

Joint Standing Committee on Education and Cultural Affairs

Enacted law summary

Public Law 2001, chapter 506 requires the Bureau of General Services to furnish reports to the project unit school board and the State Board of Education concerning the services provided on school construction projects. It also requires the State Board of Education, the Bureau of General Services and the Department of Education to report back to the joint standing committee of the Legislature having jurisdiction over education matters by December 31, 2002 on the results of a survey to assess the level of satisfaction for school construction services provided by the Bureau of General Services.

LD 535 **Resolve, to Examine the Doctorate-level Educational Opportunities Available Through the University of Maine System** **RESOLVE 77**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP NUTTING J	OTP-AM	H-813

LD 535 was carried over from the First Regular Session and proposed to provide annual General Fund appropriations of \$600,000 in fiscal year 2001-02 and fiscal year 2002-03 for the University of Maine to expand doctorate-level education opportunities.

Committee Amendment "A" (H-813) proposed to change the title of the bill and strike and replace the bill with a resolve. The resolve proposed to direct the Board of Trustees of the University of Maine System to establish a review of doctorate-level educational opportunities provided through the University of Maine System and to provide a report to the Legislature by December 1, 2002. The resolve also proposed to authorize the joint standing committee of the Legislature having jurisdiction over education matters to report out a bill to the First Regular Session of the 121st Legislature to implement the findings of the program review. It also proposed to add a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 77 directs the Board of Trustees of the University of Maine System to establish a review of doctorate-level educational opportunities provided through the University of Maine System and to provide a report to the Legislature by December 1, 2002. The resolve also authorizes the joint standing committee of the Legislature having jurisdiction over education matters to report out a bill to the First Regular Session of the 121st Legislature to implement the findings of the program review.

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LD 889 **An Act to Establish a Mandated Minimum for Teachers' Salaries** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER MICHAUD MH	ONTP	

LD 889 was carried over from the First Regular Session and proposed to establish a mandatory minimum salary of \$25,000 for certified teachers and to provide a block grant of \$800 per teacher to each school administrative unit for teachers' salaries.

LD 1089 **An Act to Improve Taxpayer Equity in School Funding** **ONTP**

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

LD 1089 was carried over from the First Regular Session and proposed to increase the weight of the income factor in the school funding formula from 15% to 25%. This bill also proposed to use the cost-of-living factor to adjust a municipality's property values. This bill further proposed to require the State to use a school unit's weighted relative fiscal capacity to calculate a unit's local share of program costs.

LD 1471 **An Act to Create a Digital Library to Meet the Educational, Research, Business and Economic Needs of Maine** **PUBLIC 522**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN EDMONDS		H-767

LD 1471 was referred to the Joint Standing Committee on Appropriations and Financial Affairs. This bill proposed to provide an annual General Fund appropriation of \$2,500,000 to the Board of Trustees of the University of Maine System to be used for the creation of a digital library collection to support its educational, research and public service missions.

Committee Amendment “B” (H-767) proposed to strike and replace the bill. The amendment proposed to make changes to the provisions of law that address the uses and guidelines for the telecommunications education access fund. Specifically the amendment proposed to accomplish the following:

1. Authorize the Raymond H. Fogler Library at the University of Maine as a qualified recipient of telecommunications education access funds;
2. Require the Public Utilities Commission to order the National Exchange Carrier Association to transfer \$500,000 from the unexpended balance of the telecommunications education access fund no later than

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June 30, 2002 and \$500,000 no later than June 30, 2003 to the University of Maine System for the infrastructure needs associated with creating a digital library;

3. Direct the Maine State Library and the Raymond H. Fogler Library at the University of Maine to work cooperatively to provide access technology as well as licensing agreements to acquire publicly available databases to be used for the purposes of accessing information by schools and libraries; and
4. Add an appropriation and allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 522 amends provisions of law that address the uses and guidelines for the telecommunications education access fund. The law accomplishes the following:

1. It authorizes the Raymond H. Fogler Library at the University of Maine as a qualified recipient of telecommunications education access funds;
2. It requires the Public Utilities Commission to order the National Exchange Carrier Association to transfer \$500,000 from the unexpended balance of the telecommunications education access fund no later than June 30, 2002 and \$500,000 no later than June 30, 2003 to the University of Maine System for the infrastructure needs associated with creating a digital library; and
3. It directs the Maine State Library and the Raymond H. Fogler Library at the University of Maine to work cooperatively to provide access technology as well as licensing agreements to acquire publicly available databases to be used for the purposes of accessing information by schools and libraries.

Public Law 2002, chapter 522 was enacted as an emergency measure effective March 12, 2002.

LD 1486

An Act to Create the Child Development Services Advisory Committee

ONTP

Sponsor(s)
FULLER
CATHCART

Committee Report
ONTP

Amendments Adopted

LD 1486 was carried over from the First Regular Session and proposed to establish the Child Development Services Advisory Committee to provide advice to the Department of Education concerning a comprehensive and collaborative early intervention system of services.

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LD 1557 **An Act to Exempt the City of Waterville, the Town of Winslow and School Administrative District 47 and School Administrative District 49 from Lease Limitations on Educational Structures** **ONTP**

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

LD 1557 was carried over from the First Regular Session and proposed to exempt the City of Waterville, the Town of Winslow and School Administrative District 47 and School Administrative District 49 from the limitations on including the lease of portable, temporary space or the lease or lease-purchase of temporary or permanent nonadministrative instructional space as eligible debt service costs for state subsidy. Under current law, the exemption is provided solely for the purpose of establishing a regional alternative education program.

LD 1580 **An Act to Fund the Implementation of Student Achievement Standards by Fulfilling the State Commitment to Fund 55% of Public Education Costs for Kindergarten to Grade 12** **ONTP**

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

LD 1580 was carried over from the First Regular Session and proposed to provide that the Legislature provide at least 55% of the cost of the total allocation from General Fund revenue sources by fiscal year 2006-07. Under this proposed bill, the Legislature would have been required to annually establish a minimum contribution level to achieve the 55% minimum contribution level. The bill also proposed to establish a minimum contribution level of 45% for fiscal year 2001-02 and a minimum contribution level of 47% for fiscal year 2002-03. The bill further proposed to establish minimum contribution level targets over the next 4 fiscal years to achieve the 55% minimum contribution level by fiscal year 2006-07.

The bill also proposed to provide that the State appropriate the necessary General Fund revenue to meet the minimum contribution levels established for the academic year 2002-03 for school administrative units to achieve the system of learning results by the established deadline. Under the proposed bill, if the minimum contribution levels are not achieved, then this deadline becomes voluntary and the timeline for full implementation of the system of learning results is established at the discretion of school boards.

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LD 1603

An Act to Expand Family Life Education Services in Maine Schools

PUBLIC 654

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER MILLS	OTP-AM	H-1024

LD 1603 was referred to the Joint Standing Committee on Health and Human Services. The bill proposed to direct the Commissioner of Education to take action to enhance family life education for students in kindergarten to high school and also proposed a \$750,000 appropriation for family life education.

Committee Amendment “A” (H-1024) proposed to replace the bill and its title. The amendment proposed to direct the Commissioner of Human Services to undertake initiatives in order to expand and enhance comprehensive family education services. It further proposed to strengthen the language on abstinence and to remove specific references to the Family Planning Association of Maine and the system of learning results. It also proposed to allow a parent to not have that parent's child participate in a comprehensive family life education program. It proposed to remove the appropriation section and add a fiscal note.

Enacted law summary

Public Law 2001, chapter 654 directs the Commissioner of Human Services to undertake initiatives in order to expand and enhance comprehensive family education services for students in kindergarten to high school. It also allows a parent to not have that parent's child participate in a comprehensive family life education program.

LD 1819

An Act to Give the Maine Technical College System Limited Revenue Bonding Authority

PUBLIC 590

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

LD 1819 was referred to the Joint Standing Committee on Appropriations and Financial Affairs. This bill proposed to authorize the Maine Technical College System to issue up to \$35,000,000 in revenue bonds and to issue bonds through the Maine Health and Higher Education Facilities Authority. These borrowings do not constitute debts or liabilities of the State and do not pledge the credit of the State. Debt service payments are to be made solely from the funds of the Maine Technical College System. Any future requests for funding made to the State by the Maine Technical College System may include debt service payments. However, no special obligation is imposed on the State to fund such requests.

Under current law, the University of Maine System has the authority to issue revenue bonds up to \$100,000,000 and the Maine Maritime Academy has the authority to incur debt up to \$4,000,000. These statutes enable the university and academy to improve their facilities without pledging the credit of the State.

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Enacted law summary

Public Law 2001, chapter 590 gives the Maine Technical College System ongoing authority to issue up to \$35,000,000 in bonds and notes through the Maine Health and Higher Education Facilities Authority.

