

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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Sen. Mary R. Cathcart
Sen. Mary E. Small

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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:

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

Please note 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.

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

Sponsor(s)
DESMOND
KILKELLY

Committee Report
OTP-AM

Amendments Adopted

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

6. It would repeal the provisions related to adjustments for geographic isolation and nonpublic school service.

Committee Amendment "A" (H-955), proposed to replace the bill. The amendment further proposed to direct the Commissioner of Education to repay local school administrative units the so-called "general purpose aid push" from fiscal year 1990-91 by making a June 1998 subsidy payment of \$39,226,420 as part of the fiscal year 1997-98 supplemental appropriations budget. While this bill was indefinitely postponed, the substance of this amendment was enacted as part of the supplemental appropriations bill with a \$39,226,419 appropriation in fiscal year 1997-98 (see Public Law 1997, chapter 643, part A).

House Amendment "A" to Committee Amendment "A" (H-972), proposed to require the Department of Education to submit legislation to the 119th Legislature that would replace the current school funding formula with the school funding formula in place on January 1, 1985. The amendment was not adopted.

LD 1778 An Act to Establish the Maine Prepaid College Tuition Program ONTP

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

LD 1778 was carried over from the First Regular and First Special Sessions and proposed to establish the Maine Prepaid College Tuition Program, administered by a board of trustees with the administrative support of the Treasurer of State. The program would have provided for advance purchase by parents of tuition and housing contracts at current prices that would have provided for future attendance by their children at campuses of the University of Maine System, the Maine Technical College System or the Maine Maritime Academy. Funds under the contracts could also have been used for attendance at private colleges and universities and to out-of-state public institutions of higher education up to the amount that would have been paid to an in-state institution under the contract.

LD 1825 An Act to Authorize a Tuition Savings Plan to Encourage Attendance at Institutions of Higher Education PUBLIC 732

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON P KONTOS	OTP-AM MAJ OTP-AM MIN	S-620

LD 1825 was carried over from the First Regular and First Special Sessions and proposed to create the Maine Tuition Savings Program to assist residents of the State in meeting the costs of higher education. The bill proposed to provide a mechanism for people to save for education, including favorable tax considerations. This bill is designed to allow a participant to benefit from recently enacted federal tax law providing favorable treatment to tuition savings plans.

Committee Amendment "A" (S-620), the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to replace the bill. The amendment proposed to create the Maine College Savings Program to assist Maine residents in meeting the expenses of higher education. Under the program, participants