

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

Regular Session of the 118th Legislature and the Joint Standing Committee on Education and Cultural Affairs, along with a copy for the Executive Director of the Legislative Council, no later than January 1, 1998. If the task force requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 8. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1997-98

LEGISLATURE

Task Force to Review the Applied Technology Centers and Applied Technology Regions

Personal Services	\$330
All Other	300
<hr style="width: 20%; margin-left: auto; margin-right: 0;"/>	
TOTAL	\$630

Provides funds for the per diem and expenses of legislative members of the Task Force to Review the Applied Technology Centers and Applied Technology Regions.

See title page for effective date.

CHAPTER 75

H.P. 632 - L.D. 857

Resolve, to Require the Department of Education to Review the Methods Used to Determine the Tuition Rates of a Receiving School for a Student from Another School District

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation requires the Department of Education to review the methods used to determine the tuition rate of a receiving school for a student from another school district; and

Whereas, this legislation is necessary as an emergency measure to afford adequate time for the issues to be appropriately addressed by the department; and

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

Sec. 1. Study. Resolved: That the Department of Education shall review the current methods used by the State and local school administrative units to determine tuition reimbursement rates for students who are educated in a school administrative unit other than their own or in a private school. In reviewing tuition reimbursement policies, the department shall examine school finance and governance issues in public schools, kindergarten to grade 12, including, but not limited to:

- A. The affordability, efficiency and fairness of state tuition reimbursement policies and the options, costs and benefits of a policy utilizing a maximum allowable tuition rate instead of an average state share percentage;
- B. The impact of tuition policies and practices on school administrative units that have higher operating expenditures per student than the state reimbursement rate;
- C. The needs of school administrative units that receive lower state subsidies and for which tuition rates are higher than the operating costs;
- D. The effect of tuition rates with respect to the number of tuitioned students; capital costs associated with tuitioned students, including the use of facilities, new construction or renovation costs, transportation and special education costs; and the ability of local communities to pay a fair price for the education of their students;
- E. The efficiency and fairness of extending to public schools the insured value factor that private schools currently receive; and
- F. The timeliness of the State in determining the tuition reimbursement rate and the impact on the budget development process of the local school administrative unit; and be it further

Sec. 2. Report; recommended legislation. Resolved: That the Department of Education shall report its findings and may submit any recommended legislation to the Joint Standing Committee on Education and Cultural Affairs by January 1, 1998. After reviewing the department's report and any

accompanying legislation, the committee may submit legislation to the Second Regular Session of the 118th Legislature; and be it further

Sec. 3. Budget authorization. Resolved:

That the Commissioner of Education shall utilize the department's existing budgeted resources to examine and report on the matters pursuant to this resolve. The commissioner may accept and administer any outside funds contributed to support the work of this study.

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

Effective June 12, 1997.

CHAPTER 76

H.P. 1030 - L.D. 1447

Resolve, to Require the Department of Environmental Protection to Review the Asbestos Hazard Emergency Response Act of 1986

Sec. 1. Study. Resolved: That the Department of Environmental Protection shall review, within its existing budgeted resources, the federal Asbestos Hazard Emergency Response Act of 1986, 15 United States Code, Section 2641 et seq. as it relates to asbestos abatement in Maine schools to determine the appropriateness of the State's current response to asbestos abatement in schools throughout Maine. In conducting the review the department may include, but is not limited to, an examination of the following professional literature:

1. Breaking the Vicious Circle: Toward Effective Risk Regulation. Stephen G. Breyer, Harvard University Press, Cambridge, 1993;
2. "Proceedings: Symposium on Health Aspects of Exposure to Asbestos in Buildings." Harvard University Energy and Environmental Policy Center, 1988;
3. "Asbestos: Scientific Developments and Implication of Public Policy." Science, Washington, D.C., January 19, 1990;
4. "The Toxic Tort that Won't Die." The Wall Street Journal, July 10, 1996; and
5. "High Court to Hear Two Cases on Asbestos Exposure." The New York Times, November 2, 1996; and be it further

Sec. 2. Consultation required. Resolved: That the Department of Environmental Protection

shall consult with the Bureau of General Services within the Department of Administrative and Financial Services and the Department of Education prior to and during the review; and be it further

Sec. 3. Report. Resolved: That the Department of Environmental Protection shall submit its report, together with any necessary implementing legislation, to the First Regular Session of the 119th Legislature by January 1, 1999.

See title page for effective date.

CHAPTER 77

H.P. 681 - L.D. 933

Resolve, to Establish a Commission to Study Insurance Fraud

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it has come to the attention of the Legislature that insurance fraud is a serious concern of both the insurance industry and law enforcement; and

Whereas, a study of the laws related to insurance fraud is necessary to determine the extent of the problem in the State and to develop possible recommendations to strengthen the State's laws governing insurance fraud; and

Whereas, this resolve establishes the Commission to Study Insurance Fraud; and

Whereas, members of the commission established by this resolve must be appointed prior to the expiration of the 90-day period; and

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

Sec. 1. Commission established. Resolved: That the Commission to Study Insurance Fraud, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following 12 members:

1. Ten members appointed by the Governor representing the following interests and constituent groups: five representatives from the insurance