

# 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](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.

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*Joint Standing Committee on Education and Cultural Affairs*

**LD 1623**

**An Act To Implement School Funding Based on Essential Programs and Services**

**PUBLIC 504**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM MAJ	S-258
CUMMINGS	ONTP MIN	

LD 1623 proposed to establish the Essential Programs and Services Funding Act. The bill proposed to establish targets for a transition to a new school funding approach, based on essential programs and services, in order to provide all children with an equitable opportunity to access the resources necessary to achieve the high standards of Maine's system of learning results.

Specifically, Part A of the bill proposed to accomplish the following:

1. It proposed to define the elements of essential programs and services in order to: (a) determine the resources necessary for all students in each school administrative unit; (b) establish the methodology to calculate per-pupil guarantees unique to each school administrative unit based on each unit's personnel profile for years of experience and education level; (c) address providing additional resources for specialized student populations; (d) define the major cost components; (e) provide for targeted funds; and (f) provide for an annual updating of the components;
2. It proposed to provides for a transition adjustment to minimize the fiscal impact directly related to the phase-in of this Act;
3. It proposed to establish targets for a transition to an increased state share percentage; and proposed to clarify that the annual targets established for the essential programs and services transition percentage would exclude program cost allocation, debt service allocation and adjustments;
4. It proposed to incorporate the statutory language necessary to maintain the current distribution method for operating allocation that was established in the School Finance Act of 1995; and proposed to establish July 1, 2005 as the effective date for the repeal of the School Finance Act of 1995 to coincide with the implementation of the transition to a new school funding approach, based on essential programs and services, beginning in fiscal year 2005-06;
5. It proposed to establish that, beginning in fiscal year 2004-05, 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 3-year period or the pupil counts and the property valuation data for the most recent year, whichever would result in a greater pupil count or a lesser property valuation compared to statewide averages for these factors;
6. It proposed to establish a timeline for reviewing the essential programs and services components by providing that the first review would begin in fiscal year 2006-07 and that subsequent review cycles would take place at least every 2 years thereafter; and
7. It proposed to provide that rules adopted to implement the provisions of the Essential Programs and Services Funding Act would be major substantive rules.

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Part B of this bill proposed to make technical changes and proposed to correct cross-references necessitated by Part A.

**Committee Amendment "A" (S-258)**, which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to accomplish the following:

1. It proposed to establish July 1, 2005 as the effective date for the repeal of the School Finance Act of 1995 to coincide with the implementation of the transition to a new school funding approach, based on essential programs and services, beginning in fiscal year 2005-06;
2. It proposed to establish that, beginning in fiscal year 2004-05, 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 3-year period or the pupil counts and the property valuation data for the most recent year, whichever would result in a greater pupil count or a lesser property valuation compared to statewide averages for these factors;
3. It proposed to clarify that the annual targets established for the essential programs and services transition percentage would exclude program cost allocation, debt service allocation and adjustments;
4. It proposed to amend the annual targets established for the transition to an increased state share percentage under the essential programs and services funding approach;
5. It proposed to amend the timeline established for reviewing the essential programs and services components by establishing that the review would begin in fiscal year 2006-07 and would take place at least every 2 years thereafter; and
6. It proposed to amend the rule-making provisions of the bill to establish that rules adopted to implement the provisions of the Essential Programs and Services Funding Act would be major substantive rules.

### ***Enacted Law Summary***

Public Law 2003, chapter 504 establishes the Essential Programs and Services Funding Act. The law establishes targets for a transition to a new school funding approach, based on essential programs and services, in order to provide all children with an equitable opportunity to access the resources necessary to achieve the high standards of Maine's system of learning results. Specifically, the law accomplishes the following:

7. It defines the elements of essential programs and services in order to: (a) determine the resources necessary for all students in each school administrative unit; (b) establish the methodology to calculate per-pupil guarantees unique to each school administrative unit based on each unit's personnel profile for years of experience and education level; (c) address providing additional resources for specialized student populations; (d) define the major cost components; (e) provide for targeted funds; and (f) provide for an annual updating of the components;
8. It provides for a transition adjustment to minimize the fiscal impact directly related to the phase-in of this Act;
9. It establishes targets for a transition to an increased state share percentage; and clarifies that the annual targets established for the essential programs and services transition percentage exclude program cost allocation, debt service allocation and adjustments;

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10. It incorporates the statutory language necessary to maintain the current distribution method for operating allocation that was established in the School Finance Act of 1995; and establishes July 1, 2005 as the effective date for the repeal of the School Finance Act of 1995 to coincide with the implementation of the transition to a new school funding approach, based on essential programs and services, beginning in fiscal year 2005-06;
11. It establishes that, beginning in fiscal year 2004-05, the pupil counts and the property valuation data used for determination of the state subsidy to be distributed to each school administrative unit will be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 3-year period or the pupil counts and the property valuation data for the most recent year, whichever results in a greater pupil count or a lesser property valuation compared to statewide averages for these factors;
12. It establishes a timeline for reviewing the essential programs and services components by providing that the first review shall begin in fiscal year 2006-07 and that subsequent review cycles shall take place at least every 2 years thereafter; and
13. It provides that rules adopted to implement the provisions of the Essential Programs and Services Funding Act are major substantive rule.