

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

July 2003

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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:

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
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Joint Standing Committee on Education and Cultural Affairs

LD 1302

An Act To Expand Access to Higher Education

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES HALL	ONTP	

LD 1302, which was a concept draft pursuant to Joint Rule 208, proposed to use existing infrastructure and technology available in this State for distance learning as well as improvements to this infrastructure and technology to expand access to higher education for the citizens of this State. The bill proposed to seek to provide access to and the benefits of higher education provided by the institutions of higher learning in this State to the citizens of Maine in their own communities through the use of technology.

LD 1303

An Act To Provide for Full State Funding for Special Education Costs

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE STANLEY	ONTP	

LD 1303 proposed to provide that the general purpose aid for local schools program would provide state subsidy for 100% of the actual special education costs incurred by each school administrative unit in the State. Under this bill, the Commissioner of Education would be required to adjust each school administrative unit's state share of state subsidy to include an amount that equals 100% of the unit's actual special education costs, including the unit's personnel costs, to provide special education services and special education costs for state wards, state agency clients and out-of-district placements. The bill also proposed to provide an additional amount of General Fund appropriations for the general purpose aid for local schools program to fully fund the local share of actual local special education costs.

LD 1340

An Act To Amend the Educators for Maine Program

PUBLIC 427

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP	

LD 1340 proposed to make modifications to the Educators for Maine Program administered by the Finance Authority of Maine. The proposed modifications would allow for uniform administration of the program by integrating and coordinating amendments that have been made over several years. The proposed changes would also allow for consistent treatment for all undergraduate candidates, notwithstanding their course of study. The bill proposed to accomplish the following.

1. It proposed to repeal the existing definition section and replace it with updated definitions. New definitions are proposed to be added for "child care provider qualifications," "cost of attendance" and "undergraduate." The definition of "preservice" was proposed to be removed because all loan recipients now are required to show an interest in providing return service.

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2. It proposed to eliminate distinctions in program participants other than as undergraduate and postbaccalaureate students.
3. It proposed to increase the maximum loan amounts available to students pursuing postbaccalaureate teacher certification from \$1,500 annually to \$2,000 and from up to \$6,000 total to a maximum aggregate loan of \$8,000.
4. It proposed to clarify that there are only 2 categories of eligible students: undergraduate and postbaccalaureate.
5. It proposed to clarify that no loan recipient would receive loan funds that result in making the total financial aid award exceed the amount it costs the recipient to attend the school.
6. It proposed to provide that individuals would provide return service as a child care worker if they received their first loan after January 1, 2000, the first year that Educators for Maine funds were available to students pursuing a career in child care. The bill also proposed to clarify that the authority could allow for partial loan forgiveness for individuals who are teaching part-time. A reference to educator shortage areas is proposed to be removed because the Department of Education no longer designates educator shortage areas.
7. It proposed to change the maximum time to repay the debt to 11 years, to provide for the period between graduation and commencement of the repayment period. It proposed to provide that the authority could limit by rule the number of deferments granted to any one student.
8. It proposed to allow the authority to forgive loans made to individuals who die or become permanently disabled.
9. It proposed to repeal forgiveness provisions that are now incorporated into other provisions.
10. It proposed to provide that the authority could use a single master promissory note for multiple disbursements of loans under the program.

Enacted Law Summary

Public Law 2003, chapter 427 makes modifications to the Educators for Maine Program administered by the Finance Authority of Maine. The modifications allow for uniform administration of the program by integrating and coordinating amendments that have been made over several years. The changes allow for consistent treatment for all undergraduate candidates, notwithstanding their course of study. The law also:

1. Clarifies that there are only 2 categories of eligible students: undergraduate and postbaccalaureate;
2. Increases the maximum loan amounts available to students pursuing postbaccalaureate teacher certification from \$1,500 annually to \$2,000 and from up to \$6,000 total to a maximum aggregate loan of \$8,000;
3. Clarifies that no loan recipient may receive loan funds that result in making the total financial aid award exceed the amount it costs the recipient to attend the school;
4. Changes the maximum time to repay the debt to 11 years, to provide for the period between graduation and commencement of the repayment period. It provides that the authority may limit by rule the number of deferments granted to any one student;
5. Allows the authority to forgive loans made to individuals who die or become permanently disabled; and

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6. Provides that the authority may use a single master promissory note for multiple disbursement of loans under the program.

LD 1344 An Act To Give Teachers a Greater Voice in School Improvement CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON EDMONDS		

LD 1344 proposes to redefine as "working conditions" several specific issues that case law has identified as "educational policy." This modification to the bargaining law would allow school districts and school employees to negotiate such issues as preparation and planning time, work assignments and procedures for the evaluation of teachers. The bill has been carried over to the Second Regular Session.

**LD 1355 An Act To Increase State Funding for Renovation, Repair and ONTP
Replacement of Schools for Local Communities by Limiting the
State's Debt Limit for New School Construction**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY CUMMINGS	ONTP	

LD 1355 proposed that the Commissioner of Education be required to transfer debt service funds to be used to provide additional state subsidy to be distributed to school administrative units to offset school repair, replacement and renovation costs to increase the state share of school renovation, repair and replacement costs. The bill, in essence, proposed to freeze the debt service limit for state-supported school construction projects to the \$80,000,000 debt service limit established for fiscal year 2002-03; and, between fiscal year 2003-04 and fiscal year 2006-07, require the Commissioner of Education to transfer an increasing percentage of debt service funds to the foundation allocation component of the general purpose aid for local schools program. The bill also proposed to provide for a transfer of \$8,000,000 in fiscal year 2003-04 and an additional \$12,600,000 in fiscal year 2004-05 from the state debt service allocation to the School Revolving Renovation Fund to increase the state share of school renovation, replacement and repair costs.

**LD 1365 An Act To Assist Maine Educators in Meeting the Quality CARRIED OVER
Requirements of the Federal Elementary and Secondary Education
Act of 1965**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE LAFOUNTAIN		

LD 1365 proposes to require the Department of Education to provide Maine educators with a range of options for demonstrating their proficiency and to assist Maine educators in meeting the requirements of the federal Elementary