

# MAINE STATE LEGISLATURE

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tion 3 of section 226 of Title 20 of the Revised Statutes are repealed and the following enacted in place thereof:

District Appropriation to be Assessed to the Member Municipalities for maintenance of effort, (section 3713, subsection 3-B), such appropriation to be assessed on the district's method of sharing costs	\$. . . . .
District Appropriation to be Assessed to the Member Municipalities on State Valuation, (section 3713, subsection 7)	\$. . . . .
District Appropriation to be Assessed to the Member Municipalities for the period ending June 30, 1974	\$. . . . .

Sec. 3. R. S., T. 20, § 304, amended. The 6th sentence of section 304 of Title 20 of the Revised Statutes, as enacted by section 18 of chapter 440 of the public laws of 1969, is amended to read as follows:

All such temporary notes issued in anticipation of an authorized issue of capital outlay bonds or notes, or renewals thereof, shall mature not later than ~~2~~ 3 years from the date of the first such temporary note to be issued.

Sec. 4. R. S., T. 20, § 304, amended. The first sentence of the 2nd paragraph of section 304 of Title 20 of the Revised Statutes is amended to read as follows:

The aggregate principal amount of bonds or notes issued by a School Administrative District for capital outlay purposes shall not exceed, at any one time outstanding, the limit of indebtedness of the sum of 12½% of the total of the last preceding state valuation of all the participating towns and ~~an additional percentage of said total state valuation determined by multiplying 12½% by the applicable percentage for said district as set forth in the third column of Table II of Section 3457~~ municipalities plus an amount to be set by the State Board at the time of the initial approval of the school construction project not to exceed 7½% of the state valuation of the participating municipalities.

Sec. 5. R. S., T. 20, § 305, amended. The 2nd paragraph of section 305 of Title 20 of the Revised Statutes, as repealed and replaced by section 3 of chapter 483 of the public laws of 1967, is amended by inserting after the first sentence a new sentence to read as follows:

Such assessments shall be limited to those appropriations approved by the voters as being necessary to cover expenditures within the limitations set by this Title, such expenditures being over and above the uniform property tax assessed by the State Tax Assessor for school purposes.

Sec. 6. R. S., T. 20, § 351, amended. The first sentence of the next to the last paragraph of section 351 of Title 20 of the Revised Statutes is amended to read as follows:

The clerk in each of the several towns shall file a return of such votes with the ~~Secretary of State~~ State Board of Education.

**Sec. 7. R. S., T. 20, § 354, amended.** The first sentence of section 354 of Title 20 of the Revised Statutes is amended to read as follows:

To procure funds for authorized purposes of the district, the trustees of said district are authorized to borrow funds to pay current operational expenditures of the district in an amount not to exceed ~~the total of the warrants issued for the current year, but~~ the gross budget approved by the voters at the annual meeting or approved by the trustees when an annual budget meeting is not required by the organizational charter, said loans must be repaid within the same fiscal year.

