

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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 non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Education and Cultural Affairs

4. Directs the Department of Education and the University of Maine System to administer leadership training institutes for teachers and school administrators and requires school administrators to attend the institute every 5 years as a requirement for recertification; and
5. Directs that school administrative units provide for individual wireless devices for 9th to 12th graders as part of their plans submitted to receive targeted funds for technology.

LD 967 **Resolve, Regarding Legislative Review of Chapter 007: Implementation of the Essential Programs and Services Funding Model, a Major Substantive Rule of the Department of Education **RESOLVE 134****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ OTP-AM MIN	H-398 PERRY A H-597 PERRY A

This resolve provides for legislative review of Chapter 007: Implementation of the Essential Programs and Services Funding Model, a major substantive rule of the Department of Education.

House Amendment "A" (H-398)

This amendment provides that final adoption of the provisionally adopted major substantive rule is authorized contingent upon the Department of Education amending the provisionally adopted rule to require that targeted funds plans for implementation of a standards-based system must include a step-by-step action plan developed in documented consultation with the local teacher association and to require the Commissioner of Education to develop the documentation process.

House Amendment "B" (H-597)

This amendment strikes the emergency preamble and the emergency clause.

Enacted Law Summary

Resolve 2007, chapter 134 provides that final adoption of the provisionally adopted major substantive rule is authorized contingent upon the Department of Education amending the provisionally adopted rule to require that targeted funds plans for implementation of a standards-based system must include a step-by-step action plan developed in documented consultation with the local teacher association and to require the Commissioner of Education to develop the documentation process.

LD 974 **Resolve, Requiring the Department of Education To Review the Personnel Preparation and Professional Development Opportunities for Special Purpose School Teachers **RESOLVE 20****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS J	OTP-AM	H-103

This bill directs the State Board of Education to adopt rules allowing a teacher in a regional special education or regional alternative educational program or school to meet certification requirements by substituting demonstrated life experience or work experience for course work or other applicable education requirements.

Committee Amendment "A" (H-103)

This amendment strikes the bill and replaces it with a resolve to direct the Department of Education, in collaboration

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with the State Board of Education and other stakeholders, to review issues related to the personnel preparation and professional development opportunities for teachers in regional special education or regional alternative education programs or schools as part of a review of programs available to promote educational opportunities for students with special needs. The amendment requires the Department of Education to submit a report, including findings and recommended legislation, to the Joint Standing Committee on Education and Cultural Affairs by October 1, 2007.

Enacted Law Summary

Resolve 2007, chapter 20 directs the Department of Education, in collaboration with the State Board of Education and other stakeholders, to review issues related to the personnel preparation and professional development opportunities for teachers in regional special education or regional alternative education programs or schools as part of a review of programs available to promote educational opportunities for students with special needs. The law requires the Department of Education to submit a report, including findings and recommended legislation, to the Joint Standing Committee on Education and Cultural Affairs by October 1, 2007.

LD 976 An Act To Encourage Cost Efficiency in Administration of and Contribution to Tax Burden Reduction by School Districts

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a multitiered school funding formula that is designed to provide additional school funding assistance to school districts that are sufficiently consolidated to gain cost efficiency in administration and to school districts that are contributing to statewide tax burden reduction. Specifically, the proposal would change the Essential Programs and Services funding formula, or EPS, as defined in the Maine Revised Statutes, Title 20-A, chapter 606-B, to create a gradation of mill rate expectations that depend explicitly on district consolidation and budget decisions made by individual school districts in the previous year. The idea is to retain local control of school operations but create much stronger incentives for administrative cost efficiency.

The baseline mill rate expectation for all school districts would be set annually at the rate that could be supported with state general purpose aid funding, or GPA, that is equivalent to 50% of EPS costs. The additional 5% of the State's GPA funding, as required under current law, would be allocated into a supplementary school funding bonus system that would further reduce the mill rate expectation in eligible communities. The local mill rate expectation would be reduced by a fixed amount for each "efficiency point" earned up to a maximum of 5 efficiency points in each school district. Thus there would be in effect 5 tiers of mill rate expectation, depending on the administrative cost efficiency and tax burden reduction targets achieved.

1. District size. Consolidated school districts would be awarded efficiency points based on the size of the district, as follows: (a) At least 3,000 students, 3 efficiency points; (b) At least 2,000 but fewer than 3,000 students, 2 efficiency points; and (c) At least 1,000 but fewer than 2,000 students, 1 efficiency point.
2. EPS spending. Districts could earn another 2 efficiency points by: (a) Spending at least the EPS baseline on education but exceeding EPS by no more than 5%; or (b) Exceeding EPS costs by proportionately less the previous year than the year prior to that year, indicating a proportional movement toward tax burden reduction.

The value of the efficiency points in terms of their reduction in mill rate expectation would be based on the cost of the mill rate reduction to State Government, calibrated to equate exactly to the incremental resources available from the last 5% of the State's 55% commitment.