

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

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Legislative Document

No. 1598

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House of Representatives June 17, 1963  
Filed for reproduction or printing under House Rule 36 by Mr. Easton of  
Winterport.

HARVEY R. PEASE, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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HOUSE AMENDMENT "B" to H. P. 1067, L. D. 1532, Bill, "An Act Providing  
for State Support for Education Foundation Program and the Financing  
Thereof."

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Amend said Bill by striking out all of sections 1, 2, 3, 4 and 5 and inserting  
in place thereof the following sections :

"Sec. 1. R. S., c. 41, § 237-C, repealed and replaced. Section 237-C of chap-  
ter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 and as  
repealed and replaced by section 1 of chapter 443, both of the public laws of  
1957, and as amended by section 14 of chapter 366 of the public laws of 1961,  
is repealed and the following enacted in place thereof :

'Sec. 237-C. The foundation program, defined. To help equalize educational  
opportunity and guarantee a minimum program of education for all children  
throughout the State there is established a foundation program, or level of edu-  
cation, in which the State will participate financially, rendering greater assistance  
to the less able administrative units.

Criteria for the foundation program administrative units shall:

I. Scope. Provide pre-primary or kindergarten education for 5-year-old  
children and education for all grades through grade 12.

II. High school education. If the unit does not operate a high school, it  
shall arrange for the education of all students in grades 9 to 12 at a high  
school meeting this program.

III. Salaries of teachers. Pay teachers in accordance with the minimum  
salary law.

**IV. Employment of teachers.** Employ at least one certified teacher for each 30 elementary school pupils in average daily membership except in the pre-primary or kindergarten where the ratio shall not exceed one certified teacher to 60 pupils and at least one certified teacher for each 25 high school pupils, with at least 8 certified teachers for grades 9 through 12, unless excused by the commissioner.

**V. School buildings.** Provide adequate school buildings as provided by law and as approved by the State Board of Education.

**VI. Instruction.** Provide courses of instruction, textbooks, reference books, study materials and supplies as prescribed by law and by the State Board of Education.

**VII. Dropouts.** Report all dropouts to the commissioner, investigate the cause and take necessary precautions to insure that no student need drop out of school for lack of adequate transportation.

**VIII. Law.** Abide by all provisions of the law governing school administrative units.

The term "average daily membership" as used in this chapter shall represent the sum of the days present and absent of all pupils in the school under consideration divided by the number of days school is maintained.'

**Sec. 2. R. S., c. 41, § 237-D, repealed.** Section 237-D of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 and as repealed and replaced by section 1 of chapter 443, both of the public laws of 1957, and as amended, is repealed.

**Sec. 3. R. S., c. 41, § 237-E, repealed and replaced.** Section 237-E of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 and as repealed and replaced by section 1 of chapter 443, both of the public laws of 1957, and as amended, is repealed and the following enacted in place thereof:

**'Sec. 237-E. State support of foundation program.** On the basis of information available in the office of the Commissioner of Education on September 1st for the 2 years next preceding the biennial convening of the Legislature, as provided in returns of educational statistics required by him, the commissioner shall apportion subsidies to the school administrative units of the State, cities, towns, plantations, school administrative districts and community school districts, for each of the next 2 years according to the following plan, based on average daily membership of resident pupils:

**I. First 50 pupils.** Each administrative unit shall receive a subsidy of \$250 for each of its first 50 pupils.

**II. Meeting foundation program and over 50 pupils.** Each administrative unit that is meeting the foundation program in the year immediately preceding the convening of the Legislature shall receive a subsidy of \$190 for each of its pupils over 50.

**III. Not meeting foundation program and over 50 pupils.** Each adminis-

trative unit that is not meeting the foundation program in such year shall receive a subsidy of \$170 for each of its pupils over 50.

**IV. Transportation.** Each administrative unit that transports at public expense pupils in grades 9 to 12 to an approved, publicly supported, secondary school shall receive a subsidy of \$30 for each pupil so transported if residing 2 miles or more by road from the school.

