

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.

the System of Learning Results (career preparation, foreign languages and performing arts); and

3. It would require the Legislature to enact legislation defining “essential education services” and to fund at least 51 percent of the costs of essential education services beginning in fiscal year 1999-2000.

Committee Amendment "A" (H-979) proposed to replace the bill and to change the bill's title. The amendment proposed to strike the statutory provisions that limited both the Commissioner of Education's recommended funding level and the Legislature's appropriation for general purpose aid to local schools to 105 percent of the corresponding appropriation for the prior fiscal year. The amendment also proposed to add a fiscal note to the bill.

Public Law 1997, chapter 643, part D, sections 2 and 4 limits the Commissioner of Education's recommended funding level and the Legislature's appropriation for general purpose aid to local schools to the funding level in effect for the fiscal year then in progress. The law also establishes that additional appropriations for general purpose aid to local schools may be requested in a supplemental appropriations budget bill.

Senate Amendment "A" to Committee Amendment "A" (S-752) proposed to strike the statutory provisions that limit both the Commissioner of Education's recommended funding level and the Legislature's appropriation for the general purpose aid to local schools to the funding level for the prior fiscal year.

Enacted law summary

Public Law 1997, chapter 724 removes the statutory provisions that limit both the Commissioner of Education's recommended funding level and the Legislature's appropriation for general purpose aid to local schools to the funding level for the prior fiscal year. The law clarifies that the Commissioner of Education, with the approval of the State Board of Education, shall recommend funding levels for actual education costs (defined as state and local expenditures during the base year for the programs and adjustments specified in Maine Revised Statutes, Title 20-A, sections 15604 and 15612). The law further establishes that the Legislature's contribution for general purpose aid to local schools must be at least the amount of the corresponding appropriation for the prior fiscal year.

LD 2061

An Act to Establish the Endowment Incentive Program

**DIED ON
ADJOURNMENT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| BAKER C CATHCART | OTP-AM | |

LD 2061 proposed to establish the Endowment Incentive Fund for the University of Maine System to benefit public higher education. The bill proposed to encourage private fund raising by allowing the University of Maine System donors to multiply the value of their gifts through state matching funds.

Committee Amendment "A" (H-1000) proposed to replace the bill. The amendment would have established the Endowment Incentive Fund for the University of Maine System, the Maine Technical College System and the Maine Maritime Academy to benefit academic purposes at the various campuses of Maine's publicly assisted postsecondary education institutions. The amendment proposed to accomplish the following:

1. The Endowment Incentive Fund would be established as a nonlapsing fund, and the Treasurer of State would be responsible for the custodial care of the fund and may deposit state funds pursuant to the Maine Revised Statutes, Title 5, section 135; the Treasurer of State would also be responsible for disbursement of the fund upon certification that established criteria are met;
2. Interest earned on the investment of the fund would be credited to the General Fund;
3. For the administration of the fund, "academic purposes" would be defined as scholarships, professorships or other endowed faculty positions;
4. The respective boards of trustees for the three entities would be required to adopt criteria establishing qualifications for private gifts and grants to be matched from the fund; and for each campus within the University of Maine System, the board of visitors would advise their respective campus president on the qualifications that are to be included in the final recommendations to the Board of Trustees of the University of Maine System;
5. Qualified recipients of private donations eligible for matching funds would be the respective institutions of the three postsecondary entities, as well as institutionally related foundations; and qualified institutionally related foundations would have the authority to receive and manage the investment of matching funds and may, at their discretion, deposit funds allocated to them. Unless otherwise restricted by the donors, qualified recipients may also combine, merge or pool these funds with other similar funds at the system level;
6. Matching funds would be made available to the three publicly-assisted postsecondary entities on a percentage basis. The amount of matching funds available to these entities would be determined exclusively by the amount of General Fund appropriated to the fund established in this amendment;
7. The Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System would be required to ensure that the funds distributed to the University of Maine System and to the Maine Technical College System are allocated to each of the colleges in the respective systems in accordance with the formula that the respective board of trustees adopts for the distribution of education and general funds;
8. The board of trustees of each qualified institution and qualified institutionally related foundation would be required to provide an annual audited report to the Governor and the Legislature on the management and investment of matching funds disbursed to them;
9. The amendment proposed to clarify that the Treasurer of State is responsible for disbursement of the fund upon certification by the Chancellor of the University of Maine System, the President of the Maine Technical College System or the President of the Maine Maritime Academy that established criteria are met; and
10. The amendment further proposed to establish that the respective boards of trustees for the three entities would set reporting and accountability standards for the state matching funds for the individual campus development offices and the institutionally related foundations, when appropriate.

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