

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON EDUCATION
AND CULTURAL AFFAIRS**

November 2020

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STATE OF MAINE

129TH 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 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

LD 1860 An Act To Establish a Process for the Consideration and Implementation of Changes to Mandated Instruction or Training for Students

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD V MILLETT R	OTP-AM	H-740

This bill requires that, upon referral of proposed legislation to establish or substantially expand mandated instruction or training in public schools, the joint standing committee of the Legislature considering the proposal must request that the Commissioner of Education convene a review committee to review whether the subject of the proposal is already addressed within existing courses of study aligned with the system of learning results and, if it is not, analyze the impact of establishing or substantially expanding the mandated instruction or training, including the availability of resources, staff expertise, the number of required courses of study that already exist and the available hours of instruction. The commissioner is directed to submit a final report to the joint standing committee that includes any legislation required to implement the commissioner's recommendations.

Committee Amendment "A" (H-740)

This amendment does the following:

1. It establishes the Review Committee on Proposed Legislation as a board with minimal authority and provides that members are not entitled to compensation.
2. It requires the joint standing committee of the Legislature that considers proposed legislation that would establish or substantially expand mandated instruction or training for students in elementary or secondary school to hold a public hearing on the proposal and then either vote to request that the Commissioner of Education convene the Review Committee on Proposed Legislation to review the proposal and report to the joint standing committee by a specific date chosen in consultation with the Department of Education or hold a work session to work and vote on the proposed legislation.
3. It requires the Commissioner of Education to appoint the Review Committee on Proposed Legislation's members, including teachers, administrators and content specialists within the Department of Education and a representative of an association of statewide curriculum leaders, and requires the review committee to invite the sponsor of the proposed legislation to participate in its evaluation.
4. It adds that, as part of the evaluation, the Review Committee on Proposed Legislation must analyze the positive and negative effects of the proposed legislation and the costs to implement the proposal.
5. It requires the Commissioner of Education or the commissioner's designee to present the final report of the Review Committee on Proposed Legislation to the joint standing committee.

LD 1878 Resolve, To Establish the Commission To Study the Use of Adjunct Professors in Maine Community College System

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J	OTP-AM	H-679

Joint Standing Committee on Education and Cultural Affairs

This resolve establishes the Commission To Study the Use of Adjunct Professors in Maine's Public University and College System. The commission is directed to examine and make recommendations on the use of adjunct professors in the University of Maine System and the Maine Community College System, including, but not limited to, an examination of recruitment and retention issues, creation of a career path for adjunct professors, expansion of the role of adjunct professors in student retention and success, expansion of access to health care for adjunct professors and identification of funding needs for the recommendations of the commission. The commission must report its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Labor and Housing.

Committee Amendment "A" (H-679)

This amendment narrows the focus of the commission established in the resolve to the Maine Community College System, provides that the member representing the Maine Community College System is appointed by the President of the Maine Community College System and adds an effective date of August 31, 2020.

This resolve was carried over on the Special Study Table to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1879 An Act Regarding the Adoption of Education Policies by School Boards CARRIED OVER

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

This bill provides that in order to be considered an education policy that may not be negotiated during collective bargaining, the policy must be adopted by the school board pursuant to the procedure established in the bill. The bill prohibits the school board from delegating the authority to develop such a policy.

Committee Amendment "A" (H-760)

Current law provides that public employers of teachers must meet and consult but not negotiate with respect to educational policies. This amendment, which is the majority report of the committee, provides that educational policies related to preparation and planning time and transfer of teachers are permissive subjects of negotiation if both parties agree.

This amendment also specifies the obligation of public employers of teachers regarding the meet and consult process. It is the intent of the amendment to put in statute the meet and consult process as outlined in *Southern Aroostook Teachers Association v. Southern Aroostook Community School Committee*, MLRB No. 80-35, 80-40 (April 14, 1982). In addition, the amendment provides that the bargaining agent may initiate the meet and consult process by notifying the public employer of teachers when an existing educational policy of the public employer of teachers is changed by practice or if the written notice required from the public employer of teachers is inadvertently omitted.

This bill was carried over in the House to any special session of the 129th Legislature by joint order, S.P. 788.