

# 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](http://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.

resolve. Under the rule as amended, until July 1, 1999, regional site employed providers would not be eligible to serve on the advisory boards, except that providers employed by a site and currently serving on advisory boards may continue to serve in that capacity until July 1, 1999. The amendment also proposed to require the department to report back to the joint standing committee of the Legislature having jurisdiction over education matters on implementation of the rule.

***Enacted law summary***

Resolve 1997, chapter 106 authorizes the final adoption of the major substantive rule governing the membership and operation of regional provider advisory boards to the Child Development Services System regional boards of directors as long as the Department of Education amends the rule as provided in this resolve. Under the rule as amended, until July 1, 1999, regional site-employed providers may not serve on the advisory boards, except that providers employed by a site and currently serving on advisory boards may continue to serve in that capacity until July 1, 1999. The law also requires the department to report back to the joint standing committee of the Legislature having jurisdiction over education matters on implementation of the rule. This bill was enacted as an emergency measure effective on April 1, 1998.

**LD 2252**

**An Act to Implement the Recommendations of the Governor's Commission on School Facilities**

**PUBLIC 787  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD PENDLETON P	OTP-AM	H-1088 H-1143 RICHARD S-634 NUTTING S-637 MICHAUD S-698 PENDLETON P S-743 MICHAUD

LD 2252 proposed to provide for the implementation of recommendations from the Governor's Commission on School Facilities. The bill proposed to accomplish the following:

1. It would establish a debt service factor that permits schools that accept tuition students to charge an additional fee to help cover the cost of school construction or renovation;
2. It would establish the Maine School Facilities Finance Program within the Maine Municipal Bond Bank to provide capital financing for construction, renovation and maintenance of school facilities and the leasing and purchase of needed equipment and school facilities;
3. It would establish the School Revolving Renovation Fund within the Maine School Facilities Finance Program to provide loans to school administrative units for health, safety and compliance repairs, as well as for limited nonemergency repairs, upgrades of learning spaces and small-scale capital improvements;
4. It would provide for interest-free loans and loan forgiveness for eligible school administrative units;

5. It would provide a \$20,000,000 appropriation from the General Fund to fund the School Revolving Renovation Fund;
6. It would revise the terms of compensation for lease costs of school facilities;
7. It would require that school administrative units establish maintenance and capital improvement programs for all school facilities; and
8. It would provide \$425,000 for software for Maine schools to establish maintenance and capital improvement plans and an electronic inventory of school facilities.

**Committee Amendment "A" (H-1088)** proposed to amend the bill that provides for the implementation of recommendations from the Governor's Commission on School Facilities. The amendment also proposed to add an emergency preamble, an emergency clause and a mandate preamble to the bill. The amendment proposed to accomplish the following:

1. It would increase from \$20,000,000 to \$30,000,000 an appropriation from the General Fund to fund the School Revolving Renovation Fund;
2. It would provide that school construction and renovation rules authorized under this amendment are designated as major substantive rules; and, must be initially adopted as emergency rules under the provisions of the Maine Revised Statutes, Title 5, sections 8054 and 8073. In adopting emergency major substantive rules as provided, the Department of Education must hold at least one public hearing on the rules, publish notice of the rulemaking at least three to 10 days prior to the public hearing under Title 5, section 8053, subsection 5, paragraph A and comply with Title 5, section 8056, subsection 1, paragraphs A and B. These emergency major substantive rules must also be provisionally adopted and filed with the Legislature for review during the First Regular Session of the 119th Legislature; and
3. It would authorize the Department of Education, the State Board of Education and the Department of Administrative and Financial Services, Bureau of General Services to establish a stakeholder group to review and discuss alternative construction methods and delivery systems for school construction. The stakeholder group shall report its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs in the 119th Legislature by January 30, 1999.

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

**House Amendment "A" to Committee Amendment "A" (H-1143)** proposed to provide that the School Revolving Renovation Fund may be used to make loans to refund bonds or notes of a school administrative unit issued for the purpose of financing certain repairs if sold after June 1, 1998. Committee Amendment "A" proposed to provide that this fund may be used to make loans to refund these bonds or notes if sold after July 1, 1998.

**Senate Amendment "A" to Committee Amendment "A" (S-634)** proposed to require the stakeholder group, as part of its duties, to review all issues surrounding appropriate errors and insurance levels.

**Senate Amendment "B" to Committee Amendment "A" (S-637)** proposed to permit newly incurred capital outlay and debt service costs for a school construction project approved for funding by voters on or after June 1, 1998 to be included in the debt service factor that a receiving school administrative unit may charge to school administrative units that send tuition students to a public elementary or a public secondary school. The committee

amendment proposed to provide that only projects approved on or after July 1, 1998 may be included in the debt service factor.

