

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2457

H.P. 1788

House of Representatives, March 28, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative KILKELLY of Wiscasset.

Cosponsored by Representative PARADIS of Frenchville, Senator ESTES of York and Representative BURKE of Vassalboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act Concerning State Education Mandate Waivers.

(AFTER DEADLINE)

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, reductions in school funding increase the property
6 tax burden on local taxpayers; and

8 Whereas, state mandates can not be implemented without
adequate funding; and

10 Whereas, a hardship is created for local taxpayers when the
12 State imposes mandates for which the State does not provide
funding; and

14 Whereas, in the judgment of the Legislature, these facts
16 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
18 necessary for the preservation of the public peace, health and
safety; now, therefore,

20 **Be it enacted by the People of the State of Maine as follows:**

22 **Sec. 1. State mandate waivers; criteria and procedures.** The
24 Commissioner of Education shall establish, by rule, criteria and
procedures for granting waivers of state mandates as defined in
26 the Maine Revised Statutes, Title 20-A, section 2, subsection 3.
In developing criteria and procedures and implementing existing
28 procedures for waivers of any state mandates under Title 20-A,
the commissioner shall consult with the following individuals:
30 one superintendent of a school administrative unit appointed by a
statewide association of superintendents; one member of a school
32 board appointed by a statewide association of school boards; one
principal of an elementary school; one principal of a secondary
34 school appointed by a statewide association of principals; and
one nonclassroom teacher and one classroom teacher appointed by a
36 statewide association of teachers. Criteria and rules must be
ready for public hearing and comment within 60 days of the
38 effective date of this Act.

40 **Sec. 2. Duration of waivers.** Waivers are effective for a
12-month period. Upon expiration of a waiver, an applicant may
42 reapply for another waiver. Reapplications are subject to the
same review as initial applications.

44 **Sec. 3. Repeal.** This Act is repealed on September 1, 1992.

46 **Emergency clause.** In view of the emergency cited in the
48 preamble, this Act takes effect when approved.

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STATEMENT OF FACT

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6 This bill requires the Commissioner of Education with the
8 advice of members of the statewide association of teachers,
10 principals, superintendents and school boards to establish
criteria and procedures for granting waivers of state mandates.
Waivers are for a 12-month period and are subject to
reapplication and review. This bill is repealed on September 1,
1992.