

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

May 2004

Members:

Sen. Neria R. Douglass, Chair

Sen. Michael F. Brennan

Sen. Betty Lou Mitchell

Rep. Glenn A. Cummings, Chair

Rep. Rosita Gagne-Friel

Rep. Jacqueline R. Norton

Rep. Jonathan Thomas

Rep. Edward D. Finch

Rep. Jeremy Fischer

Rep. Mary Black Andrews

Rep. Thomas W. Murphy, Jr.

Rep. Mary Ellen Ledwin

Rep. Gerald M. Davis

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special 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/billsumm.htm).

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:

- CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES..... House & Senate disagree; bill died
- DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
- EMERGENCY Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
- FAILED MANDATE ENACTMENT Bill imposing local mandate failed to get 2/3 vote
- NOT PROPERLY BEFORE THE BODY Ruled out of order by the presiding officers; bill died
- INDEF PP Bill Indefinitely Postponed
- ONTP..... Ought Not To Pass report accepted
- OTP-ND Committee report Ought To Pass In New Draft
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- PUBLIC XXX..... Chapter # of enacted Public Law
- RESOLVE XXX..... Chapter # of finally passed Resolve
- UNSIGNED..... Bill held by Governor
- VETO SUSTAINED Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Education and Cultural Affairs

provides that, beginning in fiscal year 2005-06, an appeals process must be implemented; and further provides that this appeals process may include analyses of other factors beyond cost efficiency and a cost comparison with comparable units;

6. It requires that special education costs will be included in essential programs and services starting in fiscal year 2005-06; it establishes January 1, 2005 as the implementation date for the utilization of state-approved guidelines in the identification of children requiring special education services; and it provides that the Department of Education will provide training to school administrative units in the application of these guidelines beginning in fiscal year 2004-05;
7. It places early childhood education program costs and vocational education program costs into essential programs and services no later than fiscal year 2007-08;
8. It establishes benchmarks and performance indicators for analysis of state and local cost share performance and the impact of the law on local property taxes. It provides for the establishment of the Municipal Budget Analysis Committee for the purpose of providing the Governor and the Legislature with an annual report that analyzes the effectiveness of increased state support for education in reducing the local property tax commitment required to fund the cost of the essential programs and services over the 2005-06 to 2009-10 period; and
9. It provides for the delay, by one year to the 2007-2008 school year, of the requirements for school administrative units and certain private high schools to implement standards in the content areas of mathematics, English language arts, health and physical education, science and technology and social studies, including the requirement that high school graduation be determined by student achievement of the standards for these content areas. It also provides for the further delay, by one year to the 2007-2008 school year, of the requirements that school administrative units implement standards in the content areas of career preparation, foreign languages and visual and performing arts.

LD 1944

An Act To Allow Upgrading of Educational Technicians

**P & S 45
EMERGENCY**

<u>Sponsor(s)</u> GAGNON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-500
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LD 1944 proposed to extend the time by which school units may request upgrades to higher classifications for educational technicians employed before September 1, 1991 who are otherwise eligible for upgrade under the provision of law enacted by Private and Special Law 1995, chapter 35.

Committee Amendment "A" (S-500) proposed to strike and replace the bill and proposed to change the bill title to clarify that the proposed extension of the time by which school administrative units may request upgrades to higher classifications for educational technicians who were employed before September 1, 1991 and who are otherwise eligible for upgrade under the provision of law enacted by Private and Special Law 1995, chapter 35 pertains to a person employed as a teacher assistant or as a teacher associate who was not recommended for promotion due to an error on the part of the school administrative unit. The amendment also proposed to add an emergency preamble and emergency clause to the bill.

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Enacted Law Summary

Private and Special Law 2003, chapter 45 extends the time by which school administrative units may request upgrades to higher classifications for persons employed as teacher assistants or as teacher associates before September 1, 1991 who were otherwise eligible for upgrades under the provision of law enacted by Private and Special Law 1995, chapter 35 but who were not recommended for promotions due to an error on the part of a school administrative unit.

Private and Special Law 2003, chapter 45 was enacted as an emergency measure effective April 15, 2004.

Note: Public Law 2003, chapter 688, part J, which enacted LD 1916, (An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine), corrects Private and Special Law 2003, chapter 45 by clarifying that this extension of time to request upgrades to higher classifications also pertains to persons employed as teacher assistants or as teacher associates before September 1, 1991 who were otherwise eligible for upgrades under the provision of law enacted by Private and Special Law 1995, chapter 35 but who were not recommended for promotions due to an error on the part of a private school approved by the Department of Education.

Public Law 2003, chapter 688, part J, was enacted as an emergency measure effective May 7, 2004.

LD 1946

An Act To facilitate Summer Employment for Youths

PUBLIC 617

Sponsor(s)
MCGOWAN

Committee Report

Amendments Adopted
H-826 CUMMINGS

LD 1946 proposed to require school administrative units to develop and approve plans for a regional school calendar by September 2005. The law also proposed to direct the Commissioner of Education to develop major substantive rules to implement these regional school calendars for sending schools and career and technical education programs in the State.

This bill was reported out "Ought To Pass in New Draft" by the Joint Standing Committee on Education and Cultural Affairs as authorized by the Presiding Officers (see LD 195).

House Amendment "A" (H-826) proposed to incorporate a new fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 617 requires school administrative units to develop and approve plans for a regional school calendar by September 2005. The law also directs the Commissioner of Education to develop major substantive rules to implement these regional school calendars for sending schools and career and technical education programs in the State.