

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
119TH LEGISLATURE**

FIRST REGULAR SESSION

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

JULY 1999

MEMBERS:

Sen. Georgette B. Berube, Chair

Sen. Robert E. Murray, Jr.

Sen. Mary E. Small

Rep. Michael F. Brennan, Chair

Rep. Shirley K. Richard

Rep. Mabel J. Desmond

Rep. James G. Skoglund

Rep. Elizabeth Watson

Rep. Christina L. Baker

Rep. Vaughn A. Stedman.

Rep. Irvin G. Belanger

Rep. Mary Black Andrews

Rep. Carol Weston

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 NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 September 18, 1999.

LD 1621 proposed to amend the laws governing incentive scholarships by permitting a student to receive a scholarship if the student meets the satisfactory academic progress policy of the institution that the student attends rather than limiting the award of a scholarship to a period of eight semesters. This proposed change would have been consistent with recent changes in federal law.

LD 1627

An Act to Ensure Equity in School Funding

ONTP

Sponsor(s)
NUTTING J
RICHARD

Committee Report
ONTP

Amendments Adopted

LD 1627 proposed to repeal the School Finance Act of 1985 and the School Finance Act of 1995 and to replace these laws with a new school funding formula that would be effective for the fiscal year that begins July 1, 2000. This bill proposed to divide General Purpose Aid to Local Schools into its four component parts: operating costs; program costs; debt service; and direct state costs, formerly called "adjustments." The bill also proposed to require that all four components receive separate appropriations that are no longer interdependent. In each case there would be a default appropriation to take effect if the Legislature fails to appropriate new funds prior to March 31st of each year.

Under this bill, the income and cost-of-living factors would no longer be included. Operating, program and debt service subsidies would all be proportional to a school administrative unit's fiscal capacity. The need for percentage reduction would be eliminated. The first dollars available would go to the poorest school units. Program or debt service costs that would exceed a circuit breaker amount would be fully subsidizable. Circuit breaker levels would not be fixed but would float with the level of the annual appropriation.

This bill proposed to calculate the operating cost subsidy for each school administrative unit as follows:

1. The foundation per pupil operating rate would equal the statewide base year operating costs divided by the State's average pupil count;
2. A unit's subsidizable operating costs would equal the foundation per pupil operating rate times the average pupil count for the unit; and
3. The local share of operating costs would equal the operating cost mill rate times the fiscal capacity of the unit.

The "operating cost mill rate" would be a calculated figure that floats to meet the State's annual appropriation.

The state subsidy would be equal to the unit's subsidizable operating costs less the local share, but could not be less than 5% of the unit's costs.

A unit that fails to raise its local share of operating costs would lose a portion of its subsidy equal to what it fails to provide. Such a reduction would not be necessary for program and debt service subsidies because they would continue to be calculated on the basis of the unit's own approved expenditures.

Pupil count averaging would be extended over three separate dates, rather than two as provided in present law. Thus, changes in pupil counts would have a more gradual impact on subsidy changes.

The bill also proposed a contingency cushion for districts that depend on state subsidies to fund 30% or more of their base year operating costs. The cushion would hold these needier units to a 5% loss if their combined losses in operating and program costs, incurred for any reason, exceed 5% from one fiscal year to the next. The cushion would protect against sudden changes in either or both of the two major variables that impact the formula: valuation and pupil count.

The cushion would be funded by reducing excess subsidies that would otherwise go to those units whose gains exceed a maximum percentage annually calculated by the Commissioner of Education at the rate necessary to pay the cushion subsidies.

LD 1635

Resolve, Regarding Results-based Certification for Teachers

RESOLVE 46

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B WATSON	OTP-AM	H-542 BRENNAN S-170

LD 1635 proposed to replace the current course-based standards for provisional certification of beginning teachers with 10 performance-based standards in which competency must be demonstrated before issuance of the provisional certification in order to implement the recommendations of the Advisory Committee on Results-based Initial Certification of Teachers.

Committee Amendment "A" (S-170) proposed to replace the bill with a resolve directing the State Board of Education and the Department of Education to develop a plan for implementation of results-based initial certification for teachers and to report to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2000. The amendment also proposed that the State Board of Education and the Department of Education study the feasibility of results-based recertification of teachers and to report to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2000.

House Amendment "A" to Committee Amendment "A" (H-542) proposed to change the reporting dates.

Enacted law summary

Resolves 1999, chapter 46 directs the State Board of Education and the Department of Education to develop a plan for implementation of results-based initial certification for teachers and to report to the Joint Standing Committee on Education and Cultural Affairs by January 14, 2000. The resolve also directs the State Board of Education and the Department of Education to study the feasibility of results-based recertification of teachers and to report to the Joint Standing Committee on Education and Cultural Affairs by January 14, 2000.

LD 1646

An Act to Amend Due Process Hearings for Exceptional Students

ONTP

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

LD 1646 proposed that the Department of Education pay the cost to the school administrative unit of an appeal by a parent or guardian from a due process hearing decision regarding the identification, evaluation or educational program of a special education student if the original decision favored the school administrative unit.