

MAINE STATE LEGISLATURE

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L.D. 2173

Date: 3-27-08

(Filing No. S-512)

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STATE OF MAINE
SENATE
123RD LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "L" to COMMITTEE AMENDMENT "A" to H.P. 1547, L.D. 2173, Bill, "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009"

Amend the amendment by striking out all of Part C and inserting the following:

PART C

Sec. C-1. 20-A MRSA §4102, sub-§4, ¶A, as enacted by PL 1983, c. 422, §17, is amended to read:

A. Elementary schools in school administrative districts and community school districts may only be closed if approved by the voters in accordance with the procedures set out in section 1407 and section 1751, subsection 5 1512 for regional school units.

Sec. C-2. 20-A MRSA §5806, sub-§2, as amended by PL 1987, c. 463, is further amended to read:

2. Maximum allowable tuition. The maximum allowable tuition charged to a school administrative unit by a private school shall be is the rate established under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower, plus an insured value factor. The insured value factor shall be is computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. It may not exceed 10% of a school's legal tuition rate per student in any one year beginning with the 1988-89 school year. For the 2008-09 school year only, a school administrative unit is not required to pay an insured value factor greater than 5% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student.

SENATE AMENDMENT

R. 013

SENATE AMENDMENT "L" to COMMITTEE AMENDMENT "A" to H.P. 1547, L.D. 2173

1 ~~For the 1988-89 school year only the state share of the increase in the insured value factor~~
2 ~~shall be paid in the year of allocation.~~

3 **Sec. C-3. 20-A MRSA §15675, sub-§1, ¶A**, as enacted by PL 2003, c. 504, Pt.
4 A, §6, is amended to read:

5 A. For a school administrative unit with 15 or fewer limited English proficiency
6 students, the unit receives an additional weight of ~~.50~~ .70 per student;

7 **Sec. C-4. 20-A MRSA §15675, sub-§1, ¶B**, as amended by PL 2005, c. 12, Pt.
8 UU, §2 and affected by §§12 and 13 and Pt. WW, §18, is further amended to read:

9 B. For a school administrative unit with more than 15 and fewer than 251 limited
10 English proficiency students, the unit receives an additional weight of ~~.30~~ .50 per
11 student;

12 **Sec. C-5. 20-A MRSA §15675, sub-§1, ¶C**, as amended by PL 2005, c. 12, Pt.
13 UU, §2 and affected by §§12 and 13 and Pt. WW, §18, is further amended to read:

14 C. For a school administrative unit with 251 or more limited English proficiency
15 students, the unit receives an additional weight of ~~.60~~ .525 per student; and

16 **Sec. C-6. 20-A MRSA §15683-A**, as enacted by PL 2005, c. 2, Pt. D, §49 and
17 affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

18 **§15683-A. Total debt service allocation**

19 For each school administrative unit, that unit's total debt service allocation is that
20 unit's debt service costs as defined in section 15672, subsection 2-A. For the 2008-09
21 funding year only, for each school administrative unit, that unit's total debt service
22 allocation is that unit's debt service costs as defined in section 15672, subsection 2-A
23 excluding 80% of the insured value factor pursuant to section 15672, subsection 2-A,
24 paragraph C.

25 **Sec. C-7. 20-A MRSA §15689, sub-§1, ¶B**, as amended by PL 2007, c. 240, Pt.
26 C, §3, is further amended to read:

27 B. The school administrative unit's special education costs as calculated pursuant to
28 section 15681-A, subsection 2 multiplied by the following transition percentages:

29 (1) In fiscal year 2005-06, 84%;

30 (2) In fiscal year 2006-07, 84%;

31 (3) In fiscal year 2007-08, 84%; ~~and~~

32 (4) In fiscal year 2008-09 ~~and succeeding years, 100%.~~ 50%; and

33 (5) In fiscal year 2009-10 and succeeding years, 84%.

