

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Fourth Legislature

AT THE
SPECIAL SESSION

January 6, 1970
to
February 7, 1970

Chapter 589

AN ACT to Clarify the Education Laws and Subsidy Payments.

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

Whereas, the authority of the State Board of Education to make monthly subsidy payments was inadvertently repealed; and

Whereas, undue hardship will be created in the administrative units without restoring said authority; 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. R. S., T. 20, § 304, amended. The 4th sentence of section 304 of Title 20 of the Revised Statutes, as amended by section 2-E of chapter 440 of the public laws of 1969, is further amended to read as follows:

Each bond or note shall have inscribed upon its face the official name of the School Administrative District and shall be dated at such time or times, shall be in such denomination, shall bear such rate of interest, ~~not exceeding 7 1/2% per year~~ payable semi-annually, be in such form subject to this chapter, and be sold in such manner, at public or private sale as the school directors shall determine, provided that in no event shall bonds be sold for less than par.

Sec. 2. R. S., T. 20, § 305, amended. The first 2 sentences of section 305 of Title 20 of the Revised Statutes are amended to read as follows:

The directors of each School Administrative District shall ~~annually before February 1st of each year~~ determine the sum required each year to meet the bonds falling due and what further sum is necessary to meet the interest on said bonds or other obligations, and the rentals and other charges provided in any contract, lease or agreement with the Maine School Building Authority, and all other expenses necessary for the operation of the administrative district, including temporary loans. ~~Before March 1st of each year, the~~ The school directors shall hold a district budget meeting at a time to be determined by the board.

Sec. 3. R. S., T. 20, § 305, amended. The 6th sentence of the first paragraph of section 305 of Title 20 of the Revised Statutes is amended to read as follows:

If a budget for the operation of the School Administrative District is not approved prior to ~~April 1st~~ the 3rd month in any given fiscal year, the budget as submitted by the school directors for operational expenses, reserve fund and capital outlay purposes shall be automatically considered the budget approved for operational expenses in the ensuing year, and the other amounts

submitted for payment of bonds falling due and interest thereon, including temporary loans for capital purposes and rentals and other charges provided in any contract, lease or agreement with the Maine School Building Authority, shall be added together and the total amount assessed as follows.

Sec. 4. R. S., T. 20, § 305, amended. The 2nd and 3rd sentences of the 8th paragraph of section 305 of Title 20 of the Revised Statutes are amended to read as follows:

In the year in which the tax is so levied the treasurer of each municipality shall pay the amount of the tax so levied in ~~3~~ 4 equal installments to the treasurer of the School Administrative District. The first installment shall be paid on or before ~~May 1st~~ the end of the first quarter of the fiscal year, the 2nd installment shall be paid on or before ~~September 1st~~ and the end of the 2nd quarter of the fiscal year, the 3rd installment shall be paid on or before ~~December 31st~~ the end of the 3rd quarter of the fiscal year and the final installment shall be paid 15 days before the end of the fiscal year.

Sec. 4-A. R. S., T. 20, § 851, amended. The first sentence of the 2nd paragraph of section 851 of Title 20 of the Revised Statutes is amended to read as follows:

Every administrative unit shall raise and expend, annually, for the support of public schools therein, exclusive of the income of any corporate school fund, or of any grant from the revenue or fund from the State, or of any voluntary donation, devise or bequest, or of any forfeiture accruing to the use of schools, not less than ~~800~~ \$20 for each inhabitant, according to the census by which Representatives to the Legislature were last apportioned, under ~~penalty of forfeiting not less than twice nor more than 4 times the amount of its deficiency penalties as set forth in section 3732.~~

Sec. 5. R. S., T. 20, § 1291, amended. The first sentence of the next to the last paragraph of section 1291 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 463 of the public laws of 1967, is further amended to read as follows:

In the case of any youth qualified for attendance at secondary school in accordance with the preceding paragraph, whose parent, legal guardian or person acting in loco parentis maintains a home for his family on a Maine coast island without highway connection with the mainland in any administrative unit not maintaining an approved secondary school, so located that in the judgment of the commissioner attendance at secondary school necessitates boarding away from home and the arrangement is approved by him in advance upon a form provided for the purpose, the administrative unit wherein said pupil resides shall pay an amount for this purpose toward his board not to exceed ~~\$650 for the school year~~ \$25 per week or a prorated amount for any fraction thereof.

