

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1917

H. P. 1867

Office of the Clerk of the House

The Committee on Education suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mr. Birt of East Millinocket

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Repeal the Commissioner of Educational and Cultural Services' Authority to Withhold Monthly Subsidy Payments to Administrative Units to Obtain Information.

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

20 MRSA § 3744, sub-§ 1, last sentence, as enacted by PL 1975, c. 746, § 24-D, is repealed as follows:

~~The commissioner is granted the authority to withhold monthly subsidy payments from any administrative unit when information is not filed within specified time schedules.~~

STATEMENT OF FACT

The purpose of this bill is to repeal that portion of Title 20, section 3744 which states that the Commissioner of Educational and Cultural Services may withhold monthly subsidy payments from an administrative unit which fails to file information within specified time schedules.

This provision is presently being used as a threat against local municipalities and administrative units to obtain certain information. The proliferation of information requests together with the misuse of the powers to withhold payments has led to a situation which is contrary to the intent of the Legislature in originally granting that power.

The repeal of this provision would return the information gathering process to an administrative procedure.