

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
110TH LEGISLATURE
FIRST REGULAR SESSION

L.D. 298
(Filing No. H-509)

COMMITTEE AMENDMENT "A" to H.P. 220, L.D. 298, Bill,
"AN ACT to Make Corrections and Clarifications in the Education
Laws."

Amend the Bill by striking out all of section 3.

Further amend the Bill by inserting after section 8 the
following:

'Sec. 9. 20 MRSA §305, 6th ¶, Alternate Method B,
2nd sentence, as amended by PL 1973, c. 571, §23, is further
amended to read:

The portion of the cost that is based on resident pupils shall
be in the same proportion as the ~~October~~ April 1st and ~~April~~
October 1st average of resident pupils of the calendar year
~~preceding-the-convening-of-the-Legislature~~ prior to the year of
assessment in a member municipality bears to the total ~~October~~
April 1st and ~~April~~ October 1st average of resident pupils
of the calendar year ~~preceding-the-convening-of-the-Legislature~~
prior to the year of assessment in the district or municipalities
of the proposed district; the portion of the cost that is
based on state valuation shall be in the same proportion as the
state valuation in a member municipality bears to the total
state valuation in the district or the proposed district.'

Further amend the bill by inserting after section 13 the following:

'Sec. 14. 20 MRSA §2202-A, sub-§5, as enacted by PL 1981, c. 103, §2, is repealed and the following enacted in its place:

5. Exceptions. This section does not apply to the specific degree-granting authority granted to any educational institution by the Legislature prior to the effective date of this section.'

Further amend the bill in section 14, 7th line after the amending clause (6th line in LD) by striking out the following: "1965, and" and inserting in its place the following: '1965 7 and'

Further amend the Bill in section 21 in subsection 3, paragraph A, by inserting at the end the following underlined sentence: 'For the 1981-82 year of distribution only, administrative units that vote to raise local leeway at 1.2 mills and \$125 per pupil or a specified portion of that levy shall not be required to obtain further voter approval for adjustment of state and local shares for local leeway and any appropriation without state participation within the limits previously approved by the unit's legislative body and the Legislature.'

Further amend the bill by inserting after section 21 the following:

'Sec. 22. 27 MRSA §38, as amended by PL 1975, c. 771, §291, is further amended by adding after the first sentence a new sentence to read:

The Maine State Library Bureau is the sole agency authorized to develop, submit and administer or supervise the administration of any state plan required under such law.'

Further amend the bill by inserting at the end before the emergency clause the following:

'Sec. 23. 29 MRSA §2020, as amended by PL 1979, c. 2, is further amended by adding at the end a new paragraph to read:

Vehicles with a carrying capacity of 20 or less passengers, whether publicly or privately owned, used to transport children to day care or head start facilities are exempt from the requirements of this chapter.'

Further amend the bill by renumbering the sections to read consecutively.

Statement of Fact

The purposes of this amendment are as follows.

Section 3 of the bill is stricken out because Title 20, section 102, subsection 18, 2nd sentence is amended by new legislation which corrects the problem.

Section 9 is added because present language is not consistent with the count of pupils for school subsidy purposes. This amendment will clarify the actual counting procedure, make the statute consistent with practice and provide a more recent count for local cost sharing.

Historically, this section was enacted prior to annual sessions of the Legislature and was not changed when the School Finance Act of 1978 was enacted.

A new section 14 is added by this amendment.

Title 20, section 2202-A, subsection 5, enacted by Public Law 1981, chapter 103, section 2, is repealed and replaced to make it the same as the repealed language of Title 20, section 2202, subsection 4. The language makes it arguable that an educational institution could be authorized by the Legislature to grant^a minor degree and thereby become exempt from all requirements under Title 20, section 2202-A. This language had been consistently interpreted by the Department of Educational and Cultural Services to exempt institutions from having to go through the legislative approval process to gain authority to grant degrees which they had already received under earlier charters or other legislative grants of authority. By amending subsection 5, the ambiguity will be removed.

In section 14 of the bill, a comma is removed to make a grammatical correction.

This amendment allows the local units to adjust their local leeway account in 1981-82 without having to seek voter approval a 2nd time.

In section 22 a new ←

→ paragraph is added to Title 27, section 38, which clarifies the designation of the ^{Maine} /State Library/ ^{Bureau} as the agency authorized to develop, submit and administer or supervise the administration of any state plans required under any law of the United States intended to promote public library services.

In section 28 ←

→ A new paragraph is added to Title 29, section 2020, which excludes vehicles which transport passengers to headstart and day care centers from the provisions relating to school buses.

Reported by the Committee on Education.
Reproduced and distributed under the direction of the Clerk of the House.

5/29/81

(Filing No. H-509)