

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
EDUCATION AND CULTURAL AFFAIRS**

JUNE 1996

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

choice programs. The 2 pilot sites were to be chosen from among partnerships of school administrative units established to demonstrate efficiencies of consolidating certain school functions. The demonstration would have been eligible to apply for grant funds made available by the Department of Education. (Not adopted)

Committee Amendment "C" (S-547) was another minority report. This amendment deleted a provision that requires a student applying to participate in the school choice program to identify the reason for choosing to participate. (Not adopted)

LD 505

An Act to Implement the Recommendations of the Committee to Study the Operations of the Governor Baxter School for the Deaf

PUBLIC 676

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-787

LD 505 was submitted by the Committee to Study the Operations of the Governor Baxter School for the Deaf, created pursuant to Public Law 1993, chapter 508. It proposed the following.

1. Repeal Private and Special Law 1897, chapter 446 that established the governing body of the Governor Baxter School for the Deaf.
2. Eliminate the Policy Review Board of the Governor Baxter School for the Deaf.
3. Establish an independent school board appointed by the Governor responsible for hiring a superintendent, developing a budget and overseeing Governor Baxter School for the Deaf operations.
4. A new definition of the superintendent's role, which includes hiring staff, helping develop the budget and administering the school.
5. Clarified that upon enactment, the Commissioner of Education's collection of fees for rental use of the school's facilities be credited to a special account to support facilities and activities of the current Governor Baxter School.
6. Defined the process by which the school board must submit its budget proposal to the Department of Education for inclusion in the department's budget.
7. Provided transitional language that allows the school board, staff and new Governor Baxter School operations to begin July 1, 1996.

Committee Amendment "A" (H-787) proposed the following.

1. Add an appropriation section and a fiscal note to the bill.
2. Permit payment of per diem and expenses for members of the School Board of the Governor Baxter School for the Deaf.
3. Clarify that funding for the Governor Baxter School for the Deaf must be used to support maintenance of the school and Mackworth Island, security, outreach services, adult education, use of the education network of Maine and operations of the school, including

the residential program, parent-infant program, preschool program and the communication garden program.

4. Increase the membership of the School Board of the Governor Baxter School for the Deaf from 11 to 13 voting members.
5. Require that the Governor give proper consideration to statewide geographical representation, cultural equity and gender equity in appointing members to the school board.
6. Require 8 affirmative votes by the school board to approve the annual budget of the Governor Baxter School for the Deaf.
7. Require the Department of Education to provide administrative assistance to the Governor Baxter School for the Deaf until July 1, 1999.
8. Clarify that the School Board of the Governor Baxter School for the Deaf must annually submit the school budget to the Commissioner of Education for review and inclusion in the department's budget. The budget is subject to the normal budget review process conducted by the Governor and the State Budget Officer.
9. Relieve the Department of Education of liability for operation of the school by the School Board of the Governor Baxter School for the Deaf.
10. Clarify that the employees of the Governor Baxter School for the Deaf remain employees of the State.
11. Require that the joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters establish a committee to review the new governance structure of the school.
12. Clarify that the new governance structure for the Governor Baxter School for the Deaf must be implemented on January 1, 1997, except that the Governor must appoint members to the School Board of the Governor Baxter School for the Deaf by September 1, 1996

Enacted law summary

Public Law 1995, chapter 676 reduces the role of the Department of Education to providing technical support to the Baxter School for the Deaf and establishes a school board, selected by the Governor, to oversee operations of the school.

**LD 827 An Act to Provide for Record Checks of Elementary and
Secondary Education Employees and Applicants**

PUBLIC 547

Sponsor(s)
O'NEAL

Committee Report
OTP-AM

Amendments Adopted
H-724

LD 827, carried over from the 1st session, authorized the Commissioner of Education and state school superintendents to conduct record checks of criminal and investigative information on applicants for employment, certification or recertification in positions that are directly or indirectly in contact with children.