

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
EDUCATION AND CULTURAL AFFAIRS

MAY 1998

MEMBERS:

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Sen. Mary R. Cathcart
Sen. Mary E. Small

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ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. 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 handled by the joint standing 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. 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).

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:

- 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
- 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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

Joint Standing Committee on Education and Cultural Affairs

LD 623

Resolve, to Provide Educational Placement Options within the Public School System

**DIED ON
ADJOURNMENT**

Sponsor(s)
AMERO

Committee Report
OTP-AM

Amendments Adopted

LD 623 was carried over from the First Regular and First Special Sessions and proposed to broaden public education options for parents and students and would provide that residence is no longer a prerequisite for enrollment in a school administrative unit. Under this proposed bill, a student may attend the public school of the student's choosing subject to some limitations. A school unit could limit the percentage of students who could 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 bill also proposed changes to the School Finance Act of 1985 to reflect the potential increase in enrollment. These changes would allow funding to "follow" the student and provide an incentive for each school to maintain or increase enrollment levels. The Commissioner of Education would be responsible for the coordination and implementation of this enrollment options program.

The bill further proposed to 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.

In addition, the bill proposed 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 must be paid by the sending school administrative unit. The bill proposed to require a representative of the sending school administrative unit to participate in all meetings concerning provision of special education services to the student.

The bill also proposed to establish a review of the enrollment options program after five years of operation, including provisions that the program may 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. Each school district superintendent would be required to send information to the Department of Education about the number of requests for transfer into that district and the outcome of those requests.

Committee Amendment "A" (S-472) proposed to replace the bill and change the title of the bill. The amendment proposed a resolve authorizing the Commissioner of Education to establish a grant program to promote educational placement options for public school students in the State. The resolve further proposed to establish the following provisions for the educational placement options grant program:

1. A grant of up to \$10,000 would be awarded on a competitive basis to an alliance of two or more school administrative units formed for the purpose of providing educational placement options through the sharing of resources among the member school administrative units. Students would be eligible for an educational

placement option within another school administrative unit pursuant to the so-called "superintendents' agreement" provisions established in the Maine Revised Statutes, Title 20-A, section 5205, subsection 6;

2. Priority would be given to proposals that the commissioner determines are most likely to make a lasting contribution to education in the State, that are reasonably cost-effective and that could be replicated in urban or rural areas of the State;
3. The commissioner would review the results of the educational placement options grant program following operation of the grant program during the 1999-2000 school year and would submit a report and any recommendations to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on or before January 31, 2001; and
4. A General Fund appropriation of \$50,000, in addition to the customary and ongoing amounts appropriated in fiscal year 1998-99 for general purpose aid to local schools, would be appropriated to the Department of Education to carry out the purposes of this resolve.

The amendment also proposed to add a fiscal note.

LD 1045 Resolve, to Create the Task Force on Research and Development Investment ONTP

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|---------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> BIGL | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|---------------------------|--|---------------------------------|--|---------------------------|

LD 1045 was carried over from the First Regular and First Special Sessions and proposed to create the Task Force on Research and Development Investment to determine the appropriate level of capital and human resource investment necessary to enhance Maine's ability to develop projects that can lead to the creation of new businesses and jobs.

LD 1168 Resolve, to Reorganize the University of Maine System ONTP

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| <u>Sponsor(s)</u> LIBBY | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|----------------------------|--|---------------------------------|--|---------------------------|

LD 1168 was carried over from the First Regular and First Special Sessions and proposed to require the Legislative Council to draft legislation that reorganizes the governance and coordination structure of the University of Maine System by replacing the Board of Trustees of the University of Maine System with a coordinating board and seven campus boards of trustees. The bill further proposed to allow the Legislative Council to request assistance from the Office of the Chancellor of the University of Maine System, the Department of Education, the State Board of Education and the Joint Standing Committee on Education and Cultural Affairs in drafting this legislation.