

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 2006**

H. P. 1841

House of Representatives, January 19, 1976

Referred to Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Farnham of Hampden.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

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**AN ACT Making Additional Appropriations from the General Fund for the Expenditures of the Department of Educational and Cultural Services for the Current Year Ending June 30, 1976.**

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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, school administrative units made expenditures for special education and pupil transportation during the 1975-1976 fiscal year in the expectation of being reimbursed by the State under the school funding law; and

Whereas, because these expenditures were underestimated, the Department of Educational and Cultural Services had insufficient funds to completely reimburse the school administrative units for their expenditures, and thus was forced to prorate state reimbursements to these units; and

Whereas, this proration has resulted in serious hardship and budget problems at the local level; and

Whereas, it is in the best interest of the education of Maine's citizens that these hardships be alleviated as soon as possible by a complete reimbursement of local educational units for their expenditures; 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 public peace, health and safety; now, therefore,

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

**Department of Educational and Cultural Services; appropriation.** There is appropriated from the General Fund to the Department of Educational and Cultural Services for the fiscal year 1976-77 the sum of \$1,609,347 to carry out the purposes of this Act. The breakdown shall be as follows:

	1976-1977
EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF	
All Other	
Special Education Establishment	\$1,261,504
Transportation Reimbursement	347,843
	\$1,609,347

These funds to be used to reimburse school administrative units for special education expenses and for transportation expenses for the year 1975-1976 which were not reimbursed before the effective date of this Act because of proration by the Department of Educational and Cultural Services.

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

#### STATEMENT OF FACT

The purpose of this Act is to provide funds for the restoration of prorated transportation and special education reimbursements to local education units for the 1975-76 fiscal year. During the 1974-75 fiscal year, local educational units made expenditures for pupil transportation and state-mandated programs of special education for exceptional children with the expectation of having those expenditures included as part of the units' 1975-76 allocations under the School Funding Law. Because of an underestimation of those 1974-75 local expenditures, the Department of Educational and Cultural Services' 1975-76 budget does not include sufficient funds to fully reimburse those expenditures as required by law. As a result, the 1975-76 reimbursements to local educational units have been prorated by the amounts listed in this bill. This proration has resulted in serious hardship and budget problems at the local level. Since those 1974-75 local expenditures were made in good faith under existing law, the restoration of the prorated reimbursements is necessary in order for the State to maintain faith with its citizens.