

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333
March 22, 1978

Honorable James K. McMahon
House of Representatives
State House
Augusta, Maine

Dear Representative McMahon:

This responds to your request for advice regarding the impact of L.D. 2198 on existing funding structures of school administrative districts and community school districts. Your questions and their answers are as follows:

QUESTION 1: If the amendment is passed by the Legislature and approved by the voters will those SAD's and CSD'S who are presently operating under Formula B Agreements be frozen into those agreements forever?

It would be our view that SAD's and CSD's presently operating under formula B would not, solely by adoption of the amendment proposed by L.D. 2198, be frozen into those formulas forever. It would be our view that cost sharing formulas authorized by statute could be changed also as authorized by statute even if the resolution proposed in L.D. 2198 is approved.

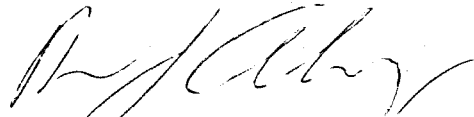
QUESTION 2: If the answer to the previous question is in the negative will it be necessary for such SAD's and CSD's to renegotiate their local formulas (cost sharing agreements) prior to any general validation of existing formulas by the Legislature pursuant to the enactment of the amendment?

We would see no need to renegotiate the formulas. It is our understanding that the intent of the amendment is to approve currently existing funding arrangements which may not comport with the equal assessment requirements of the Constitution. SAD's and CSD's could, of course, revise their formulas at any time in accordance with the procedures for revision of formulas set out in present law.

QUESTION 3: If the answer to the previous question is in the affirmative what is the procedure that should be used by a SAD or a CSD that wishes to change its formula and shouldn't such a change be adopted by the local unit prior to any validation action that might be taken by the 109th Legislature?

In light of the answers above, an answer to this question is not required.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'D. G. Alexander', written over the typed name.

DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec