

MAINE STATE LEGISLATURE

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R. of S.

L.D. 983

DATE: April 11, 1995

(Filing No. S- 61)

EDUCATION AND CULTURAL AFFAIRS

Reported by: Senator SMALL of Sagadahoc for the Committee.

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STATE OF MAINE SENATE 117TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 355, L.D. 983, Bill, "An Act to Authorize the Towns of Mechanic Falls, Minot and Poland to Form a Community School District"

Amend the bill by inserting after the title and before the emergency preamble the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill in section 2 in the 5th to 7th lines (page 1, lines 50 and 51 and page 2, line 1 in L.D.) by striking out the following: "6, notwithstanding the provisions of the Maine Revised Statutes, Title 20-A, section 1258. The State Board" and inserting in its place the following: '6. The Commissioner'

Further amend the bill in section 4 by striking out all of the 2nd indented paragraph (page 2, lines 27 to 32 in L.D.) and inserting in its place the following:

'Pursuant to the 3-town building project, this Act authorizes inclusion of certain costs not currently covered by the State Board of Education's Rules for School Construction Projects as an adjustment to the general purpose aid subsidies paid to the community school district in the first operational

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year. These costs relate to the purchase of library books at a rate of 15 volumes per student, basic reference and audio visual materials and software, as well as textbooks, for those grades not previously educated in the Towns of Mechanic Falls, Minot and Poland.

The adjustment is not included in the state share of the foundation allocation or debt service allocation. The adjustment must be repaid by the community school districts to the Department of Education through reductions in the state share foundation allocation for the 5 years following the first operational year. The total amount to be repaid is the total amount of the adjustment multiplied by the community school district's state share percentage for operating costs during the first operational year.'

Further amend the bill in section 5 in the 3rd line (page 2, line 36 in L.D.) by striking out the following: "State Board" and inserting in its place the following: 'Commissioner'

Further amend the bill in section 6 in the 6th line (page 9, line 9 in L.D.) by striking out the following: "State Board" and inserting in its place the following: 'Commissioner'

Further amend the bill in section 6 by inserting after the 3rd sentence the following: 'The community school district may not receive a school subsidy from the Department of Education's general purpose aid to local schools program during the transition period.'

Further amend the bill in section 6 by inserting at the end the following: 'For purposes of this Act, "occupation" means that the building is being used to provide instruction to all grades 7 to 12 resident pupils of the 3 towns.'

Further amend the bill in section 12 in the 5th line from the end (page 6, line 36 in L.D.) by striking out the following: "board" and inserting in its place the following: 'Commissioner of Education'

Further amend the bill in section 17 in the 6th line (page 7, line 25 in L.D.) by striking out the following: "May 3" and inserting in its place the following: 'May 6'

Further amend the bill in section 17 in the 8th line (page 7, line 27 in L.D.) by inserting after the following: "elections" the following: ', except that any state or local election provision that would delay the meeting beyond May 6, 1995 does not apply'

R. & S.

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Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

This bill requires the Towns of Mechanic Falls, Minot and Poland to hold local elections on the formation of a community school district. The additional costs associated with the elections are expected to be minimal. Pursuant to the mandate preamble, the 2/3 vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.

If 2 of the 3 towns vote to approve this formation, a one-time future increase in the General Fund appropriation to the General Purpose Aid for Local Schools account within the Department of Education will occur as a result of a loan to the new district for such items as textbooks and library materials. This loan will be repaid over a 5-year period through a reduction in the community school district's school subsidy.'

STATEMENT OF FACT

This amendment makes several technical changes to the bill. This amendment repeals a provision permitting the 3 towns to include costs for books and other materials in their debt service and replaces it with a provision permitting the towns to borrow the funds from the Department of Education's general purpose aid to local schools program and repay the loan, free of interest, over a 5-year period.

This amendment changes the date of the referendum from May 3, 1995 to May 6, 1995 and permits the Town of Minot to hold the referendum on that date irrespective of municipal election requirements that might require a later date.