

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

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Legislative Document

No. 1642

S. P. 638

In Senate, May 9, 1967

Reported by Senator Katz of Kennebec from Committee on Education. Printed under Joint Rules No. 18.

JERROLD B. SPEERS, Secretary

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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**AN ACT Changing the Foundation Program Per Pupil Allowances.**

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Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., T. 20, § 3721, sub-§ 2, amended.** The last paragraph of subsection 2 of section 3721 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 320 of the public laws of 1965, is repealed.

**Sec. 2. R. S., T. 20, § 3721, sub-§ 3, ¶ B, repealed and replaced.** Paragraph B of subsection 3 of section 3721 of Title 20 of the Revised Statutes, as amended by section 2 of chapter 266 of the public laws of 1965, is repealed and the following enacted in place thereof:

**B. Employ at least one teacher for each 30 elementary school pupils in average daily membership, except in the kindergarten where the ratio shall not exceed one teacher to 60 pupils, and at least one teacher for each 25 high school pupils. The pupil-teacher ratio shall be determined by dividing the average daily membership of the school by the number of classroom teachers, excluding supervisors, principals, guidance directors and other nonteaching personnel. Any unit maintaining a school with a pupil-teacher ratio higher than that authorized by this section shall have its operational subsidy allocation for the next succeeding biennium reduced by 5%, except that the state board may waive the requirement of the law and this penalty if the local unit gives sufficient evidence that such a waiver is warranted.**

**Sec. 3. R. S., T. 20, §§ 3722-3723, repealed and replaced.** Sections 3722 and 3723 of Title 20 of the Revised Statutes, as amended, are repealed and the following enacted in place thereof:

### § 3722. Allowance

The foundation program allowance for each administrative unit shall be determined as follows:

The average of the 2 preceding years' adjusted resident average daily membership of the pupils attending school in the unit shall be multiplied by the applicable dollar allowance in Table I below. To this amount shall be added the average of the unit's 2 preceding years' expenditure for tuition and board; the allowable tuition expenditure shall be 90% of the average of the 2 preceding years. To this amount shall be added 90% of the 2 preceding years' expenditures for pupil transportation. The total of these items will be the total foundation program. From this total foundation program shall be subtracted the average of the 2 preceding years' school maintenance incidental receipts, not including tuition receipts, except that income received from a ministerial and school fund shall not be subtracted. A portion of the receipts from Public Law 874 or any penalties applied for illegal expenditures or uncertified teachers shall be deducted from the foundation program allocation in the same proportion as the unit's local effort toward the foundation program was to the total sum of the foundation program in the previous biennium. The board may adjust the effect of the penalties if evidence is submitted that undue hardship or unusual gain would occur in the subsidy of any unit. The net cost thus obtained represents the net foundation program allowance on which state subsidy shall be computed biennially in accordance with this section.

Resident average daily membership, as used in this section, shall represent the sum of the days present and absent of all resident pupils in the schools under consideration divided by the number of days school is maintained. Pupils attending school on a part-time basis shall be counted as .2 of a pupil for each class period which they attend.

TABLE I

The per pupil allowance used in computing the foundation program shall be \$320.

The resident average daily membership in the elementary schools enrolling fewer than 26 pupils shall be adjusted as follows:

Multiply resident average  
daily membership by

1.50	If the elementary school enrolls from	1 to 10 pupils
1.40	“ “ “ “ “ “	11 to 15 pupils
1.33	“ “ “ “ “ “	16 to 20 pupils
1.27	“ “ “ “ “ “	21 to 25 pupils

The resident average daily membership thus determined and the resident average daily membership in all other units shall be adjusted as follows before multiplying by the fixed per pupil allowance. The pupils in grades kindergarten through grade 6 shall be multiplied by 1; the pupils in grades 7 and 8 shall be multiplied by 1.2. The adjusted resident average daily memberships in grades kindergarten through 8 shall be added together before multiplying by the per

pupil allowance. The resident average daily membership in grades 9 through 12 shall be multiplied by 1.4 before multiplying by the per pupil allowance.

§ 3723. State Support of

On the basis of information available in the office of the commissioner on September 1st for the 2 years next preceding the biennial convening of the Legislature, as provided in returns of education statistics required by him, the commissioner shall apportion subsidies to the school administrative units of the State for each of the next 2 years according to the following plan.

