

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*Second Regular Session and  
Second Special Session*

*Bill Summaries*

*Joint Select Committee  
on  
Regionalization and Community Cooperation*

*May 2004*

**Members:**

*Sen. Dennis S. Damon, Chair  
Sen. Margaret Rotundo  
Sen. Chandler E. Woodcock  
Sen. Kenneth Blais*

*Rep. Janet L. McLaughlin, Chair  
Rep. Phillip R. Bennett, Jr.  
Rep. Theodore Koffman  
Rep. Christopher R. Barstow  
Rep. Janet T. Mills  
Rep. Edward J. Suslovic  
Rep. Lillian LaFontaine O'Brien  
Rep. Thomas W. Murphy, Jr.  
Rep. Anita Peavey-Haskell  
Rep. Stephen Bowen  
Rep. Joshua A. Tardy*

**Staff:**

*Lisa Baldwin, Legislative Analyst  
Susan Johannesman, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*

*Maine State Legislature*



*Office Of Policy And Legal Analysis  
Office Of Fiscal And Program Review*

*121st Maine Legislature  
Second Regular Session and  
Second Special Session*

*Summary Of Legislation Before The Joint Standing Committees*

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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:

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
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT .....	Bill imposing local mandate failed to get 2/3 vote
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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

*David C. Elliott, Director*  
**Offices located in Room 215 of the Cross Office Building**

*Joint Select Committee on Regionalization and Community Cooperation*

LD 1210

Resolve, To Establish the Intergovernmental Advisory Commission

ONTP

Sponsor(s)  
BOWEN  
DAMON

Committee Report  
ONTP

Amendments Adopted

LD 1210 proposed to establish the Intergovernmental Advisory Commission to study ways to reduce duplication among all 3 levels of government in the State as well as within each level of government; promote communications, cooperation and efficient delivery of services; and develop a mechanism to establish a permanent statewide intergovernmental advisory commission.

**LD 1921**

**An Act To Encourage Voluntary Efficiency in Maine's School Systems and Related Costs Savings**

**DIED IN CONCURRENCE**

Sponsor(s)  
MCLAUGHLIN  
DAMON

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted

LD 1921 proposed to increase efficiencies, improve equity in delivering educational services and alleviate increasing costs while maintaining the quality of public education from kindergarten to grade 12. This bill proposed to encourage regional delivery of educational services and school administration through voluntary formation of regional school districts and regional cooperatives and the provision of assistance by efficient school units to school administrative units seeking to reduce their education costs. Under the proposed bill, the State would provide monetary incentives for school units choosing to participate in these efforts.

None of the following amendments were adopted:

**Committee Amendment "A" (H-888)** was the majority report of the committee and proposed to replace the bill. It proposed to amend the certification criteria and performance review criteria for regional school districts, regional cooperatives and consulting school units. It also proposed to amend the financial incentives available to regional school districts, regional cooperatives and consulting school units. The amendment proposed to direct the Commissioner of Education to report to the Legislature on the efficacy of the financial incentives available under the law and to recommend statutory changes that may be needed to encourage efficiencies in delivering education services. Finally, it proposed to direct the State Board of Education to develop rules to permit applications for major school construction projects made jointly by 2 or more school administrative units. This amendment also proposed to add an appropriations and allocations section.

**House Amendment "A" to Committee Amendment "A" (H-905)** proposed to clarify that the final certification and approval process include bargaining units of employees of the school administrative units and that wages, hours and other conditions of employment are considered when making an agreement.

**House Amendment "B" to Committee Amendment "A" (H-939)** proposed to require that, prior to approval as a regional cooperative, the school administrative units to be combined to form the regional cooperative have each approved an agreement that addresses continuity of employment and employment benefits and rights of all

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bargaining units within the proposed regional cooperative. This requirement was proposed to be imposed under Committee Amendment "A" for regional school districts.

**House Amendment "C" to Committee Amendment "A" (H-954)** proposed to make the following changes to the bill as amended by Committee Amendment "A."

