

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1682

Filed by Senator Johnson of Somerset. Produced and distributed pursuant to Senate Rule No. 11A.

In Senate, May 25, 1967

JERROLD B. SPEERS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

SENATE AMENDMENT "A" to S. P. 597, L. D. 1575, Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969."

Amend said Bill in the Title by inserting after the word "Appropriate" the words 'and Provide'

Further amend said Bill in Section A by striking out the following caption and lines:

"DEBT RETIREMENT

General Fund Bonds

All Other

1,865,000

1,980,000"

Further amend said Bill in Section A under the caption "EDUCATION, DEPARTMENT OF" by striking out from the paragraph entitled "Subsidies to Cities and Towns for Professional Credits" the line:

"All Other

125,000

125,000"

and inserting in place thereof the line:

'All Other

125,000

—'

Further amend said Bill in Section A under the caption "EDUCATION, DEPARTMENT OF" by striking out from the paragraph entitled "General Purpose Subsidies to Cities and Towns" the line:

"All Other

32,968,789

30,868,789"

and inserting in place thereof the lines:

'All Other

*36,968,789

36,868,789

*(\$4,000,000 of this amount shall carry into the fiscal year ending June 30, 1969 to be expended for the same purposes.)'

Further amend said Bill in Section A under the caption "EDUCATION, DEPARTEMENT OF" by striking out the following paragraph:

"Student Scholarship Administration			
Personal Services	(1)	4,491	(1) 4,721
All Other		72,650	133,100
Capital Expenditures		180	—

and inserting in place thereof the following paragraph:

'Student Scholarship Administration			
Personal Services	(1)	4,491	—
All Other		72,650	—
Capital Expenditures		180	—

Further amend said Bill in Section A under the caption "EDUCATION DEPARTMENT OF" by striking out the last line:

"Total Department of Education	42,653,612	41,147,386"
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and inserting in place thereof the line:

'Total Department of Education	46,653,612	46,884,565'
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Further amend said Bill in Section A under the caption "HEALTH AND WELFARE, DEPARTMENT OF" by striking out from the paragraph entitled "Aid to Dependent Children" the line:

"All Other	1,000,000	1,000,000"
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and inserting in place thereof the line:

'All Other	1,000,000	1,900,000';
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and by striking out the lines:

"Total Department of Health and Welfare	14,717,908	15,334,194"
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and inserting in place thereof the lines:

'Total Department of Health and Welfare	14,717,908	16,234,194'
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Further amend said Bill in Section A under the caption "INTEREST ON BONDS" by striking out the following lines:

"General Fund Bonds		
All Other	1,058,817	984,425"

and inserting in place thereof the lines:

'General Fund Bonds		
All Other	800,849	1,803,956'

Further amend said Bill in Section A under the caption "UNIVERSITY OF MAINE" by striking out the lines :

"Administration All Other (includes \$25,000 for State Technical Services Act)"	9,574,322	10,728,472
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and inserting in place thereof the lines :

'Administration All Other (includes \$25,000 for State Technical Services Act)'	10,574,322	11,528,472
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Further amend said Bill in Section A under the caption "UNIVERSITY OF MAINE" by striking out the line :

"Total University of Maine	9,913,204	11,100,294"
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and inserting in place thereof the lines :

'Oceanography All Other Total University of Maine	200,000 11,113,204	200,000 12,100,294'
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Further amend said Bill by striking out the last line of Section A :

"Total—Section A	\$109,929,652	\$111,723,066"
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and inserting in place thereof the line :

'Total—Section A	\$113,006,684	\$118,199,776'
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Further amend said Bill in Section B under the caption "ATTORNEY GENERAL" by striking out the figure "(3)" which appears twice after the words "Personal Services" and inserting in place thereof the figure '(4) twice; and by striking out all the paragraph at the end and inserting in place thereof the following paragraph :

'Provides three additional Assistant Attorneys General, one Account Clerk, conversion of a part-time Assistant Attorney General to full time, salary increases and related travel and office expense'

