

MAINE STATE LEGISLATURE

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H. of S.

1

L.D. 1658

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(Filing No. S-192)

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STATE OF MAINE

4

SENATE

5

113TH LEGISLATURE

6

FIRST REGULAR SESSION

7

COMMITTEE AMENDMENT " A " to S.P. 552, L.D.
1658, Bill, "AN ACT to Correct, Amend and Improve the
9 Laws Relating to Education."

10

Amend the Bill by inserting after section 4 the
11 following:

12

'Sec. 5. 20-A MRSA §1352, sub-§1, as enacted by
13 PL 1981, c. 693, §§5 and 8, is amended to read:

14

1. Municipal officers. The warrant shall direct
15 the municipal officers within the district to call a
16 referendum on a date and time determined by the board
17 of directors. A warrant shall be prepared and dis-
18 tributed at least 30 days prior to the date of the
19 referendum, except that a warrant for a school dis-
20 trict budget referendum held in accordance with sec-
21 tion 1305, subsection 2, shall be prepared and dis-
22 tributed at least 14 days prior to the date of the
23 referendum.

24

A. The warrant shall be directed to a resident
25 of the district by name, ordering the resident to
26 notify the municipal officers of each of the mu-
27 nicipalities within the district, to call a town
28 meeting or city election on the date specified by
29 the board of directors. No other date may be
30 used. The person who serves the warrant shall
31 make a return on the warrant stating the manner
32 of services and the time when it was given.

33

B. The warrant shall be served on the municipal
34 clerk of each of the municipalities within the
35 district by delivering an attested copy of the
36 warrant in hand within 3 days of the date of the
37 warrant. The municipal clerk, on receipt of the
38 warrant, shall immediately notify the municipal

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1 officers within the municipality. The municipal
2 officers shall forthwith meet, countersign and
3 have the warrant posted.

4 C. The warrants and other notices for the refer-
5 endum shall be in the same manner as provided in
6 Title 21.'

7 Further amend the Bill by striking out all of
8 section 15 and inserting in its place the following:

9 'Sec. 15. 20-A MRSA §13003, sub-§1, ¶A and B,
10 as enacted by PL 1981, c. 693, §§5 and 8, are re-
11 pealed and the following enacted in their place:

12 A. Teach or perform any other professional func-
13 tion defined by this Title or by the state board
14 as requiring certification in any public school
15 in the State; or

16 B. Teach or perform any other professional func-
17 tion defined by this Title or by the state board
18 as requiring certification in any private school
19 receiving basic approval under section 2901.'

20 Further amend the Bill in section 18 by striking
21 out all of subsection 2-A and inserting in its place
22 the following:

23 '2-A. Complaints confidential. Complaints,
24 charges or accusations made and investigated pursuant
25 to section 13001 or chapter 502, replies to those
26 complaints, charges or accusations, and any other in-
27 formation or materials that may result in action to
28 deny, revoke or suspend certification shall be confi-
29 dential, except that the substance of any complaint,
30 charge or accusation may be made available to the su-
31 perintendent of any school unit where the subject of
32 the investigation is employed for the purposes of in-
33 vestigation and to other licensing agencies for the
34 purpose of license action. Any charges or informa-
35 tion filed by the commissioner with the Administra-

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1 tive Court in support of a petition to revoke or sus-
2 pend certification and, any pleadings or evidence
3 filed in an adjudicatory proceeding, any decision of
4 the court shall--be or of the commissioner after an
5 adjudicatory hearing, and any consent agreement exe-
6 cuted in conjunction with an adjudicatory or Adminis-
7 trative Court proceeding are public records.'

8 Further amend the Bill by inserting after section
9 22 the following:

10 'Sec. 1. 20-A MRSa §15613, sub-§5, ~~WE~~ is enacted
11 to read:

12 'E. Notwithstanding paragraph D, the commission-
13 er shall allocate sufficient funds from those ap-
14 propriated for the base year starting July 1,
15 1987, to compensate for those costs which were
16 incurred by any school administrative unit in the
17 base year starting July 1, 1985, which exceed the
18 state agency client costs the school administra-
19 tive unit would have had in the base year start-
20 ing July 1, 1987. The commissioner shall allocate
21 sufficient funds from those appropriated for the
22 base year starting July 1, 1988, to compensate
23 for those costs which were incurred by any school
24 administrative unit in the base year starting Ju-
25 ly 1, 1986, which exceed the state agency client
26 costs the school administrative unit would have
27 had in the base year starting July 1, 1988. The
28 commissioner shall adjust the final subsidy pay-
29 ment for the base years starting July 1, 1987,
30 and July 1, 1988, to those units which, in fact,
31 have experienced subsidy reductions in excess of
32 the state agency client costs the units would
33 have incurred. The adjustments shall be suffi-
34 cient to compensate the local unit for the dif-
35 ference between the subsidy reduction and the
36 state agency client costs for those years but
37 shall be limited to funds appropriated for state
38 agency client placement by the Legislature.'

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1 Further amend the Bill by striking out all of
2 section 24.

3 Further amend the Bill by renumbering the sec-
4 tions to read consecutively.

5 Further amend the Bill by inserting before the
6 Statement of Fact the following:

7 'FISCAL NOTE

8 This bill results in a decrease in undedicated
9 General Fund revenue from interest earned in the cash
10 pool of the Treasurer of State of \$6,000 in fiscal
11 year 1987-88 and \$2,000 in fiscal year 1988-89. This
12 interest income accrues to a dedicated revolving ac-
13 count. This bill has the following effect on revenue:

	<u>1987-88</u>	<u>1988-89</u>
14		
15 General Fund	(\$6,000)	(\$2,000)
16 Other Special Revenue Fund	6,000	2,000'

17 STATEMENT OF FACT

18 This amendment adds a fiscal note to the bill,
19 deletes a section which has been dealt with in anothe-
20 er bill and makes several additions to the bill.

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1 The amendment clarifies a conflict in the date of
2 distribution of a warrant preparatory to a referendum
3 vote on establishing an alternative budget approval
4 process in a school administrative district. The
5 amendment also adds a provision for certification of
6 teachers in an approved private school which is par-
7 allel to a provision in the original bill for public
8 schools. The amendment expands the description and
9 use of documents which are public records and adds
10 explanatory language regarding the payment of state
11 agency client costs.

12

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Reported by Senator Estes for the Committee on Education
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