

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1910

H. P. 1467

House of Representatives, January 24, 1972

Committee on Education suggested.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Littlefield of North Berwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-TWO

**AN ACT Permitting The Commissioner of Education to Make Advance
Payments of School Subsidy When a System is Forced to Close Schools
for Lack of Adequate Funds.**

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

Whereas, there are no means in the present statutes of assisting communities which are experiencing financial difficulties; and

Whereas, the present law requires that state aid be withheld if a unit fails to comply with the statutes; and

Whereas, withholding funds would make the situation worse for the community; and

Whereas, passage of this Act would assure students of an orderly school year; and

Whereas, passage of this Act would be in the best interests of the local communities and the state; 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:

R. S., T. 20, § 3455, amended. Section 3455 of Title 20 of the Revised Statutes, as amended, is further amended by adding at the end a new paragraph to read as follows:

Notwithstanding the provisions of this section, when a school committee announces that schools are to be closed due to lack of funds and the commissioner declares that an emergency exists, he may authorize advance payments of state aid not to exceed an amount equal to 3 monthly payments in the unit's next fiscal year. When such emergency payments are made to permit a unit to finish a school year, no payments of aid may be made in the subsequent state fiscal year until the commissioner is satisfied that the local school unit has appropriated sufficient funds to carry out its school program without eliminating services to pupils previously established in that unit. The commissioner must rule that an emergency no longer exists in a unit before monthly payments for the new fiscal year beginning July 1st may be released to that unit.

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

STATEMENT OF FACT

This bill would make it possible for the commissioner to assist those communities who have run out of school funds to complete a school year. It would not require an additional appropriation of funds since the unit could not receive any more general purpose aid than had been appropriated by the Legislature previously.