**Sec. 8. R. S., T. 20, § 355, amended.** Section 355 of Title 20 of the Revised Statutes is amended to read as follows:

**§ 355. Financing of bond obligations**

The trustees of the "..... Community School District" shall within 90 days after authorization by vote of the participating towns as provided in section 351 and thereafter annually before April 1st of each year determine the sum required each year to meet the bonds falling due and what further sum is necessary to meet the interest on said bonds or other obligations, and all other expenses necessary for the operation of the district, including the rentals and other charges provided in any contract, lease or agreement with the Maine School Building Authority, **or shall take the required assessing action on the budget approved by the voters at the annual budget meeting.** The trustees shall thereupon issue their warrants, in substantially the same form as the warrant of the Treasurer of State for taxes, to the assessors of each participating town, requiring them to assess upon the taxable ~~polls and~~ estates within said town an amount in proportion to the total sum required each year as that town's state valuation bears to the total state valuation of all the participating towns, **or, in accordance with section 361 of this Title if that cost sharing plan has been approved by the voters, except that if the apportionment for maintenance and operation of the school or schools results in a per pupil cost to any participating town in excess of 150% of the average per pupil cost for operating the school or schools, the town's apportionment shall be 150% of the average per pupil cost and the balance shall be apportioned among the remaining towns according to the last preceding state valuation** such assessments shall be limited to those appropriations approved by the voters or trustees when appropriate as being necessary to cover expenditures within the limitations set by this Title, such expenditures being over and above the uniform property tax assessed by the State Tax Assessor for school purposes; and to commit the assessment to the constable or collector of said town who shall have all the authority and powers to collect said taxes as is in him vested by law to collect state, county and municipal taxes. In the year in which the tax is so levied, the treasurer of each municipality shall pay the amount of the tax so levied in 4 equal installments to the treasurer of the community school district. The first installment shall be paid on or before the end of the first quarter of the fiscal year, the 2nd installment shall be paid on or before the end of the 2nd quarter of the fiscal year, the 3rd installment shall be paid on or before the end of the 3rd quarter of the fiscal year and the final installment shall be paid 15

days before the end of the fiscal year. ~~On or before the 31st day of December of the year in which said tax is so levied~~ The trustees shall assess against the member municipalities only those installments that will become payable during the fiscal year of the municipalities and, the treasurer of each town shall pay the amount of the tax so assessed against the taxable ~~polls and~~ estates within his said town to the treasurer of the district. In the case of the failure on the part of the treasurer of said town to pay said sum or any part thereof ~~on or before said 31st day of December~~ the dates required in the year in which said tax is levied, the treasurer of the district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to the county sheriff requiring him to levy by distress and sale on the real and personal property of any of the inhabitants of said district living in the town where such default takes place and the sheriff or any of his deputies shall execute said warrant, except as otherwise provided. The same authority as is vested in county officials for the collection of county taxes under the Revised Statutes is vested in the trustees of said district in relation to the collection of taxes within such town.

**Sec. 9. R. S., T. 20, § 360-C, amended.** Section 360-C of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 132 of the public laws of 1973, is amended by adding at the end 2 new sentences to read as follows:

**Each administrative unit within the community school district shall transfer to the community school district all school supplies and equipment purchased for and in use by the school grades encompassed by the district formation, and such real property as is requested by the community school committee that was formerly used for school purposes by the member administrative units, such transfer shall be made forthwith following the issuance of the certificate of organization of the district. The selectmen are authorized and are required to execute quitclaim deeds for the transfer of such real property as is requested by the community school district school committee.**

**Sec. 10. R. S., T. 20, § 1289, amended.** Section 1289 of Title 20 of the Revised Statutes, as amended, is further amended by inserting after the first sentence a new sentence to read as follows:

**No parent shall be denied the right of a public education at public expense for pupils between ages 7 and 20.**

**Sec. 11. R. S., T. 20, § 2356-A, sub-§ 5, amended.** The 7th sentence of subsection 5 of section 2356-A of Title 20 of the Revised Statutes, as enacted by chapter 605 of the public laws of 1973 is amended to read as follows:

**Membership of the cooperative board shall be made up from the school committee or board of school directors, or both, of the administrative units in that area in proportion to the population of those administrative units.**

**Sec. 12. R. S., T. 20, § 2356-A, sub-§ 5, amended.** The 8th sentence of subsection 5 of section 2356-A of Title 20 of the Revised Statutes, as enacted by chapter 605 of the public laws of 1973, is repealed as follows:

~~No single administrative unit shall have more than 50% of the total membership of the cooperative board.~~

Sec. 13. R. S., T. 20, § 2356-A, sub-§ 5, amended. Subsection 5 of section 2356-A of Title 20 of the Revised Statutes, as enacted by chapter 605 of the public laws of 1973 and as amended, is further amended by inserting after the 13th sentence the following:

