

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Education and Cultural Affairs*

*July 2006*

**Members:**

*Sen. Elizabeth H. Mitchell, Chair*

*Sen. Elizabeth M. Schneider*

*Sen. Karl W. Turner*

*Rep. Jacqueline R. Norton, Chair*

*Rep. Edward D. Finch*

*Rep. Elaine Makas*

*Rep. Emily Ann Cain*

*Rep. Connie Goldman*

*Rep. Vaughn A. Stedman*

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*Rep. Peter Edgecomb*

*Rep. Scott E. Lansley*

*Rep. Barbara E. Merrill*

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# Maine State Legislature



## Office of Policy and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second 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 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](http://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 (Pocket Veto).....                   | 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 August 23, 2006.

## *Joint Standing Committee on Education and Cultural Affairs*

4. It proposed to provide that the Department of Education should establish quality standards for the comprehensive state and local assessment system.
5. It proposed to provide that, for fiscal year 2006-07, the Commissioner of Education could expend and disburse up to \$1,000,000 of the \$2,000,000 appropriated by the Legislature to carry out the purposes of Public Law 1995, chapter 649, sections 6 and 7 to provide targeted professional development or technical assistance to increase the capacity of school administrative units to implement the system of learning results.

### ***Enacted law summary***

Public Law 2005, chapter 593 amends the statutory requirements related to the local assessment system that school administrative units must comply with in implementing the system of learning results. The law accomplishes the following.

1. It alters the requirement that the Department of Education provide technical assistance to school administrative units in establishing their local assessment systems to clarify that the department shall provide technical assistance in using assessments to inform teaching and learning.
2. It establishes a moratorium for the 2006-2007 school year for those local assessment system activities that are designed to certify student achievement and clarifies that assessments that are used to inform teaching and learning are exempt from the moratorium.
3. It clarifies that the moratorium established for the 2006-2007 school year for certain activities within each school administrative unit's local assessment system does not affect other statutory requirements related to the implementation of the system of learning results.
4. It provides that the Department of Education shall establish quality standards for the comprehensive state and local assessment system.
5. It provides that, for fiscal year 2006-07, the Commissioner of Education may expend and disburse up to \$1,000,000 of the \$2,000,000 appropriated by the Legislature to carry out the purposes of Public Law 1995, chapter 649, sections 6 and 7 to provide targeted professional development or technical assistance to increase the capacity of school administrative units to implement the system of learning results.

**LD 1640**

**An Act To Permit Charter Schools in Maine**

**ONTP**

Sponsor(s)  
WESTON

Committee Report  
ONTP MAJ  
OTP-AM MIN

Amendments Adopted

LD 1640, which was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature, proposed to allow certain educational bodies to approve the establishment of charter schools, a new type of public school, to be a part of the State's program of public education. The charter school pilot program proposed to be established under this bill would permit up to 20 charter schools to be authorized during a 10-year pilot phase. A charter school would be approved for a renewable 5-year term, with a major review of the operations and achievements of the charter school prior to renewal.

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Charter schools could be conversions of existing public schools or school administrative units, new schools or existing nonprofit, nonsectarian schools that would convert to charter status. A chartering authority could be a local school board or an officially recognized unit of the University of Maine System or one of its universities, the Maine Community College System or one of its colleges or the Maine Maritime Academy.

Charter schools would be created to offer students and parents more education options to meet the diversity of learning needs of Maine's children. Charter schools would be open to all students equally, though they could specialize in serving a particular age group, a specific geographic area or a student population with specific needs. A charter school could not be affiliated with a religious institution and would be required to be nonsectarian in its programs, practices and policies.

At least 50% of the charter school's teaching staff would be required to hold appropriate teaching certificates. Teachers in charter schools would be employees of the charter school and would have the right to organize and bargain collectively in a separate unit or could choose to operate the charter school themselves as partners or members of a cooperative.

Charter schools would be funded by per-pupil allocations from state and local sources based on the essential programs and services model of school funding. The state and local per-pupil payments would be sent to each charter school or other public school chosen for each child. Funds for operating costs, transportation costs, vocational costs and special education costs would be required to follow each child to the public charter school chosen.

**Committee Amendment "A" (S-471)**, which was the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to accomplish the following.

1. It proposed to clarify that the central purposes of establishing charter schools would be to expand learning opportunities for disengaged students who are underserved by the current educational system and to increase the likelihood that students will excel in a standards-based educational system.
2. It proposed to provide that a chartering authority may grant a charter only to a charter school organizer whose proposal includes, as the primary purpose of the charter school, the intention to seek to expand learning opportunities for disengaged students who are underserved by the current educational system.
3. It proposed to provide that only those units of the University of Maine System that are authorized to confer baccalaureate degrees in education, as well as school boards, would be eligible to become chartering authorities, and it further proposed to provide that no more than 5 charter schools may be authorized by an eligible unit of the University of Maine System.
4. It proposed to expand the list of entities that are eligible to apply to be charter school organizers to include school administrative units, public alternative educational programs and schools that are approved by the Commissioner of Education in accordance with the Maine Revised Statutes, Title 20-A, section 2501 or section 7253.
5. It proposed to lower the limit established in the bill for the percentage of a school administrative unit's public school students per grade level that a charter school may enroll from 20% to 10%.
6. It proposed to require that all of the full-time teachers at a charter school hold an appropriate teaching certificate and meet the highly qualified standards for teachers in accordance with the provisions of the federal No Child Left Behind Act of 2001.

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7. It proposed to provide that the school administrative unit in which the student resides may retain up to 2% of the per-pupil allocation, which would otherwise follow the student to the charter school, to cover associated administrative costs.
8. It proposed to provide that charter schools may not be established as home-based programs.
9. It proposed to make a technical correction to change the date of the Maine State Retirement System review of the laws governing participating local districts' retirement plans to November 28, 2006.

This proposed amendment was not adopted.

**LD 1742**                      **An Act To Amend the Law Governing Warrant Funding for Education Warrants**                      **ONTP**

| <u>Sponsor(s)</u>   | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| SCHNEIDER<br>NORTON | ONTP                    |                           |

LD 1742, which was a concept draft pursuant to Joint Rule 208, proposed to amend the language regarding warrant funding to municipalities for education to ensure that the language regarding increases in spending is not presented in either a positive or negative manner, but rather is presented in a manner that is entirely neutral.

While this bill was indefinitely postponed, the substance of the bill was addressed through a supplemental budget bill initiative, enacted as part of Public Law 2005, chapter 519, Part AAAA, Section AAAA-17 and Section AAAA-18.

**LD 1745**                      **An Act To Provide State Funding for the Fingerprinting of School Personnel**                      **DIED ON ADJOURNMENT**

| <u>Sponsor(s)</u>    | <u>Committee Report</u>          | <u>Amendments Adopted</u> |
|----------------------|----------------------------------|---------------------------|
| COURTNEY<br>CAMPBELL | OTP-AM    MAJ<br>ONTP        MIN | S-520                     |

LD 1745 proposed to require the State to pay for fingerprinting of school personnel. The bill also proposed to require the State to reimburse those who have been fingerprinted and have paid for the fingerprinting.

**LD 1755**                      **An Act To Extend Tuition Waivers to Persons Who Have Resided in Subsidized Adoptive Care or Who Have Subsidized Guardians**                      **PUBLIC 471**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| WESTON<br>CURLEY  | OTP-AM                  | S-442                     |