Sec. 6. R. S., T. 20, § 1291, amended. The 3rd paragraph from the end of section 1291 of Title 20 of the Revised Statutes, as amended, is further amended by adding after the 2nd sentence the following new sentence:

The annual tuition charge for any public or private school is limited to 115% of the allowable tuition charge of the previous year, or the actual per pupil

cost of the school including the allowable insured value factor for the current fiscal year, whichever is lower.

Sec. 6-A. R. S., T. 20, § 1291, amended. The 4th sentence of the 3rd paragraph from the end of section 1291 of Title 20 of the Revised Statutes is amended to read as follows:

Said tuition shall be paid by the administrative unit in which said youth resides and said tuition shall be payable for the fall term of school on January 1st, for the winter term of school on April 1st, and in full on or before ~~August~~ **September 1st** following the close of the school year.

Sec. 6-B. R. S., T. 20, § 1292, amended. The last paragraph of section 1292 of Title 20 of the Revised Statutes, as amended, is further amended to read as follows:

When pupils are sent from one administrative unit to an approved secondary school in another, if any accounts for tuition of such pupils are not paid on or before ~~August 15th~~ **September 1st** of that year, the commissioner shall pay such accounts, or so much thereof as he shall find to be rightly due, to the treasurer of the receiving administrative unit, academy, institute or seminary at the next regular annual apportionment, together with interest on such accounts at the rate of 6% annually, computed from said ~~August 15th~~ **September 1st**, and the commissioner shall charge any such payment against the apportioned fund of the sending administrative unit. If funds become available, the State Board of Education may authorize the following alternate method of paying delinquent tuition accounts. When pupils are sent from one administrative unit to an approved secondary school in another, if any accounts for tuition of such pupils are not paid on or before ~~August 15th~~ **September 1st** of that year, the commissioner shall pay such accounts or so much thereof as he shall find to be rightly due, to the treasurer of the receiving administrative unit, academy, institute or seminary at the next subsequent monthly apportionment, together with interest on such accounts at the rate of 6% annually, computed from said ~~August 15th~~ **September 1st**, and the commissioner shall charge any such payment against the apportioned fund of the sending administrative unit.

Sec. 7. R. S., T. 20, § 1391, amended. The next to the last sentence of section 1391 of Title 20 of the Revised Statutes, as amended, is further amended to read as follows:

Payments shall be made to each administrative unit based on the ~~average~~ net local per pupil cost of education during the ~~2~~ previous fiscal ~~years~~ year.

Sec. 7-A. R. S., T. 20, § 2356-B, sub-§ 1, amended. The 2nd sentence of the 2nd paragraph of subsection 1 of section 2356-B of Title 20 of the Revised Statutes, as amended, is further amended to read as follows:

Grants for construction assistance provided by this section, including grants for equipping or for the completing of the equipping of a facility already available, shall be in lieu of any construction assistance for the same facility made or authorized under sections 3457, 3458 and 3459, and shall be made only on the basis of information available in the office of the commissioner on ~~November 1st and May 1st~~ of each year covering expenditures made by the administrative unit ~~in its preceding fiscal year~~ as reported by its superintendent of schools to the commissioner on forms which he shall provide for the purpose.

Sec. 8. R. S., T. 20, § 3115, amended. The 2nd sentence of section 3115 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 317 of the public laws of 1965 and as amended by section 7 of chapter 540 of the public laws of 1967, is repealed as follows:

~~Subsidies for special education programs shall be no less than \$300 for each student enrolled for a full school year and a prorated amount when the enrollment is less than a full school year.~~

Sec. 9. R. S., T. 20, § 3456, amended. Section 3456 of Title 20 of the Revised Statutes, as amended, is further amended by adding at the end the following new paragraph:

A School Administrative District which receives its certificate of organization and is placed in operation shall be entitled to supplemental aid beginning the month following the date of organization.

