

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

August 2001

Members:

Sen. Betty Lou Mitchell, Chair

Sen. John M. Nutting

Sen. Margaret Rotundo

Rep. Shirley K. Richard, Chair

Rep. Mabel J. Desmond

Rep. James G. Skoglund

Rep. Elizabeth Watson

Rep. Stephen C. Estes

Rep. Glenn Cummings

Rep. Vaughn A. Stedman

Rep. Mary Black Andrews

Rep. Carol Weston

Rep. Mary Ellen Ledwin

Rep. Donald G. Soctomah

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Maine State Legislature
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120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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*
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*
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 21, 2001**.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Education and Cultural Affairs

3. It requires the State to raise a minimum of \$15,000,000 in contributions from nonstate sources by January 8, 2003. Failure of the State to raise these contributions from nonstate sources by this date will result in the removal of the limitation on the use of the endowment principal in implementing the learning technology plan in fiscal year 2002-03 through fiscal year 2005-06.
4. It stipulates that the principal and income of the endowment may not be used to implement the fundraising plan. It allows limited use of the initial principal to ensure timely start-up and implementation of Phase I of the task force plan for grades 7 and 8.
5. It establishes a mechanism to allow donors to redirect their contributions to the endowment if the State fails to raise sufficient contributions by January 8, 2003.
6. It also proposed to add a fiscal note to the bill.

While this amendment was not adopted and the bill was indefinitely postponed, the substance of certain provisions of the bill as amended by the majority report of the committee, was included in the Part 1 budget bill (see P.L. 2001, c. 358 Part II).

LD 1741 **An Act to Guarantee Girls Equal Access to Sports Teams** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>				
MICHAEL	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">ONTP</td> <td style="padding: 2px 10px;">MAJ</td> </tr> <tr> <td style="padding: 2px 10px;">OTP-AM</td> <td style="padding: 2px 10px;">MIN</td> </tr> </table>	ONTP	MAJ	OTP-AM	MIN	
ONTP	MAJ					
OTP-AM	MIN					

LD 1741 proposed to require all school administrative units to allow female student athletes in a secondary school to try out for and participate on any baseball, basketball, football, hockey, soccer or wrestling team affiliated with the school.

Committee Amendment "A" (H-623) proposed to clarify that girls must be allowed to try out for a sports team affiliated with a public secondary school but are not required to be admitted to the team unless they make the team. It proposed to give the Department of Education the authority to determine the best way to ensure that talented Maine girls are not prevented from trying out for their school's best teams.

LD 1747 **An Act Regarding School Funding Based on Essential Programs and Services** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD MITCHELL B	OTP-AM	H-457

LD 1747 proposed to establish a timeline for a transition to a new school funding approach, based on essential programs and services, in order to provide all children with an equitable opportunity to access the resources

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necessary to achieve the high standards of Maine's system of learning results. The bill proposed to define the core components of essential programs and services, including those elements to be funded on a per-pupil basis, resources for specialized student populations, major cost components to be determined on other than a per-pupil basis and targeted grants. The bill proposed to provide that funding essential programs and services is a state-local partnership, and that local school administrative units retain the authority to determine how to expend funds once they are received from the State, with the exception of the targeted grants. The bill proposed to provide for a report from the State Board of Education and the Commissioner of Education on a comprehensive transition plan, including revisions to the school finance laws, to be submitted in January 2002.

Committee Amendment "A" (H-457) proposed to add a fiscal note to the bill.

While this bill as amended died on adjournment, the Part II budget bill included a General Fund appropriation of \$150,000 in fiscal year 2001-02 (contingent on availability of unappropriated surplus funds at the end of fiscal year 2000-01) to the State Board of Education to continue the implementation of essential programs and services model (see P.L. 2001, c. 439, Part EE, Sec. EE-2, subsection 18).

LD 1757

An Act to Encourage Savings for Higher Education

PUBLIC 380

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON SAXL	OTP	S-298 SMALL

LD 1757 proposed to make the following changes to the laws governing the Maine College Savings Program.

1. It clarifies that money in the Maine College Savings Program Fund may be used by the Finance Authority of Maine to provide refunds of administrative fees paid by program participants to any class of participants, to provide matching grants to encourage savings for higher education to any class of participants and to provide scholarship funds for individuals attending institutions of higher education in the State.
2. It clarifies that, if an account is opened by an entity that is not required by the Internal Revenue Code to designate a beneficiary, that participant is not required to designate a beneficiary when opening an account.
3. It clarifies that an individual participant may designate a successor participant to become owner of the account on the death or disability of the current participant.

Senate Amendment "A" (S-298) proposed to make clear that the beneficiary of a program account under the Maine College Savings Program need not attend a Maine-based institution of higher education.

Enacted law summary

Public Law 2001, chapter 380 makes the following changes to the laws governing the Maine College Savings Program.

1. It clarifies that money in the Maine College Savings Program Fund may be used by the Finance Authority of Maine to provide refunds of administrative fees paid by program participants to any class of participants, to provide matching grants to encourage savings for higher education to any class of participants and to provide