Further amend said Bill in Section B under the caption "CONTRIBUTIONS AND TRANSFERS TO OTHER FUNDS" by striking out from the paragraph entitled "To Highway Fund" the lines :

"General Fund's share of State Police Costs Provides funds for twenty-eight new State Troopers and a twenty- year retirement program for State Police Officers"	112,767	96,098
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and inserting in place thereof the lines :

'General Fund's share of State Police Costs	81,064	72,197
Provides funds for fifteen new State Troopers and a twenty-year retirement program for State Police officers'		

Further amend said Bill in Section B under the caption "CONTRIBUTIONS AND TRANSFERS TO OTHER FUNDS" by striking out the last line:

"Total Contributions and Transfers	148,517	131,848"
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and inserting in place thereof the line:

'Total Contributions and Transfers	116,814	107,947'
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Further amend said Bill by striking out the last line of Section B:

"Total—Section B	\$2,427,838	\$2,706,233"
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and inserting in place thereof the line:

'Total—Section B	\$2,396,135	\$2,682,332'
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Further amend said Bill by striking out the last paragraph, before the emergency clause, and inserting in place thereof the following:

'Section C

1967-68

1968-69

Subsection 1

Relating to Automobile Mileage Allowance for State Employees.

R. S., T. 5, § 8, amended. The first sentence of section 8 of Title 5 of the Revised Statutes is amended to read as follows: The State shall pay for the use of privately owned automobiles for travel by employees of the State in the business of the State not more than 9c per mile for the first 5,000 miles actually travelled by such employees on such business in any one fiscal year, and 7c for each mile exceeding 5,000 miles, except that the State shall pay inspectors of seed potatoes or table stock potatoes 9c for every mile so travelled.

\$25,000

\$25,000

Subsection 2

Appropriating Moneys to Provide Uniforms for Employees of Maine State Ferry Service.

Appropriation. There is appropriated from the General Fund the sum of \$5,000 for the fiscal year ending June 30, 1968, for the purpose of providing uniforms for employees of the Maine State Ferry Service.

1967-68

1968-69

\$5,000

Subsection 3

Relating to State Police Retirement Benefits Under the Maine State Retirement System.

R. S., T. 5, § 1121, sub-§ 1, ¶ C, amended. The first 2 sentences of paragraph C of subsection 1 of section 1121 of Title 5 of the Revised Statutes are repealed, and the following enacted in place thereof:

Any member of the State Police who became a member of that department subsequent to July 9, 1943 may retire upon completion of 20 years of creditable service as a state police officer, but must retire upon attainment of age 55, except that any member who is a state police officer on January 1, 1967 and who will not have 20 years creditable service at the time of age 55 is attained may continue in said service until 20 years is attained and forthwith shall be retired. Except that military service credits as allowed under section 1094 shall not be considered as part of the creditable service necessary for the 20 years service as a state police officer, but that any military service creditable under section 1091 shall be considered to be part of the creditable service necessary for the 20 years as a state police officer provided that he was a state police officer at the time of entrance into said military service and upon separation from military service again became a state police officer.

Subsection 4

Appropriating Moneys to Provide for Night Pay Differentials for State Employees.

Appropriation for night pay differentials for state employees. There is appropri-

1967-68

1968-69

ated from the General Fund the sum of \$125,000 for the fiscal year ending June 30, 1969 for the purpose of placing into effect, as of the first pay period after the effective date of this Act, a 10c per hour increase under the State Personnel Board's Compensation Plan for Classified Positions, such pay increase for those who, for the year or any part thereof, are regularly employed on night shifts.

Said pay differential shall be applied at the direction of the State Personnel Board, with the right to appeal by the employee or his representative.

The same provisions and standards shall be applied to those employees who are employed by departmentst which are supported wholly, or in part, by the General Highway Fund, special revenue funds or other funds.

\$125,000

Subsection 5

Increasing Pay for State Employees.

