

MAINE STATE LEGISLATURE

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7
R 018

L.D. 182

DATE: 5-9-03

(Filing No. H-324)

MINORITY
EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

18

COMMITTEE AMENDMENT "A" to H.P. 141, L.D. 182, Bill, "An Act to Eliminate Discrimination Against Parents Who Want to Send Their Children to Religious Private Schools"

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

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'Resolve, To Study and Consider Eliminating the Current Prohibition on Tuition Payments to Sectarian Schools'

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

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'Preamble. Whereas, citizens may benefit from a comprehensive study of issues related to eliminating the current prohibition on tuition payments to sectarian schools; and

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Whereas, the United States Supreme Court has ruled in a particular case that states may include sectarian schools in their voucher programs; and

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Whereas, in a case now pending before the Maine courts, the court may rule that it is unconstitutional to exclude sectarian schools from the tuition payment program in Maine and may thus impose a mandate to implement including sectarian schools in the tuition payment program in Maine within a specified time frame; and

48

Sec. 1. Commission established. Resolved: That the Commission to Study School Tuition Reimbursement Policies and

COMMITTEE AMENDMENT

Practices in Maine, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 12 members appointed as follows:

1. Two members of the Senate, appointed by the President of the Senate, one of whom represents the party that holds the greatest number of seats in that body and one of whom represents the party that holds the 2nd greatest number of seats in that body;

2. Two members of the House of Representatives, appointed by the Speaker of the House, one of whom represents the party that holds the greatest number of seats in that body and one of whom represents the party that holds the 2nd greatest number of seats in that body;

3. One representative of Christian schools in the State, appointed by the President of the Senate;

4. One member who is a private educational consultant in the State, appointed by the President of the Senate;

5. One representative of private, nonsectarian schools in the State, appointed by the Speaker of the House;

6. One representative of the Maine Education Association, appointed by the Speaker of the House; and

7. Four members appointed by the Governor as follows:

(1) One representative of the Department of Education;

(2) One representative of parochial schools in the State; and

(3) Two members of the general public; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all

2 appointments have been completed. Within 15 days after
3 appointment of all members, the chairs shall call and convene the
4 first meeting of the commission; and be it further

6 **Sec. 5. Duties. Resolved:** That the commission shall meet no
7 fewer than 4 times to study Maine's tuition payment policies and
8 practices. In examining these issues, the commission shall:

10 1. Determine the extent to which Maine's tuition payment
11 policies and practices are in compliance with both federal and
12 Maine laws, including applicable case law;

14 2. Study what measures, if any, other states and local
15 governmental entities have taken relative to tuition payment to
16 ensure compliance with all laws;

18 3. Investigate and recommend ways in which Maine's tuition
19 payment policies and practices may be meaningfully improved to
20 ensure fairness in education, to improve student education
21 outcomes and to take advantage of private and sectarian
22 educational resources available throughout the State; and

24 4. Calculate what costs, if any, may be associated with
25 making such improvements; and be it further

26 **Sec. 6. Staff assistance. Resolved:** That, upon approval of the
27 Legislative Council, the Office of Policy and Legal Analysis
28 shall provide necessary staffing services to the commission; and
29 be it further

30 **Sec. 7. Compensation. Resolved:** That the legislative members
31 of the commission are entitled to the legislative per diem, as
32 defined in the Maine Revised Statutes, Title 3, section 2, and
33 reimbursement for travel and other necessary expenses related to
34 their attendance at authorized meetings of the commission.
35 Public members not otherwise compensated by their employers or
36 other entities that they represent are entitled to receive
37 reimbursement of necessary expenses and, upon a demonstration of
38 financial hardship, a per diem equal to the legislative per diem
39 for their attendance at authorized meetings of the commission;
40 and be it further

42 **Sec. 8. Report. Resolved:** That, no later than December 1,
43 2003, the commission shall submit a report that includes its
44 findings and recommendations, including suggested legislation, to
45 the Joint Standing Committee on Education and Cultural Affairs
46 and the Legislative Council. The commission is not authorized to
47 introduce legislation. Following receipt and review of the
48 report, the Joint Standing Committee may report out a bill to the
49 Second Regular Session of the 121st Legislature; and be it further
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2 **Sec. 9. Extension. Resolved:** That, if the commission requires
4 a limited extension of time to complete its study and make its
6 report, it may apply to the Legislative Council, which may grant
an extension; and be it further

8 **Sec. 10. Commission budget. Resolved:** That the chairs of the
10 commission may seek and accept outside funding. Prompt notice of
12 solicitation and acceptance of funds must be sent to the
Legislative Council. The commission may not incur expenditures
that have an effect on the General Fund.

14 All funds accepted must be forwarded to the Executive
16 Director of the Legislative Council along with an accounting that
18 includes the amount, the date received, from whom, for what
purpose and any limitations on the use of funds. The Executive
Director of the Legislative Council administers any funds
received.

20 Upon request from the commission, the Executive Director of
22 the Legislative Council or the executive director's designee
24 shall promptly provide the commission chairs and staff with a
status report on the budget, expenditures incurred and paid and
available funds; and be it further

26 **Sec. 11. Appropriations and allocations. Resolved:** The following
28 appropriations and allocations are made.

30 **LEGISLATURE**

32 Miscellaneous Studies - Commission to Study School Tuition
Reimbursement Policies and Practices in Maine

34 Initiative: Provides a base allocation to authorize expenditures
36 from this dedicated account.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$500	\$0
Other Special Revenue Funds Total	\$500	\$0'

44 **SUMMARY**

46 This amendment is the minority report of the Joint Standing
48 Committee on Education and Cultural Affairs. The amendment
changes the title of the bill and strikes and replaces the bill
with a resolve to establish the Commission to Study School

COMMITTEE AMENDMENT "A" to H.P. 141, L.D. 182

2 Tuition Reimbursement Policies and Practices in Maine. The
commission will study Maine's tuition payment policies and
4 practices and the chairs of the commission may seek and accept
outside funding to support the work of this study commission.
6 The commission will submit its report with any accompanying
legislation to the Second Regular Session of the 121st
8 Legislature by December 1, 2003.

10

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**

LD 182

**Resolve, To Study and Consider Eliminating the Current Prohibition on
Tuition Payments to Sectarian Schools**

LR 1043(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes



Fiscal Note

Current costs - Legislative Study

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Appropriations/Allocations				
Other Special Revenue Funds	\$500	\$0	\$0	\$0
Revenue				
Other Special Revenue Funds	\$500	\$0	\$0	\$0

Legislative Study

The projected costs to fund the general operating expenses of this study are \$4,320 in fiscal year 2003-04. The Legislature has budgeted \$30,000 in fiscal year 2003-04 for legislative studies. Whether the amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. This bill also authorizes the commission to seek and accept outside funds. This authorization may result in the collection of additional Other Special Revenue funds in fiscal year 2003-04. Since it is unknown how much may be received, a base allocation of \$500 in fiscal year 2003-04 is amended to the bill to authorize expenditures from this dedicated revenue. The additional costs associated with serving on the commission can be absorbed by the Department of Education and Cultural Services utilizing existing budgeted resources.