Sec. 10. R. S., T. 20, § 3457, amended. The 5th sentence of section 3457 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 475 of the public laws of 1965, is amended to read as follows:

On the basis of all the reports on file in the office of the commissioner on November 1st and May 1st of each year, the commissioner shall determine the total amount to be paid to all of the School Administrative Districts and other eligible administrative units ~~in that year~~ for capital outlay purposes, and shall apportion out of moneys appropriated for this purpose, in December ~~of that year and June~~, to the School Administrative Districts and other eligible administrative units, the same percentage of each administrative unit's expenditures for capital outlay purposes including principal and interest payments and any rental payments under lease agreements between the administrative units and the Maine School Building Authority as each administrative unit would be entitled to receive ~~in that year~~ based on Table II of this section.

Sec. 11. R. S., T. 20, § 3457, amended. The 9th paragraph of section 3457 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 475 of the public laws of 1965, is amended to read as follows:

On the basis of information available in the office of the commissioner ~~on September 1st for the 2 years next preceding the biennial convening of the Legislature~~ as provided in returns of educational statistics required by him, the commissioner shall apportion construction subsidies to the school administrative units of the State ~~for each of the next 2 years~~ according to the following plan:

Sec. 11-A. R. S., T. 20, § 3458, sub-§ 4, amended. Subsection 4 of section 3458 of Title 20 of the Revised Statutes, as enacted by section 10 of chapter 224 of the public laws of 1967, is amended to read as follows:

4. Percentage of state aid. The percentage of the total capital outlay expenditures which the administrative unit was qualified to receive in school construction aid for the proposed project at the time when the proposed project and its financing were authorized, as computed from Table II in ~~section~~ sections 2356-B and 3457.

Sec. 12. R. S., T. 20, § 3459, amended. The 5th paragraph of section 3459 of Title 20 of the Revised Statutes, as enacted by section 12 of chapter 540 of the public laws of 1967 and as amended by section 1 of chapter 497 of the public laws of 1969, is further amended to read as follows:

The commissioner shall pay from funds appropriated for that purpose ~~the state's share of~~ the principal and interest on bonds or notes that were sold to fund state aid for projects authorized by local units between May 11, 1966 and April 27, 1967. Payments shall be made each month as needed to retire the principal and interest on bonds or notes sold to fund state aid. Any interest paid by a School Administrative District or a municipality when borrowing in anticipation of state aid on projects authorized between May 11, 1966 and April 27, 1967, shall be reimbursed by the State upon application to the commissioner following the sale of bonds or notes for the state's share of the school construction project authorized between May 11, 1966 and April 27, 1967.

Sec. 12-A. R. S., T. 20, § 3459, amended. The first paragraph of section 3459 of Title 20 of the Revised Statutes, as enacted by section 11 of chapter 224 of the public laws of 1967, is amended to read as follows:

Notwithstanding any inconsistent provisions of sections 225, 304, 2356-B, 3457 and 3458, the school directors of any School Administrative District which, between May 11, 1966 and April 27, 1967, has authorized its school directors to borrow funds in anticipation of state aid for school construction under section 225 as then in effect, may borrow such funds pursuant to section 304 as heretofore in effect and may issue temporary notes and renewal notes therefor, which temporary notes and renewal notes shall be legal obligations of said district and may be issued notwithstanding any debt limitation of the district, but shall thereafter be considered in computing the borrowing capacity of the district except with respect to bonds or notes issued to finance the same school project or projects.

Sec. 13. R. S., T. 20, § 3732, amended. All of the paragraphs preceding Table I of section 3732 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 496 of the public laws of 1969, are amended to read as follows:

A sum of money to be distributed under an equalization formula to maintain the state's share at a minimum of $\frac{1}{3}$ of the operating cost as defined in section 3731 shall be recommended by the State Board of Education to the Bureau of the Budget. The Bureau of the Budget shall include a recommended amount in the Part I budget that shall represent at least $\frac{1}{3}$ of the operating cost for all public schools as defined.

