

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE  
115TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
EDUCATION**

**AUGUST 1991**

***MEMBERS:***

***\*Sen. Stephen C. Estes  
Sen. Dale McCormick  
Sen. Linda Curtis Brawn***

***\*Rep. Nathaniel J. Crowley, Sr.  
Rep. James R. Handy  
Rep. William B. O'Gara  
Rep. James V. Oliver  
Rep. John J. O'Dea  
Rep. Mary F. Cahill  
Rep. Sophia Douglass Pfeiffer  
Rep. Omar P. Norton  
Rep. Wendy L. Ault  
Rep. Alvin L. Barth, Jr.***

***Staff:***

***David C. Elliott, Principal Analyst  
Michael D. Higgins, Legislative Analyst***

***Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207) 289-1670***

***\*Denotes Chair***

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
ULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
ON CLARK  
DYAN M. DYTTER  
BRO FLATEBO  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
ANE ORBETON



STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

KAREN L. HRUBY  
JILL IPPOLITI  
JOHN B. KNOX  
PATRICK NORTON  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
HAVEN WHITESIDE  
MILA M. DWELLEY, RES. ASST.  
ROY W. LENARDSON, RES. ASST.  
BRET A. PRESTON, RES. ASST.

**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION  
JOINT STANDING COMMITTEE  
BILL SUMMARIES  
AUGUST 1991**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<b>PUBLIC XXX</b>	<i>Chapter # of enacted Public Law</i>
<b>P&amp;S XXX</b>	<i>Chapter # of enacted Private &amp; Special Law</i>
<b>RESOLVE XXX</b>	<i>Chapter # of enacted Resolve</i>
<b>CON RES XXX</b>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<b>EMERGENCY</b>	<i>Enacted law takes effect sooner than 90 days</i>
<b>CARRIED OVER</b>	<i>Bill carried over to 2nd Session</i>
<b>FAILED EMERGENCY ENACTMENT</b>	<i>Bill failed to get 2/3 vote</i>
<b>ONTP</b>	<i>Ought Not to Pass report accepted</i>
<b>LVWD</b>	<i>Leave to Withdraw report accepted</i>
<b>INDEF PP</b>	<i>Bill Indefinitely Postponed</i>
<b>DIED BETWEEN BODIES</b>	<i>House &amp; Senate disagree; bill died</i>
<b>VETO SUSTAINED</b>	<i>Legislature failed to override Governor's Veto</i>
<b>UNSIGNED</b>	<i>Not signed by Governor within 10 days</i>
<b>DIED ON ADJOURNMENT</b>	<i>Action incomplete when 1st session ended</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

**LD 1245      An Act to Require Payment of Rent for the Residences of  
University of Maine System Presidents (By Request)**

**ONTP**

**SPONSOR(S)**  
DUPLESSIS

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have required the payment of rent from a University of Maine System president residing in university housing.

**LD 1249      An Act Relating to the Education of Homeless Students**

**PUBLIC 608  
EMERGENCY**

**SPONSOR(S)**  
LUDWIG  
BRANNIGAN  
AULT

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-767    GEAN

**SUMMARY**

This bill implemented the State's responsibilities under the federal Stewart B. McKinney Homeless Assistance Act to revise its laws to ensure that homeless students are afforded a free, appropriate public education. This bill authorized the commissioner to adopt rules consistent with that Act that permits a homeless student to enroll in the school administrative unit where the best interests of the student are served. This bill created another exception, not squarely dealt with by existing law, to the general principle that a child is entitled to a free public education only in the school unit where the child's parent or legal guardian resides.

House Amendment "A" (H-767) added a fiscal note to the bill.

**LD 1252      An Act to Amend and Improve the Laws Relating to Education**

**INDEF PP**

**SPONSOR(S)**  
BRAWN  
BARTH  
O'GARA

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-153

**SUMMARY**

This bill, the department's omnibus bill:

1. Changes the name of high school equivalency certificates to high school equivalency diplomas to be consistent with federal statutes;
2. Inserts language in the Maine Revised Statutes, Title 20-A, section 3351, authorizing the Commissioner of Education to carry forward unexpended balances in the accounts established for the purpose of the schooling of children in the unorganized territories. This language was inadvertently removed in 1986;
3. Establishes provisions in Title 20-A, section 5055, that authorize superintendents of schools to issue work permits and give the Commissioner of Education rule-making authority to administer this section;

4. Adds statutory reference to the vocational centers in Ellsworth and Sanford;
5. Clarifies the requirement for a favorable local vote for school construction projects that are not funded by the State;
6. Eliminates references to state institutions for the mentally ill and mentally retarded to be consistent with the proposed change in Title 20-A, section 15603 and the inclusion of a school operated by the Department of Education;
7. Expands the definition of state-operated institution to include a school operated by the Department of Education. This was intended to include specifically the Governor Baxter School for the Deaf; and
8. Changes terminology to enable school administrative units to have more flexibility in offering programs and services to Maine's preschool exceptional children. Currently, the subsidy is provided to school administrative units for programs they operate. Under this bill they may use other agencies or organizations to provide these programs or services.

The Committee Amendment (S-153) makes several changes in the original bill to:

1. Clarify the requirement for issuance of a high school equivalency diploma to persons 18 years of age;
2. Permit charging a fee for issuance of a high school equivalency diploma to out-of-state residents;
3. Make several technical changes to correct cross-references and other obsolete terms in the Maine Revised Statutes, Title 20-A;
4. Authorize elected directors of school boards in school administrative districts to take the required oath of office before a notary public as well as a dedimus justice;
5. Cross-reference the superintendent's responsibilities in issuing student work permits under Title 26;
6. Remove the requirement that Maine studies be taught as a separate course in high school. Maine studies still must be taught once in grades 6 through 8 and the concepts must now be integrated into high school classes; and
7. Add a fiscal note.

**LD 1280      An Act to Enhance Voters' Rights in Relation to School  
Administrative District Budgets**

**ONTP**

**SPONSOR(S)**

PRAY  
CROWLEY  
STROUT  
ESTY

**COMMITTEE REPORT**

ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

Under current law, a school administrative district budget that has been rejected by the voters goes into effect anyway unless a subsequent budget is proposed and passed. This bill would have provided the board