LD 1864

An Act to Increase the Number of Alternative Delivery Pilot Projects for School Construction and to Increase the Maximum Project Cost of Projects Eligible for Alternative Delivery

P & S 54

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD PENDLETON	OTP-AM	H-879

LD 1864 proposed to amend the authorization provided to school administrative units to use alternative delivery methods for a limited range and number of school construction projects under Private and Special Law 1999, chapter 79. The bill proposed to amend that authorization to increase the cap on "construction-manager-at-risk" alternative delivery projects for school construction and to increase from \$10,000,000 to \$20,000,000 the maximum project cost of projects eligible using the design-build method.

Committee Amendment "A" (H-879) proposed to change the title of the bill and replace the bill. The amendment proposed to amend certain provisions of Private and Special Law 1999, chapter 79, which authorized school administrative units to use alternative delivery methods for school construction projects. The amendment proposed to accomplish the following:

1. Authorize 10 additional "construction-manager-at-risk" alternative delivery projects for school construction, including 5 projects that exceed \$2,500,000 in total project cost but do not exceed \$10,000,000 and 5 projects that exceed \$10,000,000 in total project cost;
2. Authorize 2 additional "design-build" alternative delivery projects for school construction and increase the cap on total project cost for the 4 projects from \$10,000,000 to \$20,000,000;
3. Amend the authorization regarding the "design-build" and the "construction-manager-at-risk" alternative delivery methods for school construction projects to be consistent with the prequalification procedures devised for the alternative delivery methods established in the Maine Revised Statutes, Title 5, section 1743 for public improvement projects;
4. Establish an assessment team to evaluate the relative advantages and disadvantages of the alternative delivery methods employed during the 5-year pilot program, including but not limited to an analysis of the comparative costs and benefits of these methods for school construction projects to those found using the traditional competitive design-bid-build method;
5. Clarify the eligible project authorization provisions to more accurately reflect the legislative intent of the authorizing legislation; and
6. Add a fiscal note to the bill.

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Enacted law summary

Private and Special Law 2001, chapter 54 amends certain provisions of Private and Special Law 1999, chapter 79, which authorized school administrative units to use alternative delivery methods for school construction projects. The law accomplishes the following.

1. It authorizes 10 additional "construction-manager-at-risk" alternative delivery projects for school construction, including 5 projects that exceed \$2,500,000 in total project cost but do not exceed \$10,000,000 and 5 projects that exceed \$10,000,000 in total project cost.
2. It authorizes 2 additional "design-build" alternative delivery projects for school construction and increases the cap on total project cost for the 4 projects from \$10,000,000 to \$20,000,000.
3. It amends the authorization regarding the "design-build" and the "construction-manager-at-risk" alternative delivery methods for school construction projects to be consistent with the prequalification procedures devised for the alternative delivery methods established in the Maine Revised Statutes, Title 5, section 1743 for public improvement projects.
4. It establishes an assessment team to evaluate the relative advantages and disadvantages of the alternative delivery methods employed during the 5-year pilot program, including but not limited to an analysis of the comparative costs and benefits of these methods for school construction projects to those found using the traditional competitive design-bid-build method.
5. It clarifies the eligible project authorization provisions to more accurately reflect the legislative intent of the authorizing legislation.

LD 1889

Resolve, Directing the Department of Education to Provide Adult Education and Other Support Services

INDEF PP

Sponsor(s)
TREAT

Committee Report
OTP-AM

Amendments Adopted
S-456

LD 1889 proposed to require the Department of Education to establish adult remedial education services for former students of the Governor Baxter School for the Deaf and the Maine School for the Deaf. It proposed that the services must include classes in basic instruction in literacy, computer skills, math and independent living skills. It proposed that classes must be accessible to students living in all geographic regions of the State. It proposed that the Division of Deafness also help identify people in need of the adult remedial education services.

Committee Amendment "A" (S-456) proposed to replace the original resolve. The amendment proposed to require the Department of Education to establish 5 demonstration sites to provide adult remedial education services for former students of the Governor Baxter School for the Deaf and the Maine School for the Deaf. The amendment also proposed to have services include classes provided by instructors who are fluent in American Sign Language with preference given to people who are deaf. It proposed that these

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demonstration sites be located in Portland, Lewiston, Bangor, Augusta and Caribou. It proposed that the Department of Education create a grant program to subsidize the added cost of providing these services. It proposed that the Department of Education submit a preliminary report on the success of the grant program to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2003 and a final report by December 15, 2003. This amendment was not adopted.

See LD 2080, Public Law 2001, chapter 559, Part DD, appropriating \$10,000 for adult remedial education services for former students of the Governor Baxter School for the Deaf and the Maine School for the Deaf.

LD 1931

Resolve, Appropriating Funds for the Seeds of Peace International Camp

RESOLVE 122

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN CATHCART		H-859 S-590

LD 1931 was referred to the Joint Standing Committee on Appropriations and Financial Affairs. This bill proposed to provide funding to the Seeds of Peace International Camp in Otisfield, Maine to be used by the camp for the payment of property taxes on the campsite and to fund 2 student scholarships.

Committee Amendment “A” (H-859) proposed to provide a one-time appropriation of \$10,000 for scholarships to the Seeds of Peace International Camp in Otisfield in support of its unique role in providing conflict resolution and peacemaking experiences for teenagers from regions in conflict throughout the world.

Senate Amendment “A” To Committee Amendment “A” (S-590) proposed to increase the funding for scholarships for the Seeds of Peace International Camp from \$10,000 to \$25,000 for fiscal year 2002-03. This amendment also proposed to repeal in the resolve that established the John H. Reed - Kenneth M. Curtis Peace Fellowship that section that would have repealed the fellowship as of June 11, 2002.

Enacted law summary

Resolves 2001, chapter 122 provides a one-time appropriation of \$25,000 for fiscal year 2002-03 to support scholarships for the Seeds of Peace International Camp in Otisfield. The law also repeals in the resolve that established the John H. Reed - Kenneth M. Curtis Peace Fellowship that section that would have repealed the fellowship as of June 11, 2002.

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LD 1958 **Resolve, Directing the Department of Education to Fully Reimburse Center-based Developmental Therapy Programs under Contract with Child Development Services** **ONTP**

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

LD 1958 proposed to require the Department of Education to fully reimburse nonprofit agencies that operate developmental therapy programs under contract with the Child Development Services System for children up to 5 years of age for the budget deficits experienced based on year-end audits for fiscal years 2000-01 and 2001-02.

LD 1975 **An Act Concerning Student Threats** **PUBLIC 644**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON EDMONDS	OTP-AM	H-922 S-546 GOLDTHWAIT

LD 1975 proposed to require school boards to adopt policies to address student threats of physical harm to education personnel.

Committee Amendment "B" (H-922) proposed to replace the bill. It proposed to add the phrase "students threatening death or bodily harm to others" to the list of types of behaviors in the student code of conduct that would require policies and procedures to be established for removing a student from the classroom. It also proposed to add a fiscal note to the bill.

Senate Amendment "A" (S-546) proposed to add a mandate preamble to the bill which requires school boards to amend the student code of conduct to adopt policies and procedures to address students threatening death or bodily harm.

Enacted law summary

Public Law 2001, chapter 644 adds the phrase "students threatening death or bodily harm to others" to the list of types of behaviors in the student code of conduct that would require policies and procedures to be established for removing a student from the classroom.

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LD 1977 **An Act to Designate Department of Education Chapter 180 Rules as Major Substantive Rules** **PUBLIC 510**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON ROTUNDO	OTP	

LD 1977 proposed to designate as major substantive rules those rules establishing and maintaining a statewide network that ensures the provisions of Childfind and rules governing the eligibility for and delivery of free appropriate public education for children with disabilities from birth to 5 years of age and their families.

Enacted law summary

Public Law 2001, chapter 510 designates as major substantive rules those rules establishing and maintaining a statewide network that ensures the provisions of Childfind and rules governing the eligibility for and delivery of free appropriate public education for children with disabilities from birth to 5 years of age and their families.

LD 1992 **An Act to Require that the State Board of Education Have One Student Member** **ONTP**

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

LD 1992 proposed to expand the membership of the State Board of Education to include one student member.

LD 2021 **An Act Regarding Provisional Certification for Teachers and Administrators** **PUBLIC 534**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD SMALL	OTP-AM	H-815

LD 2021 proposed to amend the law regarding the certification for school administrators and teachers by incorporating performance standards for provisional teacher certification and allows the State Board of Education to determine competency areas for school administrators.

Committee Amendment "A" (H-815) proposed to make the rules governing certification of provisional teachers, superintendents, principals and directors of vocational education major substantive rules. The amendment proposed to add a fiscal note to the bill.

