

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
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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
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Joint Standing Committee on Education and Cultural Affairs

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;

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3. 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;
4. Direct the Commissioner of Education and the State Board of Education to prepare an alternative recommended funding level based on essential programs and services for fiscal year 2003-04, in addition to the recommended funding level for fiscal year 2003-04 as provided under current law; and
5. Provide for a report from the State Board of Education and the Commissioner of Education on a comprehensive transition plan, including proposed revisions to the school finance laws, to be submitted to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs in January 2003.

Committee Amendment "A" (H-1002), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to change the following provisions of the bill:

1. Clarify that "essential programs and services" are those educational resources that are identified for all students to meet the standards in the 8 content standard subject areas of the system of learning results and further clarifies that the essential programs and services must provide the basis for the system of school funding no later than 2007-08 in order to achieve the system of learning results;
2. Provide that the level of the state share of funding attributable to the cost of the components of essential programs and services, exclusive of federal funds, must be at least 50% of eligible state and local General Fund education costs statewide, no later than fiscal year 2007-08. It also proposed that beginning in fiscal year 2003-04 and in each fiscal year until fiscal year 2007-08, the level of the state share of funding attributable to the cost of the components of essential programs and services, exclusive of federal funds, must increase toward the 50% level of eligible state and local General Fund education costs statewide for the components of essential programs and services;
3. Clarify the issues to be studied further by the State Board of Education, the Department of Education and the Education Research Institute related to implementing the essential programs and services model; require that this study also consider findings and recommendations related to the impact of the essential programs and services on tax effort; and permit the Commissioner of Education to request drafting assistance from the Legislative Council in drafting any proposed statutory language to amend the existing school finance laws;
4. Provide for a waiver of certain statutory provisions related to the timeline established for the implementation of the system of learning results so that these required implementation dates will align with the time line established for full implementation of a new school funding approach based on essential programs and services, which must be fully implemented no later than fiscal year 2007-08. A waiver from compliance may be provided for the requirements related to the implementation of local assessment systems and awarding a high school diploma and for the requirements for implementation of the standards in the content areas of career preparation, foreign languages and visual and performing arts;

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5. Provide for the establishment of the Task Force to Review the Status of Implementation of the System of Learning Results to study and assess the status of implementation of the system of learning results in schools throughout the State.

The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-540), which was prepared pursuant to action taken by the Legislative Council, proposed to clarify the legislative drafting responsibilities of the Office of Policy and Legal Analysis under the bill, as amended by Committee Amendment "A."

Enacted law summary

Public Law 2001, chapter 660 was reported from the Joint Standing Committee on Education and Cultural Affairs pursuant to 2001 Joint Order, House Paper 1579. The law defines "essential programs and services" as those educational resources that are identified for all students to meet the standards in the 8 content standard subject areas of the system of learning results; and establishes a timeline for a transition to a new school funding approach, based on essential programs and services no later than 2007-08, 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. The law also:

1. Provides that funding essential programs and services is a state-local partnership and that the level of the state share of funding attributable to the cost of the components of essential programs and services, exclusive of federal funds, must be at least 50% of eligible state and local General Fund education costs statewide no later than fiscal year 2007-08;
2. Clarifies the components of essential programs and services to be funded on a per-pupil basis, addresses resources for specialized student populations, defines major cost components to be determined on other than a per-pupil basis and provides for targeted grants; and clarifies 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;
3. Directs the Commissioner of Education and the State Board of Education to prepare an alternative recommended funding level based on essential programs and services for fiscal year 2003-04, in addition to the recommended funding level for fiscal year 2003-04 as provided under current law;
4. Provides for a report from the State Board of Education and the Commissioner of Education on a comprehensive transition plan, including proposed revisions to the school finance laws, to be submitted to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs in January 2003;
5. Clarifies the issues to be studied further by the State Board of Education, the Department of Education and the Education Research Institute related to implementing the essential programs and services model; and requires that this study also consider findings and recommendations related to the impact of the essential programs and services on tax effort;
6. Provides for a waiver of certain statutory provisions related to the timeline established for the implementation of the system of learning results so that these required implementation dates will

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align with the timeline established for full implementation of a new school funding approach based on essential programs and services, which must be fully implemented no later than fiscal year 2007-08; and

7. Provides for the establishment of the Task Force to Review the Status of Implementation of the System of Learning Results to assess the status of implementation of the system of learning results in schools throughout the State.

LD 2106 **Resolve, Regarding Legislative Review of Portions of Administration of Medicine in the School Setting, a Major Substantive Rule of the Department of Education** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	
	OTP-AM MIN	

LD 2106 proposed to provide for the legislative review of portions of the major substantive rule, "Administration of Medicine in the School Setting," which was submitted by the Department of Education.

Committee Amendment "A" (HP 1608) was the majority report of the committee. It proposed to amend the resolve to accurately reflect the title of the rule that was provisionally adopted by the Department of Education by removing "portions of" and replacing "medicine" with "medication".

Committee Amendment "B" (H-924) was the minority report of the committee. The report proposed to instruct the Department of Education not to authorize the provisional rule, "Administration of Medication in the School Setting," a major substantive rule of the Department of Education. The report also proposed to give the resolve a new title.

LD 2114 **An Act to Provide Full Utility of Retired School Buildings** **PUBLIC 586 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CATHCART	OTP-AM	H-940

LD 2114 was referred to the Joint Standing Committee on State and Local Government. The bill proposed to provide that a municipality may use a school building transferred to it by a school board for municipal purposes in the condition that the building was in on the date of the transfer as long as work performed by the municipality on the building is limited to repairs and minor alterations.

Committee Amendment "A" (H-940) proposed to amend the original bill by striking out references to the condition of the school building being transferred to a municipality and by deleting references to limits on the nature of the work that could be done to the building by a receiving municipality.