

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

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

JUNE 1996

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

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.

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 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 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</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</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>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>Not signed by Governor within 10 days</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 Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

Joint Standing Committee on Education and Cultural Affairs

LD 66

An Act to Establish Choices for Parents and Guardians in their Children's Education

DIED BETWEEN
HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO	OTP-AM A	
	ONTP B	
	OTP-AM C	
	OTP-AM D	

LD 66 proposed to broaden public education options for parents and students and provide that residence no longer be a prerequisite for enrollment in a school administrative unit. A student could attend the public school of the student's choosing subject to some minor limitations.

Amendments were made to the School Finance Act of 1985 to reflect the potential increase in enrollment. These changes would have allowed funding to "follow" the student and provided an incentive for each school to maintain or increase enrollment levels.

Committee Amendment "A" (S-545) was the majority report of the committee. The amendment proposed to permit a school unit to limit the percentage of students who may choose to attend school in another unit if the loss of students creates a hardship, subject to rules established by the Commissioner of Education. The amendment replaced a requirement that a student identify the reason for enrolling in the enrollment options program with a provision making identification of the reason voluntary. The amendment deleted a provision that would have prevented a school board from considering previous disciplinary proceedings against a student as a basis for acceptance or rejection of a student's application to participate in the choice program.

The amendment clarified that a school administrative unit that does not maintain one or more grades from kindergarten to grade 12 and has not contracted with another school administrative unit for school services may not participate in the enrollment options program. The amendment also made clear that nothing in the enrollment options program restricts the right of a school administrative unit to contract with another school administrative unit to provide school services or restricts the right of a school administrative unit to receive tuition payment for educating a student from another school administrative unit.

The amendment restricted the special education costs that must be borne by a school administrative unit that accepts a nonresident student with special education needs through the enrollment options program. The cost would have been limited to the state average tuition cost. Costs in excess of the state average tuition cost would have been paid by the sending school administrative unit. The amendment required a representative of the sending school administrative unit to participate in all meetings concerning provision of special education services to the student.

The amendment established a review of the enrollment options program after 5 years of operation. The program would have continued for a maximum of 6 years. The Legislature would have been required to approve continuation of the program past the 6th year. The amendment also changed a definition to clarify funding for students who participate in the enrollment options program.
(Adopted in Senate, failed in the House)

Committee Amendment "B" (S-546) was one of the minority reports. The amendment required the Commissioner of Education to designate 2 pilot sites to implement public school

choice programs. The 2 pilot sites were to be chosen from among partnerships of school administrative units established to demonstrate efficiencies of consolidating certain school functions. The demonstration would have been eligible to apply for grant funds made available by the Department of Education. (Not adopted)

Committee Amendment "C" (S-547) was another minority report. This amendment deleted a provision that requires a student applying to participate in the school choice program to identify the reason for choosing to participate. (Not adopted)

LD 505 An Act to Implement the Recommendations of the Committee to PUBLIC 676
Study the Operations of the Governor Baxter School for the
Deaf

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-787

LD 505 was submitted by the Committee to Study the Operations of the Governor Baxter School for the Deaf, created pursuant to Public Law 1993, chapter 508. It proposed the following.

1. Repeal Private and Special Law 1897, chapter 446 that established the governing body of the Governor Baxter School for the Deaf.
2. Eliminate the Policy Review Board of the Governor Baxter School for the Deaf.
3. Establish an independent school board appointed by the Governor responsible for hiring a superintendent, developing a budget and overseeing Governor Baxter School for the Deaf operations.
4. A new definition of the superintendent's role, which includes hiring staff, helping develop the budget and administering the school.
5. Clarified that upon enactment, the Commissioner of Education's collection of fees for rental use of the school's facilities be credited to a special account to support facilities and activities of the current Governor Baxter School.
6. Defined the process by which the school board must submit its budget proposal to the Department of Education for inclusion in the department's budget.
7. Provided transitional language that allows the school board, staff and new Governor Baxter School operations to begin July 1, 1996.

Committee Amendment "A" (H-787) proposed the following.

1. Add an appropriation section and a fiscal note to the bill.
2. Permit payment of per diem and expenses for members of the School Board of the Governor Baxter School for the Deaf.
3. Clarify that funding for the Governor Baxter School for the Deaf must be used to support maintenance of the school and Mackworth Island, security, outreach services, adult education, use of the education network of Maine and operations of the school, including