

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1838

7
8 S.P. 713

In Senate, January 13, 1986

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 26.

Reference to the Committee on Taxation suggested and ordered printed.

11 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator McBreairty of Aroostook.

12 Cosponsored by Representative Harper of Lincoln and Representative
Ingraham of Houlton.

13 STATE OF MAINE
14

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

18 AN ACT to Correct Some Inconsistencies in the
19 Law Relating to the Financing of
20 Services in the Unorganized Territory.
21

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

25 Whereas, financing of county services in the un-
26 organized territory is currently based upon the coun-
27 ty fiscal year; and

28 Whereas, county fiscal years are generally not
29 synchronized with the state fiscal year; and

30 Whereas, this lack of synchronization results in
31 difficulties for the State and the counties in bud-
32 geting and auditing county budgets for the unorga-
33 nized territory; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 Sec. 1. 20-A MRSA §3253-A, sub-§3, as enacted by
10 PL 1985, c. 490, §5, is amended to read:

11 3. Tuition. The commissioner shall pay tuition
12 for each tuition student in an amount equal to the
13 official tuition rate approved pursuant to sections
14 5805, 5806, 5809 or 7302 for the receiving school for
15 nonresident students enrolled in secondary schools or
16 special education or vocational education programs,
17 provided that the student maintains a satisfactory
18 standard of deportment and scholarship. ~~At the re-~~
19 ~~quest of the school board of a receiving school ad-~~
20 ~~ministrative unit, the commissioner may pay up to~~
21 ~~110% of the official tuition rate for students en-~~
22 ~~rolled under this section.~~

23 Sec. 2. 30 MRSA §5903, as amended by PL 1985, c.
24 459, Pt. C, §8, is repealed and the following en-
25 acted in its place:

26 §5903. Budget

27 1. Procedure. Prior to November 7th of each
28 year, the county commissioners of each county shall
29 provide to the members of the legislative delegation
30 a preliminary budget for the services to be provided
31 under this chapter to the unorganized territory in
32 the next year. These preliminary budgets shall be
33 provided in a form that shows how the funds are to be
34 spent for each category of service identified in sec-
35 tion 5901 and any projected surplus for the year of
36 unorganized territory funds held by the county. The
37 county commissioners shall provide an opportunity for
38 public comment on the preliminary budget at the same
39 time as a public hearing is held on the county bud-
40 get, as provided under section 252. The budget for

1 the unorganized territory shall be finalized at the
2 same time as the regular county budget. A copy of
3 the finalized budget and an accurate identification
4 of any surplus which can be used to reduce the amount
5 needed to be collected in taxes shall be submitted to
6 the State Tax Assessor and to the fiscal administra-
7 tor of each unorganized territory.

8 2. Budget year. In November 1986, the county
9 commissioners shall provide a budget for each unorga-
10 nized territory which covers the period which begins
11 at the end of the period for which their previous
12 budget was submitted and which ends on June 30, 1988.
13 Each subsequent budget shall cover the period of July
14 1st to June 30th following the date the budget is
15 provided.

16 Sec. 3. 36 MRSA §1608, first ¶, as amended by PL
17 1985, c, 459, Pt. C, §16, is further amended to read:

18 The fiscal administrator of the unorganized ter-
19 ritory shall, by ~~September~~ December 1st annually,
20 publish a financial report of the status of the Unor-
21 ganized Territory Education and Services Fund subject
22 to the following provisions.

23 Emergency clause. In view of the emergency cited
24 in the preamble, this Act shall take effect when ap-
25 proved.

26 STATEMENT OF FACT

27 This bill provides for some fine tuning of the
28 mechanisms of financing services in the unorganized
29 territory.

30 Section 1 removes a provision which permits the
31 Commissioner of Educational and Cultural Services to
32 pay 110% of the approved tuition rate for students
33 from the unorganized territory attending schools in
34 municipalities. This provision applies only to stu-
35 dents from the unorganized territory and there does
36 not appear to be any rational basis for permitting
37 the distinction.

1 Section 2 of the bill provides for the transition
2 of county budgets for services in the unorganized
3 territory to the state fiscal year. Currently, most
4 county budgets for the unorganized territory cover
5 the calendar year; taxes are collected and distrib-
6 uted to counties based upon the state fiscal year.
7 The lack of synchronization results in unnecessary
8 delays and confusion.

9 Section 3 of the bill changes the date for the
10 annual financial report of the fiscal administrator
11 of each unorganized territory from September 1st to
12 December 1st. This change will permit the most cur-
13 rent information obtained through the Department of
14 Audit review of the Unorganized Territory Education
15 and Services Fund to be included in the report.

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