

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



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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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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

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college programs for secondary school students that are included in this amendment, and incorporates all of the statutory changes proposed in this amendment.

2. Part B proposed to establish the After-school Program Fund as an ongoing program to be implemented and administered by the Department of Education. The amendment proposed to authorize the Commissioner of Education to establish standards and approval procedures for the program fund, including the adoption of rules to implement the program fund.

Senate Amendment “A” to Committee Amendment “A” (S-702) proposed to establish an after-school program fund. This amendment also proposed to strike Part A since the changes made by that Part have already been enacted in Public Law 2005, chapter 519, Part XX.

Enacted law summary

Public Law 2005, chapter 657 establishes the After-school Program Fund as an ongoing program to be implemented and administered by the Department of Education. The law authorizes the Commissioner of Education to establish standards and approval procedures for the program fund, including the adoption of rules to implement the program fund. The law also appropriates \$25,000 in General Funds in fiscal year 2006-07 to the After-school Program Fund.

LD 1958

An Act To Create a Children's Education Advocate

INDEF PP

<u>Sponsor(s)</u> MITCHELL NORTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-475
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LD 1958 proposed to require the Department of Education, or the Department of Education and the Department of Health and Human Services jointly, to fund an advocacy position within the Disability Rights Center, the State's designated protection and advocacy agency, to provide advocacy services for children with serious disabilities in education-related matters. This service was formerly provided through a vacated and unfilled position in the Department of Health and Human Services, Office of Advocacy Services. The proposed contract with the Disability Rights Center would replace the Office of Advocacy position and services. The Disability Rights Center is the designated protection and advocacy agency for persons with disabilities pursuant to the Maine Revised Statutes, Title 5, chapter 511 and under the Developmental Disabilities Assistance and Bill of Rights Act, 42 United States Code, Section 15002 et seq. and 45 Code of Federal Regulations, Part 1386, Subpart B.

Committee Amendment “A” (S-475) proposed to strike and replace the bill to provide an appropriation directly to the Disability Rights Center, the State's designated protection and advocacy agency for persons with disabilities pursuant to the Maine Revised Statutes, Title 5, chapter 511. These proposed funds must be used to provide advocacy services for children with serious disabilities in education-related matters.

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 WWW, that provided a \$64,782 General Fund appropriation in fiscal year 2006-07 to the Disability Rights Center for advocacy services for children with serious disabilities in education-related matters.