

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

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

**JULY 1999**

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***Sen. Robert E. Murray, Jr.***

***Sen. Mary E. Small***

***Rep. Michael F. Brennan, Chair***

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**ONE HUNDRED NINETEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing and Select Committees**  
**August 1999**

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

The document is organized for convenient reference to information on bills considered by the committees. It is organized 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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

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 Regular 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 IN CONCURRENCE*..... *One body accepts ONTP report; the other indefinitely postpones the bill*  
*DIED ON ADJOURNMENT*..... *Action incomplete when session ended; bill died*  
*EMERGENCY*..... *Enacted law takes effect sooner than 90 days*  
*ENACTMENT FAILED*..... *Bill failed to get vote required for enactment or final passage*  
*NOT PROPERLY BEFORE THE BODY*..... *Ruled out of order by the presiding officers; bill died*  
*INDEF PP*..... *Bill Indefinitely Postponed*  
*ONTP*..... *Ought Not To Pass report accepted*  
*OTP ND*..... *Committee report Ought To Pass In New Draft*  
*OTP ND/NT*..... *Committee report Ought To Pass In New Draft/New Title*  
*P&S XXX*..... *Chapter # of enacted Private & Special Law*  
*PUBLIC XXX*..... *Chapter # of enacted Public Law*  
*RESOLVE XXX*..... *Chapter # of finally passed Resolve*  
*UNSIGNED*..... *Bill held by Governor*  
*VETO SUSTAINED*..... *Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

*Enacted law summary*

Public Law 1999, chapter 216 provides a tuition waiver at state postsecondary educational institutions for persons 17 or 18 years of age who have resided in foster care for at least one full year. The law establishes that any person who was in the custody of the Department of Human Services and resided in foster care at the time that the person graduated from high school or successfully completed a general educational development examination or its equivalent is eligible for a tuition waiver. The law permits a tuition waiver to be available to a student enrolled in a certificate program of at least one year, as well as for a student enrolled in an undergraduate degree program. The law further defines "unmet need" and limits the amount of the tuition waiver available to an eligible person to the difference between the total cost of attendance at the postsecondary educational institution and the total of all sources of financial assistance, including federal funds provided through the Department of Human Services. Finally, the law delimits the scope of the tuition waiver program by limiting it to 25 eligible persons per year.

**LD 716**

**An Act to Amend the Law Relating to School Construction and School Facilities**

**PUBLIC 81**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD PENDLETON	OTP-AM	H-108

LD 716 proposed to clarify provisions of Public Law 1997, chapter 787, related to the construction of school facilities in the State. The bill proposed to accomplish the following.

1. The bill would clarify the allocation of resources a school administrative unit will commit to a maintenance and capital improvement program for all school facilities within the school administrative unit to allow more flexibility in determining local allocation to maintenance and capital improvement plans and programs.
2. The bill would clarify the intent of the original legislation under the Maine school facilities finance lease-purchase program that this program apply to lease-purchase only, not leases in general and allows lease-purchase to remain in the calculation of the circuit breaker.
3. The bill would amend the definition of subsidizable debt service on school construction projects to exclude debt service payments made from unused bond principal amounts and interest earned on investment of these unused funds.
4. The bill would provide that permanent space lease-purchase school projects whose costs are wholly eligible as debt service costs for purposes of calculating state subsidy must be approved by the legislative body of the school administrative unit. If any portion of the costs of the permanent space lease-purchase project is not eligible for inclusion in debt service costs for the purpose of calculating state subsidy, the permanent space lease-purchase project must be approved at a referendum. The bill would also permit school construction projects to be considered at referenda conducted under the alternate voting procedures of the Maine Revised Statutes, Title 20-A, section 1305.
5. The bill would also qualify certain projects for the School Revolving Renovation Fund that were undertaken during the summer of 1998 in anticipation of borrowing from that fund.

This bill was submitted on behalf of the Department of Education.

**Committee Amendment "A" (H-108)** proposed to correct a technical error in the Maine School Facilities Finance Program statutes and proposed to change the authorization date in the School Revolving Renovation Fund statutes from April 30, 1998, as proposed in the bill, back to the original date of June 1, 1998.

***Enacted law summary***

Public Law 1999, chapter 81 clarifies several provisions of Public Law 1997, chapter 787, related to the construction of school facilities in the State. The law accomplishes the following.

The law clarifies the allocation of resources a school administrative unit will commit to a maintenance and capital improvement program for all school facilities within the school administrative unit to allow more flexibility in determining local allocation to maintenance and capital improvement plans and programs.

The law also clarifies the intent of the original legislation under the Maine school facilities finance lease-purchase program that this program apply to lease-purchase only, not leases in general and allows lease-purchase to remain in the calculation of the circuit breaker.

The law amends the definition of subsidizable debt service on school construction projects to exclude debt service payments made from unused bond principal amounts and interest earned on investment of these unused funds.

The law further provides that permanent space lease-purchase school projects whose costs are wholly eligible as debt service costs for purposes of calculating state subsidy must be approved by the legislative body of the school administrative unit. If any portion of the costs of the permanent space lease-purchase project is not eligible for inclusion in debt service costs for the purpose of calculating state subsidy, the permanent space lease-purchase project must be approved at a referendum. The law also permits school construction projects to be considered at referenda conducted under the alternate voting procedures of the Maine Revised Statutes, Title 20-A, section 1305.

Finally, the law qualifies certain projects for the School Revolving Renovation Fund that were undertaken during the summer of 1998 in anticipation of borrowing from that fund.

**LD 719**

**Resolve, Regarding Legislative Review of Chapter 64: Rules Relating to the Maine School Facilities Program and School Revolving Renovation Fund, Major Substantive Rules of the Department of Education**

**ONTP**

Sponsor(s)

Committee Report  
ONTP

Amendments Adopted

LD 719 proposed to provide for legislative review of Chapter 64: Rules Relating to the Maine School Facilities Program and School Revolving Renovation Fund, major substantive rules of the Department of Education. These rules would govern the application and approval process for projects to be considered through the School Revolving Renovation Fund; Facility Maintenance and Capital Improvement Programs; Maine School Facilities Finance Program and lease and lease/purchase of temporary interim space and small nonadministrative space. The resolve is a duplicate of LD 632.

This bill was submitted on behalf of the Department of Education.