

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

1. Assistance. Such project will enable or assist a hospital or nursing home to fulfill its obligation to provide health care or nursing care facilities;
2. Review. Such project has been reviewed and approved by the appropriate regional and state health planning agencies as organized under section 253, or by the agency of the State which serves as the Designated Planning Agency of the State for purposes of section 1122 of the Federal Social Security Act, as amended;
3. Lease. Such project will be leased to, or owned by, a hospital or nursing home within the State; and
4. Payment. Adequate provision has been or will be made for the payment of such project and that under no circumstances will the State be obligated for the payment of such project, or for the payment of the principal of, or interest on, any obligations issued to finance such project.

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

Effective May 13, 1975

CHAPTER 265

AN ACT Relating to State Subsidy for Units with Federally Impacted Students.

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

Whereas, federal statute reimburses school units for students residing on federal reservations; and

Whereas, a new federal statute enacted in August of 1974 permits a different method of computing state subsidy; and

Whereas, some municipalities face hardships under the existing law; and

Whereas, School Administrative District 77 decided not to educate students residing on federal reservations because of the inequity created by legislative document 1994 and the State Board of Education sued School Administrative District 77 seeking to compel School Administrative District 77 to educate said pupils, which suit is pending in the Washington County Superior Court by agreement of the parties awaiting the decision of the 107th Legislature in regard to this legislation; and

Whereas, it is essential that educational services be provided to all pupils, including students residing on federal reservations; 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 MRSA § 3712, sub-§ 1, as amended by PL 1973, c. 783, § 29, is further amended to read:

1. **Operating costs.** Elementary or secondary operating costs shall include all costs, except transportation, community services, capital outlay, that portion of the tuition costs applicable to the insured value factor in the tuition formulae and debt service, reduced by tuition receipts, expenditures from all federal revenue sources, **except for revenues from the Federal Government because of federally impacted students**, and expenditures for special and vocational education programs as defined in subsection 4.

Sec. 2. 20 MRSA § 3713, sub-§ 3, ¶ D, as last amended by PL 1973, c. 748 is repealed and the following enacted in place thereof:

D. When an administrative unit enrolls pupils who reside on land under control of the Federal Government, or any agency thereof, or on a Federal Military Reservation, such pupils shall be considered as resident pupils for purposes of this chapter. However, the allocation to such a unit shall be adjusted by subtracting therefrom, after all other adjustments under this section have been made, the federal public law 874 receipts in the same proportion that total local revenues under the state equalization program are of total local revenues for education in the unit. In adjusting the allocation under the previous sentence, the amounts subtracted for pupils residing on land under control of the Federal Government, or any agency thereof, or on a Federal Military Reservation, shall not exceed 1/2 of the national average expenditure per pupil, as computed by the Federal Government, times the number of such students in the unit. For the year 1974-75 no unit shall have its state aid reduced as a result of the passage of this Act.

Sec. 3. **Appropriation.** There is appropriated from the General Fund to the Department of Educational and Cultural Services the sum of \$375,430 for the fiscal year ending June 30, 1975 to carry out the purposes of this Act. The breakdown shall be as follows:

1974-75

EDUCATIONAL AND CULTURAL SERVICES,
DEPARTMENT OF

General Purpose Aid for Local Schools	
All Other	\$375,430

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