

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND FOURTH LEGISLATURE

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Legislative Document

No. 1693

S. P. 566

In Senate, January 6, 1970

The Committee on Education suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Katz of Kennebec.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
AND SEVENTY

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**AN ACT to Correct Errors and Inconsistencies in the Education Laws.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the authority of the State Board of Education to make monthly subsidy payments was inadvertently repealed; and

Whereas, undue hardship will be created in the administrative units without restoring said authority; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., T. 20, § 304, amended.** The 4th sentence of section 304 of Title 20 of the Revised Statutes, as amended by section 2-E of chapter 440 of the public laws of 1969, is further amended to read as follows:

Each bond or note shall have inscribed upon its face the official name of the School Administrative District and shall be dated at such time or times, shall be in such denomination, shall bear such rate of interest, ~~not exceeding 7½% per year~~ payable semi-annually, be in such form subject to this chapter, and be sold in such manner, at public or private sale as the school directors shall determine, provided that in no event shall bonds be sold for less than par.

**Sec. 2. R. S., T. 20, § 305, amended.** The first 2 sentences of section 305 of Title 20 of the Revised Statutes are amended to read as follows:

The directors of each School Administrative District shall ~~annually before February 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 the rentals and other charges provided in any contract, lease or agreement with the Maine School Building Authority, and all other expenses necessary for the operation of the administrative district, including temporary loans. ~~Before March 1st of each year, the~~ **The school directors shall hold a district budget meeting at a time to be determined by the board.**

**Sec. 3. R. S., T. 20, § 305, amended.** The 6th sentence of the first paragraph of section 305 of Title 20 of the Revised Statutes is amended to read as follows:

If a budget for the operation of the School Administrative District is not approved prior to ~~April 1st~~ **the 3rd month** in any given fiscal year, the budget as submitted by the school directors for operational expenses, reserve fund and capital outlay purposes shall be automatically considered the budget approved for operational expenses in the ensuing year, and the other amounts submitted for payment of bonds falling due and interest thereon, including temporary loans for capital purposes and rentals and other charges provided in any contract, lease or agreement with the Maine School Building Authority, shall be added together and the total amount assessed as follows:

**Sec. 4. R. S., T. 20, § 305, amended.** The 2nd and 3rd sentences of the 8th paragraph of section 305 of Title 20 of the Revised Statutes are amended to read as follows:

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 ~~3~~ **4** equal installments to the treasurer of the School Administrative District. The first installment shall be paid on or before ~~May 1st~~ **the first quarter**, the 2nd installment shall be paid on or before ~~September 1st~~ **and the first half**, the 3rd installment shall be paid on or before ~~December 31st~~  **$\frac{3}{4}$  of the fiscal year has expired**, and the final installment shall be paid **15 days before the end of the fiscal year.**

**Sec. 5. R. S., T. 20, § 1291, amended.** The first sentence of the next to the last paragraph of section 1291 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 463 of the public laws of 1967, is further amended to read as follows:

In the case of any youth qualified for attendance at secondary school in accordance with the preceding paragraph, whose parent, legal guardian or person acting in loco parentis maintains a home for his family on a Maine coast island without highway connection with the mainland in any administrative unit not maintaining an approved secondary school, so located that in the judgment of the commissioner attendance at secondary school necessitates boarding away from home and the arrangement is approved by him in advance upon a form provided for the purpose, the administrative unit wherein said pupil resides shall pay an amount for this purpose toward his board not to exceed ~~\$650 for the school year~~ **\$25 per week** or a prorated amount for any fraction thereof.

**Sec. 6. R. S., T. 20, § 1292, amended.** The 3rd sentence of section 1292 of Title 20 of the Revised Statutes, as last amended by chapter 481 of the public laws of 1969, is further amended to read as follows:

Said per pupil cost ~~may~~ shall be increased ~~up to 15%~~, provided that the per pupil cost so charged shall not exceed the actual per pupil cost for the current fiscal year by 7%, and in addition an administrative unit or academy may add thereto an amount obtained by dividing 5% of the insured value of secondary school buildings and equipment by the average daily membership of all regularly enrolled students for the same year; except that any unit which qualifies for construction aid under section 3457 shall deduct from the amount of the 5% insured value factor for secondary schools the same percentage of the factor as the construction aid percentage which the unit is entitled to receive under Table II of section 3457 before dividing by the average daily membership in computing the allowable per pupil insured value factor which may be used in computing the annual tuition rate.

