

## 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, <u>History and Final Disposition of Legislative Documents</u>, 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:

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

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.

**Committee Amendment ''A'' (H-724)** is the unanimous committee amendment. It narrowed the provision of the bill requiring a record check for elementary and secondary education employees and applicants to a mandatory check of criminal conviction records. It required the Commissioner of Education to obtain criminal conviction information from the Maine Criminal Justice Information System and allowed the commissioner to rely on information provided up to 24 months prior to the date of issuance of the certification, authorization or renewal. It required the applicant to pay the expense of obtaining this information. The amendment retained the provisions of the bill making criminal conviction information confidential. The amendment also established a study committee to make recommendations on further measures to protect children through improved hiring practices for education employees.

#### Enacted law summary

Public Law 1995, chapter 547 requires the Commissioner of Education to obtain criminal history record information from the Maine Criminal Justice Information System for anyone applying for certification to teach beginning in 1999.

LD 830	An Act to Establish Charter Schools		
	<u>Sponsor(s)</u> BARTH	<u>Committee Report</u> ONTP	Amendments Adopted

LD 830 authorized the establishment of charter schools within the State and set forth eligibility, application and funding requirements for charter schools.

LD 880	An Act Concerning Referendum Reform for School Budgets			INDEF PP
	Sponsor(s)	Committee Report	Amendments	Adopted
	REED W	OTP-AM MAJ		-
	HALL	OTP-AM MIN		

LD 880 required that if an article or several articles of a school administrative district (SAD) budget fail to pass in an initial referendum, a maximum of 2 subsequent referenda may be held to establish the budget. If no budget is passed after the 3rd referendum, the previous year's operating budget becomes the approved budget.

**Committee Amendment "A" (H-824)** is the majority report and replaced the bill. The amendment directed the Commissioner of Education to establish a study committee to review the status statewide of the referendum method of adopting a school budget. The study committee would have consisted of representatives of a wide variety of interested groups and organizations and would have presented any recommendations to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 15, 1996. (Not adopted)

**Committee Amendment "B" (H-825)** is the minority report and replaced the bill. Under current law, SADs that vote on school budgets by referendum in each town have 2 options for subsequent votes if they fail to approve a budget at the first vote. Following each failed vote, the SAD school board must decide whether the next vote will be conducted by the referendum method or at a district budget meeting held in one location within the district.

This amendment would have required the SADs that adopt the referendum method to place an article on the annual budget warrant asking if subsequent votes on the budget that year must be done by the referendum method. If a majority of the voters in the school administrative district vote yes, all votes on the budget that year, up to a total of 3, must be done by referendum. The referendum process could not occur more than 3 times or continue past August 1st.

If the voters reject the article, the SAD school board would have been required to decide in a public meeting whether the next vote must be conducted by the referendum method or at a district budget meeting held in one location within the district. Whichever method the board adopted, the vote must be held prior to August 1st.

If the budget is not adopted by August 1st, spending in the district would have been limited to spending for current contracts and essential school needs, as defined by the school board. A 9-member mediation team would have been formed to negotiate the district budget, subject to rules adopted by the Commissioner of Education. A vote of 5 of the voting members of the mediation team would have been needed to approve the budget. The budget must be adopted by the beginning of the district school year. (Not adopted)

LD 1124	An Act Regarding School Facilities and Debt Service PUBL Limits		
	<u>Sponsor(s)</u> MITCHELL EH	Committee Report OTP-AM	<u>Amendments Adopted</u> H-882 H-888

LD 1124 was carried over from the first session and proposed to implement the school construction and school governance recommendations of the Committee to Study Organizational and Tax Issues in Public Schools.

S-574

**Committee Amendment ''A'' (H-882)** replaced the original bill. The amendment established ceilings for debt service to the year 2000 and accomplished the following:

- 1. Required all schools applying for state funds for a school construction project to establish a facility maintenance plan;
- 2. Required the Department of Education to conduct a survey for the purpose of establishing an inventory of all school facilities in the State;
- 3. Required the State Board of Education to establish a study group for the purpose of reviewing and making recommendations on a number of school construction issues;
- 4. Repealed the time limit from Private and Special Law 1995, chapter 32 that required the Maine School Administrative District No. 49 to enter into a design-build contract or other alternative construction arrangement within 2 years of approval at referendum or lose the authority to do so.

House Amendment "A" to Committee Amendment "A" (H-888) was presented on behalf of the Committee on Bills in the Second Reading to make corrections in the title of the bill.

Senate Amendment "A" to Committee Amendment "A" (-S574) eliminated provisions that relate to a school construction project in School Administrative District No. 49 because those