

# MAINE STATE LEGISLATURE

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EMERGENCY  
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 747**

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S. P. 265

In Senate, February 10, 1981

Referred to the Committee on Education. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Trotzky of Penobscot.

Cosponsors: Representative Theriault of Fort Kent, Senator Clark of Cumberland and Representative Thompson of South Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT Relating to State Participation in Local Leeway under the School Finance Act.**

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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, it is important the rate level of state participation in the local leeway program be returned to the level existing when the program was adopted in 1974; and

Whereas, the changes necessary to increase that level of participation should be applied to the 1981-82 years of distribution; and

Whereas, that year of distribution begins before the normal effective date for legislation passed at this session; 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,

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

20 MRSA § 4751, sub-§ 3, ¶ A, as amended by PL 1979, c. 220, § 3, is further amended to read:

A. The legislative body of an administrative unit may, in addition to the unit's state-local allocation under sections 4748 and 4749, authorize an additional expenditure for either elementary or secondary pupils, or both, not to exceed a local appropriation for each municipality of ~~1-3~~ 1.0 mills on the state valuation in effect on July 1st or ~~\$125~~ \$135 per pupil, whichever is less, for the ~~1979-80~~ 1981-82 year of distribution. No unit shall participate in local leeway unless it has raised the maximum amount of its local allocation, as computed by the commissioner under subsection 1, paragraph A. **It is the intent of the Legislature that the maximum mill levy and per pupil yield under the local leeway program be annually adjusted so as to keep pace with inflation and to ensure a level of state participation in the maximum yield under this program of approximately 40%.**

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

#### FISCAL NOTE

This bill would require an additional appropriation of approximately \$700,000 in excess of the funding level recommended by the Commissioner of Education and the State Board of Education for the fiscal year 1981-82. An appropriation increase of \$2.3 million above the funding level contained in the Governor's Part I Budget for 1981-82 would be required. The 1982-83 fiscal impact is negligible since the Governor has requested increased funding for local leeway in the 2nd year of the biennium.

#### STATEMENT OF FACT

The purpose of this bill is 2-fold:

1. To amend the maximum local millage requirement and the maximum per pupil yield under the local leeway program in 1981-82 to the 1.0 mills and \$135 per pupil. These changes would allow for a return of the level of state participation in the leeway program to the approximate level of state involvement, 40%, that existed when the program was first adopted in 1974; and

2. To adopt a statement of intent to annually revise and update these millage and per pupil amounts to assure that the state participates at a level of approximately 40% and that the maximum yield under the program keeps pace with inflation.