

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

May 2002

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

Staff:

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Maine State Legislature
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120th Legislature
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

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 arranged alphabetically by committee name 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:

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
PASSED	Joint Order passed in both bodies
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 Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

Patrick T. Norton, Interim Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Education and Cultural Affairs

construction-manager-at-risk method of construction delivery rather than the design-bid-build method of construction delivery.

Private and Special Law 2001, chapter 46 was enacted as an emergency measure effective February 7, 2002.

LD 2074

An Act to Increase the Debt Limit of the Calais School District

**P & S 52
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY MORRISON	OTP-AM	S-443

LD 2074 proposed to raise the debt limit of the Calais School District from \$6,000,000 to 10% of city valuation.

Committee Amendment "A" (S-443) proposed to amend the charter of the Calais School District to permit the lease purchase of administrative space and raise the debt limit of the Calais School District from \$6,000,000 to 10% of the most recent state valuation of the City of Calais. The amendment also proposed to clarify the referendum question to be submitted to the legal voters within the City of Calais regarding this proposed charter amendment.

Enacted law summary

Private and Special Law 2001, chapter 52 amends the charter of the Calais School District to permit the lease purchase of administrative space and raises the debt limit of the Calais School District from \$6,000,000 to 10% of the most recent state valuation of the City of Calais. The amendment also clarifies the referendum question to be submitted to the legal voters within the City of Calais regarding this proposed charter amendment.

Private and Special Law 2001, chapter 52 was enacted as an emergency measure effective March 12, 2002.

LD 2080

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003

PUBLIC 559

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY, R GOLDTHWAIT		H-968 H-986

Joint Standing Committee on Education and Cultural Affairs

LD 2080 was referred to the Joint Standing Committee on Appropriations and Financial Affairs. This bill proposed to make supplemental appropriations and allocations necessary for the operations of state government for the fiscal years ending June 30, 2002 and June 30, 2003. The bill proposed to accomplish the following selected items related to Education and Cultural Affairs budget matters:

Part B proposed to:

1. Make appropriations and allocations of funds representing reduction proposals or adjustments;
2. Deappropriate \$800,000 in fiscal year 2002-03 from the Education in Unorganized Territory program due to a projected decrease in elementary and secondary tuition costs;
3. Deappropriate \$130,000 in fiscal year 2002-03 from the Adult Education program to limit the growth in the program;
4. Deappropriate \$500,000 in fiscal year 2001-02 and an additional \$1,500,000 in fiscal year 2002-03 from the Preschool Handicapped program by limiting program operations to within available resources;
5. Deappropriate \$250,000 in fiscal year 2002-03 from the Student Financial Assistance Programs in the Finance Authority of Maine to limit program growth. Proposed savings would be realized from a reduction in the loan reserve budget of the Medical loan program due to early loan repayments and rejections regarding the current and future liabilities in this loan forgiveness program; and
6. Provide for a one-time deappropriation of \$1,000,000 from the fiscal year 2002-03 increase in the Maine Economic Improvement Fund for applied research and development at the University of Maine System.

Part D proposed to:

1. Specify the General Purpose Aid for Local Schools actual education cost certification and appropriation levels for fiscal year 2002-03 as required by the Maine Revised Statutes, Title 20-A, section 15605;
2. Lapse \$1,000,000 of unencumbered balance forward in fiscal year 2001-02 from the Education in Unorganized Territory General Fund account to the General Fund in fiscal year 2001-02;
3. Transfer \$5,000,000 in special revenue account funds from the Maine Learning Technology Endowment to the General Fund by the end of fiscal year 2001-02; and
4. Authorize the Commissioner of Education to expend and disburse funds limited to the amount appropriated by the Legislature to implement the system of learning results.

