

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

August 2005

Members:

Sen. Elizabeth H. Mitchell, Chair

Sen. Elizabeth M. Schneider

Sen. Karl W. Turner

Rep. Jacqueline R. Norton, Chair

Rep. Edward D. Finch

Rep. Elaine Makas

Rep. Emily Ann Cain

Rep. Connie Goldman

Rep. Barbara E. Merrill

Rep. Vaughn A. Stedman

Rep. Gerald M. Davis

Rep. Peter Edgecomb

Rep. Scott E. Lansley

Staff:

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- 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
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Education and Cultural Affairs

report, including suggested legislation, to resolve conflicts to the Joint Standing Committee on Education and Cultural Affairs by December 2, 2005. The Joint Standing Committee on Education and Cultural Affairs would have been authorized to introduce a bill related to this report to the Second Regular Session of the 122nd Legislature.

LD 666 **An Act To Require Approval of Voters before Closing a School** **ONTP**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 666 proposed to require the Commissioner of Education to adopt major substantive rules to establish standards and practices to follow when proposing to close a public school.

LD 675 **An Act To Require That Students Meet Learning Results Requirements before Entering Grade 9** **ONTP**

<u>Sponsor(s)</u> NUTTING J FINCH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 675 proposed to require that students must meet the learning results requirements for grade 8 before being allowed to enter grade 9.

LD 676 **Resolve, Regarding the No Child Left Behind Act of 2001** **RESOLVE 54**

<u>Sponsor(s)</u> BRENNAN NORTON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-200
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LD 676 proposed to direct the Attorney General to bring suit against the Federal Government and any other appropriate parties if the federal funding provided to the State was insufficient to implement the No Child Left Behind Act of 2001. The Attorney General could seek the necessary funding or could seek relief from the imposition of the federal requirements for which funding was insufficient.

Committee Amendment "A" (S-200) proposed to direct the Attorney General to bring suit against the Federal Government if the State received insufficient federal funds to implement the federal No Child Left Behind Act of 2001. This amendment instead proposed to direct the Attorney General to determine whether an increase in federal funding was necessary to fully implement the federal Act in this State or whether there was a basis for relief from certain federal requirements. If, based on the review, the Attorney General determined that the federal funding was insufficient or there was a basis for relief, this amendment proposed to authorize the Attorney General to bring an action against the Federal Government and appropriate parties.

Joint Standing Committee on Education and Cultural Affairs

Enacted law summary

Resolve 2005, chapter 54 directs the Attorney General to determine whether an increase in federal funding is necessary to fully implement the federal No Child Left Behind Act of 2001 in this State or whether there is a basis for relief from certain federal requirements. If, based on the review, the Attorney General determines that the federal funding is insufficient or there is a basis for relief, this resolve authorizes the Attorney General to bring an action against the Federal Government and appropriate parties.

LD 679 An Act To Encourage Effective Education of Special Needs ONTP
Students in Maine's Private Schools

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO DAVIS G	ONTP	

LD 679 proposed to allow the Commissioner of Education to waive the requirement that private schools comply with rules for the conduct of special education programs within public schools if the commissioner finds that the private school has, and has had for at least 5 years, an effective program helping exceptional students and if the commissioner finds the program is likely to continue to be effective.

LD 701 An Act To Ensure Equality in School Funding ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN NUTTING J	ONTP	

LD 701, which was a concept draft pursuant to Joint Rule 208, proposed to have the Joint Standing Committee on Education and Cultural Affairs amend the Essential Programs and Services Funding Act to ensure that money is distributed in order to ensure that an equal number of property tax mills are raised in all school districts to ensure an equal chance at a good education in Maine.

LD 708 An Act Regarding Transferability of Credits Earned at All ONTP
Campuses within the University of Maine System

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANNIS DAVIS P	ONTP	

LD 708 proposed to guarantee that any credit hours earned at any campus in the University of Maine System must be accepted at all campuses and transferable to any campus within the system.