34 **Sec. C-8. 20-A MRSA §15689-A, sub-§12-A**, as enacted by PL 2007, c. 240,
35 Pt. D, §9, is amended to read:

36 **12-A. Learning through technology.** The commissioner may pay costs attributed
37 to staff support and system maintenance for a program that promotes learning through

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1 technology. A transfer of All Other funds from the General Purpose Aid for Local
2 Schools account to Personal Services and All Other line categories in the Learning
3 Through Technology General Fund nonlapsing account sufficient to support the Personal
4 Services and All Other costs of one Education Team and Policy Director position, ~~one~~ 2
5 Education Specialist III ~~position~~ positions, one Planning and Research Associate I
6 position, one Director of Special Projects position, one Education Specialist II position,
7 the General Fund share of one Education Specialist II position and the agreement that
8 provides one-to-one wireless computers for 7th grade, 8th grade and high school students
9 and educators may occur annually by financial order upon recommendation of the State
10 Budget Officer and approval of the Governor.

11 **Sec. C-9. 20-A MRS §15689-A, sub-§16** is enacted to read:

12 **16. Transportation administration.** The commissioner may pay costs attributed to
13 staff support and system maintenance necessary to implement the transportation
14 requirements of this chapter and chapter 215. A transfer of All Other funds from the
15 General Purpose Aid for Local Schools account to Personal Services and All Other line
16 categories in the Support Systems General Fund account sufficient to support the
17 Personal Services and All Other costs of one Education Specialist III position may occur
18 annually by financial order upon recommendation of the State Budget Officer and
19 approval of the Governor.

20 **Sec. C-10. 20-A MRS §15689-B, sub-§7,** as enacted by PL 2005, c. 2, Pt. D,
21 §61 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

22 **7. Required data; subsidy payments withheld.** A school administrative unit shall
23 provide the commissioner with information that the commissioner requests to carry out
24 the purposes of this chapter, according to time schedules that the commissioner
25 establishes. The commissioner may withhold monthly subsidy payments from a school
26 administrative unit when information is not filed in the specified format and with specific
27 content and within the specified time schedules. If the school administrative unit files the
28 information in the specified format, the Department of Education shall include the
29 payment of the withheld subsidy in the next regularly scheduled monthly subsidy
30 payment.

31 **Sec. C-11. 20-A MRS §15689-B, sub-§7-A** is enacted to read:

32 **7-A. Penalty for late submission of required data.** Notwithstanding any other
33 provision of this Title, the commissioner may implement the following subsidy penalty
34 for a school administrative unit that is not in compliance with subsection 7. If a school
35 administrative unit has not filed the required data pursuant to subsection 7 within 3
36 months of the due date, a penalty equal to 1% of that unit's monthly subsidy check times
37 the number of months past due is assessed.

38 **Sec. C-12. 20-A MRS §15690, sub-§1, ¶C,** as enacted by PL 2005, c. 2, Pt. D,
39 §62 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

40 C. The state share of the total cost of funding public education from kindergarten to
41 grade 12 as described in section 15688, excluding state-funded debt service for each
42 school administrative unit, is limited to the same proportion as the local school
43 administrative unit raises of its required contribution to the total cost of education as

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1 described in section 15688, excluding state-funded debt service costs. For school
2 administrative units that annually demonstrate savings by purchasing supplies using
3 an electronic bidding forum, the commissioner may suspend all or a portion of any
4 adjustment to the unit's state contribution pursuant to this paragraph.

5 **Sec. C-13. 20-A MRSA §15905, sub-§1, ¶A,** as amended by PL 2005, c. 519,
6 Pt. J, §3, is further amended to read:

7 A. The state board may approve projects as long as no project approval will cause
8 debt service costs, as defined in section 15672, subsection 2-A, paragraph A, to
9 exceed the maximum limits specified in Table 1 in subsequent fiscal years.

10 Table 1

11 Fiscal year	Maximum Debt Service Limit
12 1990	\$ 48,000,000
13 1991	\$ 57,000,000
14 1992	\$ 65,000,000
15 1993	\$ 67,000,000
16 1994	\$ 67,000,000
17 1995	\$ 67,000,000
18 1996	\$ 67,000,000
19 1997	\$ 67,000,000
20 1998	\$ 67,000,000
21 1999	\$ 69,000,000
22 2000	\$ 72,000,000
23 2001	\$ 74,000,000
24 2002	\$ 74,000,000
25 2003	\$ 80,000,000
26 2004	\$ 80,000,000
27 2005	\$ 84,000,000
28 2006	\$ 90,000,000
29 2007	\$ 96,000,000
30 2008	\$100,000,000
31 2009	\$104,000,000
32 2010	\$108,000,000
33 2011	\$126,000,000
34 <u>2012</u>	<u>\$126,000,000</u>
35 <u>2013</u>	<u>\$126,000,000</u>