When the member units of a cooperative board have determined the representation and the method of sharing costs, the school committees or boards of directors, or both, of the member units shall meet forthwith on the call of the superintendents of schools to select the members who will serve on the cooperative board. The cooperative board members shall meet upon the call of the superintendents of schools in the region and shall organize by electing a chairman, a vice-chairman, a secretary and treasurer and adopting bylaws for the calling of and conducting of cooperative board meetings. The secretary of the cooperative board shall forthwith file a return with the commissioner setting forth the names of the officers of the cooperative board of the vocational region and certifying that the cooperative board has been properly organized. The commissioner is authorized to issue a certificate of organization for each of the vocational regions so organized and the issuance of such a certificate shall be conclusive evidence of the lawful organization of the vocational region. Copies of each certificate so issued shall be kept on file by the secretary of each region and shall be placed on file in the office of the commissioner. Each vocational region is declared to be a quasi-municipal corporation within the meaning of Title 30, section 5053, and all the provisions of said section shall be applicable thereto.

The treasurer of the cooperative board is authorized to borrow funds in anticipation of each member unit's payment of the unit's share of the vocational regional budget. Such borrowing must be repaid within one year and such loans may not at any one time exceed  $\frac{3}{4}$  of the budget submitted by the cooperative board for approval of the member units of the region.

Cooperative board members shall be paid \$10 per meeting for regularly called cooperative board meetings plus 10¢ per mile for travel of board members to and from such regularly called board meetings.

Sec. 14. R. S., T. 20, § 2356-A, sub-§ 5, amended. The 2nd paragraph of subsection 5 of section 2356-A of Title 20 of the Revised Statutes, as enacted by chapter 605 of the public laws of 1973, is repealed and the following enacted in place thereof:

If the cooperative board deems it advisable to issue bonds or notes and the amount of the issue does not exceed 1% of the last preceding state valuation of all the participating towns in the region, the board may proceed as follows: When the cooperative board of the region determines from a vote of the citizens of the region that bonds or notes for capital outlay purposes shall be issued in an amount not to exceed 1% of the total of the last preceding state valuation of all the participating units, they shall pass a resolution to that effect setting forth the amount of the proposal and the purpose or purposes for which the proceeds will be used. The 1% limit shall apply to the total cost of the proposed project and shall be outside the debt limitations of the individual member units of the region.

**Sec. 15. R. S., T. 20, § 2356-A, sub-§ 5, amended.** Those parts designated as Regions 3, 4 and 5 of subsection 5 of section 2356-A of Title 20 of the Revised Statutes, as enacted by chapter 605 of the public laws of 1973, are amended to read as follows:

**Region 3. NORTHERN PENOBSCOT COUNTY.** Units located in this area are: Carroll Plt.; Codyville; **Drew Plantation**; East Millinocket; Glenwood Plt.; Lakeville Plt.; Macwahoc Plt.; Medway; Millinocket; Reed Plt.; Topsfield; Vanceboro; Woodville; S.A.D. #30—Lee, Prentiss Plt., Springfield, Webster Plt., and Winn; S.A.D. #31—Burlington, Edinburg, Enfield, Howland, Lowell, Maxfield, Passadumkeag and Seboeis Plt.; S.A.D. #67—Chester, Lincoln and Mattawamkeag.

**Region 4. SOUTHERN PENOBSCOT COUNTY.** Units located in this area are: Alton; Amherst; Aurora; Bangor; Bradley; Brewer; **Dedham**; Glenburn; Grand Falls Plt.; Great Pond Plt.; Greenbush; Greenfield; Hermon; Milford; Old Town; Orono; Orrington; Osborn Plt.; Veazie; S.A.D. #22—Hampden, Newburgh and Winterport; S.A.D. #23—Carmel and Levant; S.A.D. #38—Dixmont and Etna; S.A.D. #63—Clifton, Eddington and Holden; S.A.D. #64—Bradford, Corinth, Hudson, Kenduskeag and Stetson.