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Enacted law summary

Public Law 2001, chapter 534 amends the law regarding the certification for school administrators and teachers by incorporating performance standards for provisional teacher certification and allows the State Board of Education to determine competency areas for school administrators. The rules governing certification of provisional teachers, superintendents, principals and directors of vocational education are designated as major substantive rules.

LD 2033

An Act to Create the Adult Education Outreach Grant Program

INDEF PP

<u>Sponsor(s)</u> SAXL MICHAUD MH	<u>Committee Report</u> OTP-AM MAJ	<u>Amendments Adopted</u> H-774
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LD 2033 was referred to the Joint Standing Committee on Appropriations and Financial Affairs. This bill proposed to appropriate \$200,000 in funding to the Department of Education to create the Adult Education Outreach Grant Program. The purpose of the proposed program would be to provide competitive grants to local adult education programs that encourage their students to continue their education beyond the high school level.

Committee Amendment “A” (H-774), which was the majority report of the committee, proposed to require the Department of Education, under the community college concept, to consult with the University of Maine System, the Maine Technical College System and the adult education directors as part of the grant approval process for the Adult Education Outreach Program. It also proposed to require the department to submit a report by January 15, 2004 to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and to the joint standing committee of the Legislature having jurisdiction over education matters to evaluate the success of the Adult Education Outreach Grant Program. It also proposed to add an appropriation section and a fiscal note to the bill.

LD 2042

An Act to Make Technical Changes to the Maine State Grant Program

PUBLIC 480

<u>Sponsor(s)</u> ROTUNDO RICHARD	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2042 proposed to amend the provisions of the student incentive scholarship program administered by the Finance Authority of Maine by eliminating the need that the student applicant be eligible for a Pell Grant to receive an award under the program.

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7. Clarify that the joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters is authorized to submit its proposed legislation to the Second Regular Session of the 121st Legislature.

It also proposed to add a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-843), which was presented on behalf of the Committee on Bills in the Second Reading in order to make a technical change, proposed to correct an internal cross-reference to reflect the addition of a new section by the committee amendment.

Enacted law summary

Resolve 2001, chapter 80 directs the Commissioner of Education and the Chair of the State Board of Education to create a study group to examine school administrative unit organization in the State. The study group shall research the history of formation of districts and participation in regional collaboratives in the State and in other states that may be applicable in the State. The study group shall recommend incentives that might be used in the State to promote organizational characteristics that can be demonstrated to support high levels of student outcomes and efficient use of resources and to maintain school administrative units that already exhibit these organizational characteristics. The study group shall also investigate any existing disincentives to forming regional collaboratives and shall identify strategies that may be applicable to removing or overcoming these disincentives.

The resolve further directs the study group to submit a preliminary report to the joint standing committee of the Legislature having jurisdiction over education matters by January 31, 2003 and a final report by January 20, 2004. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters is authorized to submit proposed legislation to the Second Regular Session of the 121st Legislature.

LD 2048

An Act to Authorize the Yarmouth School Department to use the Construction-Manager-at-Risk Method of Construction Delivery for Locally Funded School Projects

**P & S 46
EMERGENCY**

Sponsor(s)
EDMONDS
BUCK

Committee Report
OTP

Amendments Adopted

LD 2048 proposed to authorize the Yarmouth School Department to construct locally funded improvements to the Yarmouth High School and the Rowe School in the Town of Yarmouth by the construction-manager-at-risk method of construction delivery rather than the design-bid-build method of construction delivery.

Enacted law summary

Private and Special Law 2001, chapter 46 authorizes the Yarmouth School Department to construct locally funded improvements to the Yarmouth High School and the Rowe School in the Town of Yarmouth by the

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construction-manager-at-risk method of construction delivery rather than the design-bid-build method of construction delivery.

Private and Special Law 2001, chapter 46 was enacted as an emergency measure effective February 7, 2002.

LD 2074

An Act to Increase the Debt Limit of the Calais School District

**P & S 52
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY MORRISON	OTP-AM	S-443

LD 2074 proposed to raise the debt limit of the Calais School District from \$6,000,000 to 10% of city valuation.

Committee Amendment "A" (S-443) proposed to amend the charter of the Calais School District to permit the lease purchase of administrative space and raise the debt limit of the Calais School District from \$6,000,000 to 10% of the most recent state valuation of the City of Calais. The amendment also proposed to clarify the referendum question to be submitted to the legal voters within the City of Calais regarding this proposed charter amendment.

Enacted law summary

Private and Special Law 2001, chapter 52 amends the charter of the Calais School District to permit the lease purchase of administrative space and raises the debt limit of the Calais School District from \$6,000,000 to 10% of the most recent state valuation of the City of Calais. The amendment also clarifies the referendum question to be submitted to the legal voters within the City of Calais regarding this proposed charter amendment.

Private and Special Law 2001, chapter 52 was enacted as an emergency measure effective March 12, 2002.

LD 2080

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003

PUBLIC 559

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY, R GOLDTHWAIT		H-968 H-986

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LD 2080 was referred to the Joint Standing Committee on Appropriations and Financial Affairs. This bill proposed to make supplemental appropriations and allocations necessary for the operations of state government for the fiscal years ending June 30, 2002 and June 30, 2003. The bill proposed to accomplish the following selected items related to Education and Cultural Affairs budget matters:

Part B proposed to:

1. Make appropriations and allocations of funds representing reduction proposals or adjustments;
2. Deappropriate \$800,000 in fiscal year 2002-03 from the Education in Unorganized Territory program due to a projected decrease in elementary and secondary tuition costs;
3. Deappropriate \$130,000 in fiscal year 2002-03 from the Adult Education program to limit the growth in the program;
4. Deappropriate \$500,000 in fiscal year 2001-02 and an additional \$1,500,000 in fiscal year 2002-03 from the Preschool Handicapped program by limiting program operations to within available resources;
5. Deappropriate \$250,000 in fiscal year 2002-03 from the Student Financial Assistance Programs in the Finance Authority of Maine to limit program growth. Proposed savings would be realized from a reduction in the loan reserve budget of the Medical loan program due to early loan repayments and rejections regarding the current and future liabilities in this loan forgiveness program; and
6. Provide for a one-time deappropriation of \$1,000,000 from the fiscal year 2002-03 increase in the Maine Economic Improvement Fund for applied research and development at the University of Maine System.

Part D proposed to:

1. Specify the General Purpose Aid for Local Schools actual education cost certification and appropriation levels for fiscal year 2002-03 as required by the Maine Revised Statutes, Title 20-A, section 15605;
2. Lapse \$1,000,000 of unencumbered balance forward in fiscal year 2001-02 from the Education in Unorganized Territory General Fund account to the General Fund in fiscal year 2001-02;
3. Transfer \$5,000,000 in special revenue account funds from the Maine Learning Technology Endowment to the General Fund by the end of fiscal year 2001-02; and
4. Authorize the Commissioner of Education to expend and disburse funds limited to the amount appropriated by the Legislature to implement the system of learning results.

Committee Amendment "A" (H-968) proposed to accomplish the following:

Part A proposed to:

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1. Allocate \$7,384,730 in fiscal year 2002-03 to implement the Maine Learning Technology Initiative to provide for contracted services, equipment, teacher training and professional development and library databases as part of this initiative; and
2. Deappropriate \$150,000 in fiscal year 2001-02 from the Management Information Systems program within the Department of Education for management and maintenance of Asynchronous Transfer Mode (ATM) Distance Learning sites due to delayed start-up dates of sites in the prior fiscal year, with corresponding savings in operational support needs in fiscal year 2001-02.

Part B: proposed to:

1. Deappropriate \$800,000 in fiscal year 2002-03 from the Education in Unorganized Territory program due to a projected decrease in elementary and secondary tuition costs;
2. Deappropriate \$500,000 in fiscal year 2001-02 and an additional \$1,500,000 in fiscal year 2002-03 from the Preschool Handicapped program by limiting program operations to within available resources;
3. Provide for a one-time deappropriation of \$1,000,000 from the fiscal year 2002-03 increase in the Maine Economic Improvement Fund for applied research and development at the University of Maine System;
4. Deappropriate \$250,000 in fiscal year 2002-03 from the Student Financial Assistance Programs in the Finance Authority of Maine to limit program growth. Proposed savings would be realized from a reduction in the loan reserve budget of the Medical loan program due to early loan repayments and rejections regarding the current and future liabilities in this loan forgiveness program; and
5. Make adjustments to appropriations and allocations to recognize a 2% reduction in All Other expenditures from various departments and agencies statewide.