Equalization formula

Definition of Pupils: The number of resident pupils on October 1st and April 1st for the fiscal year preceding the convening of the Legislature shall be averaged and used for all computations required in this chapter.

The amount of money to be distributed to each municipality and administrative unit shall be computed in accordance with the following equalization formula:

State Valuation Per Pupil at Mid Point	×	Base Rate	×	Number of Pupils in the Municipality on April 1 as Defined in this Section in Year Preceding the Con- vening of the Legis- lature	=	The Equal- ization Amount per Municipi- pality
<hr/> Per Pupil Valuation of Municipality		Per Pupil				

The per pupil valuation which falls at the mid point in the pupil population as recorded on April 1st in the year preceding the convening of the Legislature shall be determined. This figure shall be rounded to the nearest thousand. The valuation thus determined shall be called the state valuation per pupil at mid point

Prepare a list showing the per pupil valuation and the number of pupils as defined in this section for each municipality. Rearrange the list according to per pupil valuations from high to low. From this list determine the mid point in the pupil population and read the corresponding per pupil valuation. The figure thus determined shall be rounded to the nearest thousand. This per pupil valuation shall be called the state valuation per pupil at mid point.

Per pupil valuation shall be determined by dividing the number of pupils in the municipality on April 1st, in the year preceding the convening of the Legislature by as defined in this section into the state valuation as filed by the Board of Equalization.

The total equalization sum available shall be divided by the number of resident pupils educated at public expense on April 1st, in the year preceding the convening of the Legislature as defined in this section to determine a per pupil rate for the municipality with the median state valuation per pupil. The number of dollars per pupil used in the formula is determined by dividing the median state valuation per pupil by the state valuation per pupil at mid point and multiplying the per pupil rate for the municipality with the median state valuation by that result. The amount thus determined shall become the base rate per pupil.

If the state valuation per pupil at mid point divided by the per pupil valuation of a municipality results in a factor of more than 3.0, then 3.0 shall be used in the computation.

The average sums of money expended in the 2 fiscal years preceding the convening of the Legislature by administrative units for public school pupils for transportation, school bus purchase, board of pupils and the education of handicapped children shall be multiplied by the percentages in Table I and the results shall become part of the general purpose aid of the unit.

Sec. 13-A. R. S., T. 20, § 3732, amended. The 6th paragraph from the end of section 3732 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 496 of the public laws of 1969, is repealed and the following enacted in place thereof:

Any unit which fails to raise and expend annually \$20 per inhabitant for the support of its public schools for each of the 2 years preceding the convening

of the Legislature shall receive the same percentage of its general purpose aid as the percentage determined when the units appropriation per inhabitant from local taxes for public schools is divided by \$20.

Sec. 14. R. S., T. 20, § 3732, amended. The last paragraph of section 3732 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 496 of the public laws of 1969, is repealed and the following enacted in place thereof:

For the purpose of computing general purpose aid under this section for the 1970-71 fiscal year, the pupil enrollment used shall be the resident pupils educated at public expense as reported April 1, 1968.

Sec. 15. P. & S. L., 1969, c. 193, § 1, amended. That part of section 1 of chapter 193 of the private and special laws of 1969 which relates to SAD #53 PITTSFIELD is amended to read as follows:

SAD #53 PITTSFIELD	\$453,616.92	\$458,616.92
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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except for section 13 which shall take effect January 1, 1971.

Effective February 10, 1970,
except as otherwise indicated

Chapter 590

AN ACT to Correct Errors and Inconsistencies in the Public Laws.

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

Whereas, many Acts enacted by the 104th Legislature in regular session have created inconsistencies and technical errors; and

Whereas, such inconsistencies and errors have created uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that such uncertainties be resolved so that injustices to the people of Maine may be avoided; 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. R. S., T. 1, § 72, sub-§ 26-A, repealed. Subsection 26-A of section 72 of Title 1 of the Revised Statutes, as enacted by chapter 113 of the public laws of 1969, is repealed.