

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 1374 **An Act To Ensure That No Maine Child Is Left behind by
Improving the Overall Education of Disadvantaged Children and
Complying with New Federal Education Funding Requirements** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1374 proposed several changes in law to improve school choice in order to address the educational needs of a wider range of students. The bill proposed to provide for the establishment of charter schools to serve the unique educational needs of students by act of the Legislature. The bill also proposed to expand the current law governing transfer of students between public schools through the process known as "superintendents' agreement" to include a wider range of public schools and to include transfers between public schools and private schools approved for tuition purposes. Under the proposed bill, such transfers would have been required if the student had failed to meet state academic and student achievement standards and the school from which the student requests to transfer had failed to make adequate yearly progress as defined in the federal No Child Left Behind Act of 2001 and the school to which transfer is sought had met those standards. The bill also proposed to increase the number of private schools eligible for student transfer by removing the requirement that private schools be nonsectarian in order to be eligible for tuition payment. Finally, the bill proposed to establish principles to guide the Department of Education in implementing the law. The proposed bill would not have applied to homeschooling or homeschooled students.

LD 1384 **An Act To Provide Student Loan Forgiveness to Maine Employees** **ONTP**

<u>Sponsor(s)</u> STRIMLING CUMMINGS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1384 proposed to establish a loan and loan forgiveness program, similar to that established for teachers, to provide school loans and loan forgiveness to students who remain in or return to Maine to work.

LD 1391 **An Act To Approve Public Charter Schools in Maine** **ONTP**

<u>Sponsor(s)</u> WESTON		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1391 proposed to allow certain educational bodies to approve the establishment of charter schools, a new type of public school, to be a part of the State's program of public education.

Under the proposed bill, charter schools would be existing public schools or school units, new schools or existing nonprofit, nonsectarian schools that convert to charter status. A chartering authority would be a local school board or nonsectarian, 4-year postsecondary institution. Charter schools would be created to offer students and parents a choice of public schools. Charter schools would be open to all students equally, though they may specialize in serving a particular age group, a specific geographic area or a student population with specific needs. A charter

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school would not be affiliated with a religious institution and must be nonsectarian in its programs, practices and policies.

The bill also proposed that charter school staff would include at least one teacher holding an appropriate teaching certificate. Teachers in charter schools would be employees of the charter school and would have the right to organize and bargain collectively in a separate unit; or teachers could choose to operate the charter school themselves as partners or members of a cooperative.

The bill further proposed that charter schools would be funded by per-pupil allocations from state and local sources. The state and local per-pupil payments would be sent to each charter school or other public school chosen for each child. Both operating and program funds would follow each child to the public school chosen.

LD 1422 An Act To Promote Student and Taxpayer Equity in the School Funding Formula ONTP

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

LD 1422 proposed to provide amendments to the school funding formula to ensure student equity and taxpayer equity in the distribution of state resources for kindergarten to grade 12 public education in the State. In order to achieve those goals, the bill proposed to provide the following changes to the school funding formula.

1. Beginning in fiscal year 2003-04, the pupil counts and the property valuation data used for determination of the state subsidy to be distributed to each school administrative unit would be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 4-year period.
2. As an exception to the current method of computing property fiscal capacity, the Commissioner of Education would provide municipalities that have tax-exempt property that exceeds 20% of property in the municipality due to the location of nonprofit and governmental organizations within the municipality, with an adjustment to the property weight used to determine their school funding subsidy.
3. In fiscal year 2003-04, the income factor used to determine local fiscal capacity would be calculated at 20% and in fiscal year 2004-05, the income factor used would be calculated at 25%.
4. As an exception to using income to determine local fiscal capacity, the Commissioner of Education would adjust the income factor used for a school administrative unit that is located within a municipality whose local fiscal property capacity as a percent of the municipality's median household income exceeds the statewide fiscal property capacity as a percent of the statewide median household income.
5. For fiscal year 2003-04, the program millage limit would be 1.45 mills, approximately the level established for fiscal year 2002-03.
6. For fiscal year 2003-04, the operating mill rate would be determined by the Department of Education.
7. For fiscal year 2003-04, the program cost reduction percentage would be 0%.