

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
EDUCATION

MAY 1994

**MEMBERS:**

*\*Sen. John J. O'Dea*  
*Sen. Mark W. Lawrence*  
*Sen. Jane A. Amero*

*\*Rep. Elizabeth H. Mitchell*  
*Rep. James V. Oliver*  
*Rep. Sophia Douglass Pfeiffer*  
*Rep. Stephen P. Simonds*  
*Rep. Peter A. Cloutier*  
*Rep. Elizabeth J. Pinette*  
*Rep. Kathleen Stevens*  
*Rep. Omar P. Norton*  
*Rep. Wendy L. Ault*  
*Rep. Mary E. Small*

**Staff:**

*Michael D. Higgins, Legislative Analyst*

*Office of Policy and Legal Analysis*  
*Room 101, State House Station 13*  
*Augusta, ME 04333*  
*(207)287-1670*

*\*Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
MARION HYLAN BARR  
JON CLARK  
LISA COPENHAVER  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
JILL IPPOLITI



JOHN B. KNOX  
ROY W. LENARDSON  
PATRICK NORTON  
JANE ORBETON  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
JOHN G. KELLEY, RESEARCHER  
DARLENE A. SHORES LYNCH, RESEARCHER  
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 287-1670  
FAX (207) 287-1275

**ONE HUNDRED AND SIXTEENTH LEGISLATURE  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1994**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

*PUBLIC XXX*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*ONTP*

*INDEF PP*

*FAILED ENACTMENT*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Ought Not to Pass report accepted*

*Bill Indefinitely Postponed*

*Bill failed to get majority vote*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference unable to agree; bill died*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

**LD 911 An Act to Require State Funding for All Special Education Costs That Exceed Double the State Average Tuition Rates**

ONTP

**SPONSOR(S)**  
COFFMAN

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

Public school special education costs are currently subsidized through the school funding formula in 3 ways: special education costs are combined with vocational education costs, transportation costs and bus service costs and subsidized at a level equal to at least each school unit's state percentage share of education subsidy; an increase in state subsidy may be granted for a unit that experiences a budgetary hardship due to special education costs; and an adjustment may be granted to a unit with out-of-district placement costs in excess of a certain limit.

This bill would have required full state subsidization of all special education costs over a minimum level. The minimum level is calculated as the number of elementary special education students times double the state average elementary tuition rate plus the number of secondary special education students times double the state average secondary tuition rate.

**LD 924 An Act to Amend the School Funding Formula**

PUBLIC 684

**SPONSOR(S)**  
SKOGLUND  
PINGREE

**COMMITTEE REPORT**  
OTP-AM MAJ  
ONTP MIN

**AMENDMENTS ADOPTED**  
H-1110  
H-1119 MITCHELL E

**SUMMARY**

The original bill established a new method of determining a municipality's ability to support education costs.

Under the current school funding statute, a municipality's state subsidy for education costs is tied to the number of pupils in the municipality and the state valuation of property. This bill replaced state valuation of property with a new measure of wealth defined as median municipal household income times the number of households in the municipality divided by the percent of total municipal property tax assessed on residential property. The income-based model is designed to lessen reliance on property value as a measure of ability to pay.

The bill required that the State fund 100% of all special education tuition and costs for students placed out of district to receive education services. The bill also increased the minimum state allocation to a school unit from 5% to 10% of the foundation per pupil operating rate times the number of pupils in the unit.

COMMITTEE AMENDMENT "A" (H-1110) replaces the bill. The amendment establishes an adjustment to the school funding formula that limits the increase in state subsidy from school year 1993-94 to school year 1994-95 to 60% of the increase, and limits the loss in state subsidy from school year 1993-94 to school year 1994-95 to 40% of the loss. State subsidy for bus purchases and debt service are excluded from the adjustment.

The amendment amends the Maine Revised Statutes, Titles 5 and 20-A to reflect current major policy-influencing positions in the Department of Education. The position changes were proposed in fiscal year 1993-94 in the department's restructuring proposal to the First Regular Session of the 116th Legislature.

The amendment establishes a 5-member committee, the Committee to Study Organizational and Tax Issues in Public Schools. The committee's duties include review of the affordability and efficiency of the State's school districts, review of policies for approving school construction projects, review of the tax structure for funding public schools and review of the structure of education leadership in the State.

The amendment adds a fiscal note and an appropriation of \$58,375 from the General Fund to fund the committee.

The amendment appropriates \$50,000 from general purpose aid to fund a joint research project with the University of Maine System, designed to track meaningful developments in education data related to kindergarten to grade 12. The University of Maine System shall contribute \$50,000 to the project from available resources.

The amendment adds an appropriation of \$169,000 for the current fiscal year to fund services to preschool handicapped children through the child development services program. The appropriation will come from funds recovered through school construction aid audit recoveries.

The amendment permits the Commissioner of Education to spend up to an additional \$125,000 in fiscal year 1993-94 for preschool handicapped children. The funds may come from unobligated balances in fiscal year 1993-94 General Purpose Aid for Local Schools and audit recoveries in school construction aid.

The amendment also permits the Commissioner of Education to spend up to \$45,000 in fiscal year 1993-94 for a teacher aide position and for health and safety issues at the Baxter School for the Deaf. The funds may come from unobligated balances in fiscal year 1993-94 General Purpose Aid for Local Schools and audit recoveries in school construction aid. This amendment also adds a fiscal note to the bill.

HOUSE AMENDMENT "D" TO COMMITTEE AMENDMENT "A" (H-1119) removes funding for child development services and the Governor Baxter School for the Deaf and adjusts the percentages for increases and decreases in state education subsidy for school year 1994-95.

**LD 939      An Act to Provide Equitable School Funding**

ONTP

**SPONSOR(S)**

DUTREMBLE D  
BRANNIGAN  
ROWE

**COMMITTEE REPORT**

ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have amended the laws governing the school funding formula to require that a municipality's wealth or ability to pay be calculated by using median household income, adjusted to reflect the cost of living in the area and the average person's existing tax effort as measured by the property taxes and income taxes that they pay.

This bill would have limited a school unit's state share of subsidy to 70% and would have required that state aid fund only basic education programs.