**Region 5. HANCOCK COUNTY.** Units located in this area are; Bar Harbor; Blue Hill; Bucksport; Castine; Cranberry Isles; ~~Dedham~~; Ellsworth; Franklin; Gouldsboro; Hancock; Lamoine; Long Island Plt.; Mariaville; Mt. Desert; Orland; Otis; Penobscot; Sorrento; Southwest Harbor; Steuben; Sullivan; Surry; Tremont; Trenton; Winter Harbor; S.A.D. #73—Brooklin, Brocksville, Deer Isle, Sedgwick and Stonington; S.A.D. #76—Swan's Island.

**Sec. 16. R. S., T. 20, § 2356-A, sub-§ 5, amended.** The 3rd sentence of the 3rd paragraph from the end of subsection 5 of section 2356-A of Title 20 of the Revised Statutes, as enacted by chapter 605 of the public laws of 1973, is amended to read as follows:

State aid for transportation shall be computed and paid to the ~~cooperative board, treating the regional center as a single administrative unit~~ administrative units of the region in the same proportion that the administrative unit contributes to the vocational education budget of the region.

**Sec. 17. R. S., T. 20, § 2356-A, sub-§ 5, amended.** Subsection 5 of section 2356-A of Title 20 of the Revised Statutes, as enacted by chapter 605 of the public laws of 1973, and as amended, is further amended by adding at the end the following:

Beginning in 1975, all budgets adopted by the vocational regions shall be appropriated by the member units in proportion to the average number of resident pupils educated at public expense in grades 9 to 12 in the school year prior to the adoption of the budget.

Each vocational region authorized and organized under the Public Laws of 1973, chapter 605, is hereby validated, confirmed, approved and declared legal in all respects notwithstanding any defect or irregularity which may have occurred in the organization of the region and in the selection of the cooperative board of that region. The actions of the cooperative boards of

the vocational regions as organized under the Public Laws of 1973, chapter 605, as they relate to the preparation of a vocational budget and the allocation of costs to the member units of the vocational region are hereby validated, ratified and confirmed for the 1974 budget year.

Sec. 18. R. S., T. 20, § 2356-B, sub-§ 2, amended. Subsection 2 of section 2356-B of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 440 of the public laws of 1956 and as amended by section 12 of chapter 556 of the public laws of 1973, is further amended by adding at the end of the first paragraph a new sentence to read as follows:

The State Board of Education is authorized to pay  $\frac{2}{3}$  of the cost of vocational education as set forth in this section for expenditures made during the period July 1, 1973 to December 31, 1973, such payments shall be made subsequent to July 1, 1974.

Sec. 19. R. S., T. 20, § 3460, amended. Section 3460 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 373 of the public laws of 1969, as last repealed and replaced by chapter 552 of the public laws of 1971 and as amended, is further amended by adding a new paragraph at the end to read as follows:

Any unit which votes to issue bonds or notes for a school construction project prior to July 1, 1974, shall receive its percentage of school construction aid during the period of construction based upon the percentage of aid that was in effect prior to January 1, 1974. Such aid shall continue until the project is completed in accordance with the established schedule of payments. The unit's share of the cost of the project which is financed by the sale of notes or bonds will be reimbursed to the unit as the notes or bonds become due.

Sec. 20. R. S., T. 20, § 3712, sub-§ 1, amended. Subsection 1 of section 3712 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 556 of the public laws of 1973, is amended to read as follows:

1. **Operating costs.** Elementary or secondary operating costs shall include all costs, except transportation, community services, capital outlay, that portion of the tuition costs applicable to the insured value factor in the tuition formulae and debt service, reduced by tuition receipts, expenditures from all federal revenue sources and expenditures for special and vocational education programs as defined in subsection 4.

