

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2272

H.P. 1638

House of Representatives, March 24, 2008

**An Act To Reduce the Percentage of the Cost of Local Schools Paid
by the State from 55% to 49%**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JOY of Crystal.

Cosponsored by Representatives: ANNIS of Dover-Foxcroft, AYOTTE of Caswell, CURTIS of Madison, GIFFORD of Lincoln, JOHNSON of Greenville, RICHARDSON of Carmel, THOMAS of Ripley, Senator: PLOWMAN of Penobscot.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation must take effect prior to the expiration of the 90-day
4 period to ensure that the state budget is in balance; and

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

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

10 **Sec. 1. 20-A MRSA §15671, sub-§1, ¶A,** as amended by PL 2005, c. 2, Pt. D,
11 §32 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is repealed.

12 **Sec. 2. 20-A MRSA §15671, sub-§1, ¶B,** as amended by PL 2005, c. 2, Pt. D,
13 §32 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

14 B. By fiscal year 2008-09 the state share of the total cost of funding public
15 education from kindergarten to grade 12, as described by essential programs and
16 services, must be ~~55%~~ 49%. ~~Beginning in fiscal year 2005-06 and in each fiscal year~~
17 ~~until fiscal year 2008-09, the state share of essential programs and services described~~
18 ~~costs must increase toward the 55% level required in fiscal year 2008-09.~~

19 **Sec. 3. 20-A MRSA §15671, sub-§7, ¶B,** as amended by PL 2007, c. 240, Pt. C,
20 §2, is repealed.

21 **Sec. 4. 20-A MRSA §15752, first ¶,** as enacted by PL 2005, c. 2, Pt. D, §63 and
22 affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

23 ~~In accordance with the phase in schedule provided in chapter 606-B, beginning~~
24 Beginning in fiscal year 2008-09, the Legislature each year shall provide at least ~~55%~~
25 49% of the cost of the total allocation for kindergarten to grade 12 education from
26 General Fund revenue sources.

27 **Sec. 5. Calculation; transfer to unappropriated surplus of the General**
28 **Fund.** The State Budget Officer shall calculate the savings resulting from the decrease,
29 pursuant to this Act, to 49% in the state share of the total cost of funding public education
30 from kindergarten to grade 12 and shall transfer the amounts to the unappropriated
31 surplus of the General Fund. These transfers are considered adjustments to appropriations
32 in fiscal year 2008-09. The State Budget Officer shall provide the Joint Standing
33 Committee on Appropriations and Financial Affairs a report of the transferred amounts
34 no later than November 1, 2008.

35 **Sec. 6. Transfer from unappropriated surplus to the Maine Community**
36 **College System and Department of Health and Human Services.**
37 Notwithstanding any provision of law to the contrary, the State Controller shall transfer
38 \$2,000,000 in fiscal year 2008-09 from the unappropriated surplus of the General Fund to

1 the Maine Community College System and shall transfer the balance of the amount
2 calculated pursuant to section 5 in equal amounts to:

3 1. The Department of Health and Human Services, Foster Care program and Child
4 Welfare Program for payment to foster parents and adoption assistance;

5 2. The Department of Health and Human Services, Nursing Facilities program for
6 long-term care services; and

7 3. The Department of Health and Human Services, Long-term Care - Human Services
8 program for home-based care services.

9 **Emergency clause.** In view of the emergency cited in the preamble, this
10 legislation takes effect when approved.

11 **SUMMARY**

12 This bill reduces from 55% to 49% the level of the state share of the total cost of
13 funding public education from kindergarten to grade 12.

14 The bill directs that the amount of savings resulting from this reduction be used to
15 provide funding for the State's foster care program, long-term care services and home-
16 based care services and the Maine Community College System.