

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.

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 Limits

PUBLIC 632

Sponsor(s)

MITCHELL EH

Committee Report

OTP-AM

Amendments Adopted

H-882

H-888

S-574

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.

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

provisions were included in the 1996-1997 supplemental budget, L.D. 1759. The amendment also transferred appointing authority for 2 members of the study group to review and make recommendations on school construction issues from the cochairs of the Joint Standing Committee on Education and Cultural Affairs to President of the Senate and the Speaker of the House of Representatives.

Enacted law summary

Public Law 1995, chapter 632 establishes the statewide debt service limit for approved school construction projects for 1999 at \$69 million and for 2000 at \$70 million. It also requires school units who receive state funds for construction projects to establish a facility maintenance plan and requires the Department of Education to conduct a school facilities inventory.

LD 1560 **Resolve, to Reduce Reliance on the Property Tax for School Funding** INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL EH	OTP-AM	

LD 1560 required the State Board of Education and the Department of Education to work together to establish a plan to promote regionalization and cost sharing among Maine schools.

Committee Amendment "A" (H-861) created a 17-member study commission to investigate alternative methods of financing public education and different methods of reducing reliance on property taxes to fund education. The commission would have submitted its report and any accompanying legislation to the First Regular Session of the 118th Legislature. The amendment also added an appropriation section and a fiscal note to the resolve. (Adopted in House and Senate but died on the Appropriations Table)

LD 1614 **An Act to Amend the Law as It Pertains to Payment of Rent by a Blind or Visually Impaired Individual Who Operates a Vending Facility** PUBLIC 563

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	H-744 S-435

LD 1614 allowed municipalities to charge limited rental fees for a vending facility operated by a person licensed by the Department of Education, Division for the Blind and Visually Impaired if the facility is in a public airport or other public location where certain commercial competitive criteria are met.

Committee Amendment "A" (S-435) made technical changes to the bill and clarified that current operators of vending facilities who are blind or visually impaired and licensed by the Department of Education, Division for the Blind and Visually Impaired are exempt from any requirement to pay a rental fee until their current rental agreement expires.

House Amendment "A" to Committee Amendment "A" (H-744) was offered on behalf of the Committee on Engrossed Bills to clarify the application of the committee amendment.