

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1433, L.D. 2045, Bill, "An Act Concerning Funding of Indian Schools under the Act to Implement the Maine Indian Claims Settlement"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 30 MRSA §6211, sub-§2, as enacted by PL 1979, c. 732, §§1 and 31, is amended to read:

2. **Limitation on eligibility.** In computing the extent to which either the Passamaquoddy Tribe or the Penobscot Nation is entitled to receive state funds under subsection 1, other than funds in support of education, any moneys money received by the respective tribe or nation from the United States within substantially the same period for which state funds are provided, for a program or purpose substantially similar to that funded by the State, and in excess of any local share ordinarily required by state law as a condition of state funding, ~~shall~~ must be deducted in computing any payment to be made to the respective tribe or nation by the State. Unless otherwise provided by federal law, in computing the extent to which either the Passamaquoddy Tribe or the Penobscot Nation is entitled to receive state funds for education under subsection 1, the state payment must be reduced by 15% of the amount of federal funds for school operations received by the respective tribe or nation within substantially the same period for which state funds are provided, and in excess of any local share ordinarily required by state law as a condition of state funding. A reduction in state funding for secondary education may not be made under this section except as a result of federal funds received within substantially the same period and allocated or allocable to secondary education. This subsection is repealed June 30, 1998.

**COMMITTEE AMENDMENT**

2           **Sec. 2. 30 MRSA §6211, sub-§2-A** is enacted to read:

4           **2-A. Limitation on eligibility.** In computing the extent to  
6           which either the Passamaquoddy Tribe or the Penobscot Nation is  
8           entitled to receive state funds under subsection 1, any money  
10           received by the respective tribe or nation from the United States  
12           within substantially the same period for which state funds are  
14           provided, for a program or purpose substantially similar to that  
          funded by the State, and in excess of any local share ordinarily  
          required by state law as a condition of state funding, must be  
          deducted in computing any payment to be made to the respective  
          tribe or nation by the State. This subsection takes effect July  
          1, 1998, and applies to state education funding beginning in  
          fiscal year 1998-99.

16           **Sec. 3. Report.** On or before February 1, 1997, the school  
18           systems affected by this Act shall submit a report prepared by  
20           the system's independent financial auditor to the Department of  
22           Education and the joint standing committee of the Legislature  
24           having jurisdiction over education matters. The report must  
26           describe the effect of this Act during each of the fiscal years  
28           that have been completed since enactment of this Act by comparing  
30           how the affected schools were actually funded with how the same  
32           schools would have maximized combined federal and state funding  
34           under applicable laws without the amendment to the Maine Revised  
36           Statutes, Title 30, section 6211 made by this Act, listing for  
38           each alternative the number of students at each affected school  
          for which federal financial support was or would have been  
          received, the program under which it was or would have been  
          received, the amount of the financial support and the impact of  
          those federal funds upon the state educational subsidy computed  
          under the then-existing state law governing school financing.  
          The Department of Education shall also submit a report by  
          February 1, 1997 to the joint standing committee of the  
          Legislature having jurisdiction over education matters describing  
          the effect of this Act in each of the fiscal years that have been  
          completed since enactment of this Act.

40           **Sec. 4. Application; retroactivity.** The Maine Revised Statutes,  
42           Title 30, section 6211, subsection 2, as amended by this Act,  
44           applies to state education funding beginning in state fiscal year  
          1992-93. If this Act does not become effective before the  
          beginning of that fiscal year, this Act applies retroactively to  
          state education funding beginning in fiscal year 1992-93.

46

2           **Sec. 5. Effective date.** This Act does not take effect unless,  
3 within 60 days after adjournment of the Legislature, the  
4 Secretary of State receives written notification by the Joint  
5 Tribal Council of the Passamaquoddy Tribe and by the Governor and  
6 council of the Penobscot Nation that the tribe and nation have  
7 agreed to the provisions of this Act pursuant to 25 United States  
8 Code, section 1725(e)(1), copies of which must be submitted by  
9 the Secretary of State to the Secretary of the Senate and the  
10 Clerk of the House of Representatives. In no event may this Act  
11 become effective until 90 days after adjournment of the  
12 Legislature.

13           **Sec. 6. Appropriation.** The following funds are appropriated  
14 from the General Fund to carry out the purposes of this Act.

15 1992-93

16  
17 **EDUCATION, DEPARTMENT OF**

18 **General Purpose Aid for Local Schools**

19           All Other (\$76,859)

20  
21  
22           Provides for the deappropriation of funds no  
23 longer needed due to the change in the  
24 Indian Land Claims offset adjustment.

25  
26  
27 **FISCAL NOTE**

28 1992-93

29 **APPROPRIATIONS/ALLOCATIONS**

30           General Fund (\$76,859)

31  
32           The Department of Education will realize General Fund  
33 savings of \$76,859 annually through fiscal year 1997-98,  
34 beginning in fiscal year 1992-93, to General Purpose Aid for  
35 Local Schools as a result of the change in the Indian Land Claims  
36 Offset Adjustment. This amount is deappropriated from General  
37 Purpose Aid for Local Schools.'

2 STATEMENT OF FACT

4 This amendment changes the percentage of federal funds that  
6 will be offset against state education funds from 25% to 15%, to  
8 reflect the understanding reached by the Department of Education  
10 and Maine Indian Education relative to which funds are subject to  
12 offset under the law as enacted in the amendment. This  
understanding must be reduced to writing in a memorandum of  
understanding between the Department of Education and  
representatives of the affected Indian schools.

14 The amendment also provides for a repeal of the 15% offset  
16 provision on June 30, 1998 and reenacts the offset law as it  
18 existed before enactment of the amendment. The amendment  
20 requires the tribal schools to submit a report to the Department  
of Education and the Joint Standing Committee on Education by  
February 1, 1997, explaining the financial implications of the  
law change. The Department of Education shall also submit a  
report to the committee giving its findings on the operation of  
the law.

22 Finally, the amendment adds an appropriation section and a  
24 fiscal note to the bill.

Reported by the Committee on Judiciary  
Reproduced and distributed under the direction of the Clerk of the  
House  
3/3/92 (Filing No. H-1022)