

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

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

JULY 1997

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

LD 1628

An Act to Expand the Board of Trustees of the University of Maine System

ONTP

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

LD 1628 proposed to add three additional members to the Board of Trustees of the University of Maine System representing full-time faculty, professional, administrative, clerical and office employees and adjunct and part-time faculty.

Committee Amendment "A" (S-289), the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to establish a separate trustee to represent the clerical and office employees bargaining unit, as well as a separate trustee to represent the service and maintenance employees bargaining unit and would have eliminated the bargaining unit representing the adjunct and part-time faculty from being added to the University of Maine System Board of Trustees.

LD 1632

An Act to Improve Taxpayer Equity in School Funding

ONTP

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

LD 1632 proposed to further require the State to use a school unit's weighted relative fiscal capacity to calculate a unit's local share of program costs. The Committee to Study Organizational and Tax Issues in Public Schools, as established by the 116th Legislature, issued its final report in February of 1995. That report recognized the use of property values as the exclusive measure of a municipality's ability to pay its local share of education costs. The report recommended the use of income and costs of living along with property values in the formula used to distribute general purpose aid for education.

In response to the committee's report, the 117th Legislature passed the School Finance Act of 1995. That Act introduced income, as modified by a regional cost-of-living factor as a 15% factor, in the calculation of municipal ability to pay. Property value unadjusted for cost of living was left as an 85% factor. This bill increases the weight of the income factor to 25%. It also uses the cost-of-living factor to adjust a municipality's property values. This bill proposed to further require the State to use a school unit's weighted relative fiscal capacity to calculate a unit's local share of program costs. Those costs are substantial in most school units but current law only uses a unit's property value to calculate the unit's local share.

LD 1637

An Act to Authorize Interest-only Interim Financing in the School Construction Funding Process

PUBLIC 397

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	S-328

LD 1637 proposed to authorize the Appleton, Camden, Hope, Lincolnville and Rockport Community School District, the creation of which was authorized by the Legislature in 1994, to issue bonds or notes for school construction purposes to build a high school serving grades nine to 12 in those communities. Upon completion of the new school facility, the district would assume responsibility for operating grades nine to 12 as contemplated in the enabling legislation. In order to ensure that the State would not exceed the maximum debt service limit established in the Maine Revised Statutes, Title 20-A, section 15905, and to avoid any negative impact on the timing and relative priority of other school construction projects presently awaiting approval by the State Board of Education, the Appleton, Camden, Hope, Lincolnville and Rockport Community School District would be required to treat all of the debt service on the project during the fiscal year in which the bonds for the project were issued and the next five fiscal years as locally funded debt service without state participation. The state share of debt service allocation for the project during this initial period would be added to the district's state-local allocation for debt service in equal installments in each of the remaining fiscal years that the bonds for the project remain outstanding after the initial period. During these remaining fiscal years after the initial period, the district would be responsible for the local share of debt service allocation calculated in accordance with state law.

Committee Amendment "A" (S-328) proposed to replace the bill and change the title. This amendment proposed to authorize the State Board of Education to establish an interest-only interim financing provision in law so that this school construction financing mechanism would be available to all school administrative units in the State rather than just the Appleton, Camden, Hope, Lincolnville and Rockport Community School District.

This amendment also proposed the following provisions:

1. The State Board of Education may accelerate the dates on which it could grants concept approval and funding approval for a school construction project which has been placed on the special priority list on the condition that the school administrative units would provide interest-only interim local financing project;
2. The school administrative unit must submit a referendum question to the voters and must receive voter approval for the project which is subject to interest-only interim local financing. Should voters not approve the interim-only school construction project, the project would remain eligible for state board concept and funding approval at the time it would have received such approval under normal funding circumstances; and
3. The interest-only payments made by a school administrative unit during the period of interim financing must be paid from local funds without state participation and would not be included in the unit's debt service costs for state subsidy purposes.

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

Enacted law summary

Public Law 1997, chapter 397 authorizes the State Board of Education to establish an interest-only interim financing provision in law so that this alternative school construction financing mechanism may be available to all school administrative units in the State.

This law contains the following provisions:

1. The State Board of Education may accelerate the dates on which it grants concept approval and funding approval for a school construction project which has been placed on the special priority list on the condition that the school administrative units will provide interest-only interim local financing project;

2. The school administrative unit must submit a referendum question to the voters and must receive voter approval for the project which is subject to interest-only interim local financing. Should voters not approve the interim-only school construction project, the project remains eligible for state board concept and funding approval at the time it would have received such approval under normal funding circumstances; and
3. The interest-only payments made by a school administrative unit during the period of interim financing must be paid from local funds without state participation and may not be included in the unit's debt service costs for state subsidy purposes.

LD 1638 An Act to Establish a Higher Standard for Appropriate Education of Students with Disabilities ONTP

<u>Sponsor(s)</u> PENDLETON P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1638 proposed to replace the general provisions that govern the identification, evaluation, assessment and placement of children requiring special education. The purpose of this bill, which is based on Massachusetts law, is to provide a flexible and uniform system of special education program opportunities for all children requiring special education; and to provide a flexible and nondiscriminatory system for identifying and evaluating the individual needs of such children; and to facilitate the realization of the educational potential of each child.

LD 1643 Resolve, Directing the State Board of Education to Add Consolidation to the School Construction Rating System ONTP

<u>Sponsor(s)</u> COWGER TREAT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1643 proposed to direct the State Board of Education to amend its rules governing the school construction rating process to include a category that awards points for school consolidation and proposed to direct the State Board of Education to establish criteria for evaluating whether consolidation is warranted for a project. This resolve also proposed to direct the State Board of Education to establish subsidy incentives for approved school construction projects that include consolidation.

LD 1652 An Act to Establish the Dirigo Higher Education Bond Program to Provide Financial Aid to Maine Students CARRIED OVER

<u>Sponsor(s)</u> DAVIDSON	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1652 proposes to establish the Dirigo Higher Education Bond Program to provide financial aid to Maine students under the administration of the Finance Authority of Maine. The program is designed to offer bonds, for