MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)

2	DATE: March 20,1998 (Filing No. S- 576)			
4				
6	EDUCATION AND CULTURAL AFFAIRS			
8	Reported by:			
0	Reproduced and distributed under the direction of the Secretary of the Senate.			
2	STATE OF MAINE			
1	SENATE			
5	118TH LEGISLATURE SECOND REGULAR SESSION			
	COMMITTEE AMENDMENT " A " to S.P. 517, L.D. 1601, "RESOLUTION, Proposing an Amendment to the Constitution of Maine			
	to Require the Legislature to Provide a Statewide System of Uniform and High-quality Education"			
	Amend the resolution by striking out the title and substituting the following:			
	'Resolve, Establishing a Special Commission to Study the Need to			
	Amend the Constitution of Maine to Provide for a Statewide System of Equitable and Adequate Education			
	Further amend the resolution by striking out everything after the title and before the summary and inserting in its place the following:			
	'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and			
	adjournment uniess enacted as emergencies; and			
	Whereas, the "education clause" of the Constitution of Maine			
	provides the basic framework for the joint state and local effort to prepare all students in the State for life in the 21st			
	century; and			
	Whereas, the "education clause" of the Constitution of Maine has not been amended since ratification of the Constitution and			
	may no longer reflect the current principles, concerns and goals on which the State's public policy toward education should be			
	bacade and			

- Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it
 - Sec. 1. Special commission established. Resolved: That the Special Commission to Study the Need to Amend the Constitution of Maine to Provide for a Statewide System of Equitable and Adequate Education, referred to in this resolve as the "special commission," is established; and be it further
 - Sec. 2. Special commission membership. Resolved: That the special commission consists of 12 members. Six of the members must be Legislators, 3 appointed by the President of the Senate and 3 by the Speaker of the House of Representatives. The other 6 members must be active or retired lawyers or law school faculty members knowledgeable in constitutional law, 3 appointed by the President of the Senate and 3 appointed by the Speaker of the House of Representatives. The President and the Speaker shall each appoint a cochair from among the legislative members; and be it further
 - Sec. 3. Appointments; meetings. Resolved: That all appointments must be made no later than 15 days following the effective date of this resolve. The chairs shall jointly convene the first meeting of the special commission within 15 days after appointments have been made; and be it further
 - Sec. 4. Duties. Resolved: That the special commission shall study the so-called "education clause" of the Constitution of Maine, Article VIII, Part I, Section 1, to determine whether that clause, dating from 1821, satisfactorily reflects the State's past and present public education school commitment and practice. The special commission shall consider whether a newly worded education clause in the Constitution would better honor the State's principles and practices as the State prepares its students for the 21st century, taking into consideration the role of the Constitution in state policy setting, Maine's historic commitment to education at both state and local levels and the desire to avoid costly and frivolous litigation. In carrying out its responsibilities, the special commission shall:
 - 1. Review the history and judicial interpretation of the education clause of the Constitution of Maine;
 - 2. Review and examine trends in constitutional challenges to school funding schemes nationally and in Maine;

Page 2-LR2248(2)

2 Determine the likely impact of the education clause on the system of learning results and essential programs standards 4 currently being implemented across the State; б Assess the effectiveness of the education clause as it currently exists to ensure adequate and equitable public education programming across the State consistent with the needs 8 of the State to prepare all its students to live, work and fulfill their civic responsibilities in today's global economy; 10 and 12 5. Make recommendations, if appropriate, for necessary changes in the Constitution of Maine; and be it further 14 Sec. 5. Staff assistance. Resolved: That the special commission 16 may request staff assistance from the Legislative Council. Upon 18 request, the Office of the Attorney General shall provide legal assistance to the special commission. The special commission may 20 enlist the services of student interns and other legal and academic scholars as its needs require and resources allow; and 22 be it further Sec. 6. Reimbursement. Resolved: That members of the special 24 commission are entitled to receive expenses for attendance at meetings of the special commission upon application to the 26 Executive Director of the Legislative Council; and be it further 28 Sec. 7. Report. Resolved: That the special commission shall 30 submit its report, together with any suggested legislation, to the First Regular Session of the 119th Legislature and the joint 32 standing committee of the Legislature having jurisdiction over educational and cultural matters no later than January 1, 1999. 34 If the special commission requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it 36 further Sec. 8. Appropriation. Resolved: That the following funds are 38 appropriated from the General Fund to carry out the purposes of 40 this resolve. 42 1998-99 1997-98

Page 3-LR2248(2)

