

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

MEMBERS:

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Sen. Robert E. Murray, Jr.

Sen. Mary E. Small

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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.

Finally, it would strike the section of the bill concerning transfer of education records and the creation of an expulsion record information database, and replace it with a new section that clarifies the process by which student records must be transferred between school administrative units when a student seeks admission or transfer to a new school from a school in the State or from a school outside of the State.

Enacted law summary

Public Law 1999, chapter 351 implements a number of the recommendations proposed by the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The law establishes the following requirements.

1. It requires the Commissioner of Education, in consultation with educational stakeholders, to develop statewide standards of responsible and ethical student behavior;
2. It requires local school boards, with input from educators, parents, students and community members, to adopt a district-wide code of conduct for their students. The conduct code must define unacceptable student behavior, establish standards for student responsibility and prescribe consequences for conduct code violations. The conduct code must also describe appropriate referral procedures for students in need of special services and establish criteria to determine when further review of an the individual education plan is necessary for a student removed from class. The conduct code must further establish procedures concerning the removal of disruptive or violent students from class or a school bus and consider input by teachers and other educational personnel regarding student disciplinary and placement decisions. The conduct code must also establish guidelines concerning the circumstances when a superintendent may provide information to law enforcement authorities regarding a violent incident committed on school grounds or property.
3. It requires local school boards, in consultation with public safety, mental health and law enforcement officials, to develop a crisis response plan for violent or potentially violent situations in each of its schools.
4. It mandates that educational records follow any student who transfers to a school within the State from another school administrative unit or from out of state. The law provides for more timely reporting of student records between schools and provides that school administrative units retain discretion as to the admission of a student who has been suspended or expelled or is presently the subject of an expulsion proceeding.
5. It amends the existing "anti-hazing" statute to include protections for educational personnel as well as for students, and also expands the definition of "injurious hazing" to include harassment.
6. It provides for immunity protections for school personnel.

LD 1799

An Act Regarding the School Funding Formula

CARRIED OVER

Sponsor(s)
BRENNAN

Committee Report

Amendments Adopted

LD 1799 proposes to ensure that pupil equity and taxpayer equity are achieved through the school funding formula. This bill proposes the following.

1. It would clarify that the statutory provisions requiring the state share of school construction debt service costs must be supported by General Fund appropriations by:

- A. Indicating that the Legislature shall annually report the aggregate amount of the state share of the allocation for debt service costs as a separate line item and program account in the budget bill submitted to the Legislature for consideration; and
 - B. Indicating that the Legislature shall annually appropriate an amount to capitalize the state share of debt service costs that is separate from the appropriation for general purpose aid for local schools.
2. It would suspend the annual updating of the income weight in the School Finance Act of 1995 by establishing that the income weight used in fiscal year 1997-98 must be used beginning in fiscal year 1999-00 and must remain fixed at the level of the median household income data reported in the United States Census data. Fiscal year 1997-98 median household income data must be used for the statewide component and for the local municipality component of income weighting for each fiscal year until fiscal year 2001-02 when the department shall use the median household income data reported in the United States Census for 2000 report for each fiscal year until fiscal year 2011-12 when the data for the United States Census for 2010 must be used.
 3. It would replace the so-called "cost-of-living adjustment" in the School Finance Act of 1995 with a regionalized cost-adjustment model that is based on a public education price index. The cost-adjustment model must be updated every three years. The Department of Education shall develop a regional education cost-adjustment model based on a public education price index and this new regionalized cost-adjustment model will replace the National Chamber of Commerce model beginning in fiscal year 2000-01.
 4. It would provide a \$25,000 General Fund appropriation to the Department of Education to develop a regional education cost-adjustment model based on a public education price index.
 5. It would provide a \$29,493,680 General Fund appropriation to the Department of Education to fully fund actual local program costs in the school funding formula.

The bill was carried over to the Second Regular Session.

LD 1802

An Act to Restore the Distribution Formula Between Private and Public Colleges within the Maine Student Incentive Scholarship Program

**PUBLIC 233
EMERGENCY**

Sponsor(s)
SMALL
RICHARD

Committee Report
OTP-AM

Amendments Adopted
S-158

LD 1802 proposed to revive the statutory provision that required student incentive scholarships awarded to students attending private institutions of higher education to be two times the amount of scholarships awarded to students attending public institutions of higher education. This bill also proposed to amend the length of scholarship provision by requiring that scholarship recipients who remain eligible under the demonstrated financial need criteria must be awarded a new scholarship for each year during the period required for completion of an eligible program of study.

Committee Amendment "A" (S-158) proposed to replace the original bill. Under this amendment, the minimum amount requirement of the Maine Student Incentive Scholarship Program would be repealed and replaced with a minimum award provision that establishes a differential rate for minimum scholarship amounts that are based on the status of the higher education institution where the eligible student is enrolled. The varying minimum award amounts under the Maine Student Incentive Scholarship Program would be determined as follows: