MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2045

H.P. 1433

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta.

Cosponsored by Senator ESTES of York and Representative POULIOT of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-TWO

An Act Concerning Funding of Indian Schools under the Act to Implement the Maine Indian Claims Settlement.



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

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 meneys 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. Any deduction from state funds for education resulting from the receipt of federal funds for school operations must be fixed at 25% of the federal funds considered in the calculation under this subsection, except to the extent a different rate is fixed by federal law.
- Sec. 2. Effective date. Section 1 of this Act does not take effect unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written notification by the Joint Tribal Council of the Passamaquoddy Tribe, the Governor of the Penobscot Nation and the Council of the Penobscot Nation that the tribe and nation have agreed to the provisions of section 1 of this Act pursuant to 25 United States Code, Section 1725(e)(1), copies of which must be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives. In no event may this Act become effective until 90 days after adjournment of the Legislature.

STATEMENT OF FACT

This bill fixes a flat rate of 25% by which the state subsidy for education may be reduced as a result of the receipt of federal funds for school operations by the Penobscot Nation and the Passamaquoddy Tribe. It would not apply to funds otherwise governed by federal law, such as impact aid funds. The bill would not become effective unless approved by the Penobscot Nation and the Passamaquoddy Tribe under the terms of the federal Maine Indian Claims Settlement Act, 25 United States Code, Section 1725(e).