Sec. 1. Appropriation. There is appropriated from the General Fund the sum of \$1,100,000 for the fiscal year ending June 30, 1969, to effectuate, as of the first pay period in July, 1968, a one-step pay adjustment plan for state employees to be incorporated into the official State Pay Plan, adopted by the State Personnel Board.

Sec. 2. Unclassified employees subject to Governor and Council determination. With respect to unclassified employees whose wage rates are subject to Governor and Council determination, the Governor and Council shall grant similar and equitable treatment.

Sec. 3. Unclassified employees not subject to Governor and Council determination. With respect to unclassified employees whose wage rates are not subject to determination by the Governor and Council, the authorities responsible for deter-

mining the wage rates of such employees shall grant similar and equitable treatment.

1967-68

1968-69

Sec. 4. Utilization by other funds. Wages of employees in departments supported by the General Highway Fund, Special Revenue Funds or other funds shall not be adjusted from moneys provided for the General Fund Pay Plan, but shall be adjusted from funds available from other sources.

\$1,100,000

Subsection 6

Providing Hospital Insurance Benefits under Social Security Act for State Employees.

R. S., T. 5, c. 101, sub-c. VI-A, additional. Chapter 101 of Title 5 of the Revised Statutes is amended by adding a new subchapter VI-A, to read as follows:

**SUBCHAPTER VI-A
HOSPITAL INSURANCE**

§ 1161. Hospital insurance

Each state employee and teacher shall be entitled to participate in hospital insurance benefits when provided in Title II of the Federal Social Security Act.

Each state employee and teacher shall pay, in a manner prescribed by the board of trustees, and the State shall contribute a like amount which would be required of each state employee and teacher as prescribed in Title II of the Federal Social Security Act when so amended.

The board upon receipt of such contributions shall verify them in accordance with applicable federal regulations and shall forward such contributions to the Secretary of Treasury.

\$100,000

\$250,000

Subsection 7

Changing the Foundation Program Per Pupil Allowances.

Sec. 1. R. S., T. 20, § 3721, sub-§ 2, amended. The last paragraph of subsec-

1967-68

1968-69

tion 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

1967-68

1968-69

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.

1967-68

1968-69

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.

It is the intent of the Legislature that Table I of this section should be revised each biennium to the end that amendments may be enacted consistent with the changes in the educational expenditures of the towns. On or before October 1st of each year prior to the convening of the Legislature, it shall be the duty of the commissioner to make recommendations to the Governor for such revision which may be used as the basis for budget needs and recommendation for state school subsidies for appropriation by the subsequent session of the Legislature.

§ 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

1967-68

1968-69

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 sections 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 more 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

1967-68

1968-69

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 preceeding 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 statutes, 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

1967-68

1968-69

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 school 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. Every unit in the State shall receive a subsidy allocation in 1968 which is no less than the amount originally allocated for the unit in 1968 by the budget document which was recommended 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:

1967-68

1968-69

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 schools shall not exceed the amount earned under section 3723 which is attributable to his duties as superintendent of schools.

Sec. 5. Effective date. This subsection 7 of Section C shall become effective July 1, 1968.

Total—Section C	\$130,000	\$1,500,000
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Amounting to \$115,532,819 for the fiscal year ending June 30, 1968, and \$122,382,108 for the fiscal year ending June 30, 1969.

Section D

FINANCE AND ADMINISTRATION, DEPARTMENT OF

Bureau of Public Improvements

* Repairs and Minor Improvements-
state-wide

\$ 400,000	—
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DEBT RETIREMENT

* General Fund Bonds

\$1,557,500	\$1,917,500
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*These amounts shall be appropriated from the Unappropriated Surplus of the General Fund.

Section E

R. S., T. 5, § 151-A, additional. Title 5 of the Revised Statutes is amended by adding a new section 151-A, to read as follows:

§ 151-A. Income from temporary investment of bonds

All net income realized from the temporary investment of bond proceeds on general fund bond issues approved by the 103rd Legislature and future Legislatures shall be credited to a special account designated as Debt Service Account, and used only for the retirement of bonds.'