Part D proposed to:

1. Specify the General Purpose Aid for Local Schools actual education cost certification and appropriation levels for fiscal year 2002-03 as required by the Maine Revised Statutes, Title 20-A, section 15605;
2. Lapse funds from the Education in Unorganized Territory General Fund account to the General Fund in fiscal year 2001-02;
3. Transfer funds from the Maine Learning Technology Endowment to the General Fund in fiscal year 2002-03;
4. Provide lease-purchase authorization for the Maine Learning Technology Endowment program; and
5. Provide additional appropriations for General Purpose Aid for Local Schools, including additional funding for state wards and state agency clients.

Part N proposed to increase retired teachers' health insurance from 35% to 40% effective April 1, 2003.

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Part AA proposed to establish additional reporting requirements for the Fund for a Healthy Maine and adjust current allocations by establishing new program names to help segregate and improve tracking of Fund for a Healthy Maine expenditures. It also proposed to make adjustments to allocations from the Fund for a Healthy Maine and transfer \$3,200,000 from the Fund for a Healthy Maine to the General Fund.

Part DD proposed to establish 5 demonstration sites to provide adult remedial education services to former students of the Governor Baxter School for the Deaf.

Part JJ proposed to authorize the Maine Technical College System to submit cost items from any collective bargaining agreements of technical college employers for inclusion in the Governor's operating budget.

Part LL proposed to provide that at least \$2,000,000 be available in the telecommunications education access fund over the 4-year period beginning August 1, 2002 for purposes other than to support the learning technology plan and the digital library at the University of Maine.

Enacted law summary

Public Law 2001, chapter 559 makes supplemental appropriations and allocations necessary for the operations of state government for the fiscal years ending June 30, 2002 and June 30, 2003. The law accomplishes the following:

1. Part A, Section A-1 allocates \$8,915,986 in fiscal year 2002-03 to implement the Maine Learning Technology Initiative to provide for contracted services, equipment, teacher training and professional development and library databases as part of this initiative;
2. Part A, Section A-1 deappropriates \$150,000 in fiscal year 2001-02 from the Management Information Systems program within the Department of Education for management and maintenance of Asynchronous Transfer Mode (ATM) Distance Learning sites due to delayed start-up dates of sites in the prior fiscal year, with corresponding savings in operational support needs in fiscal year 2001-02;
3. Part B, Section B-1 provides for a one-time deappropriation of \$1,000,000 from the fiscal year 2002-03 increase in the Maine Economic Improvement Fund for applied research and development at the University of Maine System; and transfers these funds to the Maine Biomedical Research Fund as ongoing funding for applied research and development at the Department of Economic and Community Development;
4. Part D, Section D-1 provides that \$4,000,000 from within the \$730,817, 941 appropriated to General Purpose Aid for Local Schools program will be distributed to school administrative units that are eligible for a cushion based on criteria set forth in this section;
5. Part D, Sections D-2:D-22 makes supplemental appropriations and allocations totaling \$12,459,350 in fiscal year 2002-03 to the General Purpose Aid for Local Schools program, including additional subsidies targeted to the following accounts: \$7,800,000 for operating costs, \$2,200,000 for program costs and \$2,459,350 for adjustments and miscellaneous costs to meet the increased costs for state wards and state agency clients;

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6. Part D, Section D-20 transfers \$5,000,000 from the Maine Learning Technology Endowment to the unappropriated surplus of the General Fund no later than June 30, 2003;

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7. Part D, Section D-21 authorizes the Department of Administrative and Financial Services on behalf of the Department of Education to enter into lease purchase financing arrangements in fiscal years 2001-02 and 2002-03 for the acquisition of laptop computer systems to support the operations of the Maine Learning Technology Program. The financing agreements may not exceed 4-1/2 years in duration and \$22,323,279.08 in principal costs. The interest rate may not exceed 4.5% and the total interest costs may not exceed \$2,546,720.92;
8. Part D, Section D-21 authorizes the Department of Administrative and Financial Services on behalf of the Department of Education to enter into lease purchase financing arrangements in fiscal years 2001-02 and 2002-03 for the acquisition of laptop computer systems to support the operations of the Maine Learning Technology Program. The financing agreements may not exceed 4-1/2 years in duration and \$22,323,279.08 in principal costs. The interest rate may not exceed 4.5% and the total interest costs may not exceed \$2,546,720.92;
9. Part D, Section D-22 provides supplemental appropriations of \$6,699,734 in fiscal year 2001-02 and \$2,459,350 in fiscal year 2002-03 to be distributed through the General Purpose Aid for Local Schools formula to meet the increased costs for state wards and state agency clients;
10. Part N, Section N-2 provides \$441,768 in fiscal year 2002-03 for the cost of increasing the State's contribution for health insurance for retired teachers from 35% to 40% beginning April 1, 2003;
11. Part AA Section AA-6 allocates \$87,650 in fiscal year 2002-03 from the Fund for a Healthy Maine to the Department of Education to provide one-time funding for the School Nurse Consultant position;
12. Part DD, Sections DD-1:DD-4 appropriates \$10,000 in fiscal year 2002-03 to the Department of Education to provide one-time funding to provide adult remedial education services for former students of the Governor Baxter School for the Deaf and the Maine School for the Deaf through 5 demonstration sites located in Portland, Lewiston, Augusta, Bangor and Caribou. The Department of Education shall submit a preliminary report to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2003; and the department shall submit a final report to the committee by December 15, 2003;
13. Part JJ, Section JJ-1 provides that cost items – defined as salaries, pensions and insurance -- in any collective bargaining agreement of Maine Technical College System employees must be submitted for inclusion in the Governor's next operating budget within 10 days after the date on which the agreement is ratified by the parties. If the Legislature rejects any of the cost items submitted to it, all cost items submitted must be returned to the parties for further bargaining; and
14. Part LL, Section LL-1 provides that the Public Utilities Commission shall ensure that, over the 4-year period beginning August 1, 2002, at least \$2,000,000 from the Telecommunications Education Access Fund, in addition to funds collected pursuant to the Title 35-A, section 7104-B during the period June 1, 2002 through May 31, 2006, are available for purposes other than to support the learning technology plan established to implement the Maine Learning Technology Initiative. This section does not preclude the commission from expending up to \$2,250,000 prior to August 1, 2002 from the Telecommunications Education Access Fund to support the learning technology plan if the provisions of this Part are otherwise satisfied.

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LD 2083

An Act to Correct Errors and Inconsistencies in the Laws of Maine

PUBLIC 667
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1071 H-1097 LAVERDIERE S-567 RAND S-585 GOLDTHWAIT

LD 2083 was referred to the Joint Standing Committee on the Judiciary. The bill proposed to make technical corrections of errors in the laws of Maine.

Committee Amendment “A” (H-1071) proposed to make technical and substantive corrections, including the following selected items related to Education and Cultural Affairs matters:

1. Section 50 proposed to correct a conflict created by Public Law 2001, chapters 403 and 454, which both affected the same provision of law concerning Maine Native American studies. Chapter 403 made technical changes and chapter 454 made substantive changes. This section proposed to correct the conflict by repealing the provision and replacing it with the chapter 454 version; and
2. Part C, section C-11 proposed to correct the language concerning school bus leases and to clarify the law governing school bus purchases, contracts and leases.

Enacted law summary

Public Law 2001, chapter 667 made technical corrections and several substantive corrections. The substantive changes made by chapter 667 regarding Education and Cultural Affairs matters are as follows.

1. It corrects a conflict concerning the components of Maine Native American history that are included in the instructional requirements related to American history and Maine studies. The conflict is resolved by requiring that American history and Maine studies must be taught as specified in the system of learning results; and
2. It corrects the language concerning school bus leases and clarifies the law governing school bus purchases, contracts and leases.

Public Law 2001, chapter 667 was enacted as an emergency measure effective April 30, 2002.

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LD 2086

**An Act to Implement the Recommendations of the Education
Funding Reform Committee**

**DIED BETWEEN
BODIES**

Sponsor(s)

Committee Report

Amendments Adopted

LD 2086 was referred to the Joint Standing Committee on Taxation. The bill was presented by the Education Funding Reform Committee pursuant to Public Law 2001, chapter 439, Part SSS as a proposal for reducing the State's reliance on the property tax for funding public education. This bill was accompanied by separate legislation to amend the Constitution of Maine to authorize aspects of the proposed changes please see LD 2087). A minority of the committee recommended legislative adoption of this proposal. A majority of the committee supported presenting the proposal for further consideration by the Legislature rather than as recommendations of the substantive changes contained in the committee's proposal. The bill provided that the Act must be submitted to the voters for approval, and, if approved, it would take effect only if the voters also approved the proposed constitutional amendment.

