

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

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

**JULY 1999**

***MEMBERS:***

***Sen. Georgette B. Berube, Chair***

***Sen. Robert E. Murray, Jr.***

***Sen. Mary E. Small***

***Rep. Michael F. Brennan, Chair***

***Rep. Shirley K. Richard***

***Rep. Mabel J. Desmond***

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***Rep. Christina L. Baker***

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***Rep. Mary Black Andrews***

***Rep. Carol Weston***

***Staff:***

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**ONE HUNDRED NINETEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing and Select Committees**  
**August 1999**

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

The document is organized for convenient reference to information on bills considered by the committees. It is organized 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](http://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:

*CARRIED OVER*..... *Bill carried over to Second Regular Session*  
*CON RES XXX*..... *Chapter # of Constitutional Resolution passed by both Houses*  
*CONF CMTE UNABLE TO AGREE*..... *Committee of Conference unable to agree; bill died*  
*DIED BETWEEN BODIES*..... *House & Senate disagree; bill died*  
*DIED IN CONCURRENCE*..... *One body accepts ONTP report; the other indefinitely postpones the bill*  
*DIED ON ADJOURNMENT*..... *Action incomplete when session ended; bill died*  
*EMERGENCY*..... *Enacted law takes effect sooner than 90 days*  
*ENACTMENT FAILED*..... *Bill failed to get vote required for enactment or final passage*  
*NOT PROPERLY BEFORE THE BODY*..... *Ruled out of order by the presiding officers; bill died*  
*INDEF PP*..... *Bill Indefinitely Postponed*  
*ONTP*..... *Ought Not To Pass report accepted*  
*OTP ND*..... *Committee report Ought To Pass In New Draft*  
*OTP ND/NT*..... *Committee report Ought To Pass In New Draft/New Title*  
*P&S XXX*..... *Chapter # of enacted Private & Special Law*  
*PUBLIC XXX*..... *Chapter # of enacted Public Law*  
*RESOLVE XXX*..... *Chapter # of finally passed Resolve*  
*UNSIGNED*..... *Bill held by Governor*  
*VETO SUSTAINED*..... *Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

## Joint Standing Committee on Education and Cultural Affairs

**LD 24**                      **An Act to Change the Name of the "Department of Education" to the "Department of Schooling"**                      **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u>       | <u>Amendments Adopted</u> |
|-------------------|-------------------------------|---------------------------|
| PERKINS           | ONTP      MAJ<br>OTP      MIN |                           |

LD 24 proposed to change the name of the Department of Education to the Department of Schooling.

**LD 59**                      **An Act to Change the Date a Child Starts School**                      **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| GAGNE             | ONTP                    |                           |

LD 59 proposed to allow a child who has reached age five by July 1st, rather than by October 15th as under current law, to enroll in school. As under current law, this bill proposed to leave the decision of appropriate grade placement to each school administrative unit.

**LD 90**                      **An Act to Establish the Endowment Incentive Fund**                      **PUBLIC 511**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BAKER<br>CATHCART | OTP-AM                  | H-47<br>S-399   MICHAUD   |

LD 90 proposed to establish the Endowment Incentive Fund for the University of Maine System, the Maine Technical College System and the Maine Maritime Academy to benefit academic purposes at the various campuses of Maine's publicly-assisted postsecondary education institutions. The bill would encourage private fund raising at Maine's publicly-assisted postsecondary institutions by allowing campus donors to multiply the value of their gifts through state matching funds.

The bill proposed to establish the following requirements.

1. The Endowment Incentive Fund would be established as a nonlapsing fund. The State Treasurer would be responsible for the custodial care of the fund and may deposit state funds pursuant to the Maine Revised Statutes, Title 5, section 135; the Treasurer of State would also be responsible for disbursement of the Endowment Incentive Fund upon certification that established criteria are met.
2. Interest earned on the investment of the Endowment Incentive Fund would be credited to the respective publicly-assisted postsecondary institution or its qualified institutionally-related foundation.
3. For the administration of the Endowment Incentive Fund, "academic purposes" would be defined as scholarships, professorships or other endowed faculty positions, the repair of classrooms and laboratories and the acquisition of equipment for classrooms and laboratories.

