

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1805

S.P. 720

In Senate, March 5, 2014

**An Act To Implement the Recommendations of the Review
Committee Established To Examine the Impact of Unfunded
Education Mandates and Other Regulatory Burdens**

Reported by Senator MILLETT of Cumberland for the Department of Education pursuant to Resolve 2013, chapter 74, section 4.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

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

2 **Sec. 1. 20-A MRSA §6**, as enacted by PL 1989, c. 889, §2, is repealed.

3 **Sec. 2. 20-A MRSA §254, sub-§7**, as enacted by PL 1983, c. 739, is repealed.

4 **Sec. 3. 20-A MRSA §254, sub-§§8 and 9**, as amended by PL 1995, c. 625, Pt.
5 A, §21, are repealed.

6 **Sec. 4. 20-A MRSA §254, sub-§10**, as enacted by PL 1989, c. 889, §3, is
7 repealed.

8 **Sec. 5. 20-A MRSA §256, sub-§7**, as enacted by PL 1989, c. 889, §5, is repealed.

9 **Sec. 6. 20-A MRSA c. 11**, as amended, is repealed.

10 **Sec. 7. 20-A MRSA §4001, sub-§7**, as amended by PL 1999, c. 81, §3, is further
11 amended to read:

12 **7. Maintenance and capital improvement program.** A school administrative unit,
13 including the unorganized territories, shall establish and maintain a maintenance and
14 capital improvement program for all school facilities, ~~utilizing a maintenance template~~
15 ~~and software provided by the department and shall annually commit resources to that~~
16 ~~program pursuant to established minimum standards. The department and the~~
17 ~~Department of Administrative and Financial Services, Bureau of General Services shall~~
18 ~~establish the minimum standards. The Department of Education and the Bureau of~~
19 ~~General Services shall adopt rules necessary to implement this subsection. Rules adopted~~
20 ~~by the Department of Education and the Bureau of General Services to implement this~~
21 ~~subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.~~

22 **Sec. 8. 20-A MRSA §4502, sub-§4-A**, as enacted by PL 1989, c. 889, §7, is
23 amended to read:

24 **4-A. Affirmative action plan.** Each school administrative unit shall develop an
25 affirmative action plan in accordance with Title 5, chapter 65 as part of the school
26 approval process and update this plan annually as necessary. The affirmative action plan
27 must include a description of the status of the unit's nondiscriminatory hiring practice
28 provided in section 1001, subsection 13; and plans for in-service training programs on
29 gender equity for teachers, administrators and school boards, ~~and a plan for meeting the~~
30 ~~5-year goal established under section 254, subsection 9.~~ The unit shall submit any update
31 of the plan annually to the commissioner.

32 **Sec. 9. 20-A MRSA §4709, sub-§3**, as enacted by PL 1991, c. 292, §1, is
33 repealed.

34 **Sec. 10. 20-A MRSA §4801, sub-§1, ¶E**, as enacted by PL 1991, c. 622, Pt. DD,
35 §2, is repealed.

1 priority recommendations regarding unfunded or underfunded education mandates,
2 regulatory burdens and other education requirements that the review committee
3 established by the resolve recommended should be repealed or amended by the
4 Legislature.

5 The bill makes the following changes to the Maine Revised Statutes, Title 20-A.

6 1. It repeals requirements related to the promotion of gender equity for women in
7 public school administration, including provisions that require:

8 A. The joint standing committee of the Legislature having jurisdiction over
9 educational matters to hold hearings every 2 years on the status of women in public
10 school administration;

11 B. The Commissioner of Education to set a statewide target goal for the employment
12 of women in positions requiring administrator certification; and

13 C. The Commissioner of Education to provide technical assistance to school
14 administrative units and compile data to monitor the progress in attaining the goals
15 established for gender equity for women in public school administration.

16 2. It repeals the requirement that the Commissioner of Education maintain a
17 clearinghouse for information on development and deployment of nuclear weapons and
18 industrial nuclear usage in the world.

19 3. It repeals the requirement that the Department of Education employ staff and
20 make office space available to support school volunteer programs.

21 4. It removes provisions that require the Department of Education and the
22 Department of Administrative and Financial Services, Bureau of General Services to
23 establish a school facilities maintenance template and software and to provide technical
24 assistance to school administrative units to implement maintenance and capital
25 improvement programs for school facilities.

26 5. It repeals the requirement that the Department of Education report by January 15,
27 1992 on the status of national efforts to certify teachers of blind and visually impaired
28 students to the joint standing committee of the Legislature having jurisdiction over
29 education matters.

30 6. It repeals the provision that allowed a school administrative unit to reduce the
31 number of days for the maintenance of schools by 5 days a year for school years 1991-
32 1992 and 1992-1993.

33 7. It repeals the provisions that authorized the Department of Education to establish a
34 pilot project for state wards who were in the custody of the Department of Health and
35 Human Services in school year 1991-1992.

36 8. It repeals the provisions that allowed the cost of removing architectural barriers to
37 be included in the maximum allowable tuition that public or private schools could charge
38 for tuition students. These provisions applied to minor capital projects that received
39 approval by the Department of Education before June 30, 1982.



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LD

LR 2783(01)

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Fiscal Note for Original Bill
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor savings - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education related to the rulemaking process can be absorbed within existing budgeted resources. Any savings to the Department of Education and the Department of Administrative and Financial Services, Bureau of General Services, associated with this legislation are expected to be minor.