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)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 639

H.P. 468

House of Representatives, January 30, 1997

An Act Regarding the Filing of School Administrative Reports.

(EMERGENCY)

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative BRENNAN of Portland. Cosponsored by Senator SMALL of Sagadahoc and

Representatives: BRUNO of Raymond, FARNSWORTH of Portland, KONTOS of Windham, McELROY of Unity, TRUE of Fryeburg, Senators: AMERO of Cumberland, LIBBY of York, PENDLETON of Cumberland.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation proposes to change the time frame during which the Commissioner of Education may withhold a school administrative unit's state aid for failure to make timely reports; and

Whereas, some of the required reports are due before the expiration of the 90-day period; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20-A MRSA §6801-A, sub-§2, as amended by PL 1989, c. 910, §1, is further amended to read:

2. Authority to withhold state subsidy until reports are received. Notwithstanding any other provision of law, if a school administrative unit has failed to file the reports required by this Title in the format and-within-the-time-periods specified by October 15th, the commissioner may withhold 10% of the state subsidy payments until these reports are received, but only if the commissioner withholds payment from all units that have failed to meet the filing requirements.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

SUMMARY

Under current law, the Commissioner of Education may withhold a school administrative unit's state aid and the State Treasurer must withhold such state aid if the unit has failed to file a return or information required by law. Some of these reports are required by July 15th which is only 15 days after the end of the school year. In many cases, the required information is not available at that time. This bill amends current law so that the commissioner cannot withhold the state subsidy as long as reports are filed by October 15th. It also limits the withholding to 10% of the state subsidy and only allows the commissioner to withhold 10% when that withholding is imposed on all school units that fail to meet the October 15th deadline.