unit's portion of MaineCare payments. Current law also provides that the commissioner may then deduct that amount from the school administrative unit's state subsidy. This bill changes the law to require the commissioner to make payments from a nonlapsing account capitalized in an amount estimated by the commissioner to represent the total amount of allowable school-based costs representing the MaineCare payments of all of the school administrative units.