**V. Community school districts.** In figuring subsidy to community school districts, the following shall apply. Those community school districts offering a school program which includes pre-primary or kindergarten through 12th grade shall be subsidized as a single administrative unit, and payment made directly to the community school district rather than to the participating towns. In those community school districts where only part of this program is offered, the district cannot be considered as an administrative unit for subsidy purposes but each participating town shall receive a subsidy based on the total number of pupils in the town schools and in the district schools.

**VI. Application.**

A. The gross amount determined for each administrative unit under subsections I to V shall be reduced by an amount equal to 10 mills on the valuation of the unit as determined by the Board of Equalization under chapter 16, sections 66 and 67.

B. The subsidy for each administrative unit, as determined under subsections I to V, shall be further reduced by subtracting 90% of the average of the 2 preceding years' federal aid to federally impacted areas.

C. In the years 1964, 1965, 1966 and 1967 no school administrative district in existence on the effective date of this act shall receive a smaller net subsidy under this section and under section 237-H than it would have received in 1963 for both operating and capital outlay purposes.

D. No administrative unit shall receive a net subsidy under this section of less than \$40 per pupil.

**VII. Payable.** Subsidies are payable under section 242 from funds appropriated for the purpose by the Legislature. Should insufficient funds be appropriated, the net subsidies shall all be reduced in the same proportion.'

**Sec. 4. R. S., c. 41, § 237-G, repealed.** Section 237-G of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 and as repealed and replaced by section 1 of chapter 443, both of the public laws of 1957, and as amended, is repealed.

**Sec. 5. R. S., c. 41, § 237-H, repealed and replaced.** Section 237-H of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 and as repealed and replaced by section 1 of chapter 443, both of the public laws of 1957, and as amended, is repealed and the following enacted in place thereof:

**'Sec. 237-H. State aid for school construction. To provide further incentive for the establishment of larger school administrative districts, the commissioner**

shall allocate state financial assistance to school administrative districts and to administrative units with 300 or more resident and tuition pupils in grades 9 to 12, and to other districts created by special act of the Legislature, according to the following plan, subject to paragraph C of subsection VI of section 237-E:

I. School construction. On school construction approved subsequent to July 1, 1963, the unit shall receive 20% of the sum approved for capital outlay purposes, plus the interest and cost of any loan procured for such purpose. The share of the State shall be paid to the administrative unit in equal annual payments extending over not less than 10 years nor more than 25 years, nor longer than the term of the loan or loans negotiated to finance the improvement, as determined by the commissioner.

Where construction is financed by the Maine School Building Authority, the state's obligation shall be 20% of the annual payments due the Maine School Building Authority for not over 25 years from the date of the unit's original obligation no payment shall be made until construction is completed and a report is filed with the commissioner.

II. Capital outlay purposes. Construction aid shall also apply to debts for capital outlay purposes incurred on and after August 28, 1957 at the rate of 20% of the balance due on the effective date of this act, and interest, payable in annual payments of 20% of the annual payment due from the unit on principal and interest, whether such debt was incurred by the unit or assumed by it on formation of a district, but the state's obligation shall not extend beyond 25 years from the date of the original obligation.

III. Notice before discontinuing. Any municipality qualifying for school construction aid under this section by virtue of receiving tuition students from surrounding municipalities must render at least 2 years' notice to the sending municipalities before discontinuing such acceptance.

IV. State assistance. When a municipality having more than 100 resident pupils educated at public expense in grades 9 through 12 has contracted with a school administrative district to educate all of the pupils in said district in grades 9 through 12, for a period of from 5 to 20 years, said municipality shall, during the life of said contract, receive state assistance for capital outlay purposes as provided in subsections I and II.

V. Community school districts. When a municipality has joined with other municipalities in the formation of a community school district in order to provide education for its students in grades 9 through 12, or has contracted with a unit operating a high school and complying with section 237-C for the education of all students in grades 9 through 12, and provides transportation for them to school, it shall receive state assistance for capital outlay purposes as provided in subsections I and II.

