

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

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> ADAMS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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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.

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- The Commissioner of Education would be directed to revise the forms provided to school administrative units and private schools so that the annual student counts required each school year would include the count of all students placed in an approved transitional instruction program beginning with the April 15, 2003 student count. The commissioner would also be directed to provide notice to all superintendents and private school principals that, beginning with the April 15, 2003 student count, each school administrative unit and private school would be required to specify the number of students placed in an approved transitional instruction program as part of the annual student counts.

LD 1465 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Hallowell and To Enter into Lease-purchase Agreements for School Bus Acquisition** **RESOLVE 92**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM MAJ	H-224
TREAT	ONTP MIN	S-311 CATHCART

LD 1465 proposed to authorize the Commissioner of Administrative and Financial Services to sell or lease the State's interests in certain property located in Hallowell.

Committee Amendment "A" (H-224), which is the majority report, proposed to incorporate a fiscal note.

Senate Amendment "A" (S-311) proposed to authorize the Commissioner of Administrative and Financial Services, on behalf of the Department of Education, to enter into lease-purchase contracts or other financing arrangements in fiscal years 2003-04 and 2004-05 for acquisition of school buses. This would be to replace 43 buses that must be removed from service for safety reasons. The amendment proposed that financing may not exceed 7 years in duration and \$2,500,000 in principal costs, and interest rates may not exceed 6%.

Enacted Law Summary

Resolve 2003, chapter 92 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in certain property located in Hallowell. It also authorizes the Commissioner of Administrative and Financial Services, on behalf of the Department of Education, to enter into lease-purchase contracts or other financing arrangements in fiscal years 2003-04 and 2004-05 for acquisition of school buses. Financing may not exceed 7 years in duration and \$2,500,000 in principal costs. Interest rates may not exceed 6%.

LD 1484 **An Act To Amend the School Construction Program** **ONTP**

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

LD 1484 proposed to amend the requirements for local debt service costs that are eligible for state subsidy under the general purpose aid for local schools program. The bill proposed to amend provisions of the school construction program and the so-called debt service "circuit breaker" program in the following ways:

- It proposed to increase the millage limit established for the debt service circuit breaker from 45% to 100%;