

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

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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

Session of the 121st Legislature to extend the sales tax to services not currently taxed, to increase the sales tax on meals and lodging from 7% to 8% to provide adequate funding for education and to address the progressivity of the income tax. (Not adopted)

LD 2087 **Resolution, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Establishes Classes of Property for Purposes of Property Taxes to Fund** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 2087 was referred to the Joint Standing Committee on Taxation. The bill was a constitutional resolution offered by the Education Funding Reform Committee pursuant to Public Law 2001, chapter 439, Part SSS as part of a proposal presented by the committee to reduce the State's reliance on the property tax for funding public education. This constitutional resolution was accompanied by separate legislation to implement the changes proposed in the resolution and to provide further details of the proposal developed by the committee for further consideration by the Legislature (please see LD 2086). A minority of the committee recommended adoption of the committee's proposal. A majority of the committee offered the proposal for further consideration by the Legislature rather than as recommendations of the substantive changes contained in the committee's proposal.

This constitutional resolution proposed to make two major changes in the constitutional requirements related to the property tax. The first change would permit the Legislature to establish classes of property and impose different maximum rates on the local property tax that could be imposed on each class of property for the purposes of funding local education costs. The second change would exempt personal property from taxation as long as certain personal property, as defined by the Legislature, is subject to an excise tax to be collected and retained by municipalities.

Committee Amendment "A" (H-1053) proposed to remove provisions from the original resolution proposing to exempt personal property from the property tax if an excise tax was established for that property and to clarify the language authorizing the Legislature to establish classes of property and to permit different tax rates for different classes of property for the purpose of funding public education from kindergarten to grade 12. (Not adopted)

LD 2102 **An Act to Implement the Recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment** **PUBLIC 658**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-460 S-578 GOLDTHWAIT
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LD 2102 was reported by the Blue Ribbon Commission on Postsecondary Educational Attainment pursuant to Resolve 2001, chapter 66, section 8. The bill proposed to establish the Maine Higher Educational Attainment Council to develop a long-term plan for increasing the level of educational

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attainment in the State and to provide a unified voice for higher education in the State. The bill proposed that a 16-member council be appointed jointly by the Governor, the President of the Senate and the Speaker of the House; that the council is to be equally funded by government and the private sector and that the council will report to the Legislature and the joint standing committee of the Legislature having jurisdiction over education matters annually.

Committee Amendment "A" (S-460) proposed to add an appropriations section, an allocations section and a fiscal note to the bill. The amendment proposed to provide a \$75,000 General Fund appropriation to the Maine Development Foundation for the State’s share of supporting the council; and further proposed to provide a \$3,220 General Fund appropriation to the Legislature for the per diem and expenses of legislative members serving on the council.

Senate Amendment "A" to Committee Amendment "A" (S-578) proposed to provide a revised appropriations and allocations section that reflects a reduced General Fund appropriation to the Maine Development Foundation. The amendment proposed to provide a \$40,000 General Fund appropriation to the Maine Development Foundation for the State’s share of supporting the council.

Enacted law summary

Public Law 2001, chapter 658 implements certain recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment. The law establishes the Maine Higher Educational Attainment Council -- a 16-member body appointed jointly by the Governor, the President of the Senate and the Speaker of the House -- to develop a long-term plan for increasing the level of educational attainment in the State and to provide a unified voice for higher education in the State. The law requires that the council is to be equally funded by government and the private sector; and also provides a \$40,000 General Fund appropriation to the Maine Development Foundation for the State’s share of supporting the council. Finally, the law requires the council to report annually to the Legislature and the joint standing committee of the Legislature having jurisdiction over education matters on the implementation of its long-term plan and any recommended changes to the long-term plan.

LD 2103

An Act Regarding Essential Programs and Services

PUBLIC 660

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1002
	ONTP MIN	S-540 GOLDTHWAIT

LD 2103 was introduced by the Joint Standing Committee on Education and Cultural Affairs pursuant to Joint Order H.P. 1579. The committee bill proposed to accomplish the following:

1. 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 necessary to achieve the high standards of Maine's system of learning results;
2. Define essential programs and services, including those elements to be funded on a per-pupil basis, address resources for specialized student populations, define major cost components to be determined on other than a per-pupil basis and provide for targeted grants;