

# MAINE STATE LEGISLATURE

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STATE OF MAINE (Filing No. H-1148)  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 2018, L.D. 2093, Bill, "AN ACT to Clarify the Education Laws."

Amend the bill by inserting before the enacting clause the following:

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors, inconsistencies and ambiguities in Titles 20 and 27; and

Whereas, it is vitally necessary such uncertainties and confusion be resolved to prevent any injustice or hardship on the citizens of Maine; 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, '

Further amend the bill by inserting after the enacting clause the following:

sub-§1,  
'Sec. 1. 20 MRSA §102, ¶A, sub-¶(2), as repealed and replaced by PL 1977, c.215, is amended to read:

'(2) Costs relating to the participation of any administrative unit in the "Maine Assessment of Educational Progress" shall not be considered in calculations of the actual costs of education for purposes of reimbursement under the provisions of chapter 512-A 515.'

Further amend the bill in the first line of section 1 by striking out the underlined abbreviated word and figure "Sec. 1." and inserting in its place the following: 'Sec. 1-A.'

Further amend the bill by inserting after section 1 the following:

'Sec. 2. 20 MRSA §222, 22nd ¶, as last amended by PL 1977, c.78, §125, is further amended to read:

When a School Administrative District dissolves, the general purpose aid for the individual municipalities shall be computed in accordance with chapter 512-A 515.

Sec. 2-A. 20 MRSA §223, as amended by PL 1977, c.78, §126, is further amended to read:

§223. Regulations

Subject to this chapter and sections 1901, 1902, 3456, 3457 to 3460 and ~~3742 to 3753~~ 4742 to 4758, the State Board of Education may make such reasonable regulations as it may find necessary for carrying out the purposes, provisions and intent of these sections.'

Further amend the bill in the first line of section 2 by striking out the underlined abbreviated word and figure "Sec. 2." and inserting in its place the following: 'Sec. 2-B.'

Further amend the bill by inserting after section 2 the following:

'Sec. 2-C. 20 MRSA §226, sub-§3, first sentence, as repealed and replaced by PL 1973, c.783, §6, is amended to read:

The warrants shall set forth the school budget to include the state and local allocation, ~~maintenance-of-effort~~ local leeway and additional expenditures within the limitations of the statute.

Sec. 2-D. 20 MRSA §226, sub-§3, 2nd ¶, last sentence, as enacted by PL 1975, c.738, §1, is amended to read:

To summarize the action taken on the school budget for the purposes of determining state and local cost sharing, the articles prescribed in chapter ~~512-A~~ 515 shall also be voted upon.'

Further amend the bill by inserting after section 5 the following:

'Sec. 5-A. 20 MRSA §305, 2nd ¶, 2nd sentence, as enacted by PL 1973, c.783, §10, is amended to read:

Such assessments shall be limited to those appropriations approved by the voters as being necessary to cover expenditures within the limitations set by this Title, and Title 367-~~such-expenditures--being-over-and-above-the-uniform-property-tax-assessed-by-the-State Tax-Assessor-for-school-purposes.~~

Sec. 5-B. 20 MRSA §355, first ¶, 2nd sentence, as amended by PL 1973, c.783, §13, is further amended to read:

The trustees shall thereupon issue their warrants, in substantially the same form as the warrant of the Treasurer of State for taxes, to the assessors of each participating town, requiring them to assess upon the taxable estates within said town an amount in proportion to the total sum required each year as that town's state valuation bears to the total state valuation of all the participating towns, or, in accordance with section 361 if that cost sharing plan has been approved by the voters, except that such assessments shall be limited to those appropriations approved by the voters or trustees when appropriate as being necessary to cover expenditures within the limitations set by this Title, and Title 367, ~~such expenditures being over and above the uniform property tax assessed by the State Tax Assessor for school purposes~~; and to commit the assessment to the constable or collector of said town who shall have all the authority and powers to collect said taxes as is in him vested by law to collect state, county and municipal taxes.

Sec. 5-C. 20 MRSA §362, 5th ¶, last sentence, as enacted by PL 1975, c.738, §2, is amended to read:

To summarize the action taken on the school budget for the purposes of determining state and local cost sharing, the articles prescribed in chapter 512-A 515 shall also be voted upon.

Sec. 5-D. 20 MRSA §856, sub-§4, as amended by PL 1977, c.78, §131, is further amended to read:

4. Intent. It is the intent of this section that such co-occupancy shall be used for housing on an emergency basis. Leases shall be signed for a period not to exceed 10 years and must be approved by the commissioner before the agreement is signed to qualify for reimbursement under chapter 512-A 515.'

Further amend the bill by inserting after section 7 a new section to read:

'Sec. 7-A. 20 MRSA §966, sub-§2, ¶B, as enacted by PL 1977, c.296, is amended to read:

B. The unit which provides the educational program for such pupil or pupils shall count them in all reports required for purposes of computing state subsidies. For purposes of ~~state-aid-with-state-participation~~ local leeway as defined in section ~~3748, subsection-4~~ 4751, subsection 3, such pupil or pupils shall be counted as though they resided in the largest municipality within the administrative unit.'

Further amend the bill by inserting after section 10 the following:

'Sec. 10-A. 20 MRSA §1346, as amended by PL 1977, c.78, §133, is further amended to read:

§1346. Audit

Every academy, eligible to receive tuition payments from municipalities which are eligible for state subsidy aid under chapter 512-A 515, shall on or before September 1st of each year

furnish to the State Auditor satisfactory proof that the books, accounts, financial documents and reports to the commissioner of that institution for the fiscal year preceding have been examined and found to be in a satisfactory and accurate condition with proper vouchers on file, the audit to be made by the State Department of Audit or by individuals or firms recognized as competent auditors by training and experience or by qualified public accountants.

Sec. 10-B. 20 MRSA §2356-B, as repealed and replaced by PL 1977, c.564, §86-B, is amended to read:

§2356-B. State aid for vocational centers and regions

State aid for vocational centers and regions shall be in accordance with sections 3457 to 3460 and chapter ~~512-A~~ 515. Costs for new or expanded vocational education programs may be financed by a local tax ~~outside-the-uniform-tax-and~~ outside of any additional appropriations now authorized in chapter ~~512-A~~ 515. Cooperative boards of vocational regions are authorized to accept and expend special grants from state and federal sources.'

Further amend the bill by inserting after section 11 the following:

'Sec. 11-A. 20 MRSA §2356-G, sub-§6, 2nd & 3rd ¶'s, as repealed and replaced by PL 1977, c.205, §§14 &15, are repealed and the following enacted in their place:

The vocational budget as approved by the cooperative board shall be submitted to the legislative body of each unit within the region in the form of 2 articles in the budget meeting warrant or in the form of 2 orders in a municipal council meeting. The articles or orders should be in substantially the following form:

Shall the regional vocational budget as approved by the cooperative board for the year \_\_\_\_\_ be approved in the amount of \$ \_\_\_\_\_ ?

Shall the vocational region approve a budget for adult education in the amount of \$ \_\_\_\_\_ for the year \_\_\_\_\_ ?

Each unit's share of the vocational budget as finally approved by the cooperative board shall be placed in the local school budget and that unit's share shall be adjusted to reflect the unit's net share of the vocational budget as finally adopted by the region. Initial costs for starting new vocational education programs may be financed by a local tax outside of any additional appropriations now authorized in section 4751, subsection 3.

Sec. 11-B. 20 MRSA §2356-G, sub-§6, ¶B, sub-¶(5), as amended by PL 1977, c.264, §1, is repealed and the following enacted in its place:

(5) The cooperative board shall, forthwith upon the adoption of a budget, compute the share to be paid by each municipality within the region and shall notify the school officials to include that share in the administrative unit's annual school budget. A budget shall be adopted on or before August 1st.



Sec. 11-C. 20 MRSA §2356-H, as last amended by PL 1973,c.571,§71,  
is repealed and the following enacted in its place:

§2356-H. Department of Educational and Cultural Services to make  
biennial estimates of appropriations required; future  
appropriations authorized

Preceding the convening of the regular session of the Legis-  
lature, the State Board of Education shall estimate the amounts  
necessary to carry out the purposes of sections 2356-A to 2356-F  
and it is authorized to and shall include in its requests for  
appropriations from the General Fund for presentation to the Leg-  
islature such amounts as it shall estimate to be necessary to  
carry out the purposes of those sections. This section shall not  
apply to construction grants made under section 3460.

