

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

May 2002

Staff:

*Phillip D. McCarthy, Legislative Analyst
Lisa Baldwin, Legislative Analyst*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

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*



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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 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.

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

4. It requires annual reporting of the costs and effectiveness of the tax credit programs by the Finance Authority of Maine, in conjunction with the Department of Administrative and Financial Services, Maine Revenue Services, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters;
5. It authorizes the Finance Authority of Maine to establish routine technical rules for the application, eligibility and annual filing requirements necessary to implement the certification of qualified scholarship organizations, including any rules necessary to establish fees and penalties to ensure that a qualified scholarship organization is fulfilling its purpose in accordance with this tax program. The authority is also required to submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters by January 30, 2003 on the rule-making process and rules established to implement the tax credits;
6. It places a contingent effective date on the initial tax credit scheduled to take effect for the 2003 tax year. The tax credit of 10% would only take effect if there are sufficient funds in the General Fund unappropriated surplus at the close of fiscal year 2001-02 to cover the cost of the tax credit, estimated to be \$271,294. The tax credit for tax years after 2003 is unaffected by the contingency; and
7. It establishes that, beginning January 1, 2003 and pursuant to legislation that may be enacted during the Second Regular Session of the 120th Legislature to implement the recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment, the advisory council established to address policies related to higher education attainment in the State shall review the policy alternatives available to the Legislature in creating an endowment fund for the benefit of eligible residents of the State to meet the high cost of attending an institution of higher education. The advisory council shall submit a report, including any suggested legislation, by December 1, 2003. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the Second Regular Session of the 121st Legislature.

LD 2188

An Act Regarding the Withdrawal of Lake View Plantation from School Administrative District No. 41

ONTP

<u>Sponsor(s)</u> DAVIS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
------------------------------	--	---------------------------------	--	---------------------------

LD 2188 proposed to change the way the costs of School Administrative District No. 41 are apportioned among the municipalities in that district, beginning June 30, 2003. The bill proposed to require the municipality of Lake View Plantation to pay the full municipal share of the cost of the education of an exceptional student who is a resident of Lake View Plantation beginning June 30, 2002. The bill also proposed to provide that if Lake View Plantation withdraws from School Administrative District No. 41 on or after June 30, 2002, Lake View Plantation would be responsible for its share of the debt of the district.

At the end of the session, the Education Committee, by letter, requested that the Commissioner of Education would address the withdrawal petition submitted by Lake View Plantation as a high priority and that the department would remain actively engaged in the review of this withdrawal petition so that a final

Joint Standing Committee on Education and Cultural Affairs

withdrawal agreement could be completed on or before September 30, 2002. The Education Committee also requested that -- in the event that a withdrawal agreement is not approved by the member municipalities of the district by this date -- the Commissioner report this result to Education Committee members so that the Education Committee can consider any necessary recommendations regarding this matter that should be forwarded to the joint standing committee of the Legislature having jurisdiction over education matters during the 121st Legislature.

LD 2209

An Act to Implement the Recommendations of the Secretary of State and the University of Maine System to Develop a Comprehensive Plan for Preserving and Protecting Historical Records and Access to Those Records

PUBLIC 704

Sponsor(s)

Committee Report

Amendments Adopted

S-603 GOLDTHWAIT

LD 2209 was introduced by the Joint Standing Committee on Education and Cultural Affairs pursuant to the authority provided to the committee under Resolve 2001, chapter 10. The bill proposed to implement certain recommendations presented to the Second Regular Session of the 120th Legislature as part of the comprehensive plan for preserving and protecting historical records and access to those records developed by the Secretary of State, the University of Maine System and the Maine Historical Records Advisory Board. The bill proposed to accomplish the following:

1. Establish an enforcement mechanism for the existing statutory requirement that local governments provide a fireproof safe or vault for the preservation of records by directing each local government to respond to a survey distributed biennially by the State Archivist regarding the adequacy of the measures taken by the local government to comply with this record preservation requirement;
2. Establish an enforcement mechanism for the existing statutory requirement that local governments retain and preserve archival records currently in a digital format by directing each local government to respond to a survey distributed biennially by the State Archivist regarding the adequacy of the measures taken by the local government to comply with this archival record retention and preservation requirement;
3. Codify in statutes the existing Maine Historical Records Advisory Board, established pursuant to Executive Order No. 7 and ordered on January 30, 1989, and permit the members currently serving on this advisory board to continue serving their terms of office as initial members of the statutory advisory board;
4. Require the Governor, beginning with the 2004-2005 biennium, to include in the budget submitted to the Legislature each biennium a line item to permit expenditure of nonstate General Fund revenues, including federal funds, grants or gifts and a proposed line item to support a full-time position funded from nonstate General Fund revenues.
5. Provide an allocation from the Federal Expenditures Fund and Other Special Revenue funds to carry out the purposes of the bill.