

# 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 electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE  
118TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

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

**JULY 1997**

***MEMBERS:***

***Sen. Peggy A. Pendleton, Chair***

***Sen. Mary R. Cathcart***

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

***Rep. Shirley K. Richard, Chair***

***Rep. Michael F. Brennan***

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

***Rep. James G. Skoglund***

***Rep. Elizabeth Watson***

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

***Rep. Alvin L. Barth, Jr.***

***Rep. Rodney W. McElroy***

***Rep. Vaughn A. Stedman***

***Rep. Irvin G. Belanger***

***Staff:***

***Phillip D. McCarthy, Ed.D., Legislative Analyst***

***Office of Policy and Legal Analysis***

***Room 101/107/135, 13 State House Station***

***Augusta, ME 04333***

***(207)287-1670***



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 1997**

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. 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</i> .....	<i>Bill carried over to Second 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>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>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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>Bill held by Governor</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 First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTH	OTP-AM MAJ ONTP MIN	H-229 S-361 MICHAUD

LD 505 proposed to establish a tuition rate for nonresident pupils attending school in the unorganized territory and to eliminate unnecessary taxation to reflect existing practices, two of the recommendations of the Commissioner's Task Force on the Status of Education in the Unorganized Territory.

**Committee Amendment "A" (H-229)** proposed to qualify the per pupil tuition charge that the Commissioner of Education shall establish annually for nonresident pupils attending an elementary school in the unorganized territory. The commissioner would be authorized to establish the per pupil tuition charge at 125% of the state average expenditure per elementary pupil or at the receiving school administrative unit's actual expenditure per elementary pupil, whichever is less. This amendment also proposed to add a fiscal note to the bill.

**Senate Amendment "A" (S-361)** proposed to eliminate the portion of the bill that precluded the Department of Education from including certain state retirement costs of the education in the unorganized territory program when preparing the education portion of the municipal cost component.

*Enacted law summary*

Public Law, chapter 535 authorizes the Commissioner of Education to establish a tuition rate for nonresident pupils attending school in the unorganized territory. The commissioner is authorized to establish the per pupil tuition charge at 125% of the state average expenditure per elementary pupil or at the receiving school administrative unit's actual expenditure per elementary pupil, whichever is less.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POWERS	ONTP	

LD 556 proposed to establish the Study Group to Examine the Issue of School Choice. The study group would have submitted its report and plan for a pilot project to initiate a school choice program for grades K-12 to the Second Regular Session of the 118th Legislature.

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

LD 586 proposed to require that students in kindergarten to grade 6 be screened for vision-related learning difficulties including close range focusing problems and accommodative deficiencies.

**LD 600**                      **Resolve, Directing the Department of Education to Review the Laws**                      **ONTP**  
**Governing Applied Technology Centers and Regions**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS RICHARD	ONTP	

LD 600 proposed to direct the Department of Education, in consultation with the Maine Council on Vocational Education, to review and propose clarifications to the laws governing applied technology centers and applied technology regions (see LD 1048).

**LD 623**                      **An Act to Provide Opportunities for Choice within the**                      **CARRIED OVER**  
**Public School System**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO		

LD 623 proposes to broaden public education options for parents and students and to provide that residence would no longer be a prerequisite for enrollment in a school administrative unit. A student may attend the public school of the student's choosing subject to some limitations. A school unit may 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. Changes proposed to the School Finance Act of 1985 would provide an incentive for each school to maintain or increase enrollment levels by allowing funding to "follow" the student. The commissioner would be responsible for the coordination and implementation of this enrollment options program.

The bill would prohibit 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 from participating in the enrollment options program. The enrollment options program would not restrict the right of a school administrative unit to contract with another school administrative unit to provide school services or the right of a school administrative unit to receive tuition payment for educating a student from another school administrative unit.

The bill proposes to restrict 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 be limited to the state average tuition cost. Costs in excess of the state average tuition cost would be paid by the sending school administrative unit. The bill requires a representative of the sending school administrative unit to participate in all meetings concerning provision of special education services to the student.

The bill further proposes to establish a review of the enrollment options program after five years of operation. The program could continue for a maximum of six years and the Legislature must approve continuation of the program past the sixth year. The bill would also change a definition in the Maine Revised Statutes, Title 20-A to clarify funding for students who participate in the enrollment options program.