**Sec. 7. R. S., T. 20, § 1391, amended.** The next to the last sentence of section 1391 of Title 20 of the Revised Statutes, as amended, is further amended to read as follows:

Payments shall be made to each administrative unit based on the average net local per pupil cost of education during the ~~2~~ previous fiscal ~~years~~ year.

**Sec. 8. R. S., T. 20, § 3115, amended.** The 2nd sentence of section 3115 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 317 of the public laws of 1965 and as amended by section 7 of chapter 540 of the public laws of 1967, is repealed as follows:

~~Subsidies for special education programs shall be no less than \$300 for each student enrolled for a full school year and a prorated amount when the enrollment is less than a full school year.~~

**Sec. 9. R. S., T. 20, § 3456, amended.** Section 3456 of Title 20 of the Revised Statutes, as amended, is further amended by adding at the end the following new paragraph:

**A School Administrative District which receives its certificate of organization and is placed in operation shall be entitled to supplemental aid beginning the month following the date of organization.**

**Sec. 10. R. S., T. 20, § 3457, amended.** The 5th sentence of section 3457 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 475 of the public laws of 1965, is amended to read as follows:

On the basis of all the reports on file in the office of the Commissioner on November 1st and May 1st of each year, the commissioner shall determine the total amount to be paid to all of the School Administrative Districts and other eligible administrative units ~~in that year~~ for capital outlay purposes, and shall apportion out of moneys appropriated for this purpose, in December ~~of that year~~ and June, to the School Administrative Districts and other eligible administrative units, the same percentage of each administrative unit's expenditures for capital outlay purposes including principal and interest payments and any rental payments under lease agreements between the

administrative units and the Maine School Building Authority as each administrative unit would be entitled to receive ~~in that year~~ based on Table II of this section.

**Sec. 1. R. S., T. 20, § 3457, amended.** The 9th paragraph of section 3457 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 475 of the public laws of 1965, is amended to read as follows:

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 educational statistics required by him, the commissioner shall apportion construction subsidies to the school administrative units of the State ~~for each of the next 2 years~~ according to the following plan:

**Sec. 12. R. S., T. 20, § 3459, amended.** The first sentence of the last paragraph of section 3459 of Title 20 of the Revised Statutes, as enacted by section 12 of chapter 540 of the public laws of 1967 and as amended by section 1 of chapter 497 of the public laws of 1969, is further amended to read as follows:

The commissioner shall pay from funds appropriated for that purpose ~~the state's share of~~ the principal and interest on bonds or notes that were sold to fund state aid for projects authorized by local units between May 11, 1966 and April 27, 1967.

**Sec. 13. R. S., T. 20, § 3732, amended.** The 3rd paragraph of section 3732 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 496 of the public laws of 1969, is amended to read as follows:

The amount of money to be distributed to each municipality and administrative unit shall be computed in accordance with the following equalization formula:

$$\begin{array}{rcccl}
 \text{State Valuation Per} & & \text{Number of Pupils} & & \\
 \text{Pupil at Mid Point} & & \text{in the Municipality} & & \\
 \hline
 & \times & \text{Base Rate} & \times & \text{The Equalization} \\
 & & \text{Per pupil} & & \text{Amount Per} \\
 & & & & \text{Municipality} \\
 & & \text{Preceding the} & = & \\
 & & \text{Convening of the} & & \\
 & & \text{Legislature} & & 
 \end{array}$$

Per Pupil Valuation  
of Municipality

**Sec. 14. R. S., T. 20, § 3732, amended.** The 5th paragraph and TABLE I headings of section 3732 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 496 of the public laws of 1969, are amended to read as follows:

Per pupil valuation shall be determined by dividing the number of pupils in the municipality on April 1st, in the year preceding the convening of the Legislature ~~by~~ into the state valuation as filed by the Board of Equalization.

TABLE I

Per Pupil Valuation	State Percentage
<del>State Valuation</del>	Share of Transportation
<del>Resident Pupils</del>	Costs, Board and the
<del>April 1 in Year</del>	Education of Handicapped
<del>Preceding the</del>	Pupils
<del>Convening of the</del>	
<del>Legislature</del>	

**Sec. 15. R. S., T. 20, § 3732, amended.** The 2nd sentence of the 12th paragraph of section 3732 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 496 of the public laws of 1969, is amended to read as follows:

The subsidy for a newly formed School Administrative District shall be the sum of the amounts that the towns would have received plus the 10% bonus, said bonus to be paid in the month following district formation and thereafter.

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