

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

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Rep. Scott E. Lansley

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Maine State Legislature



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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).

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.

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LD 1952

**An Act To Prevent the Use of Performance-enhancing Substances
by Maine Student Athletes**

PUBLIC 674

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN CUMMINGS	OTP-AM	S-479 S-673 ROTUNDO

LD 1952 proposed requiring the Department of Health and Human Services to establish a performance-enhancing substance list, to publish the list on its publicly accessible website and to notify the Department of Education of the list. The bill also proposed requiring sport coaches, athletic directors and physical education teachers to be trained in the dangers of the use of performance-enhancing substances. It proposed prohibiting the use of performance-enhancing substances by students participating in interscholastic sports..

Committee Amendment “A” (S-479) proposed requiring the Director of the Office of Substance Abuse within the Department of Health and Human Services to notify the Maine School Management Association and the Maine Principals' Association of the initial banned performance-enhancing substances list and changes to that list. It proposed requiring the Department of Education to notify all school administrative units with students who participate in sports of the list. The amendment proposed removing the requirement that the Department of Education provide training for sports coaches, athletic directors and physical education teachers.

Senate Amendment “A” to Committee Amendment “A” (S-673) proposed adding a mandate preamble to the bill.

Enacted law summary

Public Law 2005, chapter 674 requires the Director of the Office of Substance Abuse within the Department of Health and Human Services to notify the Maine School Management Association and the Maine Principals' Association of the initial banned performance-enhancing substances list and changes to that list. It requires the Department of Education to notify all school administrative units with students in grades 9 to 12 who participate in sports of the list. It requires the Department of Education to request assistance from a statewide organization of principals in distributing information regarding the dangers associated with performance-enhancing substances and requires school administrative units to update their policies concerning performance-enhancing substances. A person violating provisions relating to banned performance-enhancing substances is subject to sanctions in accordance with local policies.

LD 1953

An Act Regarding the Sharing of Costs in Certain School Districts

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO RICHARDSON J	OTP-AM MAJ ONTP MIN	S-495

LD 1953 was proposed as emergency legislation that would provide an adjustment to certain member municipalities in school administrative districts and community school districts when one or more member municipalities, but not all the school district's member municipalities, would have a local contribution that is below the mill rate expectation established pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A. The bill proposed to provide an adjustment equivalent to the adjustments provided to the state share of the total

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allocation for school administrative units that are determined to be minimum state allocation receivers pursuant to Title 20-A, section 15689, except that the transition percentages in Title 20-A, section 15689, subsection 1, paragraph B would be multiplied by the percentage of calendar year resident pupils in the member municipality.

Committee Amendment “A” (S-495), which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to retain the provision contained in the bill that recognizes the special education costs of certain member municipalities that are determined to be minimum state allocation receivers pursuant to the Maine Revised Statutes, Title 20-A, section 15689, subsection 1, but would delay the implementation of the adjustment proposed in the bill until fiscal year 2007-08.

The amendment also proposed to extend and modify the adjustment provided by Private and Special Law 2005, chapter 23, section 1 for fiscal year 2005-06 to fiscal year 2006-07 for certain school administrative districts and community school districts that have member municipalities with local contributions that would be below the maximum mill rate expectation but that would be adversely affected as a result of the cost-sharing mechanism established pursuant to Title 20-A, section 15688. The amendment proposed to modify the adjustment in fiscal year 2006-07 to recognize 35% of the special education costs of eligible school districts as compared to 25% of the special education costs that were recognized by the adjustment provided in fiscal year 2005-06.

While this bill as amended by the committee amendment 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, Sections AAAA-13 and AAAA-14.

LD 1954

An Act To Invest in the Future of Maine Citizens

PUBLIC 657

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN NORTON	OTP-AM	S-586 S-702 ROTUNDO

LD 1954 proposed to provide resources to improve the health, well-being, education and economic security of Maine citizens by enhancing and expanding early education opportunities, after-school initiatives, early college programs for secondary school students and access to higher education opportunities through a guaranteed tuition program for undergraduate students enrolled at the University of Maine System and a tuition waiver program for resident students enrolled at the Maine Community College System.

The bill proposed to authorize a prioritized series of transfers from the unappropriated surplus of the General Fund at the end of fiscal year 2006-07 and subsequent fiscal years to these various prekindergarten to grade 14 educational programs within the State.

Committee Amendment “A” (S-586) proposed to strike and replace the bill to accomplish the following.

1. Part A proposed to amend the eligibility criteria of the early college program for secondary school students. It proposed to provide that a student may take a postsecondary course if the student receives a recommendation from the student's school administration or from a teacher at the student's school. It also proposed to provide that the Commissioner of Education may pay for costs for students to take postsecondary courses at eligible institutions. All of the changes in Part A propose to duplicate Public Law 2005, chapter 519, Part XX, which was enacted March 29, 2006. The current law now includes the provisions for the early