This bill proposed to accomplish the following:

1. Establish property tax maximum mill rates for local costs for public education from kindergarten to grade 12. Mill rates would be limited to 6 mills for primary residential property, commercial, agricultural and industrial property, and tracts of undeveloped property not enrolled in a current use taxation program and 12 mills for all other property. Municipalities would be able to raise additional amounts for public education through the property tax but only from primary residential property;
2. Repeal the homestead property tax exemption and require information regarding the impact of the changes to be included on property tax bills; and
3. Direct the joint standing committee of the 121st Legislature having jurisdiction over taxation matters to develop recommendations designed to generate the additional state revenue necessary to fund public education from kindergarten to grade 12. The committee would be directed to give special consideration to sales and use tax base expansions and to consider converting the State's sales and use tax to a gross receipts tax. The committee would also be directed to recommend an excise tax on personal property as partial replacement of property taxes on personal property and an education budget stabilization fund designed to ensure that adequate funds are available for education costs during periods when General Fund revenues do not keep pace with education costs.

Committee Amendment "A" (H-1068) proposed to replace the bill and to provide for a statutory referendum on establishing a cap on local property taxes of 12 mills on secondary residential property and 6 mills for all other property for the purpose of funding public education from kindergarten to grade 12. A municipality would be able to raise additional revenues for education but only from additional assessment on primary residential property. The amendment also proposed to establish an Education Funding Stabilization Fund, funded by a portion of year-end surplus revenues for the purpose of ensuring adequate state funding for education in years when General Fund revenues do not provide adequate revenue for education funding. The amendment proposed to require notification on local budget documents of the impact of school and municipal budgets on property tax mill rates and direct the joint standing committee of the Legislature having jurisdiction over taxation matters to report out legislation to the First Regular

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Session of the 121st Legislature to extend the sales tax to services not currently taxed, to increase the sales tax on meals and lodging from 7% to 8% to provide adequate funding for education and to address the progressivity of the income tax. (Not adopted)

LD 2087 **Resolution, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Establishes Classes of Property for Purposes of Property Taxes to Fund** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 2087 was referred to the Joint Standing Committee on Taxation. The bill was a constitutional resolution offered by the Education Funding Reform Committee pursuant to Public Law 2001, chapter 439, Part SSS as part of a proposal presented by the committee to reduce the State's reliance on the property tax for funding public education. This constitutional resolution was accompanied by separate legislation to implement the changes proposed in the resolution and to provide further details of the proposal developed by the committee for further consideration by the Legislature (please see LD 2086). A minority of the committee recommended adoption of the committee's proposal. A majority of the committee offered the proposal for further consideration by the Legislature rather than as recommendations of the substantive changes contained in the committee's proposal.

This constitutional resolution proposed to make two major changes in the constitutional requirements related to the property tax. The first change would permit the Legislature to establish classes of property and impose different maximum rates on the local property tax that could be imposed on each class of property for the purposes of funding local education costs. The second change would exempt personal property from taxation as long as certain personal property, as defined by the Legislature, is subject to an excise tax to be collected and retained by municipalities.

Committee Amendment "A" (H-1053) proposed to remove provisions from the original resolution proposing to exempt personal property from the property tax if an excise tax was established for that property and to clarify the language authorizing the Legislature to establish classes of property and to permit different tax rates for different classes of property for the purpose of funding public education from kindergarten to grade 12. (Not adopted)

LD 2102 **An Act to Implement the Recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment** **PUBLIC 658**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-460 S-578 GOLDTHWAIT
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LD 2102 was reported by the Blue Ribbon Commission on Postsecondary Educational Attainment pursuant to Resolve 2001, chapter 66, section 8. The bill proposed to establish the Maine Higher Educational Attainment Council to develop a long-term plan for increasing the level of educational

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attainment in the State and to provide a unified voice for higher education in the State. The bill proposed that a 16-member council be appointed jointly by the Governor, the President of the Senate and the Speaker of the House; that the council is to be equally funded by government and the private sector and that the council will report to the Legislature and the joint standing committee of the Legislature having jurisdiction over education matters annually.

Committee Amendment "A" (S-460) proposed to add an appropriations section, an allocations section and a fiscal note to the bill. The amendment proposed to provide a \$75,000 General Fund appropriation to the Maine Development Foundation for the State's share of supporting the council; and further proposed to provide a \$3,220 General Fund appropriation to the Legislature for the per diem and expenses of legislative members serving on the council.

Senate Amendment "A" to Committee Amendment "A" (S-578) proposed to provide a revised appropriations and allocations section that reflects a reduced General Fund appropriation to the Maine Development Foundation. The amendment proposed to provide a \$40,000 General Fund appropriation to the Maine Development Foundation for the State's share of supporting the council.

Enacted law summary

Public Law 2001, chapter 658 implements certain recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment. The law establishes the Maine Higher Educational Attainment Council -- a 16-member body appointed jointly by the Governor, the President of the Senate and the Speaker of the House -- to develop a long-term plan for increasing the level of educational attainment in the State and to provide a unified voice for higher education in the State. The law requires that the council is to be equally funded by government and the private sector; and also provides a \$40,000 General Fund appropriation to the Maine Development Foundation for the State's share of supporting the council. Finally, the law requires the council to report annually to the Legislature and the joint standing committee of the Legislature having jurisdiction over education matters on the implementation of its long-term plan and any recommended changes to the long-term plan.

LD 2103

An Act Regarding Essential Programs and Services

PUBLIC 660

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1002
	ONTP MIN	S-540 GOLDTHWAIT

LD 2103 was introduced by the Joint Standing Committee on Education and Cultural Affairs pursuant to Joint Order H.P. 1579. The committee bill proposed to accomplish the following:

1. Establish a timeline for a transition to a new school funding approach, based on "essential programs and services," in order to provide all children with an equitable opportunity to access the resources necessary to achieve the high standards of Maine's system of learning results;
2. Define essential programs and services, including those elements to be funded on a per-pupil basis, address resources for specialized student populations, define major cost components to be determined on other than a per-pupil basis and provide for targeted grants;

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3. Provide that funding essential programs and services is a state-local partnership, and that local school administrative units retain the authority to determine how to expend funds once they are received from the State, with the exception of the targeted grants;
4. Direct the Commissioner of Education and the State Board of Education to prepare an alternative recommended funding level based on essential programs and services for fiscal year 2003-04, in addition to the recommended funding level for fiscal year 2003-04 as provided under current law; and
5. Provide for a report from the State Board of Education and the Commissioner of Education on a comprehensive transition plan, including proposed revisions to the school finance laws, to be submitted to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs in January 2003.

Committee Amendment "A" (H-1002), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to change the following provisions of the bill:

1. Clarify that "essential programs and services" are those educational resources that are identified for all students to meet the standards in the 8 content standard subject areas of the system of learning results and further clarifies that the essential programs and services must provide the basis for the system of school funding no later than 2007-08 in order to achieve the system of learning results;
2. Provide that the level of the state share of funding attributable to the cost of the components of essential programs and services, exclusive of federal funds, must be at least 50% of eligible state and local General Fund education costs statewide, no later than fiscal year 2007-08. It also proposed that beginning in fiscal year 2003-04 and in each fiscal year until fiscal year 2007-08, the level of the state share of funding attributable to the cost of the components of essential programs and services, exclusive of federal funds, must increase toward the 50% level of eligible state and local General Fund education costs statewide for the components of essential programs and services;
3. Clarify the issues to be studied further by the State Board of Education, the Department of Education and the Education Research Institute related to implementing the essential programs and services model; require that this study also consider findings and recommendations related to the impact of the essential programs and services on tax effort; and permit the Commissioner of Education to request drafting assistance from the Legislative Council in drafting any proposed statutory language to amend the existing school finance laws;
4. Provide for a waiver of certain statutory provisions related to the timeline established for the implementation of the system of learning results so that these required implementation dates will align with the time line established for full implementation of a new school funding approach based on essential programs and services, which must be fully implemented no later than fiscal year 2007-08. A waiver from compliance may be provided for the requirements related to the implementation of local assessment systems and awarding a high school diploma and for the requirements for implementation of the standards in the content areas of career preparation, foreign languages and visual and performing arts;

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5. Provide for the establishment of the Task Force to Review the Status of Implementation of the System of Learning Results to study and assess the status of implementation of the system of learning results in schools throughout the State.

The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-540), which was prepared pursuant to action taken by the Legislative Council, proposed to clarify the legislative drafting responsibilities of the Office of Policy and Legal Analysis under the bill, as amended by Committee Amendment "A."