Committee Amendment “A” (H-968) proposed to accomplish the following:

Part A proposed to:

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1. Allocate \$7,384,730 in fiscal year 2002-03 to implement the Maine Learning Technology Initiative to provide for contracted services, equipment, teacher training and professional development and library databases as part of this initiative; and
2. Deappropriate \$150,000 in fiscal year 2001-02 from the Management Information Systems program within the Department of Education for management and maintenance of Asynchronous Transfer Mode (ATM) Distance Learning sites due to delayed start-up dates of sites in the prior fiscal year, with corresponding savings in operational support needs in fiscal year 2001-02.

Part B: proposed to:

1. Deappropriate \$800,000 in fiscal year 2002-03 from the Education in Unorganized Territory program due to a projected decrease in elementary and secondary tuition costs;
2. Deappropriate \$500,000 in fiscal year 2001-02 and an additional \$1,500,000 in fiscal year 2002-03 from the Preschool Handicapped program by limiting program operations to within available resources;
3. Provide for a one-time deappropriation of \$1,000,000 from the fiscal year 2002-03 increase in the Maine Economic Improvement Fund for applied research and development at the University of Maine System;
4. Deappropriate \$250,000 in fiscal year 2002-03 from the Student Financial Assistance Programs in the Finance Authority of Maine to limit program growth. Proposed savings would be realized from a reduction in the loan reserve budget of the Medical loan program due to early loan repayments and rejections regarding the current and future liabilities in this loan forgiveness program; and
5. Make adjustments to appropriations and allocations to recognize a 2% reduction in All Other expenditures from various departments and agencies statewide.

Part D proposed to:

1. Specify the General Purpose Aid for Local Schools actual education cost certification and appropriation levels for fiscal year 2002-03 as required by the Maine Revised Statutes, Title 20-A, section 15605;
2. Lapse funds from the Education in Unorganized Territory General Fund account to the General Fund in fiscal year 2001-02;
3. Transfer funds from the Maine Learning Technology Endowment to the General Fund in fiscal year 2002-03;
4. Provide lease-purchase authorization for the Maine Learning Technology Endowment program; and
5. Provide additional appropriations for General Purpose Aid for Local Schools, including additional funding for state wards and state agency clients.

Part N proposed to increase retired teachers' health insurance from 35% to 40% effective April 1, 2003.

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Part AA proposed to establish additional reporting requirements for the Fund for a Healthy Maine and adjust current allocations by establishing new program names to help segregate and improve tracking of Fund for a Healthy Maine expenditures. It also proposed to make adjustments to allocations from the Fund for a Healthy Maine and transfer \$3,200,000 from the Fund for a Healthy Maine to the General Fund.

Part DD proposed to establish 5 demonstration sites to provide adult remedial education services to former students of the Governor Baxter School for the Deaf.

Part JJ proposed to authorize the Maine Technical College System to submit cost items from any collective bargaining agreements of technical college employers for inclusion in the Governor's operating budget.

Part LL proposed to provide that at least \$2,000,000 be available in the telecommunications education access fund over the 4-year period beginning August 1, 2002 for purposes other than to support the learning technology plan and the digital library at the University of Maine.

Enacted law summary

Public Law 2001, chapter 559 makes supplemental appropriations and allocations necessary for the operations of state government for the fiscal years ending June 30, 2002 and June 30, 2003. The law accomplishes the following:

1. Part A, Section A-1 allocates \$8,915,986 in fiscal year 2002-03 to implement the Maine Learning Technology Initiative to provide for contracted services, equipment, teacher training and professional development and library databases as part of this initiative;
2. Part A, Section A-1 deappropriates \$150,000 in fiscal year 2001-02 from the Management Information Systems program within the Department of Education for management and maintenance of Asynchronous Transfer Mode (ATM) Distance Learning sites due to delayed start-up dates of sites in the prior fiscal year, with corresponding savings in operational support needs in fiscal year 2001-02;
3. Part B, Section B-1 provides for a one-time deappropriation of \$1,000,000 from the fiscal year 2002-03 increase in the Maine Economic Improvement Fund for applied research and development at the University of Maine System; and transfers these funds to the Maine Biomedical Research Fund as ongoing funding for applied research and development at the Department of Economic and Community Development;
4. Part D, Section D-1 provides that \$4,000,000 from within the \$730,817, 941 appropriated to General Purpose Aid for Local Schools program will be distributed to school administrative units that are eligible for a cushion based on criteria set forth in this section;
5. Part D, Sections D-2:D-22 makes supplemental appropriations and allocations totaling \$12,459,350 in fiscal year 2002-03 to the General Purpose Aid for Local Schools program, including additional subsidies targeted to the following accounts: \$7,800,000 for operating costs, \$2,200,000 for program costs and \$2,459,350 for adjustments and miscellaneous costs to meet the increased costs for state wards and state agency clients;