Sec. 21. R. S., T. 20, § 3712, sub-§ 8, amended. Subsection 8 of section 3712 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 556 of the public laws of 1973, is amended by adding at the end the following: Whenever a community school district is organized to educate part of the grades between K and 12 for the purposes of computing subsidies under sections 3711 to 3713, the state valuation adjusted to 100% of each member municipality shall be divided between that municipality and the community school district in direct proportion to the average number of resident pupils on October 1st and April 1st of the preceding year. The allocation for the separate towns shall be computed on the basis of the resident pupils educated by those towns using the proportional part of the state valuation as deter-



mined above. The allocation for the community school district shall be computed based upon the average number of resident pupils educated at the expense of the district using the proportional part of the state valuation as determined above.

Sec. 22. R. S., T. 20, § 3712, sub-§ 10, additional. Section 3712 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 556 of the public laws of 1973, is amended by adding a new subsection 10 to read as follows:

10. Capital outlay. Capital outlay for subsidy purposes shall include that portion of the tuition costs applicable to the insured value factor computed under section 1292 and as computed for elementary school tuition purposes.

Sec. 23. R. S., T. 20, § 3713, sub-§ 1, ¶ C, amended. Paragraph C of subsection 1 of section 3713 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 556 of the public laws of 1973, is amended to read as follows:

C. Compute the operating cost for special education programs in the preceding year for programs operated by the administrative unit plus current year expenditures for tuition or board, or both, paid to other units or schools. Medical costs shall not be allowable as a part of a tuition charge;

Sec. 24. R. S., T. 20, § 3713, sub-§ 3, ¶ B, amended. Paragraph B of subsection 3 of section 3713 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 556 of the public laws of 1973, is amended by adding at the end a new sentence to read as follows:

Income received by a unit for "B" students under Public Law 874 may be used to meet the unit's share of the funds required under this subsection.

Sec. 25. R. S., T. 20, § 3713, sub-§ 3, ¶ E, amended. Paragraph E of subsection 3 of section 3713 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 556 of the public laws of 1973, is amended to read as follows:

E. Whenever a unit's school tax rate for the preceding year is less than the school tax rate determined by the State Tax Assessor as required in sections 451 and 453 of Title 36 and the sum levied by the State Tax Assessor is greater than the unit's school tax rate of the preceding year by more than 2½ mills on state valuation adjusted to 100%, ~~the unit's allocation shall be adjusted as set forth below~~ the commissioner shall notify the municipal officers of the units affected as required by section 453 of Title 36. A unit's school tax rate shall be determined by dividing the amount appropriated for school purposes from property taxes, less any adjustment made under this subsection, by state valuation adjusted to 100%. A unit's school tax rate as adjusted under this subsection shall be used in determining whether or not future adjustments shall be made in subsequent years.

~~To the unit's allocation as determined in subsection 2 and this subsection shall be added a sum equal to the difference between the unit's school appropriation of the preceding year plus 2½ mills and the amount required by the State Tax Assessor in Title 36, sections 451 and 453. A unit's school tax rate as adjusted under this subsection shall be used in determin-~~

~~ing whether or not future adjustments shall be made in subsequent years. Any adjustment paid to a unit as a result of this subsection shall be credited to the general fund of the unit and may be used for municipal purposes upon proper authorization by that unit. An adjustment under this subsection is not subject to subsections 8 and 9.~~

**Sec. 26. R. S., T. 20, § 3713, sub-§ 6, amended.** Subsection 6 of section 3713 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 556 of the public laws of 1973, is amended by adding a new sentence at the end to read as follows:

The allocations shall further be adjusted in December and June to reflect the current year expenditures for tuition of special education students and the current year expenditure for capital outlay.

**Sec. 27. R. S., T. 20, § 3713, sub-§ 7, amended.** The next to the last sentence of subsection 7 of section 3713 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 556 of the public laws of 1973, is amended to read as follows:

Whenever a unit has authorized an additional school levy under this section, it shall pay to the Treasurer of State that part of its appropriation which is in excess of \$50, multiplied by the average number of resident pupils on October 1st and April 1st of the preceding year, times the authorized additional local school mill levy number of such mills. In 1974 each unit may appropriate a maximum of  $5/24$  of a mill for each month in its fiscal year subsequent to July 1, 1974.

