

MAINE STATE LEGISLATURE

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**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:

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Sen. Mary R. Cathcart

Sen. Mary E. Small

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Maine State Legislature

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**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).

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

Enacted law summary

Public Law 1997, chapter 308 directs the Department of Education to perform an annual cost-benefit analysis of special education programs in the State and to hold a public hearing annually for members of school units to explain what special education programs are offered in each unit and the costs of these programs.

LD 1495 An Act to Repeal the Special Education Laws ONTP

<u>Sponsor(s)</u> FERGUSON WINGLASS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1495 proposed to repeal the State's laws pertaining to special education. This bill does not affect special education requirements imposed by federal law.

LD 1516 Resolve, to Establish a Task Force to Review and Reform the ONTP
System of Learning Results

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1516 proposed to establish the Task Force to Review and Reform the System of Learning Results.

LD 1529 Resolve, to Determine How to Increase the Number of Students ONTP
Consuming School Meals

<u>Sponsor(s)</u> WINN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1529 proposed to direct the Department of Education to study school meal programs and to report to the Legislature by January 15, 1998. The department would have been directed to examine the rate of low-income students participating in school meal programs, the nutritional content of the food provided, the appeal of the food to participating students and the relation between food appeal and consumption. If problems are identified as a result of the study, the department would be required to develop a plan to deal with them.

Committee Amendment "A" (H-573), the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to replace the resolve and would have directed the Department of Education and the Center for Research and Evaluation at the University of Maine to study methods to improve school meal programs and report to the Legislature by January 15, 1998. The percentage of eligible students for the free and reduced-price school meal programs and the actual rate of consumption and the relationship between food appeal and consumption would also have been analyzed. If problem areas were identified as a result of the study, the

department would have been required to work with other interested parties to develop a plan to improve those areas within existing resources.

LD 1536 **Resolve, Regarding Legislative Review of Chapter 131: Rules for Learning Results, a Major Substantive Rule of the Department of Education** **RESOLVE 51**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-569
	OTP-AM MIN	

LD 1536 proposed to authorize Chapter 131: Rules for Learning Results, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-569), the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to require that, prior to final adoption of Chapter 131: Rules for Learning Results, the Department of Education must amend the rule to add an application section. The purpose of this application section would be to ensure that the rules do not conflict with the legislative intent expressed in the enabling legislation that established a statewide system of learning results.

Pursuant to Public Law 1995, chapter 649, section 2, these rules may not require a school administrative unit to take any action that necessitates additional expenditures from local revenues unless the Department of Education pays for 90% of the additional costs. Should a school administrative unit determine that it is unable to implement the learning results in the five core subject areas within existing state and local resources, the unit shall present its findings and supporting evidence to the Department of Education. The department shall review the findings and evidence and, if necessary, would assist the unit in planning for implementation.

This amendment would also restate the provisions of Public Law 1995, chapter 649, section 3 that allows a school administrative unit to delay implementation of the system of learning results in the areas of career preparation, foreign languages and visual and performing arts if adoption in these areas could not be achieved within the local unit's existing resources.

Finally, this amendment proposed to remove the emergency preamble and clause and add a fiscal note to the resolve.

Committee Amendment "B" (H-570), the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to provide that final adoption of the rules for the learning results system would not be authorized by the Legislature. This amendment also proposed to add a fiscal note to the bill. The amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-626) proposed to replace the committee amendment and disapprove Chapter 131: Rules for Learning Results as submitted by the Department of Education. The amendment further proposed to deappropriate funding for the Maine Educational Assessment testing and professional development of educators to assist school administrative units with implementing the system of learning results. The effect of this deappropriation would be to suspend the system of learning results. The amendment was not adopted.