

# MAINE STATE LEGISLATURE

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DATE: *March 20, 1998*

(Filing No. S- 576)

**EDUCATION AND CULTURAL AFFAIRS**

Reported by:

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**STATE OF MAINE  
SENATE  
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**

**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 based; and**

**COMMITTEE AMENDMENT**

2           **Whereas**, in the judgment of the Legislature, these facts  
3 create an emergency within the meaning of the Constitution of  
4 Maine and require the following legislation as immediately  
5 necessary for the preservation of the public peace, health and  
6 safety; now, therefore, be it

8           **Sec. 1. Special commission established. Resolved:** That the  
9 Special Commission to Study the Need to Amend the Constitution of  
10 Maine to Provide for a Statewide System of Equitable and Adequate  
11 Education, referred to in this resolve as the "special  
12 commission," is established; and be it further

14           **Sec. 2. Special commission membership. Resolved:** That the  
15 special commission consists of 12 members. Six of the members  
16 must be Legislators, 3 appointed by the President of the Senate  
17 and 3 by the Speaker of the House of Representatives. The other  
18 6 members must be active or retired lawyers or law school faculty  
19 members knowledgeable in constitutional law, 3 appointed by the  
20 President of the Senate and 3 appointed by the Speaker of the  
21 House of Representatives. The President and the Speaker shall  
22 each appoint a cochair from among the legislative members; and be  
23 it further

24           **Sec. 3. Appointments; meetings. Resolved:** That all  
25 appointments must be made no later than 15 days following the  
26 effective date of this resolve. The chairs shall jointly convene  
27 the first meeting of the special commission within 15 days after  
28 appointments have been made; and be it further

30           **Sec. 4. Duties. Resolved:** That the special commission shall  
31 study the so-called "education clause" of the Constitution of  
32 Maine, Article VIII, Part I, Section 1, to determine whether that  
33 clause, dating from 1821, satisfactorily reflects the State's  
34 past and present public education school commitment and  
35 practice. The special commission shall consider whether a newly  
36 worded education clause in the Constitution would better honor  
37 the State's principles and practices as the State prepares its  
38 students for the 21st century, taking into consideration the role  
39 of the Constitution in state policy setting, Maine's historic  
40 commitment to education at both state and local levels and the  
41 desire to avoid costly and frivolous litigation. In carrying out  
42 its responsibilities, the special commission shall:

44           1. Review the history and judicial interpretation of the  
45 education clause of the Constitution of Maine;

48           2. Review and examine trends in constitutional challenges  
49 to school funding schemes nationally and in Maine;



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

2	Personal Services	\$ 660	\$2,310
4	All Other	1,200	4,700
6	TOTAL	<u>\$1,860</u>	<u>\$7,010</u>

8 Provides funds for the per  
10 diem of legislative members,  
12 expenses of members, and  
14 miscellaneous costs,  
16 including printing, of the  
18 Special Commission to Study  
the Need to Amend the  
Constitution of Maine to  
Provide for a Statewide  
System of Equitable and  
Adequate Education.

20 **Emergency clause.** In view of the emergency cited in the  
22 preamble, this resolve takes effect when approved.'

24 Further amend the resolution by inserting at the end before  
the summary the following:

26 **FISCAL NOTE**

28		<b>1997-98</b>	<b>1998-99</b>
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30 **APPROPRIATIONS/ALLOCATIONS**

32	General Fund	\$1,860	\$7,010
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34 The Legislature will require additional General Fund  
36 appropriations of \$1,860 and \$7,010 in fiscal years 1997-98 and  
1998-99, respectively, for the per diem of legislative members,  
38 expenses of members and miscellaneous costs, including printing,  
of the Special Commission to Study the Need to Amend the  
40 Constitution of Maine to Provide for a Statewide System of  
Equitable and Adequate Education. The additional costs  
42 associated with providing staff assistance to the special  
commission can be absorbed by the Legislature utilizing existing  
44 budgeted resources.

46 The additional costs associated with providing legal  
assistance to this special commission can be absorbed by the  
48 Department of the Attorney General utilizing existing budgeted  
resources.'

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### SUMMARY

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

10

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