1. Add a phrase that was unintentionally omitted from Committee Amendment "A."
2. Alter the amount to be transferred to the Fund for the Efficient Delivery of Education Services in fiscal year 2004-05 from 1/2 of 1% of the amount appropriated for general purpose aid for local schools to \$1,000,000.
3. Alter the amount to be transferred to the Fund for the Efficient Delivery of Education Services in fiscal year 2006-07 from 2% of the amount appropriated for general purpose aid for local schools to 1 1/2%.

**House Amendment "D" to Committee Amendment "A" (H-960)** proposed to create the Educational Efficiency Advisory Group to foster communication and cooperation between schools, school administrative units and other units of local and regional government and to promote efficient and cost-effective delivery of educational services for children in Maine.

**Senate Amendment "A" to Committee Amendment "A" (S-547)** proposed to require that, prior to approval as a regional cooperative, the school administrative units to be combined to form the regional cooperative have each approved an agreement that addresses continuity of employment and employment benefits and rights of all bargaining units within the proposed regional cooperative. This requirement was proposed to be imposed under Committee Amendment "A" for regional school districts.

**Senate Amendment "B" to Committee Amendment "A" (S-548)** proposed to make the following changes to the bill as amended by Committee Amendment "A."

1. Add a phrase that was unintentionally omitted from Committee Amendment "A."
2. Alter the amount to be transferred to the Fund for the Efficient Delivery of Education Services in fiscal year 2004-05 from 1/2 of 1% of the amount appropriated for general purpose aid for local schools to \$1,000,000.
3. Alter the amount to be transferred to the Fund for the Efficient Delivery of Education Services in fiscal year 2006-07 from 2% of the amount appropriated for general purpose aid for local schools to 1 1/2%.

**Senate Amendment "C" to Committee Amendment "A" (S-558)** proposed to make the following changes to the bill, as amended by Committee Amendment "A."

1. Remove provisions regarding "consulting school units."
2. Remove provisions regarding incentives and accountability components for regional school districts.
3. Retain provisions regarding incentives and accountability components for regional cooperatives. It proposed to limit the amount of funds that can be dedicated to regional cooperatives to 1/3 of the amount transferred to the Fund for the Efficient Delivery of Education Services in each year.
4. Reduce transfers to the Fund for the Efficient Delivery of Education Services in fiscal year 2004-05 from .5% of general purpose aid for local schools to \$1,000,000.

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5. Reduce transfers to the Fund for the Efficient Delivery of Education Services in fiscal year 2005-06 from 1.0% of general purpose aid for local schools to \$2,000,000.
6. Eliminate the transfers to the Fund for the Efficient Delivery of Education Services specified for fiscal years 2006-07, 2007-08, 2008-09 and 2009-10.
7. Change the date by which the Commissioner of Education must report to the Legislature from January 2007 to January 2005.

**LD 1930**

**An Act To Promote Intergovernmental Cooperation, Cost Savings and Efficiencies**

**PUBLIC 696**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	S-510
	ONTP      MIN	S-517    DAMON
		S-575    CATHCART

LD 1930 was a concept draft pursuant to Joint Rule 208. It proposed to do the following:

1. Require that each of the state, county and municipal governments pay for those services that it requires be provided. This would not include Federal Government mandates and mandates related to education.
2. Establish the Intergovernmental Advisory Group to study ways to reduce duplication and improve efficiency among all 3 levels of government in the State as well as within each level of government; promote communication, cooperation and efficient delivery of services; provide state resources for guidance, technical support and incentives to regionalize; and work with local and regional entities to design and implement pilot projects that result in cost savings and improved services through regionalization or other efficiency efforts.

The advisory group was proposed to have the following representation:

- A. Five members from State Government, 3 of whom must be commissioners and 2 of whom must be Legislators not of the same political party;
  - B. Five members who must be officials representing regional governments, 3 of whom must be county officials and 2 of whom must represent regional planning agencies, councils of government or other regional bodies; and
  - C. Five members who must be officers representing municipal governments, 3 of whom must be municipal officials and 2 of whom must represent school districts or other special-purpose districts that represent 2 or more municipalities.
3. Encourage the adoption of a county charter by streamlining the procedure for initiating a charter commission and removing all statutory limits on charter powers. The proposed changes to accomplish this included the following: