

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

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

JULY 1999

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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.

Committee Amendment "A" (H-366) proposed the following:

1. It would add a definition of "emergency medical service" to the Maine Revised Statutes, Title 20-A, chapter 429;
2. It would clarify the definition of an "emergency medical services person" as a licensed provider who is serving a public agency in an official capacity as an officially recognized or designated employee, as a member of a rescue squad or ambulance crew who serves with or without compensation or as an employee of a nonprofit emergency medical service; and
3. It would establish a definition for "public agency" as a governmental entity or a political subdivision as defined under Title 14, section 8102.

Enacted law summary

Public Law 1999, chapter 234 provides a tuition waiver at a state postsecondary educational institution for a child or spouse of an emergency medical services person who has been killed in the line of duty. The law establishes a definition for emergency medical service entities that are eligible for the tuition waiver and specifies that the child or spouse of an emergency medical service person is eligible for this benefit if the emergency medical services person was a licensed provider who was serving a public agency in an official capacity as an officially recognized or designated employee, as a member of a rescue squad or ambulance crew who serves with or without compensation or as an employee of a nonprofit emergency medical service.

LD 1712

An Act to Ensure Adequate Funding for Maine Schools

ONTP

Sponsor(s)
BAKER
CATHCART

Committee Report
ONTP

Amendments Adopted

LD 1712 proposed to ensure that pupil equity and taxpayer equity are achieved through the school funding formula by guaranteeing that the State subsidizes 55% of the total allocation costs incurred by school administrative units. Current law requires that the Legislature provide at least 55% of the total allocation for costs incurred by school administrative units, defined as the total of the foundation allocation and the debt service allocation, from General Fund revenues. Current law also requires that school administrative units receive state subsidy for the state share of the foundation allocation, defined as the adjusted total of actual local operating costs and actual local program costs. However, the funds for these subsidizable costs are limited to the amount appropriated by the Legislature for the general purpose aid for local schools program. Appropriations for the past several years have addressed less than 25% of the amount needed to fully fund this program.

This bill proposed the following.

1. It would clarify the statutory provisions requiring the state share to be 55% of total state and local education allocations by indicating that the percentage of state funding must be determined by the amount of funds actually provided by the Legislature.
2. It would require that the state share of the total allocation that would have been payable to each school administrative unit for fiscal year 1999-00 must be paid to each school administrative unit over a three-year period beginning July 1, 1999; it would further require a supplemental appropriation to the general purpose aid for local schools program in fiscal year 1999-00 and fiscal year 2000-01 to fully fund 55% of the cost of the total allocation in fiscal year 1999-00.

3. It would repeal the "percentage rate" subsidy reduction method from the School Finance Act of 1985 and would require that reductions in state funds be made by applying a mill rate subsidy reduction to each school administrative unit rather than a percentage rate subsidy reduction.
4. It would remove the income and cost-of-living components from the distribution of funding for education under the School Finance Act of 1995, leaving relative property valuation as the only factor in determining a unit's fiscal capacity.

LD 1725 **An Act to Allow the Towns of Wells and Ogunquit to Withdraw from Their Community School District** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE WHEELER G		

LD 1725 proposes to allow the Town of Wells and the Town of Ogunquit to withdraw from the Wells-Ogunquit Community School District. The bill has been carried over to the Second Regular Session and a committee letter sent to the two towns requesting that they mutually engage a mediator/fact finder to work with the towns to resolve their school funding differences and to report to the committee by December 31, 1999.

LD 1740 **An Act to Amend the Habitual Truancy Law** **PUBLIC 198**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAILHOT DOUGLASS	OTP-AM	H-276

LD 1740 proposed to amend the law regarding truancy by permitting the superintendent of the school district to meet with the parents or guardian of a truant student and explain the benefits of attending alternative education programs as well as school. The bill further proposed to change the truancy law by allowing the superintendent, instead of the school board, to notify the local law enforcement department that a student has been declared habitually truant, thus enabling a police officer to transport the student, after attempting to obtain the permission of the student's parents or guardian, to school if the officer sees the student off school grounds during school hours.

Committee Amendment "A" (H-276) proposed to retain the provision that allows the superintendent, instead of the school board, to notify local law enforcement that a student has been declared habitually truant. However, this amendment proposed to strike the provision that would have allowed a police officer to transport a student to school only after attempting to obtain parental consent. Under this amendment, the police officer would be required to first obtain verbal consent from the student's parent or guardian before transporting the student back to school.

Enacted law summary

Public Law 1999, chapter 198 amends the law regarding truancy by permitting the superintendent of the school district to meet with the parents or guardian of a truant student and explain the benefits of attending alternative education programs as well as school. The law also permits the superintendent, instead of the school board, to notify the local law enforcement department that a student has been declared habitually truant.