**Senate Amendment "C" to Committee Amendment "A" (S-698)** proposed to change the structure of a unit of law and corrects an internal reference.

**Senate Amendment "D" to Committee Amendment "A" (S-743)** proposed to eliminate the \$30,000,000 included in the committee amendment for renovations since Public Law 1997, chapter 643, Part S, section 6 provided a \$20,000,000 General Fund appropriation for school renovation costs. The amendment further proposed to offset the appropriation included in chapter 643 to provide the funding necessary to assist school administrative units in developing comprehensive local maintenance and capital improvement plans. In addition, the amendment proposed to adjust the schedule for payments to the Maine Municipal Bond Bank to conform with the appropriated amounts. The amendment also proposed to replace the fiscal note.

### *Enacted law summary*

Public Law 1997, chapter 787 provides for the implementation of recommendations from the Governor's Commission on School Facilities. The law accomplishes the following:

1. Establishes the Maine School Facilities Finance Program within the Maine Municipal Bond Bank to provide capital financing for construction, renovation and maintenance of school facilities and the leasing and purchase of needed equipment and school facilities;
2. Establishes the School Revolving Renovation Fund within the Maine School Facilities Finance Program to provide loans to school administrative units for health, safety and compliance repairs, as well as for limited nonemergency repairs, upgrades of learning spaces and small-scale capital improvements;
3. Provides for interest-free loans and loan forgiveness for eligible school administrative units;
4. Provides a \$20,000,000 appropriation from the General Fund to fund the School Revolving Renovation Fund;
5. Revises the terms of compensation for lease costs of school facilities;
6. Requires that school administrative units establish maintenance and capital improvement programs for all school facilities;
7. Provides \$425,000 for software for Maine schools to establish maintenance and capital improvement plans and an electronic inventory of school facilities;
8. Establishes a debt service factor that permits schools that accept tuition students to charge an additional fee to help cover the cost of school construction or renovation. Newly incurred capital outlay and debt service costs for a school construction project approved for funding by voters on or after June 1, 1998 may be included in the debt service factor that a receiving school administrative unit may charge to school administrative units that send tuition students to a public elementary or a public secondary school;
9. Provides that school construction and renovation rules authorized under this amendment are designated as major substantive rules; and, as provisionally adopted rules by the Department of Education, must be initially adopted as emergency rules under the provisions of the Maine Revised Statutes, Title 5, sections 8054 and 8073. In adopting emergency major substantive rules as provided, the Department of Education must hold at

least one public hearing on the rules, publish notice of the rulemaking at least three to 10 days prior to the public hearing under Title 5, section 8053, subsection 5, paragraph A and comply with Title 5, section 8056, subsection 1, paragraphs A and B. These emergency major substantive rules must also be provisionally adopted and filed with the Legislature for review during the First Regular Session of the 119th Legislature; and

10. Authorizes the Department of Education, the State Board of Education and the Department of Administrative and Financial Services, Bureau of General Services to establish a stakeholder group to review and discuss alternative construction methods and delivery systems for school construction.

The stakeholder group shall report its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs in the 119th Legislature by January 30, 1999.

Public Law 1997, chapter 787 was enacted as an emergency measure effective on April 16, 1998.

**LD 2256**

**An Act to Implement the Recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers**

**ONTP**

Sponsor(s)

Committee Report  
ONTP

Amendments Adopted

LD 2256 proposed to implement the recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers created by Resolve 1997, chapter 68. The bill proposed to require elementary and secondary public schools to provide parenting education as part of their curricula. The University of Maine System and the Maine Technical College System would have also been charged with the responsibility of incorporating parenting education into their courses of study. The bill further proposed to require that the assessment of 11th-grade students include an assessment of student proficiency in career preparation.

**LD 2260**

**Resolve, Charging the Children's Cabinet Agencies to Support Efforts of Parents as First Teachers of Their Children**

**RESOLVE 122**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted  
S-568 PENDLETON P

LD 2260 proposed to implement recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers created by Resolve 1997, chapter 68. The resolve proposed to direct the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Human Services and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to develop a fiscal plan for the expansion of state-funded child and family support services and related programs, develop a core curriculum and training program for parents and caregivers and develop a plan to meet identified needs for family support programs. The resolve would also extend the life of the task force until December 15, 1998.

**Senate Amendment "A" (S-568)** proposed to clarify that development and dissemination of core curriculum materials for parents must be accomplished by the appropriate agencies within existing resources. The amendment also proposed to authorize the Task Force to Study Strategies to Support Parents as Children's First Teachers to