

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1735

H.P. 1233

House of Representatives, January 12, 2010

**An Act To Waive Certain Penalties Imposed against School
Administrative Units if the State Has Not Fulfilled Its Goal of
Paying 55% of Costs**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative ROTUNDO of Lewiston.
Cosponsored by Representative WAGNER of Lyman, Senator CRAVEN of Androscoggin and
Representatives: BEAULIEU of Auburn, BICKFORD of Auburn, CAREY of Lewiston,
LAJOIE of Lewiston, WAGNER of Lewiston.

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,** the Maine Revised Statutes, Title 20-A, section 15671, subsection 1
4 provides that the State and each local school administrative unit are jointly responsible
5 for contributing to the cost of the components of essential programs and services as a
6 state and local partnership; and

7 **Whereas,** the level of the state share of funding of the cost of the components of
8 essential programs and services was intended to be 55% for fiscal year 2010-11 and
9 thereafter; and

10 **Whereas,** Title 20-A, section 15690, subsection 1, paragraph C provides for a
11 proportional reduction of state subsidy for a local school administrative unit that fails to
12 raise the full amount of its required local contribution; and

13 **Whereas,** it appears that, because of budgetary constraints in the next few years, the
14 State will not be able to meet its goal of contributing 55% to the cost of the components
15 of essential programs and services; and

16 **Whereas,** in view of such anticipated reductions in the State's contribution, it would
17 be unfair to require local school administrative units to continue to raise the full amount
18 of their local contributions; and

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

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

24 **Sec. 1. 20-A MRSA §15690, sub-§1, ¶C,** as amended by PL 2007, c. 539, Pt. C,
25 §15, is further amended to read:

26 C. The state share of the total cost of funding public education from kindergarten to
27 grade 12 as described in section 15688, excluding state-funded debt service for each
28 school administrative unit, is limited to the same proportion as the local school
29 administrative unit raises of its required contribution to the total cost of education as
30 described in section 15688, excluding state-funded debt service costs. For school
31 administrative units that annually demonstrate savings by purchasing supplies using
32 an electronic bidding forum, the commissioner may suspend all or a portion of any
33 adjustment to the unit's state contribution pursuant to this paragraph. In any fiscal
34 year in which the sum of the State's contribution toward the cost of the components
35 of essential programs and services, exclusive of federal funds that are provided and
36 accounted for in the cost of the components of essential programs and services, plus
37 any federal stimulus funds applied to the State's contribution, falls below the State's
38 target of 55% of the cost of the components of essential programs and services, the
39 commissioner shall calculate the percentage of the State's 55% share that is funded

1 by state appropriations and federal stimulus funds, and, notwithstanding any other
2 provision of this paragraph, a school administrative unit that raises at least that same
3 percentage of its required local contribution to the total cost of funding public
4 education from kindergarten to grade 12, including state-funded debt service, as the
5 State's contribution plus federal stimulus funds toward its 55% share of the cost of the
6 components of essential programs and services may not have the amount of its state
7 subsidy limited or reduced under this paragraph.

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

10 SUMMARY

11 This bill provides that if the State is able to fund only a percentage of its 55% share
12 of the cost of the components of essential programs and services, local school
13 administrative units that raise at least that same percentage of their required local
14 contribution may not be penalized by further reductions in state subsidy.