

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

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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
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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

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needs-based scholarship funds for the beneficiary of a program account whether or not the beneficiary attends an institution 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.

LD 1760

An Act to Implement Maine's System of Learning Results

PUBLIC 454

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B RICHARD	OTP-AM MAJ ONTP MIN	S-303

LD 1760 proposed to address inconsistencies in the laws that could hinder implementation of the system of learning results for students in Maine public and approved private schools. It proposed to require implementation of the system of learning results in several key places in the Maine Revised Statutes, Title 20-A, such as the sections of law governing the purpose of the Department of Education, the duties of the Commissioner of Education and the State Board of Education, vocational programs, approved private schools and schools in the unorganized territories.

It further proposed to amend the requirements for school approval, including the requirement to have a comprehensive education plan that addresses all required plans, and proposed to establish the importance of training and development for all school personnel as a means to implement the system of learning results. It proposed to require a comprehensive system of local and state assessments and proposed to establish a schedule for using a local assessment system as the basis for program, placement and student graduation decisions. It also proposed to establish an implementation schedule for content standards in career preparation, visual and performing arts, and foreign languages that would be linked to funding of essential programs and services. It proposed to provide for a waiver of this requirement to be developed through rulemaking, as well as rulemaking to provide a smooth transition from the current system to the system that is proposed.

Finally, this bill proposed to provide for a system of accountability for schools where students are not meeting standards, providing assistance to these schools to support the learning of students.

Committee Amendment “A” (S-303) proposed to make the following changes to the bill.

1. For basic school approval purposes, it requires that each school administrative unit prepare and implement a comprehensive education plan that, among other requirements, is focused on the learning of all students.
2. It requires the Commissioner of Education to promote the importance of ongoing training and development and encourage initiatives that prepare school personnel to fully implement the system of learning results.
3. It allows the use of commercially produced assessment tools as part of the local assessment system, but they may not carry a majority of the weight in determining student performance.