

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
EDUCATION AND CULTURAL AFFAIRS

MAY 1998

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

***Summary Of Legislation Before The Joint Standing Committees
May 1998***

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

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized 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>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 ToPass 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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

Enacted law summary

Public Law 1997, chapter 599 alters the composition of the Board of Trustees of the Maine Public Broadcasting Corporation in the following manner:

1. It requires that, by January 1, 1999 and thereafter, the Governor appoint two additional public trustees, subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate; and
2. It also requires the board to amend the Maine Public Broadcasting Corporation bylaws by January 1, 1999 to reflect the different methods of appointing public trustees to the board.

LD 1725

An Act to Authorize School Administrative Units to Enter into Multi-year Agreements for Telecommunications Services

PUBLIC 664

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS O'NEAL	OTP-AM	S-628

LD 1725 was carried over from the First Regular and First Special Sessions and proposed to provide school administrative units with the fiscal powers required to construct and finance fiber-optic systems. The bill further proposed to authorize school administrative units, including municipalities, school administrative districts, community school districts and applied technology regions, to enter into interlocal agreements and to form nonprofit corporations in order to construct and operate fiber-optic cable systems for educational purposes to provide interactive audio-visual communication among school administrative units. Such fiber-optic systems have the potential to improve public education and to reduce school transportation and construction costs by providing a practical and inexpensive means of consolidating school programs, particularly in the more rural areas of the State.

Committee Amendment "A" (S-628) proposed to replace the original bill and amend the bill title. The amendment further proposed to accomplish the following:

1. It would authorize governing bodies of school administrative units and applied technology regions to:
 - A. Enter into service agreements for not more than 10 years with private entities, such as telecommunications service providers, to purchase telecommunications services for educational purposes;
 - B. Enter into interlocal agreements in accordance with the Maine Revised Statutes, Title 30-A, chapter 115; and
 - C. Organize or cause to be organized joint boards and legal entities including public nonprofit corporations under Title 13, chapter 81 and Title 13-B to purchase telecommunications services and to acquire customer premise telecommunications and related technology equipment.

2. It would provide for the legal and tax status of a joint board or governing body of a legal entity formed under this Act by:
 - A. Requiring that the interlocal agreement provide for appointment or election of each member of a legal governing entity formed under this Act by the governing body of one or more of the constituent members of the interlocal agreement;
 - B. Allowing the body of the legal governing entity formed to purchase telecommunications services and acquire, purchase, lease and lease-purchase customer premise telecommunications and related technology equipment on behalf of the constituent members of the interlocal agreement;
 - C. Exempting all income derived from the acquisition, purchase, lease and lease-purchase of customer premise telecommunications and related technology equipment from state taxation since these purchases constitute a proper public purpose; and
 - D. Requiring that, in the event that the legal governing entity formed is dissolved, the distribution of the net earnings and all property owned by the legal governing entity formed must be determined by the joint board or governing body of the legal governing entity formed and may not inure to the benefit of any private person.

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

Enacted law summary

Public Law 1997, chapter 664 provides school administrative units with the fiscal powers required to construct and finance fiber-optic systems for educational purposes to provide interactive audio-visual communication among school administrative units. The law accomplishes the following:

1. It authorizes governing bodies of school administrative units and applied technology regions to:
 - A. Enter into service agreements for not more than 10 years with private entities, such as telecommunications service providers, to purchase telecommunications services for educational purposes;
 - B. Enter into interlocal agreements in accordance with the Maine Revised Statutes, Title 30-A, chapter 115; and
 - C. Organize or cause to be organized joint boards and legal entities including public nonprofit corporations under Title 13, chapter 81 and Title 13-B to purchase telecommunications services and to acquire customer premise telecommunications and related technology equipment.
2. It provides for the legal and tax status of a joint board or governing body of a legal entity

formed under this law by:

- A. Requiring that the interlocal agreement provide for appointment or election of each member of a legal governing entity formed under this law by the governing body of one or more of the constituent members of the interlocal agreement;
- B. Allowing the body of the legal governing entity formed to purchase telecommunications services and acquire, purchase, lease and lease-purchase customer premise telecommunications and related technology equipment on behalf of the constituent members of the interlocal agreement;
- C. Exempting all income derived from the acquisition, purchase, lease and lease-purchase of customer premise telecommunications and related technology equipment from state taxation since these purchases constitute a proper public purpose; and
- D. Requiring that, in the event that the legal governing entity formed is dissolved, the distribution of the net earnings and all property owned by the legal governing entity formed must be determined by the joint board or governing body of the legal governing entity formed and may not inure to the benefit of any private person.

LD 1769

An Act to Authorize Additional Adjustments to the State Share of School Funding

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND KILKELLY	OTP-AM	

LD 1769 was carried over from the First Regular and First Special Sessions and proposed to amend the adjustment provisions of the school finance laws. This bill proposed to accomplish the following:

1. It would require the state share of subsidizable education costs statewide to be at least 50 percent annually;
2. It would establish a five percent incentive adjustment to promote administrative consolidation of schools within a school administrative unit;
3. It would require the Commissioner of Education to repay each school administrative unit the amounts withheld from that unit in fiscal year 1991-92 and would establish a five-year repayment period beginning in fiscal year 1997-98;
4. It would require the commissioner to propose the legislation necessary to provide 100 percent state funding for any costs that school administrative units incur in implementing the system of learning results;
5. It would establish a one-year moratorium on new school construction funds until a statewide school facilities inventory and an independent evaluation are completed; and