

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

4. 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:

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

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- 2. It proposed to provide that, beginning in school year 2003-04, a school administrative unit engaged simultaneously in 2 or more approved major capital projects is eligible to include the principal and interest costs for each major capital project in the determination of the debt service millage limit;
- 3. It proposed to provide that, beginning in school year 2003-04, a school administrative unit engaged simultaneously in an approved major capital project and a nonstate funded project is eligible for state support for 100% of the principal and interest costs for the approved major capital project and for 50% of the principal and interest costs for the nonstate funded project if the project was approved by the commissioner after the school administrative unit applied to the state board for major capital project approval and the project application involved received a rating in the top 50% on the major capital project priority list; and
- 4. It proposed to direct the Department of Education and the State Board of Education to amend or adopt rules necessary to implement the changes to the debt service "circuit breaker" program.

LD 1508

Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health

**RESOLVE 56
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-423

H-521 CUMMINGS

LD 1508, a resolve, proposed to provide for legislative review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a major substantive rule of the Department of Labor, Bureau of Labor Standards.

Committee Amendment "A" (H-423) proposed to provide that the provisionally adopted rule submitted by the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health could be authorized only if the rule was amended as follows.

- 1. The following designated parts of the provisionally adopted rule must be deleted: "III. Educational institution's duty to respond," "V. Board of Occupational safety and Health oversight of this rule," "VI. Educational institutions' additional duties to advance student safety through sound student safety practices initiatives" and "VII. Enforcement"; and
- 2. The part designated "I. Summary of purpose" must be amended by deleting the 2nd sentence, which summarizes parts of the rule that are not authorized for final adoption.

The amendment also proposed to add a new section to the resolve to report that the Joint Standing Committee on Education and Cultural Affairs made the following findings:

- 1. The portions of the rule that would not be authorized for final adoption would add new requirements to the existing health and safety requirements already mandated to school administrative units and that these new requirements could have a significant fiscal impact on school administrative units; and