

# 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  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Education and Cultural Affairs*

*July 2003*

**Staff:**

*Phillip D. McCarthy, Legislative Analyst  
Nicole A. Dube, Legislative Analyst*

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

**Members:**

*Sen. Neria R. Douglass, Chair  
Sen. Michael F. Brennan  
Sen. Betty Lou Mitchell*

*Rep. Glenn Cummings, Chair  
Rep. Rosita Gagne-Friel  
Rep. Jacqueline Norton  
Rep. Jonathan Thomas  
Rep. Edward D. Finch  
Rep. Jeremy Fischer  
Rep. Thomas W. Murphy, Jr.  
Rep. Mary Black Andrews  
Rep. Mary Ellen Ledwin  
Rep. Gerald M. Davis*

# 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](http://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 2<sup>nd</sup> 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 &amp; 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&amp;S XXX</i> .....                              | <i>Chapter # of enacted Private &amp; 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**  
Offices located in Room 215 of the Cross Office Building

## *Joint Standing Committee on Education and Cultural Affairs*

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<br>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%.

*Joint Standing Committee on Education and Cultural Affairs*

8. In fiscal year 2003-04, the adjustment for out-of-district placement would be increased to \$3,788,679.
9. In fiscal year 2003-04, the adjustment for the costs of geographic isolation would be fully funded at \$1,792,317.
10. The implementation of the essential program and services model would include a weighted pupil methodology, a cost-of-education adjustment and a method of calculating district costs other than using a statewide average cost method.
11. The State Board of Education and the Department of Education would prepare and present a state incentive plan for school consolidation. The Department of Education would designate a senior staff person to be responsible for investigating other state models of consolidation and would adopt rules on school administrative unit consolidation no later than November 1, 2003, which may provide for an additional allocation of state subsidy to school administrative units that consolidate schools.
12. The State Board of Education and the Commissioner of Education would study the possibility of establishing an early retirement program for educational personnel.

**LD 1432**                      **An Act Regarding the Factors Used for General Purpose Aid in the Essential Programs and Services Model for "English as a 2nd Language" Students**                      **ONTP**

|                            |  |                                 |  |                           |
|----------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u><br>ADAMS |  | <u>Committee Report</u><br>ONTP |  | <u>Amendments Adopted</u> |
|----------------------------|--|---------------------------------|--|---------------------------|

LD 1432 proposed to direct the Department of Education to use an enrollment-driven method to adjust the amount of general purpose aid subsidy that a school administrative unit would receive for the costs of providing a transitional instruction program for students of limited proficiency in English who were placed in a transitional instruction program using English as a 2nd language or bilingual techniques approved by the Commissioner of Education. The bill proposed to accomplish the following.

1. Beginning in fiscal year 2003-04, a school administrative unit would receive an adjustment to its state subsidy on a per capita basis for each student of limited proficiency in English placed in an approved transitional instruction program. State payments to school administrative units would be made during the year of allocation as a single payment.
2. The adjustment would be calculated using a weighted average student count with a 3-tiered differential weighting scheme based on the number of students placed in an approved transitional instruction program in the unit and the averaging of the 2 most recent student census counts.
3. The funds disbursed for this adjustment would be limited to the amount appropriated by the Legislature for this purpose and payments to units would be prorated if the amount appropriated was insufficient to make full payments to all units. If additional appropriations were not provided for this disbursement, the Department of Education would not redistribute existing appropriations for general purpose aid to local schools for this adjustment.