Sec. 11-D. 20 MRSA §3130, sub-§2, ¶B, as enacted by PL 1977  
c.358, §4, is amended to read:

B. The tuition rates charged by general purpose private  
schools, agencies or institutions that offer special educa-  
tion programs shall not exceed the state elementary or second-  
ary per pupil tuition rates as computed under sections 912  
and 1292, except that those private academies that have an  
exclusive contract with a local school administrative unit  
or units for the provision of secondary education shall be  
treated as public school units for the computation of special  
education tuition rates, as described in subsection 1.

Sec. 11-E. 20 MRSA §3452, first ¶, as amended by PL 1977, c.78, §137, is further amended to read:

For the purposes of this chapter, chapters 207, 209, 211 and ~~512-A~~ 515, and sections 522, 851, 1292, 2356-A to 2356-H and 3457 to 3460, the following terms are defined.

Sec. 11-F. 20 MRSA §3454, first sentence, as amended by PL 1977, c.78, §138, is further amended to read:

Whenever the information required for the purposes of this chapter, chapters 207, 209, 211 and ~~512-A~~ 515, and sections 522, 1292 and 3457 is not available because of the failure of the administrative unit, through its officers, to make the returns required by law, or because of the loss or destruction of the school records of an administrative unit, the commissioner may use as a basis for apportionment numbers on which the apportionment for said administrative unit was made for the preceding year less 10%.

Sec. 11-G. 20 MRSA §3471, sub-§2, ¶A, as enacted by PL 1977, c.563, §7, is repealed and the following enacted in its place:

A. The State Board of Education is authorized to approve projects as long as no project approval will cause debt service costs, as defined in section 4743, subsection 9, paragraph A, to exceed \$30,000,000 in any subsequent fiscal year.

Further amend the bill by inserting after section 12 the following:

'Sec. 12-A. 20 MRSA §3472, sub-§1, 5th sentence, as enacted by PL 1977, c.563, §7, is amended to read: The unit's share shall not be considered an educational cost for purposes of subsidy reimbursement under chapter 512-A 515.

Sec. 12-B. 20 MRSA §3472, sub-§6, as enacted by PL 1977, c.563, §7, is amended to read:

6. Local funds nonreimbursable, chapter 515. Notwithstanding any other statute to the contrary, the local share of school construction projects shall not be considered education costs for purposes of reimbursement in any way under chapter 512-A 515. Expenditures for the state and local share of school construction projects including gifts shall be considered as outside any limit on expenditures by local units under chapter 512-A 515.

Sec. 12-C. 20 MRSA §3477, sub-§2, as enacted by PL 1977, c.563, §7, is amended to read:

2. Financing. Maintenance of plant and minor remodeling shall be the responsibility of administrative units with state financial participation in such activities determined under operating costs of chapter 512-A 515.'

Further amend the bill by inserting after section 14 the following:

'Sec. 14-A. 20 MRSA §4748-A, sub-§1, ¶D, 2nd ¶, as enacted by PL 1977, c.625, §8, is repealed.

Sec. 14-B. 20 MRSA §4749, sub-§3, ¶C, first sentence, as enacted by PL 1977, c.625, §8, is amended to read:  
The amount subtracted under paragraph B may not exceed 90% of the unit's entitlement for the base year prior to the year of allocation.

Sec. 14-C. 20 MRSA §4750, sub-§6, 3rd sentence, as enacted by PL 1977, c.625, §8, is amended to read:  
The municipal officers shall submit documentation demonstrating the amount of money appropriated for nonpublic school student services for the base year of-reimbursement.'

Further amend the bill by inserting at the end before the statement of fact the following:

'Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect immediately, except that sections 7, 9, 11-D and 14 shall take effect on July 1, 1978.'

Statement of Fact

The purposes of this amendment are:

1. To correct chapter and section references in Title 20 to make them consistent with the School Finance Act of 1978;
2. To correct other references to school finance procedures in Title 20 resulting from the enactment of the School Finance Act of 1978;
3. To treat contract high schools the same as public high schools in computing special education tuition rates; and
4. To correct inconsistencies in PL 1977, chapter 625, the School Finance Act of 1978.

Filed by Mr. Lynch of Livermore Falls.

Reproduced and distributed under the direction of the Clerk of the House.

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