VI. Definitions.

A. "Capital outlay purposes" as the term is used in this chapter shall mean the cost of new construction, expansion, acquisition or major alteration of a public school building, the cost of acquisition of all land or interest

therein of any nature or description for such construction, expansion, acquisition or major alteration, and any legal appraisal or surveyors' fees or services with relation thereto, the cost of demolition, or removing any buildings or structures on land so acquired, the cost of furnishings and equipment, financing charges, insurance during construction, cost of architectural, engineering and other legal expenses, plans, specifications, estimates of costs, and such other expense as may be necessary and incidental to any construction, expansion, acquisition or major alteration of a public school building and the placing of such a building in operation.

B. The term "school building" as used in this section shall mean, but not be limited to, any structure used or useful for schools and playgrounds, including facilities for physical education.

C. The term "major alteration" as used in this section shall mean the cost of converting an existing public school building to the housing of another or additional grade level group, or providing additional school facilities in an existing public school building or piece of equipment within it, to a new condition or completeness or efficiency from a worn, damaged or deteriorated condition.'

**Sec. 6. R. S., c. 41, § 112, amended.** The first paragraph of section 112 of chapter 41 of the Revised Statutes is amended to read as follows:

'The inhabitants of and territory within 2 or more ~~towns~~ **municipalities** may form a community school district which shall be a body politic and corporate by proceeding as follows: The municipal officers in each of the several ~~towns or plantations~~ may call a meeting of the inhabitants of their respective ~~towns~~ **municipalities** in the manner provided by law for the calling of town meetings, and such meetings shall vote to favor or oppose similar articles in substantially the following form:'

**Sec. 7. R. S., c. 41, § 112, amended.** Section 112 of chapter 41 of the Revised Statutes is amended by adding at the end the following paragraphs:

'Community school districts may be formed for the purpose of supplying instruction for grades 7 to 12, or for some of such grades, or for the purpose of building, equipping and operating vocational high schools. Cities may join in such districts by the adoption of articles similar to the above by their municipal officers.

If the inhabitants of the participating towns and plantations or the municipal officers of the participating cities so vote, all expenses of the community school district may be apportioned among the participating municipalities according to the average daily membership of students in the community school from each municipality.

A community school district may contract with its member municipalities for the use, lease or purchase of school buildings and lots and other property from the member municipalities, and the member municipalities may rent, lease or sell school buildings and lots and other property to the community school district on such terms as may be agreed on by the municipal officers and the trustees

of the district. The municipal officers of towns and plantations must first be authorized by the inhabitants of such town or plantations before negotiating such lease or sale.'

**Sec. 8. R. S., c. 41, § 113, amended.** Section 113 of chapter 41 of the Revised Statutes is amended by inserting after the 2nd sentence a new sentence to read as follows:

**'If the inhabitants of the towns and the municipal officers of the cities in the proposed district so vote, municipalities in the district may have varying numbers of trustees to be appointed and elected as aforesaid.'**

**Sec. 9. R. S., c. 41, § 116, amended.** The 2nd sentence of section 116 of chapter 41 of the Revised Statutes is amended to read as follows:

**'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~~ municipality, requiring them to assess upon the taxable polls and estates within said ~~town~~ municipality an amount in proportion to the total sum required each year as that ~~town's~~ municipality's state valuation bears to the total state valuation of all the participating ~~towns~~ municipalities, except that if the apportionment for maintenance and operation of the school or schools results in a per pupil cost to any participating ~~town~~ municipality in excess of 150% of the average per pupil cost for operating the school or schools, the ~~town's~~ municipality's apportionment shall be 150% of the average per pupil cost and the balance shall be apportioned among the remaining ~~towns~~ municipalities according to the last preceding state valuation; or if the inhabitants of the participating towns or the municipal officers of the participating cities so vote, the expenses of the district may be apportioned among the participating municipalities according to the average daily membership of students in the community school from each municipality; and to commit the assessment to the constable or collector of said ~~town~~ municipality 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.'**

**Sec. 10. Effective date.** This act shall become effective on January 1, 1964.

Further amend said Bill in section 6 by striking out, in the 4th line the figure "\$3,250,000" and inserting in place thereof the figure '\$250,000'

Further amend said Bill by renumbering section 6 to be section 11.