44

46

48

LEGISLATURE

Special Commission to Study the Need to Amend the Constitution of Maine

to Provide for a Statewide System of Equitable and Adequate Education

COMMITTEE AMENDMENT "A" to S.P. 517, L.D. 1601

	•		
2	Personal Services	\$ 660	\$2,310
	All Other	1,200	4,700
4			
6	TOTAL	\$1,860	\$7,010
8	Provides funds for the per		
	diem of legislative members,		
10	expenses of members, and		
	miscellaneous costs,		
12	including printing, of the		
•	Special Commission to Study		
14	the Need to Amend the		
	Constitution of Maine to		
16	Provide for a Statewide		
	System of Equitable and		
18	Adequate Education.		
20	Emergency clause. In view of		ited in the
	preamble, this resolve takes effect	when approved.'	*
22			_
	Further amend the resolution h	y inserting at the	e end before
24	the summary the following:		
2.6			
26	FISCAL N	iotte	
28	FISCAL	OIE	
20		1997-98	1998-99
30	A STATE OF THE STA	1331-30	1990-99
30	APPROPRIATIONS/ALLOCATIONS		
32	ATTROTRIATIONS/ALEOCATIONS		
34	General Fund	\$1,860	\$7,010
34	General rund	\$1,800	\$7,010
JI	The Legislature will requi		
36		re additional Ge	neral Fund
50		re additional Ge	
	appropriations of \$1,860 and \$7,01	0 in fiscal years	1997-98 and
3.8	appropriations of \$1,860 and \$7,01 1998-99, respectively, for the per	0 in fiscal years diem of legislat:	1997-98 and ive members,
38	appropriations of \$1,860 and \$7,01 1998-99, respectively, for the per expenses of members and miscellaneous	O in fiscal years diem of legislat ous costs, includi	1997-98 and ive members, ag printing,
	appropriations of \$1,860 and \$7,01 1998-99, respectively, for the per expenses of members and miscellane of the Special Commission to St	O in fiscal years diem of legislat: ous costs, includi: tudy the Need to	1997-98 and ive members, ag printing, Amend the
38 40	appropriations of \$1,860 and \$7,01 1998-99, respectively, for the per expenses of members and miscellane of the Special Commission to St Constitution of Maine to Provide	O in fiscal years diem of legislat: ous costs, includi: tudy the Need to for a Statewide	1997-98 and ive members, ag printing, Amend the System of
	appropriations of \$1,860 and \$7,01 1998-99, respectively, for the per expenses of members and miscellane of the Special Commission to St Constitution of Maine to Provide Equitable and Adequate Educati	O in fiscal years diem of legislat: ous costs, includi: tudy the Need to for a Statewide on. The additi	1997-98 and ive members, ag printing, Amend the System of onal costs
40	appropriations of \$1,860 and \$7,01 1998-99, respectively, for the per expenses of members and miscellane of the Special Commission to St Constitution of Maine to Provide Equitable and Adequate Educati associated with providing staff	O in fiscal years diem of legislat; ous costs, includis tudy the Need to for a Statewide on. The additi assistance to	1997-98 and ive members, ag printing, Amend the System of onal costs the special
40	appropriations of \$1,860 and \$7,01 1998-99, respectively, for the per expenses of members and miscellane of the Special Commission to St Constitution of Maine to Provide Equitable and Adequate Educati associated with providing staff commission can be absorbed by the	O in fiscal years diem of legislat; ous costs, includis tudy the Need to for a Statewide on. The additi assistance to	1997-98 and ive members, ag printing, Amend the System of onal costs the special
40 42	appropriations of \$1,860 and \$7,01 1998-99, respectively, for the per expenses of members and miscellane of the Special Commission to St Constitution of Maine to Provide Equitable and Adequate Educati associated with providing staff	O in fiscal years diem of legislat; ous costs, includis tudy the Need to for a Statewide on. The additi assistance to	1997-98 and ive members, ag printing, Amend the System of onal costs the special
40 42	appropriations of \$1,860 and \$7,01 1998-99, respectively, for the per expenses of members and miscellane of the Special Commission to St Constitution of Maine to Provide Equitable and Adequate Educati associated with providing staff commission can be absorbed by the budgeted resources.	O in fiscal years diem of legislat: ous costs, includi: tudy the Need to for a Statewide on. The additi assistance to Legislature utiliz	1997-98 and ive members, ag printing, Amend the System of onal costs the special ing existing
40 42 44	appropriations of \$1,860 and \$7,01 1998-99, respectively, for the per expenses of members and miscellane of the Special Commission to St Constitution of Maine to Provide Equitable and Adequate Educati associated with providing staff commission can be absorbed by the budgeted resources. The additional costs associated with providing staff commission can be absorbed by the budgeted resources.	O in fiscal years diem of legislat: ous costs, includi: tudy the Need to for a Statewide on. The additi assistance to Legislature utiliz	1997-98 and ive members, ag printing, Amend the System of onal costs the special ing existing
40 42 44	appropriations of \$1,860 and \$7,01 1998-99, respectively, for the per expenses of members and miscellane of the Special Commission to St Constitution of Maine to Provide Equitable and Adequate Educati associated with providing staff commission can be absorbed by the budgeted resources. The additional costs associated to this special commission commission can be absorbed by the budgeted resources.	o in fiscal years diem of legislat; ous costs, including tudy the Need to for a Statewide on. The additi assistance to Legislature utiliz iated with provision can be abso	1997-98 and ive members, ag printing, Amend the System of onal costs the special ing existing iding legal rbed by the
40 42 44 46	appropriations of \$1,860 and \$7,01 1998-99, respectively, for the per expenses of members and miscellane of the Special Commission to St Constitution of Maine to Provide Equitable and Adequate Educati associated with providing staff commission can be absorbed by the budgeted resources. The additional costs associated with providing staff commission can be absorbed by the budgeted resources.	o in fiscal years diem of legislat; ous costs, including tudy the Need to for a Statewide on. The additi assistance to Legislature utiliz iated with provision can be abso	1997-98 and ive members, ag printing, Amend the System of onal costs the special ing existing iding legal rbed by the

Page 4-LR2248(2)

2

SUMMARY

4

6

8

This amendment replaces the bill and establishes a 12-member special commission of Legislators and legal scholars to study the need to amend the "education clause" of the Constitution of Maine. The special commission is to issue its report and recommendations by January 1, 1999.

10

The amendment also adds an appropriation section and a fiscal note to the bill.

12

Page 5-LR2248(2)