4. The respective board of trustees for each publicly-assisted postsecondary institution would be required to adopt criteria establishing qualifications for private gifts and grants to be matched from the Endowment Incentive Fund; and for each campus within the University of Maine System, the board of visitors would advise their respective campus president on the qualifications that are to be included in the final recommendations to the board of trustees.
5. Qualified recipients of private donations eligible for matching funds would be the respective institutions of the three publicly-assisted postsecondary institutions, as well as institutionally-related foundations; and qualified institutionally-related foundations would have the authority to receive and manage the investment of matching funds, and may, at their discretion, deposit funds allocated to them. Unless otherwise restricted by the donors, qualified recipients could also combine, merge or pool these funds with similar funds at the system level.
6. Matching funds would be made available to the three entities on a percentage basis according to the amount appropriated from the General Fund.
7. The Board of Trustees of the University of Maine System would be required to ensure that the Endowment Incentive Fund distributed to the University of Maine System is allocated to each of the universities in the system in accordance with the formula that the board adopts for the distribution of education and general funds.

**Committee Amendment "A" (H-47)** proposed to remove the repair or acquisition of equipment for classrooms or laboratories from the definition of "academic purposes" established under the Endowment Incentive Fund.

**Senate Amendment "A" (S-399)** proposed to reduce the General Fund appropriation provided to establish the Endowment Incentive Fund from \$14,000,000 to \$100,000 and clarify that the appropriation is made on a one-time basis.

#### ***Enacted law summary***

Public Law 1999, chapter 511 establishes the Endowment Incentive Fund for the University of Maine System, the Maine Technical College System and the Maine Maritime Academy to benefit certain academic purposes at the various campuses of Maine's publicly-assisted postsecondary education institutions. The law encourages private fund raising at Maine's publicly-assisted postsecondary institutions by allowing campus donors to multiply the value of their gifts through state matching funds. The law establishes the following requirements.

1. The Endowment Incentive Fund is established as a nonlapsing fund. The State Treasurer is responsible for the custodial care of the fund and may deposit state funds pursuant to the Maine Revised Statutes, Title 5, section 135; the Treasurer of State is also responsible for disbursement of the Endowment Incentive Fund upon certification that established criteria are met.
2. Interest earned on the investment of the Endowment Incentive Fund is to be credited to the respective publicly-assisted postsecondary institution or its qualified institutionally-related foundation.
3. For the administration of the Endowment Incentive Fund, "academic purposes" is defined as scholarships, professorships or other endowed faculty positions.
4. The respective board of trustees for each publicly-assisted postsecondary institution is required to adopt criteria establishing qualifications for private gifts and grants to be matched from the Endowment Incentive Fund; and for each campus within the University of Maine System, the board of visitors shall advise their respective campus president on the qualifications that are to be included in the final recommendations to the board of trustees.
5. Qualified recipients of private donations eligible for matching funds are the respective institutions of the three publicly-assisted postsecondary institutions, as well as institutionally-related foundations.

6. Matching funds shall be made available to the three entities on a percentage basis according to the amount appropriated from the General Fund.
7. The Board of Trustees of the University of Maine System is required to ensure that the Endowment Incentive Fund distributed to the University of Maine System is allocated to each of the universities in the system in accordance with the formula that the board adopts for the distribution of education and general funds.

The law provides a \$100,000 General Fund appropriation to establish the Endowment Incentive Fund. The law also provides that this appropriation is made on a one-time basis.

**LD 113                      An Act to Provide a Tuition Exemption for Certain State Residents                      ONTP**

|                              |                                 |                           |
|------------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>SHIELDS | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|------------------------------|---------------------------------|---------------------------|

LD 113 proposed to provide a waiver of 50% of the tuition for the last year of study of a Maine resident enrolled in a four-year or two-year degree program at any of the campuses of the University of Maine System or the Maine Technical College System or at the Maine Maritime Academy.

**LD 124                      An Act to Provide for Direct Reimbursement for Special Education Costs                      ONTP**

|  |                                 |                           |
|--|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>KILKELLY<br>BAKER | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|--|---------------------------------|---------------------------|

LD 124 proposed to guarantee that each school administrative unit in the State receive compensation for its current year special education costs on a monthly basis. Compensation for special education costs would have equaled the unit's most recent monthly special education expenditure multiplied by the average statewide state share percentage of program costs in the current year.

It also proposed to increase the State's share of special education costs to 100% effective July 1, 2008 and proposed to add a provision for paying 1999-2000 school year special education costs to school units over a five-year period, beginning in July 2002.

**LD 199                      An Act to Require That All Schools Employ a Gifted and Talented Teacher                      ONTP**

|                            |                                 |                           |
|----------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>GAGNE | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|----------------------------|---------------------------------|---------------------------|

LD 199 proposed to require schools to employ a teacher to offer instruction to gifted and talented students. This bill also proposed to eliminate the postponement of a school administrative unit's plan to provide for a gifted and talented educational program during the 1999-2000 school year.