From each unit's foundation program, as defined in section 3721 and 3722, shall be subtracted the yield of 20 mills times the unit's state valuation. The result shall be the amount of state aid, on the foundation program that the unit is entitled to receive, provided that no unit shall receive less than 20% state aid on its foundation program. The aid to School Administrative Districts shall be computed as follows: The net foundation program of the district shall be distributed among the member municipalities of the district in the same ratio as the average resident pupils of the member municipalities bears to the total average number of resident pupils in the School Administrative District. From the foundation program thus distributed shall be subtracted the yield of 20 mills times the member municipality's state valuation provided that no member municipality shall be required to raise for than 80% of its foundation program. The aid thus computed for the member municipalities shall be added together and shall be paid to the School Administrative District. In addition, School Administrative Districts shall receive the supplemental aid as provided in section 3456. The valuation used shall be as determined by the Board of Equalization in the statement filed by it, as provided in Title 36, section 381. The computation of state aid for each unit shall be subject to correction in accordance with the final statement filed by the Board of Equalization on December 1st.

The subsidy allocation for a newly formed School Administrative District shall be the sum of the amounts that the towns would have received plus 10% supplemental aid as provided in section 3456. During the succeeding bienniums the School Administrative District aid shall be computed in accordance with this section.

Any administrative unit in which the elementary operating expenditure or secondary operating expenditure, not including debt retirement, capital outlay items, transportation, tuition or community services, exceeded the amount of the foundation program per pupil allowance multiplied by the adjusted pupil count of the previous biennium shall be entitled to an additional subsidy allocation on that part of its average elementary or secondary operational expenditure which exceeded the elementary or secondary foundation program amount of the previous biennium. The amount that the average elementary or secondary operational expenditure exceeded the average elementary or secondary foundation program of the previous biennium shall be multiplied by 4%. The result shall be added to the subsidy allocation.

Whenever any administrative unit's fiscal reports show that the average expenditure for foundation program items during the 2 years preceding the convening of the Legislature was less than the foundation program requirements of

the same 2-year period for either elementary or secondary education programs, the unit shall have a portion of the average amount by which it failed to meet the foundation program requirements deducted from its foundation program for the 2 years of the succeeding biennium. If a unit fails to meet the elementary or secondary foundation program requirements as set out in the statute, the percentage of the amount to be deducted shall be in the same ratio as the ratio of the unit's local contribution toward the net cost of the foundation program in the previous biennium was to the net cost of the foundation program during the same period of time.

The allowable aid earned by community school districts shall be paid directly to those units.

When a School Administrative District has taken over the operation of the public schools within its jurisdiction, the subsidy payment that would normally be paid to the subordinate administrative units which operated the public schools within the confines of the School Administrative District prior to the formation of said district shall be paid directly to the School Administrative District.

The total salary paid to a superintendent of schools including state and local portions shall be used when computing the general purpose aid of a unit. From the subsidy allocation of each unit shall be deducted that portion of the subsidy that was earned because of the salary of a superintendent of schools. The amount thus deducted shall be paid to the superintendent of schools under section 154.

The subsidy allocation to any unit in 1968 shall not exceed a 45% increase over the subsidy allocation that was scheduled for payment to that unit in 1968, under the provisions of the statutes that were in force at the time the budget was submitted by the Governor for legislative consideration. Thereafter, the subsidy allocation to any unit may not increase in any one year, more than 25% over the subsidy allocation paid to that unit during the previous year.

Sec. 4. R. S., T. 20, § 154, amended. The 3rd, 4th and 5th sentences of section 154 of Title 20 of the Revised Statutes are repealed and the following enacted in place thereof:

Upon approval of said certificate, the superintendent so employed shall, on presentation of proper vouchers, receive monthly out of the sum appropriated for general purpose aid for the unit an amount in accordance with section 3723. Whenever a superintendent of schools serves as a supervising principal as authorized in section 151, subsection 5, the sum paid to such superintendents of school shall not exceed the amount earned under section 3723 which is attributable to his duties as superintendent of schools.

Sec. 5. Effective date. This Act shall become effective July 1, 1968.