

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

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Rep. Jacqueline R. Norton

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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

LD 1960

**An Act Regarding the Continued Provision of Free and
Appropriate Public Education for Eligible Children of
Kindergarten Age**

PUBLIC 676

Sponsor(s)
DOUGLASS

Committee Report
OTP

Amendments Adopted

LD 1960 was reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Joint Order (see S. P. 680). The bill proposed to amend applicable statutes and proposed to instruct the Department of Human Services and the Department of Education to amend rules to clarify that a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th would continue to be eligible for those services should the child's parents decide not to enroll the child in kindergarten until the child reaches 6 years of age. To accomplish this purpose, the bill proposed the following:

1. It would amend provisions regarding exceptional students and preschool handicapped children to establish the eligibility of a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th to continue to receive such services when the child's parent chooses, in accordance with rules adopted by the Commissioner of Education, not to enroll the child in kindergarten until the start of the following school year;
2. It would clarify that the modification to the eligibility criteria for certain children to continue to receive free, appropriate public education services through the Child Development Services System meets the requirements under the federal Individuals with Disabilities Education Act;
3. It would direct the Commissioner of Education to determine the adjustment to the statewide adjustment factor under the Maine Revised Statutes, Title 20-A, section 15654, subsection 1, paragraph B necessary for the amount of state funds that are deappropriated from the General Purpose Aid for Local Schools account in fiscal year 2004-05 to reflect the savings attributable to the delayed entry of eligible 5-year-olds into kindergarten for the 2004-05 school year;
4. It would direct the Department of Education to adopt emergency rules regarding the provision of free, appropriate public education services through the Child Development Services System to children who continue to be eligible to receive those services for the state fiscal year 2004-05;
5. It would direct the Department of Human Services to adopt emergency rules regarding the payment and apportionment of state and federal MaineCare funds to ensure the reimbursement for services to children who continue to be eligible for those services through the Child Development Services System for the state fiscal year 2004-05;
6. It would provide that the Commissioner of Education and the Commissioner of Human Services adopt major substantive rules to implement this Act and that provisionally adopted rules be presented for legislative review during the First Regular Session of the 122nd Legislature. It would also provide that the emergency rules be effective until the Legislature has completed review of those rules;

Joint Standing Committee on Education and Cultural Affairs

7. It would direct the Commissioner of Education to develop and present a plan by December 31, 2004 to ensure greater equity of education opportunities and efficiency in the use of state and federal resources for early childhood education and preschool handicapped programs beginning no later than fiscal year 2005-06. The commissioner shall present this plan to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, and the joint standing committee may introduce legislation regarding this matter during the first regular session of the 122nd Legislature; and

It would add a fiscal note and an appropriations section to provide for the appropriation and deappropriation of state funds to the pre-school handicapped program and the MaineCare program in the Department of Human Services in fiscal year 2004-05 necessary to continue to provide free and appropriate public education services for these eligible 5 year olds whose parents have chosen to have their children remain in the Child Development Services system.

Enacted Law Summary

Public Law 2003, chapter 676 amends applicable statutes and instructs the Department of Human Services and the Department of Education to amend rules to clarify that a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th continues to be eligible for those services should the child's parents decide not to enroll the child in kindergarten until the child reaches 6 years of age. Specifically, the law accomplishes the following:

1. It amends provisions regarding exceptional students and preschool handicapped children to establish the eligibility of a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th to continue to receive such services when the child's parent chooses, in accordance with rules adopted by the Commissioner of Education, not to enroll the child in kindergarten until the start of the following school year;
2. It directs the Department of Education and the Department of Human Services to adopt emergency rules and to adopt major substantive rules to implement this Act and requires that provisionally adopted rules be presented for legislative review during the First Regular Session of the 122nd Legislature. It also provides that the emergency rules be effective until the Legislature has completed review of those rules; and
3. It directs the Commissioner of Education to determine the adjustment to the statewide adjustment factor necessary for the amount of state funds that are deappropriated from the General Purpose Aid for Local Schools account in fiscal year 2005-05 to reflect the savings attributable to the delayed entry of eligible 5-year-olds into kindergarten for the 2004-05 school year, and further requires the commissioner to develop and present a plan by December 31, 2004 to ensure greater equity of education opportunities and efficiency in the use of state and federal resources for early childhood education and preschool handicapped programs beginning no later than fiscal year 2005-06. The commissioner shall present this plan to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, and the joint standing committee may introduce legislation regarding this matter during the first regular session of the 122nd Legislature.