

# 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:

- 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*
- 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 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

The bill proposed to prohibit a center from limiting admission based on certain criteria listed in the Maine Revised Statutes, Title 20-A, section 7505, subsection 4, paragraph C, but allow a center to limit admission to students within a special age group.

The bill also proposed to require a center to be financed by the General Fund and would require the Commissioner of Education to develop guidelines for determining various costs. The commissioner is given the authority to operate and supervise a center to provide education for students with severe emotional disorders.

The bill also proposed to require the superintendent of the school administrative unit in which a student resides to apply for enrollment in a center, in accordance with regulations and guidelines set by the commissioner. The unit's pupil evaluation team must decide to make the application, with the consent of the student's parent, based on inability to meet the student's needs in any other state program. Transportation to a center would have been provided in accordance with regulations and guidelines set by the commissioner.

**LD 1398                      An Act to Clarify the Law Regarding the Discipline of Exceptional      CARRIED OVER  
Students**

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

LD 1398 proposes to clarify the authority of school boards in disciplining exceptional students. Under the provisions of this bill, school boards:

1. Have the duty to apply an appropriate disciplinary sanction to an exceptional student whose misconduct violates school rules;
2. May authorize superintendents, principals or assistant principals to sanction exceptional students for such infractions; and
3. May interrupt an exceptional student's special education program when that student is suspended from school for 10 days or less.

The bill further proposes to require the Department of Education to remove state special education regulations that compel school administrative units to provide special educational services to an exceptional student who has been suspended for violation of school rules. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1399                      An Act to Allow an Appeal Concerning the Date to Determine Age                      ONTP  
for Kindergarten**

<u>Sponsor(s)</u> POWERS PENDLETON P	<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN	<u>Amendments Adopted</u>
--	---	---------------------------

LD 1399 proposed to allow a person who will be at least five years old by December 15th of the school year to enroll in kindergarten after a determination by the school administrative unit that the person is ready for kindergarten.

**Committee Amendment "A" (H-562)**, the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to change the bill in the following ways:

1. It would amend the title to reflect more accurately the intent of the statutory provision;
2. It would allow a person who will be at least five years of age by November 15th of the school year to enroll in kindergarten after determination by the school administrative unit that the person is ready for kindergarten if a parent or guardian of a person makes a written request to the school administrative unit;
3. It would clarify that the initial assessment of the child's readiness for kindergarten must be made through the use of the school's current screening mechanism and that this assessment is final; and
4. It would add a fiscal note to the bill.

**LD 1404                      An Act to Create School Enrichment Funds for Public Schools                      ONTP**

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

LD 1404 proposed to establish a voluntary checkoff for school enrichment funding contributions on local property tax bills. The money raised through voluntary contributions would be transferred to the local school board to establish a School Enrichment Fund that is used to fund predetermined academically oriented programs and activities. Under this bill, school boards are involved in determining what programs and activities will be funded and targeting amounts to be raised by the voluntary checkoff. The bill further proposed that a School Enrichment Fund may not be used to replace or supplant other nonvoluntary sources of funding.

**LD 1410                      Resolve, to Establish Additional Funding for the University of                      RESOLVE 70**  
**Maine System**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON SMALL	OTP-AM    MAJ ONTP        MIN	H-590 S-362    MICHAUD

LD 1410 proposed to repeal the authority of the Board of Trustees of the University of Maine System to determine the amount of annual General Fund appropriations that are allocated to each campus and would establish an enrollment-based funding formula that provides for a more equitable funding base for students enrolled at each campus of the university. To accomplish this, the bill proposed to:

1. Require that a guaranteed percentage of the educational and general appropriation to the university be allocated to each campus based on a set amount of state funding per student;