

# 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*

*Rep. Gerald M. Davis*

*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*

LD 1755 proposed extending the availability of tuition waivers to include persons who had been in the custody of the Department of Health and Human Services and were in subsidized adoptive care or under subsidized permanency guardianship at the time those persons graduated from high school or successfully completed a GED.

**Committee Amendment “A” (S-442)** proposed to incorporate a fiscal note.

### *Enacted law summary*

Public Law 2005, chapter 471 extends the availability of tuition waivers to include persons who had been in the custody of the Department of Health and Human Services and were in subsidized adoptive care or under subsidized permanency guardianship under the Maine Revised Statutes, Title 22, section 4038-D at the time those persons graduated from high school or successfully attained a high school equivalency diploma.

### **LD 1766**

### **An Act To Further the Implementation of the Essential Programs and Services Funding Model**      **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM    A	
NORTON	OTP-AM    B	
	ONTP        C	

LD 1766 proposed to provide for the continuing implementation of essential programs and services, or “EPS,” necessitated by current statutory requirements and proposed to make changes designed to achieve the goals of the EPS funding model of adequacy and equity in the funding of education for kindergarten to grade 12.

**Committee Amendment “A” (S-566)**, which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to make the following changes to the bill.

1. It proposed to clarify the language that must be included in the warrant article that is presented annually to the legislative body of each school administrative unit for the additional local appropriation that voters may elect to raise and expend for education.
2. It proposed to amend the definition of “predicted per-pupil transportation costs” to provide the most beneficial recognition of a school administrative unit's transportation costs beginning in fiscal year 2006-07. Under this new definition, a school unit's predicted per-pupil transportation costs would be the greater of the current pupil density model and the average of the pupil density model and an odometer mile model.
3. It proposed to provide a transition adjustment for fiscal year 2006-07 to provide additional state subsidy to those school administrative units that have experienced a significant increase in the property valuation as compared to the statewide average increase in property valuation from 2004 to 2005.
4. Beginning in fiscal year 2007-08, it proposed to provide for an adjustment to the minimum state allocation for certain outlier school administrative units whose state share of debt service costs were adversely impacted due to the changes in recognizing debt service costs with the enactment of Public Law 2005, chapter 2 related to the Essential Programs and Services Funding Act.

*Joint Standing Committee on Education and Cultural Affairs*

5. It proposed to provide that, beginning no later than fiscal year 2007-08, gifted and talented education costs must be included in the operating cost calculations of the Essential Programs and Services Funding Act.
6. It proposed to provide that, beginning no later than fiscal year 2008-09, career and technical education costs must be included in the operating cost calculations of the Essential Programs and Services Funding Act.
7. It proposed to establish an amended review cycle for reviewing and proposing updates to cost components in the Essential Programs and Services Funding Act, and it clarifies that the Department of Education must present any recommended changes based on its review to the Legislature.

While this bill as amended by the committee amendment died between houses, the substance of the bill was addressed through a supplemental budget bill initiative, enacted as part of Public Law 2005, chapter 519, Part AAAA, which included the provisions for transition adjustments for eligible school administrative units that are included in this amendment and incorporates all of the statutory changes proposed in this amendment.

**LD 1772**

**An Act To Improve Early Childhood Special Education**

**PUBLIC 662  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM MAJ ONTP MIN	S-585

LD 1772 proposed to consolidate and reorganize the delivery of early childhood special education services including the child development services system to achieve efficiencies of cost and effectiveness of childhood special education programs.

**Committee Amendment “A” (S-585)**, which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill to accomplish the following.

1. It proposed to consolidate the provisions of early childhood special education, from birth to 2 years of age, and of special education, from 3 years of age to 20 years of age, into one unified set of statutory provisions for birth to 20 years of age.
2. It proposed to direct the Department of Education to amend the department rules established for the provision of special education services to eligible children from 5 years of age to 20 years of age into one unified set of department rules for the provision of special education programs and services for eligible infants, toddlers and children from birth to 20 years of age. The Department of Education would be directed to adopt emergency rules, which are designated as major substantive rules, which combine the department rules in rules chapter 101 established for the provision of special education services to eligible children from 5 years of age to 20 years of age with the department rules in rules chapters 180 and 182 established for the Child Development Services System.
3. It proposed to revise existing state statutes to align with the recently reauthorized federal Individuals with Disabilities Education Act, which was amended by the Federal Government in 2004.
4. It proposed to require that “related services” be provided at public expense to children with disabilities. “Related services” means special education transportation and such developmental, corrective and other