

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH 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

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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 129th 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 129th Legislature is Thursday, September 19, 2019. 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

This resolve directs the Commissioner of Education to convene a working group to review and develop recommendations to ensure safe and inclusive learning environments for LGBTQ students and educators in Maine schools. The commissioner is required to submit the working group's report to the Legislature by December 1, 2019. The Joint Standing Committee on Education and Cultural Affairs may report out legislation to the Second Regular Session of the 129th Legislature based on the recommendations. For purposes of this resolve, "LGBTQ" includes but is not limited to lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1815 An Act To Provide Funds to the University of Maine System to Continue
the Statewide Online Advanced Placement Course Program**

**PUBLIC 500
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M	OTP-AM	S-283

This bill provides ongoing funds to continue the statewide online advanced placement course program in partnership with the University of Maine at Fort Kent.

Committee Amendment "A" (S-283)

This amendment transfers the administration of the statewide online advanced placement course program from the Department of Education in partnership with the University of Maine at Fort Kent to solely the University of Maine System. Accordingly, the amendment provides ongoing funds to continue the statewide online advanced placement program to the University of Maine System, instead of the Department of Education, and directs the University of Maine System to contract with the national governing body of the advanced placement course program, the College Board, to continue the program for the 2019-2020 school year. The amendment also requires the University of Maine System to submit annual reports to the joint standing committee of the Legislature having jurisdiction over education matters on the status of the statewide online advanced placement course program. It also adds an emergency preamble and emergency clause and adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 500 transfers the administration of the statewide online advanced placement course program from the Department of Education in partnership with the University of Maine at Fort Kent to solely the University of Maine System. Accordingly, the law provides ongoing funds to continue the statewide online advanced placement program to the University of Maine System, instead of the Department of Education, and directs the University of Maine System to contract with the national governing body of the advanced placement course program, the College Board, to continue the program for the 2019-2020 school year. In addition, the University of Maine System must submit annual reports to the joint standing committee of the Legislature having jurisdiction over education matters on the status of the statewide online advanced placement course program.

Public Law 2019, chapter 500 was enacted as an emergency measure effective June 28, 2019.

**LD 1820 An Act To Amend the Laws Governing Investigations by School Entities
into Holders of Credentials**

PUBLIC 403

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD V	OTP-AM ONTP	H-591

Joint Standing Committee on Education and Cultural Affairs

This bill amends the laws governing investigations by school entities, which includes approved private schools, school administrative units, public charter schools, school management and leadership centers, schools in the unorganized territory and schools operated by the State, of credential holders. This bill:

1. Removes language requiring a school entity to notify the Department of Education within 15 business days of the initiation of a covered investigation by that school entity;
2. Requires a school entity to immediately notify the Department of Education if a credential holder who is the subject of a covered investigation leaves the school entity's employment for any reason prior to the conclusion of the covered investigation;
3. Eliminates the requirement that the school entity notify the department in writing of the final outcome of the investigation within five days of its completion and provide to the department a copy of any final report and instead requires that the school entity provide to the department a copy of any final report produced in support of the school entity's decision to discipline, suspend or terminate the credential holder;
4. If a credential holder left employment prior to the completion of a covered investigation and provides consent as part of that credential holder's application for employment with a school entity, directs the department to notify the superintendent or the chief administrative officer of that school entity of the fact that the credential holder left employment with a school entity prior to the completion of a covered investigation of that credential holder; and
5. Repeals language requiring the commissioner to adopt rules governing confidentiality of information received under the provisions concerning covered investigations.

Committee Amendment "A" (H-591)

This amendment is the majority report of the committee and does the following.

1. It clarifies that "covered investigation" means an investigation by a school entity into the conduct of a holder of a credential that a school entity has a reasonable expectation would affect the credential holder's employment or contracted service because the alleged conduct involves alcohol, illegal drugs, physical abuse, emotional abuse, inappropriate contact between a credential holder and a student, stalking or similar behavior that endangers the health, safety or welfare of a student. It removes the phrase "violating boundaries" from the definition.
2. It provides that a credential holder who is the subject of a final report produced in support of a school entity's decision to discipline, suspend or terminate the credential holder may submit to the Department of Education a written rebuttal to the report and that the written rebuttal must be placed in the department's investigative file.
3. It requires the department to destroy copies of all records and reports related to a finding resulting in discipline, suspension or termination of a credential holder if the finding resulting in that discipline, suspension or termination is reversed upon appeal at the school entity level.
4. It directs the department to convene a work group to study and report to the Joint Standing Committee on Education and Cultural Affairs no later than February 1, 2020 on recommendations and suggested legislation to improve the law regarding investigations into credential holders.

Enacted Law Summary

Public Law 2019, chapter 403 amends the laws governing investigations by school entities of credential holders as follows.

1. It clarifies that "covered investigation" means an investigation by a school entity into the conduct of a holder of a credential that a school entity has a reasonable expectation would affect the credential holder's employment or contracted service because the alleged conduct involves alcohol, illegal drugs, physical abuse, emotional abuse,

Joint Standing Committee on Education and Cultural Affairs

inappropriate contact between a credential holder and a student, stalking or similar behavior that endangers the health, safety or welfare of a student. It removes the phrase "violating boundaries" from the definition.

2. Removes language requiring a school entity to notify the Department of Education within 15 business days of the initiation of a covered investigation by that school entity.

3. Requires a school entity to immediately notify the Department of Education if a credential holder who is the subject of a covered investigation leaves the school entity's employment for any reason prior to the conclusion of the covered investigation.

4. Eliminates the requirement that the school entity notify the department in writing of the final outcome of the investigation within five days of its completion and provide to the department a copy of any final report and instead requires that the school entity provide to the department a copy of any final report produced in support of the school entity's decision to discipline, suspend or terminate the credential holder.

5. It provides that a credential holder who is the subject of a final report produced in support of a school entity's decision to discipline, suspend or terminate the credential holder may submit to the Department of Education a written rebuttal to the report and that the written rebuttal must be placed in the department's investigative file.

6. It provides that if a credential holder left employment prior to the completion of a covered investigation and provides consent as part of that credential holder's application for employment with a school entity, directs the department to notify the superintendent or the chief administrative officer of that school entity of the fact that the credential holder left employment with a school entity prior to the completion of a covered investigation of that credential holder.

7. It requires the department to destroy copies of all records and reports related to a finding resulting in discipline, suspension or termination of a credential holder if the finding resulting in that discipline, suspension or termination is reversed upon appeal at the school entity level.

8. Repeals language requiring the commissioner to adopt rules governing confidentiality of information received under the provisions concerning covered investigations.

9. It directs the department to convene a work group to study and report to the Joint Standing Committee on Education and Cultural Affairs no later than February 1, 2020 on recommendations and suggested legislation to improve the law regarding investigations into credential holders.