

# 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*

has payments due for previous meals by requiring the student to wear a wristband, hand stamp or other identifying mark or sign noticeable by others.

4. It requires a public school to communicate about a student's meal debts directly to the parent or guardian of the student rather than to the student. A public school may ask a student to carry to the student's parent or guardian a letter regarding a student's meal debt.

**Committee Amendment "A" (S-413)**

This amendment is the majority report of the committee. The amendment changes the title and strikes the bill. The amendment:

- 1. Requires a public school that provides National School Lunch Program meals to students pursuant to the Maine Revised Statutes, Title 20-A, chapter 223, subchapter 7 or otherwise provides to students meals eligible for reimbursement under a program administered by the United States Department of Agriculture to provide such a meal to a student who requests the meal and is otherwise eligible for the meal regardless of the student's ability to pay for the meal or failure in the past to pay for meals;
- 2. Prohibits a public school from openly identifying or stigmatizing a student who cannot pay for a meal or who has payments due for previous meals;
- 3. Requires a public school to communicate about a student's meal debts directly to the parent or guardian of the student rather than to the student; and
- 4. Requires the school board of a public school to establish a policy for collection of debts owed to the school lunch program.

The fiscal note on the amendment identifies a requirement in this amendment as a potential significant state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds that the provisions identified as a potential mandate do not require a local school administrative unit to expand or modify its activities so as to necessitate additional expenditures from local revenue.

The committee has determined that the potential state mandate provision prepared by the Office of Fiscal and Program Review is not in fact a mandate for public schools. The amendment does not require the public school to pay for the school meal debts, since the amendment requires the public school to directly communicate with a parent or guardian about the student's meal debts and requires the school board of the public school to establish a policy for the collection of debts owed to the school lunch program.

**LD 1689**

**An Act To Repeal Certain Provisions Regarding the System Administration Allocation Affecting Maine School Districts in the 2018-2019 Biennial Budget**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN D	OTP-AM ONTP OTP-AM	S-415

This bill was carried over on the Special Appropriations Table from the Second Regular Session of the 128th Legislature to the next special session by joint order S.P. 748.

Current law requires that, beginning in fiscal year 2018-19, a portion of the system administration allocation must be allocated to school administrative units that have established regionalized administrative services. This bill

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retains the portion of the law that establishes the system administration allocation at \$135 per pupil for fiscal year 2017-18 and repeals provisions that increase for future fiscal years the per-pupil amount and restrict allocation of portions of the funds to school administrative units that have established regionalized administrative services.

**Committee Amendment "A" (S-414)**

This amendment, which is the majority report of the committee, strikes and replaces the bill. The amendment retains the portion of law that establishes the system administration allocation at \$138 per pupil for fiscal year 2018-19. The amendment modifies the law that establishes the system administration allocation for fiscal year 2019-20 and subsequent fiscal years by continuing the same per pupil allocation as the 2018-19 allocation and by revising the eligibility for receiving a portion of the system administration allocation to also include school administrative units that are identified as high-performing, efficient school administrative units by a statewide education policy research institute due to their percentage of system administration expenditures.

**Committee Amendment "B" (S-415)**

This amendment, which is the minority report of the committee, strikes and replaces the bill. Like the bill, the amendment amends the system administration allocation law by striking the requirement that, beginning in fiscal year 2019-20, a portion of the system administration allocation must be allocated to school administrative units that have established regionalized administrative services. Instead, the amendment provides that only school administrative units that have established regionalized administrative services and school administrative units that are identified as high-performing, efficient school administrative units by a statewide education policy research institute due to their percentage of system administration expenditures are eligible for the allocation. The amendment also retains the portion of the law that establishes the system administration allocations for fiscal year 2018-19, which is repealed in the bill.

**LD 1694      Resolve, Directing the Department of Education To Adopt Protocols  
Designed To Prevent Youth Suicide**

**RESOLVE 38**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J LIBBY N	OTP-AM ONTP	H-621

This resolve directs the Department of Education to adopt for schools protocols designed to help prevent youth suicide. It authorizes the department to report any recommended legislation relating to the protocols to the joint standing committee of the Legislature having jurisdiction over education matters and authorizes the joint standing committee to report out a bill to the First Regular Session of the 129th Legislature based on the report.

**Committee Amendment "A" (H-621)**

This amendment is the majority report of the committee. The amendment strikes and replaces the resolve and requires the Commissioner of Education to provisionally adopt amended rules on or before December 31, 2018, that require school administrative units, to have protocols for suicide prevention and intervention and counseling services after an incident of youth suicide in place beginning with the 2019-2020 school year.

**Enacted Law Summary**

Resolve 2017, chapter 38 requires the Commissioner of Education to provisionally adopt amended rules on or before December 31, 2018, that require school administrative units to have protocols for suicide prevention and intervention and counseling services after an incident of youth suicide in place beginning with the 2019-2020 school year.