

MAINE STATE LEGISLATURE

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 283, L.D. 994, Bill, "An Act to Establish Equity in the School Funding Formula"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Provide a Process for Amending the Cost-sharing Method Used in School Administrative District No. 33'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Sec. 1. Commissioner of Education to develop alternative dispute resolution process for School Administrative District No. 33. Resolved: That the Commissioner of Education shall provide an alternative dispute resolution process for resolving the dispute between the representatives of St. Agatha and Frenchville in the 2-member district of School Administrative District No. 33 and amending the cost-sharing formula of the district. This process is meant to encourage, and not to substitute for, voluntary reconsideration of the method of sharing costs as provided in the Maine Revised Statutes, Title 20-A, section 1301, subsection 3; and be it further

Sec. 2. Application; definition. Resolved: That this resolve applies to only reconsideration of the method of sharing the costs of operating the school administrative district, subject to the Maine Revised Statutes, Title 20-A, section 1301, between the 2 municipalities comprising School Administrative District No. 33. For the purposes of this resolve, the term "party" means a municipal representative chosen pursuant to Title 20-A, section 1301, subsection 3 to represent either St. Agatha or Frenchville; and be it further

Sec. 3. Notice; final negotiation; final offer. Resolved: That, within 15 calendar days following the last meeting of the parties, either party may notify the Commissioner of Education that it believes that a change in the method of sharing the costs of operating the district will not be approved pursuant to the Maine Revised Statutes, Title 20-A, section 1301, subsection 3, paragraph C. All reconsideration of amending the cost-sharing formula of the district must cease and each party shall submit in writing to the Commissioner of Education a final offer consisting, at a minimum, of the party's final offer, a draft of the proposed method of sharing the costs of operating the district and any other pertinent material. The Commissioner of Education shall provide copies of each party's written final offer to the arbitrator selected pursuant to section 4 of this resolve; and be it further

Sec. 4. Selection of arbitrator. Resolved: That, not later than 45 calendar days following the last meeting of the parties, the Commissioner of Education or the commissioner's representative shall meet with the parties and shall present a list with the names of 3 proposed neutral arbitrators. Each party may strike from the list one name peremptorily. The parties shall strike names alternately and the party entitled to strike the first name must be chosen by lot. The one name remaining after each party has struck one name is the arbitrator. The district is responsible for compensating the arbitrator and for any reasonable expenses incurred by the arbitrator in fulfilling the powers described in section 5 of this resolve; and be it further

Sec. 5. Powers of arbitrator. Resolved: That the powers of the arbitrator are as follows.

1. The arbitrator may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence and issue subpoenas to compel the attendance of witnesses and the production of records. The arbitrator may petition the District Court to enforce its order compelling the attendance of witnesses and the production of records.

2. The arbitrator may at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in this section.

3. Not later than 90 days following the last meeting of the parties, the arbitrator shall choose the final offer of one party. The contractual language for that offer, submitted pursuant to section 3 of this resolve, must be prepared in a written proposal to change the method of sharing the costs of the district, which must be presented to the parties; and be it further

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2 **Sec. 6. Effect of final offer selected by arbitrator; district**
3 **referendum. Resolved:** That the final offer selected by the
4 arbitrator presented to the parties pursuant to section 5 of this
5 resolve is not binding on the parties unless it is approved by a
6 majority vote of the district pursuant to the Maine Revised
7 Statutes, Title 20-A, section 1301, subsection 3, paragraph D.
8 Notwithstanding Title 20-A, section 1301, subsection 3, paragraph
9 C, the final offer selected by the arbitrator must be presented
10 to the voters of the 2 municipalities at a district meeting
11 pursuant to Title 20-A, section 1301, subsection 3, paragraph D;
12 and be it further

13
14 **Sec. 7. State Board of Education to review effectiveness of alternative**
15 **dispute resolution process used by School Administrative District No. 33.**
16 **Resolved:** That the State Board of Education shall review the
17 alternative dispute resolution process implemented to resolve the
18 dispute between the representatives of St. Agatha and Frenchville
19 in the 2-member district of School Administrative District No. 33
20 and related to amending the cost-sharing formula of the
21 district. Within 180 calendar days following the district
22 referendum on the proposed amendment to the method of sharing
23 costs in the district, the State Board of Education shall review
24 the process and evaluate the potential for alternative dispute
25 resolution processes by encouraging 2-member districts to resolve
26 disputes to reconsider the method of sharing costs as provided in
27 the Maine Revised Statutes, Title 20-A, section 1301, subsection
28 3. The State Board of Education shall report its findings and
29 any recommendations to the Joint Standing Committee on Education
30 and Cultural Affairs by April 15, 2002. The committee may report
31 out legislation regarding the alternative dispute resolution
32 process to the Second Regular Session of the 120th Legislature.'

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34 Further amend the bill by inserting at the end before the
35 summary the following:

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38 **FISCAL NOTE**

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40 The additional costs associated with developing an
41 alternative dispute resolution process and submitting a certain
42 report to the Legislature can be absorbed by the Department of
43 Education and the State Board of Education, respectively,
44 utilizing existing budgeted resources.'

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46 **SUMMARY**

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48 This amendment strikes and replaces the bill with a
49 resolve. The amendment provides for a process of so-called
50 "final offer arbitration" as a means to revising the method of

COMMITTEE AMENDMENT "A" to S.P. 283, L.D. 994

B. of S.

2 sharing costs between the municipalities of St. Agatha and
Frenchville in the 2-member district of School Administrative
4 District No. 33. The amendment requires that, notwithstanding
the provisions of the Maine Revised Statutes, Title 20-A, section
6 1301, subsection 3, the Commissioner of Education appoint an
arbitrator to assist the representatives of School Administrative
8 District No. 33 in the settlement of a dispute related to
amending the cost-sharing formula between the 2 parties.

10 The amendment also adds a fiscal note to the resolve.

COMMITTEE AMENDMENT