

# 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  
RON CLARK  
RYAN M. DYTTER  
BRO FLATEBO  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
KANE ORBETON



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.

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

**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.

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

of directors with an incentive to create a meaningful alternative budget if the voters have rejected the original budget proposal. It created this incentive by keeping the prior year's budget in place until a new budget is passed.

**LD 1300      An Act Relating to the Employment of School Board Members      PUBLIC 196**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
HEINO BAILEY R NORTON	OTP	

**SUMMARY**

The law, as presently written, prohibits the employment of a school board member by the unit where the member served until after the member's term expires. A person who resigns prior to the end of the member's term has an unreasonably long time to wait before being eligible for employment. This bill limited the waiting period to one year from the time the board member ceases to serve on the board.

**LD 1305      An Act Concerning State Education Mandate Waivers      PUBLIC 429  
EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CROWLEY NORTON ESTES O'GARA	OTP-AM	H-358 H-412 CROWLEY S-300 ESTES

**SUMMARY**

This bill allows school administrative units acting through either their superintendents, their superintending school committee or their budget-setting authority to obtain an exemption from any state mandate that has been enacted since January 1, 1984 by mailing notice of their intent to eliminate or delay compliance with a specific mandate to the Commissioner of Education. The bill allows the commissioner to deny an exemption if the delay or elimination was not based on financial reasons. The commissioner's power to deny an exemption is limited to actions taken by a superintendent or a superintending school committee.

The Committee Amendment (H-358) replaces the original bill and establishes a statutory waiver request and approval process to be administered by the commissioner. The commissioner is directed to report to the Joint Standing Committee on Education on the waiver program by January 1, 1992. The amendment also adds an emergency preamble, an emergency clause and a sunset date of July 1, 1992.

The House Amendment provides that the waiver or deferral of state education mandates is governed by the provisions in this bill as amended.

The Senate Amendment amends the supplemental budget bill enacted earlier this session to clarify that the June General Purpose Aid for Local Schools will be paid in early July. Local school units need this clarification in order to make the necessary plans for borrowing and taking other actions necessary to accommodate the deferral of the June subsidy check to July.