

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

Sec. B-4. 38 MRSA §2402, sub-§1, as amended by PL 1993, c. 418, §4, is further amended to read:

1. Requirement. After July 1, 1994, each motor vehicle registered in any area designated by the Federal Government under 40 Code of Federal Regulations, Part 81 as nonattainment for ozone and classified as a moderate or more severe nonattainment area must be inspected biennially for air pollution emissions as provided in this chapter and must meet the requirements of Title ~~29~~ 29-A, section ~~2502~~ 1751.

Sec. B-5. Effective date. This Act takes effect on January 1, 1995.

Effective January 1, 1995.

CHAPTER 684

H.P. 682 - L.D. 924

An Act to Amend the School Funding Formula

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

Sec. 1. 5 MRSA §937, sub-§1, as amended by PL 1991, c. 716, §2, is further amended to read:

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Education. Notwithstanding any other provision of law, these positions and their successor positions ~~shall be~~ are subject to this chapter:

- A. ~~Assistant to the~~ Deputy Commissioner;
- B. Deputy Commissioner;
- C. ~~Associate Commissioner, Bureau of School Management;~~
- D. ~~Associate Commissioner, Bureau of Instruction;~~
- E. ~~Associate Commissioner, Bureau of Applied Technology and Adult Learning;~~
- F. Director, Planning and Management Information;
- G. Federal and State Education Program Coordinator; ~~and~~
- H. Executive Director, Interdepartmental Council, with the approval of the other commissioners of the Interdepartmental Council; and

I. Director, Office of Rehabilitation Services.

Sec. 2. 20-A MRSA §203, sub-§1, as amended by PL 1993, c. 410, Pt. F, §2, is further amended to read:

1. Commissioner's appointments. The following officials ~~must be~~ are appointed by and serve at the pleasure of the commissioner:

- A. ~~Assistant to the~~ Deputy Commissioner;
- B. Deputy Commissioner;
- F. Director, Planning and Management Information;
- G. Federal and State Education Program Coordinator; ~~and~~
- H. Executive Director, Interdepartmental Council, with the approval of the other commissioners of the Interdepartmental Council; and
- I. Director, Office of Rehabilitation Services.

Sec. 3. 20-A MRSA §15602, sub-§9 is enacted to read:

9. Adjustment in fiscal year 1994-95. If in fiscal year 1994-95 the state share of the foundation allocation for a school administrative unit as defined in section 15603, subsection 12 plus the minimum state allocation as described in section 15613, subsection 13 and excluding the state subsidy for bus purchases is more or less than the corresponding amount for fiscal year 1993-94, the following provisions apply.

- A. If the subsidy calculated for a school administrative unit pursuant to this subsection is greater in fiscal year 1994-95 than in fiscal year 1993-94, the gain is limited to 59.4%.
- B. If the subsidy calculated for a school administrative unit pursuant to this subsection is less in fiscal year 1994-95 than in fiscal year 1993-94, the loss is limited to 40.6%.

For the purpose of this subsection, the state share of the unit's foundation allocation must include the adjustments, if any, specified in section 15612, subsections 1, 5, 6, 7, 9 and 10 as well as the adjustment in section 15613, subsection 9.

Sec. 4. Committee to Study Organizational and Tax Issues in Public Schools.

1. Members. The Committee to Study Organizational and Tax Issues in Public Schools, referred to in this section as "the committee," is established and consists of 5 members who must be impartial and

have wide experience in public affairs and are appointed from a list provided by the joint standing committee of the Legislature having jurisdiction over education matters, as follows:

- A. One member appointed by the Governor;
- B. Two members appointed by the President of the Senate; and
- C. Two members appointed by the Speaker of the House of Representatives.

A member of the committee may not be a Legislator or a member or employee of a professional organization representing persons employed in public education, kindergarten to grade 12.

Each member appointed must have extensive knowledge of public education in the State. In appointing members to the committee, proper consideration must be given to achieving statewide geographical representation and gender equity.

Appointments to the committee must be made no later than 30 days following the effective date of this Act. The Executive Director of the Legislative Council must be notified by the appointing authorities once selections have been finalized.

The first meeting of the committee must be convened by the Executive Director of the Legislative Council within 14 days after the appointment of the committee. At the first meeting, the committee shall elect a chair from among its members.