Enacted law summary

Public Law 2001, chapter 660 was reported from the Joint Standing Committee on Education and Cultural Affairs pursuant to 2001 Joint Order, House Paper 1579. The law defines "essential programs and services" as those educational resources that are identified for all students to meet the standards in the 8 content standard subject areas of the system of learning results; and establishes a timeline for a transition to a new school funding approach, based on essential programs and services no later than 2007-08, in order to provide all children with an equitable opportunity to access the resources necessary to achieve the high standards of Maine's system of learning results. The law also:

1. Provides that funding essential programs and services is a state-local partnership and that the level of the state share of funding attributable to the cost of the components of essential programs and services, exclusive of federal funds, must be at least 50% of eligible state and local General Fund education costs statewide no later than fiscal year 2007-08;
2. Clarifies the components of essential programs and services to be funded on a per-pupil basis, addresses resources for specialized student populations, defines major cost components to be determined on other than a per-pupil basis and provides for targeted grants; and clarifies that local school administrative units retain the authority to determine how to expend funds once they are received from the State, with the exception of the targeted grants;
3. Directs the Commissioner of Education and the State Board of Education to prepare an alternative recommended funding level based on essential programs and services for fiscal year 2003-04, in addition to the recommended funding level for fiscal year 2003-04 as provided under current law;
4. Provides for a report from the State Board of Education and the Commissioner of Education on a comprehensive transition plan, including proposed revisions to the school finance laws, to be submitted to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs in January 2003;
5. Clarifies the issues to be studied further by the State Board of Education, the Department of Education and the Education Research Institute related to implementing the essential programs and services model; and requires that this study also consider findings and recommendations related to the impact of the essential programs and services on tax effort;
6. Provides for a waiver of certain statutory provisions related to the timeline established for the implementation of the system of learning results so that these required implementation dates will

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align with the timeline established for full implementation of a new school funding approach based on essential programs and services, which must be fully implemented no later than fiscal year 2007-08; and

7. Provides for the establishment of the Task Force to Review the Status of Implementation of the System of Learning Results to assess the status of implementation of the system of learning results in schools throughout the State.

LD 2106	Resolve, Regarding Legislative Review of Portions of Administration of Medicine in the School Setting, a Major Substantive Rule of the Department of Education	DIED BETWEEN BODIES
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
OTP-AM	MAJ	
OTP-AM	MIN	

LD 2106 proposed to provide for the legislative review of portions of the major substantive rule, “Administration of Medicine in the School Setting,” which was submitted by the Department of Education.

Committee Amendment "A" (HP 1608) was the majority report of the committee. It proposed to amend the resolve to accurately reflect the title of the rule that was provisionally adopted by the Department of Education by removing "portions of" and replacing "medicine" with "medication".

Committee Amendment "B" (H-924) was the minority report of the committee. The report proposed to instruct the Department of Education not to authorize the provisional rule, “Administration of Medication in the School Setting,” a major substantive rule of the Department of Education. The report also proposed to give the resolve a new title.

LD 2114	An Act to Provide Full Utility of Retired School Buildings	PUBLIC 586 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-940
CATHCART		

LD 2114 was referred to the Joint Standing Committee on State and Local Government. The bill proposed to provide that a municipality may use a school building transferred to it by a school board for municipal purposes in the condition that the building was in on the date of the transfer as long as work performed by the municipality on the building is limited to repairs and minor alterations.

Committee Amendment "A" (H-940) proposed to amend the original bill by striking out references to the condition of the school building being transferred to a municipality and by deleting references to limits on the nature of the work that could be done to the building by a receiving municipality.

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Enacted law summary

Public Law 2001, chapter 586 clarifies current law that allows a municipality to use a school building transferred to it by a school board for municipal purposes.

Public Law 2001, chapter 586 was enacted as an emergency measure effective April 1, 2002.

LD 2115

An Act to Abolish the Educational Leave Advisory Board

PUBLIC 519

Sponsor(s)

Committee Report

Amendments Adopted

LD 2115 proposed to terminate the Educational Leave Advisory Board. It proposed to retain language that declares the educational leave program for state employees to be in the public interest.

Enacted law summary

Public Law 2001, chapter 519 terminates the Educational Leave Advisory Board. It retains language that declares the educational leave program for state employees to be in the public interest.

LD 2124

Resolve, Regarding Legislative Review of Portions of Chapter 126: Immunization Requirements for School Children, a Rule of the Department of Human Services, and Portions of Chapter 261: Immunization Requirements for School Children, a Rule of the Department of Education, Major Substantive Rules Jointly Adopted by the Department of Human Services and the Department of Education

**RESOLVE 117
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-1026
S-601 GOLDTHWAIT

LD 2124 proposed to provide for legislative review of portions of Chapter 126: Immunization Requirements for School Children, a rule of the Department of Human Services, and portions of Chapter 261: Immunization Requirements for School Children, a rule of the Department of Education, major substantive rules jointly adopted by the Department of Human Services and the Department of Education.

Committee Amendment "A" (H-1026) proposed to require specific changes to the rules that were provisionally adopted by the Department of Human Services and the Department of Education, and add a fiscal note to the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-601) proposed to add a preamble to the resolve recognizing that the rules being authorized represent a state mandate requiring a 2/3 vote.

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Enacted law summary

Resolve 2001, chapter 117 provides for legislative review of portions of Chapter 126: Immunization Requirements for School Children, a rule of the Department of Human Services, and portions of Chapter 261: Immunization Requirements for School Children, a rule of the Department of Education, major substantive rules jointly adopted by the Department of Human Services and the Department of Education.

Resolve 2001, chapter 117 was finally passed as an emergency measure effective April 11, 2002.

LD 2128

An Act to Authorize a General Fund Bond Issue in the Amount of \$28,500,000 to Capitalize the School Revolving Renovation Fund, to Provide Grants to Public Educational Institutions to Install Sprinkler Systems in Dormitories, to Renovate the Harlow Office Building and to Provide a Center for Homeless Teenagers

PUBLIC 674

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL MICHAUD		H-1080 H-1108

LD 2128 was referred to the Joint Standing Committee on Appropriations and Financial Affairs. This bill proposed to authorize a General Fund bond issue in the amount of \$15,000,000 to capitalize the School Revolving Renovation Fund for repairs and improvements in public school facilities to address health, safety and compliance deficiencies, as well as general renovation needs and learning space upgrades.

Committee Amendment “A” (H-1080) was the majority report of the committee. Part A proposed to require public educational institutions to install automatic sprinkler systems in their dormitories, but only if the bond issue in Part B is approved by the voters.

Part B proposed to provide for a bond issue in the amount of \$47,000,000, to be used for the following purposes:

1. The sum of \$15,000,000 to capitalize the School Revolving Renovation Fund for repairs and improvements in public school facilities to address health, safety and compliance deficiencies; general renovation needs; and learning space upgrades;
2. The sum of \$13,900,000 to construct a new correctional facility in Machias to replace the existing Downeast Correctional Facility in Bucks Harbor in order to meet the need for minimum custody prison beds, achieve operational efficiencies and compliance with state and national environmental and building standards and to support enhanced transition programs for prisoners reentering the community;

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3. The sum of \$11,100,000 to construct an infirmary and extended care unit for special needs prisoners, to modernize existing buildings and to enhance security at the Maine Correctional Center in South Windham in order to meet current and future medical needs of the prisoner population; support treatment program for health care, substance abuse and sex offenders; and improve intake reception; and
4. The sum of \$7,000,000 to provide grants to be administered by the Finance Authority of Maine to public educational institutions for the purchase and installation of automatic sprinkler systems in dormitories.

This amendment also proposed to add a fiscal note to the bill.

House Amendment “C” To Committee Amendment “A” (H-1108) proposed to amend Committee Amendment "A" to retain the provisions of the amendment to require public educational institutions to install automatic sprinkler systems in their dormitories, but only if the bond issue in Part B is approved by the voters.

Part B proposed to provide for a bond issue in the amount of \$28,500,000, to be used for the following purposes:

1. The sum of \$13,000,000 to capitalize the School Revolving Renovation Fund for repairs and improvements in public school facilities to address health, safety and compliance deficiencies; general renovation needs; and learning space upgrades;
2. The sum of \$7,000,000 to provide funds to be administered by the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System to public educational institutions for the purchase and installation of automatic sprinkler systems in dormitories. The grants may be awarded only to those institutions that demonstrate to the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System that reasonable progress has been made towards meeting the requirements of the federal Americans with Disabilities Act of 1990 on each institution's campus;
3. The sum of \$500,000 for the renovation of a building in the Portland area to establish a center for homeless teenagers; and
4. The sum of \$8,000,000 to renovate the Augusta East Campus Harlow Building.

Enacted law summary

Public Law, 2001, chapter 674 provides for a bond issue in the amount of \$28,500,000, to be used for the following purposes:

1. The sum of \$13,000,000 to capitalize the School Revolving Renovation Fund for repairs and improvements in public school facilities to address health, safety and compliance deficiencies; general renovation needs; and learning space upgrades;

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2. The sum of \$7,000,000 to provide funds to be administered by the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System to public educational institutions for the purchase and installation of automatic sprinkler systems in dormitories. The grants may be awarded only to those institutions that demonstrate to the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System that reasonable progress has been made towards meeting the requirements of the federal Americans with Disabilities Act of 1990 on each institution's campus;
3. The sum of \$500,000 for the renovation of a building in the Portland area to establish a center for homeless teenagers; and
4. The sum of \$8,000,000 to renovate the Augusta East Campus Harlow Building.