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6. Part D, Section D-20 transfers \$5,000,000 from the Maine Learning Technology Endowment to the unappropriated surplus of the General Fund no later than June 30, 2003;

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7. Part D, Section D-21 authorizes the Department of Administrative and Financial Services on behalf of the Department of Education to enter into lease purchase financing arrangements in fiscal years 2001-02 and 2002-03 for the acquisition of laptop computer systems to support the operations of the Maine Learning Technology Program. The financing agreements may not exceed 4-1/2 years in duration and \$22,323,279.08 in principal costs. The interest rate may not exceed 4.5% and the total interest costs may not exceed \$2,546,720.92;
8. Part D, Section D-21 authorizes the Department of Administrative and Financial Services on behalf of the Department of Education to enter into lease purchase financing arrangements in fiscal years 2001-02 and 2002-03 for the acquisition of laptop computer systems to support the operations of the Maine Learning Technology Program. The financing agreements may not exceed 4-1/2 years in duration and \$22,323,279.08 in principal costs. The interest rate may not exceed 4.5% and the total interest costs may not exceed \$2,546,720.92;
9. Part D, Section D-22 provides supplemental appropriations of \$6,699,734 in fiscal year 2001-02 and \$2,459,350 in fiscal year 2002-03 to be distributed through the General Purpose Aid for Local Schools formula to meet the increased costs for state wards and state agency clients;
10. Part N, Section N-2 provides \$441,768 in fiscal year 2002-03 for the cost of increasing the State's contribution for health insurance for retired teachers from 35% to 40% beginning April 1, 2003;
11. Part AA Section AA-6 allocates \$87,650 in fiscal year 2002-03 from the Fund for a Healthy Maine to the Department of Education to provide one-time funding for the School Nurse Consultant position;
12. Part DD, Sections DD-1:DD-4 appropriates \$10,000 in fiscal year 2002-03 to the Department of Education to provide one-time funding to provide adult remedial education services for former students of the Governor Baxter School for the Deaf and the Maine School for the Deaf through 5 demonstration sites located in Portland, Lewiston, Augusta, Bangor and Caribou. The Department of Education shall submit a preliminary report to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2003; and the department shall submit a final report to the committee by December 15, 2003;
13. Part JJ, Section JJ-1 provides that cost items – defined as salaries, pensions and insurance -- in any collective bargaining agreement of Maine Technical College System employees must be submitted for inclusion in the Governor's next operating budget within 10 days after the date on which the agreement is ratified by the parties. If the Legislature rejects any of the cost items submitted to it, all cost items submitted must be returned to the parties for further bargaining; and
14. Part LL, Section LL-1 provides that the Public Utilities Commission shall ensure that, over the 4-year period beginning August 1, 2002, at least \$2,000,000 from the Telecommunications Education Access Fund, in addition to funds collected pursuant to the Title 35-A, section 7104-B during the period June 1, 2002 through May 31, 2006, are available for purposes other than to support the learning technology plan established to implement the Maine Learning Technology Initiative. This section does not preclude the commission from expending up to \$2,250,000 prior to August 1, 2002 from the Telecommunications Education Access Fund to support the learning technology plan if the provisions of this Part are otherwise satisfied.