36 **Sec. C-14. Calculation.** The Commissioner of Education shall, within 30 days of
37 the effective date of this Part, calculate the mill expectation pursuant to the Maine
38 Revised Statutes, Title 20-A, section 15671-A for fiscal year 2008-09 and the total cost of
39 funding public education from kindergarten to grade 12 for fiscal year 2008-09 in
40 accordance with this Part. The commissioner shall submit the information to the Joint
41 Standing Committee on Education and Cultural Affairs.

SENATE AMENDMENT

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SENATE AMENDMENT "L" to COMMITTEE AMENDMENT "A" to H.P. 1547, L.D. 2173

1 other efficiencies in the MaineCare program. This initiative relates to the curtailments
2 ordered in Financial Order 003806 F8.

3	GENERAL FUND	2007-08	2008-09
4	All Other	\$0	(\$8,138,324)
5			
6	GENERAL FUND TOTAL	\$0	(\$8,138,324)

7	FEDERAL EXPENDITURES FUND	2007-08	2008-09
8	All Other	\$0	(\$14,553,225)
9			
10	FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$14,553,225)

11 **Medical Care - Payments to Providers 0147**

12 Initiative: Reduces funds to reflect a reduction in the eligibility level from 200% to 125%
13 of the federal poverty level for the parents of MaineCare-eligible children.

14	GENERAL FUND	2007-08	2008-09
15	All Other	\$0	(\$8,002,702)
16			
17	GENERAL FUND TOTAL	\$0	(\$8,002,702)

18	FEDERAL EXPENDITURES FUND	2007-08	2008-09
19	All Other	\$0	(\$21,909,621)
20			
21	FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$21,909,621)

22	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
23	All Other	\$0	(\$4,699,500)
24			
25	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$4,699,500)

26 **Medical Care - Payments to Providers 0147**

27 Initiative: Reduces funding from continuing initiatives to control spending in the childless
28 adult waiver program until the program's spending is reduced to and maintained at a level
29 that does not exceed \$57,000,000 in combined annual federal and state spending.

SENATE AMENDMENT

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SENATE AMENDMENT "L" to COMMITTEE AMENDMENT "A" to H.P. 1547, L.D. 2173

1	GENERAL FUND	2007-08	2008-09
2	All Other	\$0	\$37,266,112
3			
4	GENERAL FUND TOTAL	<hr/>	<hr/>
5		\$0	\$37,266,112


6 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
7 or section number to read consecutively.

8 **SUMMARY**

9 This amendment restores funding for General Purpose Aid for Local Schools. It
10 reduces the eligibility level for parents of MaineCare-eligible children from 200% to
11 125%. It repeals the requirement for Dirigo Health to transfer funds to MaineCare to
12 fund the state seed for parents at 150% to 200% of the federal poverty level. It further
13 restricts spending for the MaineCare childless adult waiver program to \$57,000,000 per
14 year in combined federal and state spending. It transfers funds from the Maine Budget
15 Stabilization Fund to the unappropriated surplus of the General Fund.

16 **FISCAL NOTE REQUIRED**

17 (See attached)

18 **SPONSORED BY:** 
19 (Senator COURTNEY)
20 **COUNTY:** York



123rd MAINE LEGISLATURE

LD 2173

LR 3445(51)

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

Fiscal Note for Senate Amendment " L " to Committee Amendment "A"

Sponsor: Sen. Courtney of York

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$0	\$0	\$17,179,396	\$17,179,396
Appropriations/Allocations				
General Fund	\$0	\$17,179,386	\$17,179,396	\$17,179,396
Federal Expenditures Fund	\$0	(\$43,518,246)	(\$43,518,246)	(\$43,518,246)
Other Special Revenue Funds	\$0	(\$4,699,500)	(\$4,699,500)	(\$4,699,500)
Transfers				
General Fund	\$0	\$17,179,386	\$0	\$0

Fiscal Detail and Notes

This amendment will have no net effect on General Fund appropriations and revenue and a balanced budget is maintained for the 2008-2009 biennium.