

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Education and Cultural Affairs*

*July 2003*

**Staff:**

*Phillip D. McCarthy, Legislative Analyst  
Nicole A. Dube, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*

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# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name 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:

<i>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> 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 &amp; 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>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</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>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
Offices located in Room 215 of the Cross Office Building

*Joint Standing Committee on Education and Cultural Affairs*

**LD 1577**

**An Act To Amend and Improve the Education Laws**

**PUBLIC 477**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM MAJ	S-201
CUMMINGS	OTP-AM MIN	

LD 1577 proposed to amend certain provisions in the education statutes to ensure compliance with new federal requirements, to reflect current practice or to clarify existing state law. The bill proposed to accomplish the following:

1. It proposed to add "emotional disability" to the definition of "exceptional student";
2. It proposed to add "undue burden" as a requirement concerning requests for extension of leased space agreements relating to local school administrative units;
3. It proposed to amend the definition of "homeless student" in compliance with the provisions of federal law;
4. It proposed to amend the homeless student provisions to be addressed by Department of Education rules to implement federal law;
5. It proposed to amend and clarify the section of the statute defining the tuition rate that could be charged by schools receiving tuition students who are enrolled in regular school day applied technology educational programs at applied technology centers. It proposed to add language establishing the tuition rate that could be charged by the applied technology center, satellite or region; and
6. It proposed to amend the statutes regarding local funding requirements for gifted and talented programs and the reporting dates and implementation dates for those programs.

**Committee Amendment "A" (S-201)**, which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to retain the provision in the original bill that proposed to amend the date for full implementation of the school administrative unit's gifted and talented program, but proposed to change the implementation date for gifted and talented programs from the 2003-2004 school year to the 2004-2005 school year. The amendment also proposed to provide that, beginning with the 2004-2005 school year, a school administrative unit could request a one-year waiver from the Commissioner of Education on the requirement for fully implementing its plan for phasing in its gifted and talented program.

***Enacted Law Summary***

Public Law 2003, chapter 477 amends certain provisions in the education statutes to ensure compliance with new federal requirements, to reflect current practice or to clarify existing state law. The law accomplishes the following:

1. It adds "emotional disability" to the definition of "exceptional student" in the Maine Revised Statutes, Title 20-A, section 7001;
2. It adds "undue burden" as a requirement concerning requests for extension of leased space agreements relating to local school administrative units;

*Joint Standing Committee on Education and Cultural Affairs*

3. It amends the definition of "homeless student" in compliance with the provisions of federal law;
4. It amends the homeless student provisions to be addressed by Department of Education rules to implement federal law;
5. It amends and clarifies the section of the statute defining the tuition rate that may be charged by schools receiving tuition students who are enrolled in regular school day applied technology educational programs at applied technology centers. It adds language establishing the tuition rate that may be charged by the applied technology center, satellite or region; and
6. It amends the statutes regarding local funding requirements for gifted and talented programs by establishing the date for full implementation of the school administrative unit's gifted and talented program to the 2004-2005 school year. The law also provides that, beginning with the 2004-2005 school year, a school administrative unit may request a one-year waiver from the Commissioner of Education on the requirement for fully implementing its plan for phasing in its gifted and talented program.

**LD 1615**

**An Act To Validate Certain Proceedings Authorizing the Issuance  
of Bonds and Notes by School Administrative District No. 71**

**P & S 20  
EMERGENCY**

Sponsor(s)  
MURPHY

Committee Report

Amendments Adopted

LD 1615 proposes to validate a school construction referendum conducted by School Administrative District No. 71 on October 1, 2002 and proposed to authorize the district to enter into contracts and issue bonds or notes of the district for the project. The validation is necessary because copies of the warrants that were delivered to the towns and posted were not attested. Validation of the referendum would eliminate a legal technicality that could affect the marketability of the bonds or notes to be issued by the district for the project.

This bill was not referred to a joint standing committee of the Legislature prior to being enacted.

***Enacted Law Summary***

Private & Special Law, chapter 20 validates a school construction referendum conducted by Maine School Administrative District No. 71 on October 1, 2002 and authorizes the district to enter into contracts and issue bonds or notes of the district for the project. The validation is necessary because copies of the warrants that were delivered to the towns and posted were not attested. Validation of the referendum will eliminate a legal technicality that could affect the marketability of the bonds or notes to be issued by the district for the project.

Private & Special Law, chapter 20 was enacted as an emergency measure effective May 19, 2003.