**Sec. 28. R. S., T. 20, § 3713, sub-§ 9, amended.** The first sentence of subsection 9 of section 3713 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 556 of the public laws of 1973, is amended to read as follows:

Balances of state-local allocations at the end of the June 30th each year may be carried forward to meet the next year's school needs in an amount not to exceed 10% of the total state-local allocation of the year just completed.

**Sec. 29. R. S., T. 22, § 4719, amended.** The last 3 paragraphs of section 4719 of Title 22 of the Revised Statutes, as enacted by section 53-C of chapter 571 of the public laws of 1973, are repealed and the following enacted in place thereof:

Each school committee shall employ its own personnel and establish and operate a system of fiscal and personnel procedures in accordance with the general law as it applies to administrative units.

All expenditures must be authorized by the school committee, all bills and payrolls must be approved for payment by the superintendent of schools before being paid by the treasurer. The State Controller shall forward monthly to the treasurer such sum as may be requested by him, the total not to be in excess of the sum appropriated. The execution of the budget must be carried out within the funds made available and in accordance with the laws governing fiscal responsibility.

The biennial budgets shall be drawn up by the superintendent and school committee and forwarded to the Commissioner of Educational and Cultural

Services for his consideration and recommendation before being submitted to the Legislature.

**Sec. 30. R. S., T. 36, § 451, amended.** Section 451 of Title 36 of the Revised Statutes, as amended, and as last repealed and replaced by section 6 of chapter 556 of the public laws of 1973, is further amended by adding after the 2nd sentence, a new sentence to read as follows:

One-half of the sums so assessed shall be assessed and collected locally in the calendar year when the assessment is issued and  $\frac{1}{2}$  the sums so assessed shall be assessed and collected by the municipalities in the calendar year subsequent to the year of the state assessment.

**Sec. 31. R. S., T. 36, § 453, amended.** The last 2 paragraphs of section 453 of Title 36 of the Revised Statutes, as amended by section 7 of chapter 616 of the public laws of 1971 and as last repealed and replaced by section 7 of chapter 556 of the public laws of 1973, are amended to read as follows:

Said municipal treasurer shall pay to the Treasurer of State a sum equivalent to that portion of the tax levied under section 451 which is based upon a percentage of public school education costs which exceeds the allocation to the unit as computed under Title 20, section 3713. When the previous year's tax rate plus  $2\frac{1}{2}$  mills exceeds the allocation, or when the uniform state assessed school tax rate exceeds the allocation, said sum shall be paid to the Treasurer of State,  $\frac{1}{2}$  in the calendar year when assessed and  $\frac{1}{2}$  in the first 6 months of the next subsequent year. The Commissioner of Educational and Cultural Services shall notify each municipality of the sum in excess of the school allocation which shall be paid to the Treasurer of State. Such notification shall be sent by registered mail to the municipal officers prior to April 1st. Said municipal treasurer shall pay to the treasurer of the School Administrative District or community school district in quarterly installments that portion of the tax levied under section 451 of public school education costs which is not in excess of the allocation to the unit as computed under Title 20, section 3713.

The balance of the sums so assessed in each municipality shall be disbursed by the treasurer thereof for necessary expenses of local government as determined or appropriated for the public welfare within the purposes specified in Title 30, which Title sets forth these purposes for the public welfare for which municipalities are themselves authorized to raise money by taxation. For the year 1974, the municipal treasurer shall pay  $\frac{1}{2}$  the sum provided for in this section to the Treasurer of State. Payments in 1974 shall be in 2 equal installments payable on or before the last day of September and the last day of December. For the year 1975 and thereafter, payments shall be made to the Treasurer of State in equal quarterly installments payable on or before the 15th day of March, June, September and December, the first 2 payments being the remainder of the previous year's state assessment and the last 2 payments totaling  $\frac{1}{2}$  of the current year's state assessment.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.