

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 127

7
8 H.P. 102

House of Representatives, January 22, 1985

9 Reference to the Committee on Education suggested and ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Vose of Eastport.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Count all Students Living on
19 Federal or State Property as Residents
20 of the District but not Residents of a
21 Municipality.
22

23 Emergency preamble. Whereas, Acts of the Legis-
24 lature do not become effective until 90 days after
25 adjournment unless enacted as emergencies; and

26 Whereas, the fiscal year for the new school bud-
27 get will start before 90 days after the end of the
28 Legislature; and

29 Whereas, the distribution of the local costs
30 should comply with the new law; and

31 Whereas, in the judgment of the Legislature,
32 these facts create an emergency within the meaning of
33 the Constitution of Maine and require the following
34 legislation as immediately necessary for the preser-
35 vation of the public peace, health and safety; now,
36 therefore,

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

3 20-A MRSA §1301, sub-§2, as enacted by PL 1981,
4 c. 693, §§5 & 8, is amended to read:

5 2. Residents on federal property or state prop-
6 erty. For the purposes of this chapter only, a dis-
7 trict shall count students residing on land under the
8 control of the Federal Government, ~~or~~ on a federal
9 military reservation, ~~who are eligible under United~~
10 ~~States Public Law 81-874,~~ or on state property, as
11 residents of the district but not as residents of a
12 municipality.

13 Emergency clause. In view of the emergency cited
14 in the preamble, this Act shall take effect on July
15 1, 1985.

16 STATEMENT OF FACT

17 The intent of the School Finance Act is to equal-
18 ize the mill rate costs for education among school
19 units with the State funding the difference between
20 the total subsidizable cost and the local mill rate
21 share. In community school districts and school ad-
22 ministrative districts, municipalities may diverge
23 from the equal mill rate share and divide their
24 school district's local mill rate share partially on
25 the basis of the number of students in each munici-
26 pality. This means that a municipality with a rela-
27 tively larger share of the district's students and
28 smaller share of the district's property will have to
29 contribute more than the State's established local
30 mill rate share. The additional amount will be indi-
31 rectly given to the municipality which has propor-
32 tionately more of the district's property than stu-
33 dents to reduce its mill rate share. The present
34 language of the Maine Revised Statutes, section 1301,
35 subsection 2, overrides the local formula and
36 reestablishes the State's intent for students on fed-
37 eral property who are eligible for federal money un-
38 der United States Public Law 81-874. The present
39 bill extends this override to all students on federal
40 and state property.

1 Federal and state property is not taxed. The
2 School Finance Act limits the local share to a local
3 mill rate on taxable property and provides state aid
4 for additional subsidizable per student expenditures.
5 The change will make sure this aid goes to keep the
6 mill rate of the unit with the students at the
7 State's established mill rate and not divert the aid
8 to other municipalities with more property and fewer
9 students in the district.

10 There is no additional cost to the State. There
11 is an adjustment among municipalities in community
12 school districts or school administrative districts
13 with local cost-sharing formulas which use numbers of
14 students in their formulas. It will bring the munic-
15 ipalities in these districts closer to the State's
16 intended equalized mill rate and limit the indirect
17 diversion of state subsidy from the municipalities
18 with the relatively larger number of students and
19 smaller property base to municipalities with the
20 smaller number of students and larger property base.

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