



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 793

H.P. 542

House of Representatives, March 10, 2015

**Resolve, To Examine Unfunded Mandates in the Education Laws
and To Recommend Unfunded Mandates To Be Eliminated**

(EMERGENCY)

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCLELLAN of Raymond.
Cosponsored by Representatives: HUBBELL of Bar Harbor, MAKER of Calais, PETERSON of Rumford, STEARNS of Guilford.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the enactment of unfunded education mandates and other provisions of
4 federal and state education laws may result in adverse fiscal effects on school
5 administrative units in the State, which are obligated to implement the new federal or
6 state requirements without receiving the funding necessary to do so; and

7 **Whereas,** the economic consequences of the recent economic recession have
8 reduced the amount of Federal Government and State Government revenues that are
9 available to support the operations of public schools in the State and have affected the
10 ability of local property taxpayers to bear the financial burden of unfunded education
11 mandates on school administrative units in the State; and

12 **Whereas,** the work group established in this resolve must begin its work as soon as
13 possible in order to examine unfunded mandates and bureaucratic impediments identified
14 in a number of reports and determine which ones should be addressed as a matter of
15 priority; and

16 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
17 the meaning of the Constitution of Maine and require the following legislation as
18 immediately necessary for the preservation of the public peace, health and safety; now,
19 therefore, be it

20 **Sec. 1. Work group established. Resolved:** That a work group to examine
21 unfunded mandates in the education laws is established; and be it further

22 **Sec. 2. Work group membership. Resolved:** That the work group consists of
23 the following 3 members:

24 1. One Senator appointed by the President of the Senate;

25 2. One member of the House of Representatives appointed by the Speaker of the
26 House of Representatives; and

27 3. The Executive Director of the Maine School Management Association or the
28 executive director's designee; and be it further

29 **Sec. 3. Chair. Resolved:** That the member of the House of Representatives is the
30 chair of the work group; and be it further

31 **Sec. 4. Appointments; convening of work group. Resolved:** That all
32 appointments must be made no later than 10 days following the effective date of this
33 resolve. The appointing authorities shall notify the Executive Director of the Legislative
34 Council once all appointments have been made. The chair of the work group shall call
35 and convene the first meeting of the work group within 15 days of the effective date of
36 this resolve. If a majority of but not all appointments have been made within 10 days of
37 the effective date of this resolve, the chair may request authority and the Legislative

1 Council may grant authority for the work group to meet and conduct its business; and be
2 it further

3 **Sec. 5. Duties. Resolved:** That the work group shall review the following 3
4 reports:

5 1. Unfunded Education Mandates: A report to the Joint Standing Committee on
6 Education and Cultural Affairs by the Maine Department of Education (January 2014);

7 2. Current Statutes that Create Barriers for School System Leadership: Initial Report
8 and Recommendations to the Commissioner of Education by the Red Tape Group (April
9 15, 2011); and

10 3. Unfunded State Mandates and Other Education Requirements: Report to the Joint
11 Standing Committee on Education by Susan A. Gendron, Commissioner of Education
12 (February 18, 2009).

13 The work group shall examine the unfunded mandates and bureaucratic impediments
14 identified in these reports and determine which ones have been addressed, which ones
15 still exist and which ones should be addressed as a matter of priority. The work group
16 shall make recommendations as to how to best address those unfunded mandates and
17 bureaucratic impediments determined to be priorities; and be it further

18 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council may provide
19 necessary staffing services to the work group; and be it further

20 **Sec. 7. Report. Resolved:** That, no later than December 2, 2015, the work group
21 shall submit a report that includes its findings and recommendations, including suggested
22 legislation, to the Joint Standing Committee on Education and Cultural Affairs in the
23 Second Regular Session of the 127th Legislature. The joint standing committee is
24 authorized to submit a bill related to the report to the Second Regular Session of the
25 127th Legislature.

26 **Emergency clause.** In view of the emergency cited in the preamble, this
27 legislation takes effect when approved.

28 SUMMARY

29 This resolve establishes a work group to examine unfunded mandates in the
30 education laws. The work group is charged with reviewing 3 reports on unfunded
31 education mandates and determining which unfunded mandates have been addressed,
32 which ones still exist and which ones should be addressed as a matter of priority. The
33 work group is required to make recommendations as to how to best address those
34 unfunded mandates determined to be priorities and report to the Joint Standing
35 Committee on Education and Cultural Affairs no later than December 2, 2015. The joint
36 standing committee may submit a bill related to the report to the Second Regular Session
37 of the 127th Legislature.