LD 2136 **Resolve, Regarding Legislative Review of Amendments to Chapter 127, Instructional Program, Assessment and Diploma Requirements, a Major Substantive Rule of the Department of Education** **RESOLVE 107**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-954
	OTP-AM MIN	

LD 2136 proposed to approve amendments to Chapter 127: Instructional Program, Assessment and Diploma Requirements, a “provisionally adopted” major substantive rule of the Department of Education.

Committee Amendment "A" (H-954), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to authorize the "final adoption" of the "provisionally adopted" rule only if the rules are amended as follows.

1. The rule must be amended to delete the requirement that data presented from a local assessment system must meet applicable federal law and regulations. The provisionally adopted rule proposed to require that the standards for a local assessment system must meet applicable federal law and regulations.
2. The rules must be amended to delete the phase-in requirement established for awarding diplomas for secondary school students who had not taken one-half credit in Maine studies in grades 6, 7 or 8. The provisionally adopted rule proposed to establish a phase-in requirement -- prior to the 2006-07 school year -- for certain content standard subject areas in awarding diplomas for secondary school students. Under this requirement for the “social studies” content standard subject area, school boards shall adopt policies to phase in the new requirements for awarding diplomas, including the minimum requirement that a student who had not taken one-half credit in “Maine studies” in grades 6, 7 or 8 must do so before they could receive a secondary school diploma.
3. The rules must be amended to correct a reference to a special education student’s “Individualized Education Plan.”

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4. The rules must be amended to correct references to specific content standard subject areas.

The amendment also proposed to add a fiscal note.

Enacted law summary

Resolve 2001, chapter 107 authorizes the "final adoption" of amendments to the provisionally adopted, major substantive rule of the Department of Education concerning instructional program, assessment and diploma requirements. This rule repeals and replaces the existing Chapter 127 rules on "Instructional Requirements and Graduation Standards" with a revised set of "minimum" requirements that the school boards of each school administrative unit must meet in aligning the school unit's basic instructional requirements with the system of Learning Results. The rule specifies instructional program requirements for each school unit's comprehensive education plan, including instruction for elementary, middle and secondary school students; the local assessment system requirements for students and schools and the awarding of diplomas based on student performance on the school unit's local assessment system.

LD 2142

An Act to Change the Governing Board of the George Stevens Academy in Blue Hill

**P & S 61
EMERGENCY**

Sponsor(s)
VOLENIK

Committee Report
OTP-AM

Amendments Adopted
H-921

LD 2142 proposed to make changes to the composition of the board of trustees of the George Stevens Academy in the Town of Blue Hill. The bill also proposed to repeal the provision providing for a joint committee between the academy and nearby towns.

Committee Amendment "A" (H-921) proposed to require the Board of Trustees of the George Stevens Academy to amend its Articles of Incorporation on file with the Secretary of State within 30 days of the effective date of the bill.

Enacted law summary

Private and Special Law 2001, chapter 61 makes changes to the composition of the board of trustees of the George Stevens Academy in the Town of Blue Hill. The law also repeals the provision providing for a joint committee between the academy and nearby towns.

Private and Special Law 2001, chapter 61 was enacted as an emergency measure effective April 1, 2002.

Joint Standing Committee on Education and Cultural Affairs

LD 2143

An Act Regarding the Local Governance of School Administrative Units

PUBLIC 588

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	S-479

LD 2143 was reported out to the Senate by the Joint Standing Committee on Education and Cultural Affairs pursuant to Joint Order 2001, S.P. 773. The bill proposed to implement certain recommendations of the interim report of the Task Force on School Governance convened by the State Board of Education at the request of the Joint Standing Committee on Education and Cultural Affairs during the First Regular Session of the 120th Legislature.

The bill proposed to clarify that the primary role and responsibilities of school board members are to serve as policymakers for the school administrative units and that the role and responsibilities of school superintendents are to serve as education leaders and administrators for the school administrative units. The bill proposed to accomplish this by amending provisions of the education statutes to clarify the respective roles and responsibilities of school board members and school superintendents in governing and administering local school administrative units.

Committee Amendment "A" (S-479), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed one change to the bill to clarify the duty of school board members in adopting a policy governing the selection of educational materials for a school administrative unit. This amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 588 implements the recommendations of the interim report of the Task Force on School Governance convened by the State Board of Education at the request of the Joint Standing Committee on Education and Cultural Affairs during the First Regular Session of the 120th Legislature. The law amends provisions of the education statutes to clarify the respective roles and responsibilities of school board members and school superintendents in governing and administering local school administrative units. Under this law, the primary role and responsibilities of school board members are to serve as policymakers for the school administrative units, and the role and responsibilities of school superintendents are to serve as education leaders and administrators for the school administrative units.

Joint Standing Committee on Education and Cultural Affairs

LD 2162

An Act to Supplement Maine's Academic Attainment and to Retain Talent

PUBLIC 700

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL	OTP-AM MAJ	H-1055
BENNETT	ONTP MIN	S-616

LD 2162 proposed to establish a tax credit for individuals or corporations that provide a contribution that promotes the postsecondary educational attainment of Maine residents or that promote the migration of college-educated persons to work in Maine. To accomplish this, the bill proposed to do the following:

1. Provide that contributions eligible for a tax credit include funds contributed by an individual or corporation to a qualified scholarship organization, which is a 501(c)(3) corporation and is certified by the Secretary of State, whose purpose is to provide 95% of the contribution it receives to award student financial assistance to Maine residents to attend institutions of higher education and to repay educational loans of persons who migrate to the State for employment purposes;
2. Provide that contributions eligible for a tax credit include funds contributed to provide for need-based scholarships and the repayment of postsecondary educational loans for eligible residents of the State, including displaced workers, who are or will be attending a public or private institution of higher education in the State;
3. Provide that contributions eligible for a tax credit include funds contributed to provide for the repayment of postsecondary education loans for residents of the State who, upon graduation from a public or private institution of higher education outside of the State, return to the State to be employed by a business or organization in the State or to be self-employed in the State or for any person who, upon graduation from an accredited public or private institution of higher education outside of the State, resides in the State and is employed by a business or organization in the State or resides in the State and is self-employed;
4. Provide that the tax credit is 10% of the amount contributed in tax year 2002 and 50% of the amount contributed in the years after 2002; and further provide that the credit may not reduce the contributor's Maine income tax to less than zero; and
5. Establish that, beginning January 1, 2003 and pursuant to legislation enacted during the Second Regular Session of the 120th Legislature to implement the recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment, the advisory council established to address policies related to higher education attainment in the State shall review the policy alternatives available to the Legislature in creating an endowment fund for the benefit of eligible residents of the State to meet the high cost of attending an institution of higher education. The advisory council shall submit a report, including any suggested legislation, by December 1, 2003. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over education matters may report out a bill to the Second Regular Session of the 121st Legislature.

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Committee Amendment “A” (H-1055), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Taxation, proposed to strike and replace the bill to clarify the tax credits established for individuals or corporations that provide a contribution that promotes the postsecondary educational attainment of Maine residents or that promotes the recruitment and retention of college-educated persons to work in Maine. To accomplish these purposes, the amendment proposed to do the following:

1. Provide tax credits against the income tax and the insurance premium tax equal to a certain proportion, 10% during taxable years beginning in 2003, 20% for taxable years beginning in 2004 and 50% for taxable years beginning after 2004, of the amount contributed by an individual or corporation to a qualified scholarship organization that is a private, nonprofit 501(c)(3) corporation that provides need-based scholarships and is either affiliated with an accredited public or private institution of higher education in the State or that has filed as a nonprofit corporation with the Secretary of State on or before April 1, 2002 and remains in good standing;
2. Provide recruitment tax credits against the income tax and the insurance premium tax equal to a certain proportion, 10% during taxable years beginning in 2003 or 15% for taxable years beginning after 2003, of the amount paid by an employer to a creditor on behalf of certain employees for the purpose of repaying the employee's outstanding postsecondary education loans;
3. Provide that the total tax credit may not exceed \$2,000 for an individual taxpayer or \$10,000 for each taxpayer who is a corporation or an employing unit. It also proposed that the contribution may not directly benefit the taxpayer claiming the credit or those directly related to a taxpayer that is claiming the credit. It further proposed that the tax credits may not reduce the contributor's Maine income tax to less than zero but may be carried over for 5 taxable years;
4. Require annual reporting of the costs and effectiveness of the tax credit programs by the Finance Authority of Maine, in conjunction with the Department of Administrative and Financial Services, Maine Revenue Services, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters;
5. Authorize the Finance Authority of Maine to establish routine technical rules for the application, eligibility and annual filing requirements necessary to implement the certification of qualified scholarship organizations, including any rules necessary to establish fees and penalties to ensure that a qualified scholarship organization is fulfilling its purpose in accordance with this tax program. The amendment proposed that the authority be required to submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters by January 30, 2003 on the rule-making process and rules established to implement the tax credits;
6. Establish that, beginning January 1, 2003 and pursuant to legislation that may be enacted during the Second Regular Session of the 120th Legislature to implement the recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment, the advisory council established to address policies related to higher education attainment in the State review the policy alternatives available to the Legislature in creating an endowment fund for the benefit of eligible residents of the State to meet the high cost of attending an institution of higher education. The amendment proposed that the advisory council submit a report, including any suggested legislation, by December 1, 2003.

