

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

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

JULY 1997

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

Numerous other House Amendments proposed to disapprove the rules for learning results provisionally adopted by the Department of Education and would have established a study group to assist in formulating new rules (see H-627, H-629, H-630, H-631, H-632, H-633, H-644, H-645, H-660, H-661, H-663, and H-664). These amendments were not adopted.

Senate Amendment "A" (S-320) proposed to authorize final adoption of rules for learning results provisionally adopted by the Department of Education. This amendment further proposed to deappropriate funds appropriated for the Maine Education Assessment and would direct them to the General Fund. This amendment would also prohibit the Department of Education from using the Maine Education Assessment as part of a student's graduation requirements. The amendment was not adopted.

Enacted law summary

Resolve 1997, chapter 51 authorizes the final adoption of Chapter 131: Rules for Learning Results, a major substantive rule of the Department of Education, with the following provisions to the rule. This law requires the department to amend the rule to add an application section. The purpose of this application section is to ensure that the rules do not conflict with the legislative intent expressed in the enabling legislation that established a statewide system of learning results.

Pursuant to Public Law 1995, chapter 649, section 2, these rules may not require a school administrative unit to take any action that necessitates additional expenditures from local revenues unless the Department of Education pays for 90% of the additional costs. Should a school administrative unit determine that it is unable to implement the learning results in the five core subject areas within existing state and local resources, the unit shall present its findings and supporting evidence to the Department of Education. The department shall review the findings and evidence and, if necessary, would assist the unit in planning for implementation.

This law also restates the provisions of Public Law 1995, chapter 649, section 3, which allows a school administrative unit to delay implementation of the system of learning results in the areas of career preparation, foreign languages and visual and performing arts if adoption in these areas can not be achieved within the local unit's existing resources.

LD 1538

An Act to Promote Adult Education

P & S 47

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN PENDLETON P	OTP-AM	H-246 S-368 MICHAUD

LD 1538 proposed to ensure that funding for the state subsidy for public school adult education in fiscal years 1997-98 and 1998-99 is no less than the level appropriated for fiscal year 1996-97 and would further require the state subsidy to increase in proportion to any increase in the state subsidy to public education for grades kindergarten through 12 (see also LD 854).

Committee Amendment "A" (H-246) proposed to add an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-368) proposed to replace the committee amendment which required that the state subsidy for adult education be increased in proportion to any increase provided to

General Purpose Aid to Local Schools and provided General Fund appropriations representing 2% and 3% increases in fiscal years 1997-98 and 1998-99, respectively. This amendment would instead provide a General Fund appropriation to the Department of Education's Learning Systems account in order to increase the adult education subsidy 2% in fiscal year 1998-99.

Enacted law summary

Public Law 1997, chapter 47 provides a General Fund appropriation to the Department of Education's Learning Systems account in order to increase the adult education subsidy 2% in fiscal year 1998-99.

LD 1542

An Act Concerning Time-out Areas

PUBLIC 428

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN CATHCART	OTP-AM	H-541 H-612 DAVIDSON

LD 1542 proposed to prohibit the use of time-out boxes for purposes of punishment or detention and would require the Department of Education to adopt rules regarding the use of punishment techniques and areas.

Committee Amendment "A" (H-541) proposed to replace the original bill and delineate certain specifications regarding the use of a time-out area. The amendment would also direct the Commissioner of Education to adopt rules regarding time-out procedures generally and to ensure that those rules are consistent with other departments and state agencies. The amendment also proposed to add a mandate preamble and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-612), proposed on behalf of the Committee on Engrossed Bills, would clarify a reference to the statutes.

Enacted law summary

Public Law 1997, chapter 428 delineates certain specifications regarding the use of a time-out area. The law also directs the Commissioner of Education to adopt rules regarding time-out procedures generally and to ensure that those rules are consistent with the policies of other departments and state agencies.

LD 1544

An Act to Amend the Process by Which School Construction Is Approved

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRUE		

LD 1544 proposes to authorize the Department of Education to develop standardized construction plans and to choose school plans for new school construction that take the school's five-year target population into consideration. The bill further proposes to require the department to develop a process for choosing the plans in a timely manner and requires any changes to the plans requested by a local school administrative unit to be the responsibility of the local unit.