2. Expenses. Members of the committee are entitled to receive per diem reimbursement in the amount of the legislative per diem and must be reimbursed for expenses upon approval of the chair of the committee and application to the Executive Director of the Legislative Council.

3. Duties and responsibilities. The committee shall review organizational and tax issues in public schools, kindergarten to grade 12, including, but not limited to:

- A. The affordability and efficiency of the organization of school districts in the State and the options, costs and benefits of organizational change;
- B. The affordability, efficiency and fairness of school construction policy;
- C. The tax structure for funding public schools, including alternatives to reliance on the property tax to fund the required local share of education costs and the implications of repealing the property tax as the revenue source for funding the lo-

cal share of the total allocation for education, effective in fiscal year 1996-97; and

D. The effectiveness of the education leadership structure in the State and options for the improvement of that structure.

4. Staff. The committee may contract for necessary professional assistance and may request staff assistance from the Legislative Council. On request of the committee, assistance must be provided by the Department of Education, the State Board of Education, the Department of the Attorney General, the State Planning Office and any other agency of the executive department.

5. Report. The committee shall report its findings and recommendations to the Governor and to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 1995.

6. Appropriation and contributions. The Executive Director of the Legislative Council is authorized to administer the committee's budget and accept and administer outside funds contributed to support the work of the committee.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1994-95

**EDUCATION,
DEPARTMENT OF**

**General Purpose Aid for Local
Schools**

All Other (\$50,000)

Notwithstanding any other provision of law, provides for the deappropriation of funds through a reduction of state subsidy to local schools for fiscal year 1994-95.

**DEPARTMENT OF
EDUCATION
TOTAL**

(\$50,000)

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**Committee to Study
Organizational and Tax Issues
in Public Schools**

Personal Services	\$4,125
All Other	54,250

Provides funds to the Committee to Study Organizational and Tax Issues in Public Schools for the per diem and expenses of members, to contract for professional services and for miscellaneous committee expenses.

Legislature

All Other	50,000
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Provides for the appropriation of funds to contract with the University of Maine System for research on education issues related to public schools, kindergarten to grade 12 and establishment of an education data base to track long-term developments in education. The University of Maine System shall contribute a like amount from available resources.

LEGISLATURE

TOTAL	\$108,375
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TOTAL APPROPRIATIONS	\$58,375
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See title page for effective date.

CHAPTER 685

H.P. 1083 - L.D. 1449

**An Act to Make Statutory Changes to
Implement the Recommendations of**

**the Legislature's Total Quality
Management Committee**

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

PART A

Sec. A-1. 3 MRSA §151, as amended by PL 1991, c. 842, §§1 to 3, is repealed.

Sec. A-2. 3 MRSA §151-A, as enacted by PL 1979, c. 1, is repealed.

Sec. A-3. 3 MRSA §152, as enacted by PL 1975, c. 771, §11, is repealed.

Sec. A-4. 3 MRSA §§153 to 159 are enacted to read:

§153. Scope

The nomination and confirmation of all judicial officers whose confirmation by the Legislature is required by the Constitution of Maine and the nomination and confirmation of all other officers whose confirmation by the Legislature is required by law are governed by the provisions of this chapter.

§154. Nominations

The Governor shall, within 20 days after the convening of each legislative session, provide to each joint standing committee of the Legislature a list of all positions for which legislative confirmation is required that are within each committee's jurisdiction and that are vacant or have terms expiring before the convening of the next regular session of the Legislature. The chairs of each joint standing committee and the Governor, or their designees, shall negotiate in good faith to establish a schedule for nominations and consideration of nominations during the session.

When nominating a person to a position for which confirmation is required, the Governor shall post the nomination and simultaneously deliver to both the President of the Senate and the Speaker of the House of Representatives notification of the name of the nominee, the office to which that person is nominated and an information packet, which must include the background information and questionnaire provided to the Office of the Governor by the nominee and may include other information the Governor determines appropriate. The date of the posting and notice is referred to in this chapter as the "posting date."

When the nomination is received, the President of the Senate and the Speaker of the House of Representatives shall provide notice of the nomination and copies of accompanying materials to the chairs of the