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Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the Second Regular Session of the 121st Legislature; and

7. Add a fiscal note to the bill.

Committee of Conference Amendment “A” to Committee Amendment “A” (S-616), which was the unanimous report of the Committee of Conference, proposed to retain the provisions of Committee Amendment “A” with the following changes:

1. Change modifications to federal income in connection with the educational investment tax credit and the recruitment credit;
2. Place a contingent effective date on the initial tax credit scheduled to take effect for the 2003 tax year. The tax credit of 10% would take effect only if there are sufficient funds in the General Fund unappropriated surplus at the close of fiscal year 2001-02 to cover the cost of the tax credit, estimated to be \$271,294. The tax credit for tax years after 2003 would be unaffected by the contingency; and
3. Add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 700 establishes a tax credit for individuals or corporations that provide a contribution that promotes the postsecondary educational attainment of Maine residents or that promotes the recruitment and retention of college-educated persons to work in Maine. To accomplish these purposes, the law enacts the following provisions:

1. It provides tax credits against the income tax and the insurance premium tax equal to a certain proportion, 10% during taxable years beginning in 2003, 20% for taxable years beginning in 2004 and 50% for taxable years beginning after 2004, of the amount contributed by an individual or corporation to a qualified scholarship organization that is a private, nonprofit 501(c)(3) corporation that provides need-based scholarships and is either affiliated with an accredited public or private institution of higher education in the State or that has filed as a nonprofit corporation with the Secretary of State on or before April 1, 2002 and remains in good standing;
2. It provides recruitment tax credits against the income tax and the insurance premium tax equal to a certain proportion, 10% during taxable years beginning in 2003 or 15% for taxable years beginning after 2003, of the amount paid by an employer to a creditor on behalf of certain employees for the purpose of repaying the employee's outstanding postsecondary education loans;
3. It provides that the total tax credit may not exceed \$2,000 for an individual taxpayer or \$10,000 for each taxpayer who is a corporation or an employing unit. It also provides that the contribution may not directly benefit the taxpayer claiming the credit or those directly related to a taxpayer that is claiming the credit. It further provides that the tax credits may not reduce the contributor's Maine income tax to less than zero but may be carried over for 5 taxable years;

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4. It requires annual reporting of the costs and effectiveness of the tax credit programs by the Finance Authority of Maine, in conjunction with the Department of Administrative and Financial Services, Maine Revenue Services, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters;
5. It authorizes the Finance Authority of Maine to establish routine technical rules for the application, eligibility and annual filing requirements necessary to implement the certification of qualified scholarship organizations, including any rules necessary to establish fees and penalties to ensure that a qualified scholarship organization is fulfilling its purpose in accordance with this tax program. The authority is also required to submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters by January 30, 2003 on the rule-making process and rules established to implement the tax credits;
6. It places a contingent effective date on the initial tax credit scheduled to take effect for the 2003 tax year. The tax credit of 10% would only take effect if there are sufficient funds in the General Fund unappropriated surplus at the close of fiscal year 2001-02 to cover the cost of the tax credit, estimated to be \$271,294. The tax credit for tax years after 2003 is unaffected by the contingency; and
7. It establishes that, beginning January 1, 2003 and pursuant to legislation that may be enacted during the Second Regular Session of the 120th Legislature to implement the recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment, the advisory council established to address policies related to higher education attainment in the State shall review the policy alternatives available to the Legislature in creating an endowment fund for the benefit of eligible residents of the State to meet the high cost of attending an institution of higher education. The advisory council shall submit a report, including any suggested legislation, by December 1, 2003. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the Second Regular Session of the 121st Legislature.

LD 2188

An Act Regarding the Withdrawal of Lake View Plantation from School Administrative District No. 41

ONTP

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

LD 2188 proposed to change the way the costs of School Administrative District No. 41 are apportioned among the municipalities in that district, beginning June 30, 2003. The bill proposed to require the municipality of Lake View Plantation to pay the full municipal share of the cost of the education of an exceptional student who is a resident of Lake View Plantation beginning June 30, 2002. The bill also proposed to provide that if Lake View Plantation withdraws from School Administrative District No. 41 on or after June 30, 2002, Lake View Plantation would be responsible for its share of the debt of the district.

At the end of the session, the Education Committee, by letter, requested that the Commissioner of Education would address the withdrawal petition submitted by Lake View Plantation as a high priority and that the department would remain actively engaged in the review of this withdrawal petition so that a final

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withdrawal agreement could be completed on or before September 30, 2002. The Education Committee also requested that -- in the event that a withdrawal agreement is not approved by the member municipalities of the district by this date -- the Commissioner report this result to Education Committee members so that the Education Committee can consider any necessary recommendations regarding this matter that should be forwarded to the joint standing committee of the Legislature having jurisdiction over education matters during the 121st Legislature.

LD 2209

An Act to Implement the Recommendations of the Secretary of State and the University of Maine System to Develop a Comprehensive Plan for Preserving and Protecting Historical Records and Access to Those Records

PUBLIC 704

Sponsor(s)

Committee Report

Amendments Adopted

S-603 GOLDTHWAIT

LD 2209 was introduced by the Joint Standing Committee on Education and Cultural Affairs pursuant to the authority provided to the committee under Resolve 2001, chapter 10. The bill proposed to implement certain recommendations presented to the Second Regular Session of the 120th Legislature as part of the comprehensive plan for preserving and protecting historical records and access to those records developed by the Secretary of State, the University of Maine System and the Maine Historical Records Advisory Board. The bill proposed to accomplish the following:

1. Establish an enforcement mechanism for the existing statutory requirement that local governments provide a fireproof safe or vault for the preservation of records by directing each local government to respond to a survey distributed biennially by the State Archivist regarding the adequacy of the measures taken by the local government to comply with this record preservation requirement;
2. Establish an enforcement mechanism for the existing statutory requirement that local governments retain and preserve archival records currently in a digital format by directing each local government to respond to a survey distributed biennially by the State Archivist regarding the adequacy of the measures taken by the local government to comply with this archival record retention and preservation requirement;
3. Codify in statutes the existing Maine Historical Records Advisory Board, established pursuant to Executive Order No. 7 and ordered on January 30, 1989, and permit the members currently serving on this advisory board to continue serving their terms of office as initial members of the statutory advisory board;
4. Require the Governor, beginning with the 2004-2005 biennium, to include in the budget submitted to the Legislature each biennium a line item to permit expenditure of nonstate General Fund revenues, including federal funds, grants or gifts and a proposed line item to support a full-time position funded from nonstate General Fund revenues.
5. Provide an allocation from the Federal Expenditures Fund and Other Special Revenue funds to carry out the purposes of the bill.

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Senate Amendment “A” (S-603) proposed to add a mandate preamble to the bill.

Enacted law summary

Public Law 2001, chapter 704 implements certain recommendations included in the comprehensive plan for preserving and protecting historical records and access to those records developed by the Secretary of State, the University of Maine System and the Maine Historical Records Advisory Board. The law enacts provisions included in a bill introduced by the Joint Standing Committee on Education and Cultural Affairs pursuant to the authority provided to the committee under Resolve 2001, chapter 10. The law directs each local government to respond to a survey distributed biennially by the State Archivist regarding the adequacy of the measures taken by the local government to comply with existing statutory requirements regarding the provision of a fireproof safe or vault for the preservation of records and the retention and preservation of archival records currently in a digital format.

The law also codifies in statutes the existing Maine Historical Records Advisory Board, established pursuant to Executive Order No. 7 on January 30, 1989, and permits the members currently serving on this advisory board to continue serving their terms of office as initial members of the statutory advisory board. The law further requires that the Governor, beginning with the 2004-2005 biennium, include in the budget submitted to the Legislature each biennium a line item to permit expenditure of nonstate General Fund revenues, including federal funds, grants or gifts and a proposed line item to support a full-time position funded from nonstate General Fund revenues.

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