

NCSL

National Conference of State Legislatures

STATE ROLE IN EDUCATION FINANCE



In the 1973 case *San Antonio School District v. Rodriguez*, the U.S. Supreme Court ruled that education “is not among the rights afforded explicit protection under our Federal Constitution,” but that “no other state function is so uniformly recognized as an essential element of our society's well-being.” *Rodriguez* effectively removed the constitutional burden for providing public education away from the federal government and placed it squarely on the states. Since *Rodriguez*, state high courts in all but seven states have ruled with varying outcomes on whether their state systems were “equitably” or “adequately” providing public education as required by their respective state constitutional provisions [...].

State legislative responses to these rulings have varied, but perhaps the long-term aggregate result is that states today collectively provide the largest share of funding for public education in the United States, surpassing the total local government share of funding—including local property tax revenues—for the first time in 1979. In 1950, for instance, states contributed 40 percent of the \$5.4 billion total in K-12 revenues nationwide while local governments and the federal government contributed 57 percent and 3 percent respectively.

States’ share of total K-12 funding peaked in 2001 when states contributed almost 7 percent more than local governments to the \$530 billion of total K-12 revenues for that year, according to the [National Center for Education Statistics](#) (NCES). Current and historical [K-12 revenues figures](#) can be found at NCES.

States also bear the burden of ensuring the statewide education finance system is founded on sound governance principles. A sound state school finance system:

- Provides equity for both students and taxpayers.
- Is efficient, making the best possible use of resources.
- Provides adequate resources to local school districts so that they may achieve state and local educational goals and standards.
- Incorporates fiscal accountability through generally accepted budgeting, accounting, and auditing procedures.
- Promotes predictability and stability of education revenues and expenditures over time.
- Supports student learning.

Legislative History of Maine's Essential Programs And Services

[Table of bills](#)

[Abbreviations](#)

[List of Studies &
Reports](#)

[Reports](#)

[Bibliography](#)

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Legislative Reference Library**

Introduction

The Essential Programs and Services Education Funding model, adopted in 1995, was developed by the Maine State Board of Education as a new funding mechanism designed to implement the programs or content areas established by Maine's Learning Results.

This on-line legislative history includes all legislation enacting and implementing this funding model from 1993 to January 2012. For each piece of legislation this history provides:

- Summary information from the *History & Final Disposition*
- The act or resolve (in some cases, selected portions only)
- The bill (legislative document or LD) as originally proposed
- Enacted amendments
- Selected testimony to the committee considering the bill
- Floor debate relevant to the provision

Not every piece of legislation will include all of these elements. For example, many bills are passed without amendment or floor debate.

Only selections from the committee master files have been included. The omitted material can be requested from the [Maine State Law and Legislative Reference Library](#).

The introductory materials to this history contain a list of current and historical legislative abbreviations and terms, a summary chart of laws effecting the Essential Programs and Services Funding Model, and a bibliography of works omitted from the on-line version of this legislative history. Also included is a compiled list of studies or reports on the Essential Programs and Services Model. Copies of most of these reports can be requested from the [Maine State Law and Legislative Reference Library](#).

If you have any questions about the material or need further assistance, please contact the Maine State Law and Legislative Reference Library.

Updated 7/17/2012

Year	Legislative Document	Title of Legislation	Disposition	Action of the Public Law and/or MRSA effected
1993	<u>LD 680</u>	An Act to Enhance the Role of the State Board of Education	Enacted with amendment S-205 as: PL 1993,ch. 290	Establishes the Governor's Task Force on Learning Results
1995	<u>LD 958</u>	An Act Making Supplemental Appropriations.... for the Fiscal Years Ending June 30, 1996 and June 30, 1997	Enacted with amendments H-656 and S-398 as: PL 1995,ch. 395, Pt. J-6	Directed the State Board of Education to Develop an Implementation Plan for Funding Essential Programs and Essential Services
1997	<u>LD 1137</u>	An Act Making Unified Appropriations.... for the Fiscal Years Ending June 30, 1998 and June 30, 1999	Enacted with amendments H-15, H-73, H-75 and H-108 as: PL 1997, ch. 24, Pt. X-1 to 3	Directed the State Board of Education to Develop an Implementation Plan for Funding Essential Programs and Essential Services
	<u>LD 1895</u>	Resolve, Directing the State Board of Education to Study the School Funding Formula	Enacted as: Resolves 1997, ch. 61	Directed the State Board of Education to Establish a Committee to Study the School Funding Formula and to Review the Essential Programs and Services Plan Presented by the State Board of Education
1999	<u>LD 617</u>	An Act Making Supplemental Appropriations.... For the Fiscal Years Ending June 30,2000 and June 30, 2001	Enacted with amendments H-713 and H-732 as: PL 1999, ch. 401, Pt. GG-11 to 13	Directed the State Board of Education to Determine the School Funding Data and School Level Reporting Data to Prepare for and Monitor the Implementation of the Essential Programs and Services Funding Model
2001	<u>LD 1747</u>	An Act Regarding School Funding Based on Essential Programs and Services	Died on Adjournment	Not Enacted
	<u>LD 855</u>	An Act to Make Supplemental Appropriations.... For the Fiscal Years Ending June 30, 2002 and June 30, 2003	Enacted with amendments H-724, H-740, H-747, S-367 and S-368 as:	Allocated \$150,000 to Continue the Implementation of the Essential Programs and Services Funding Model

			PL 2001, ch. 439, Pt. EE	
2002	<u>LD 2103</u>	An Act Regarding Essential Programs and Services	Enacted with amendments H-1002 and S-540 as: PL 2001, ch. 660	Enacted the 1st Essential Programs and Services Statutes (20-A MRSA section 15761) and requires the Commissioner of Education to recommend an alternative funding level for the fiscal year 2003-04
2003	<u>LD 1623</u>	An Act to Implement School Funding Based on Essential Programs and Services	Enacted with amendment S-258 as: PL 2003, ch. 504, Pt. A-4 to 6	Enacted: title 20-A MRSA sections 15670 and 15762 to 15687 Amended: title 20-A MRSA section 15671
2004	<u>LD 1924</u>	An Act to Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief	Enacted with amendments S-545 and S-550 as: PL 2003, ch. 712	Enacted the Municipal Budget Committee, Title 5 MRSA § 1677 Enacted: title 20-A MRSA §§ 15671, 15688 and 15689 Amended: title 20-A MRSA §§ 15671, 15672, 15683 and 15686 Repealed and replaced: title 20-A MRSA § 15673 Repealed: title 20-A MRSA § 15684 subsection 3
2005	<u>LD 1</u>	An Act to Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels	Enacted with amendments H-1 and S-11 as: PL 2005, ch. 2, Pts. D-31 to D-62	Enacted: title 20-A MRSA §§ 15676-A, 15681-A and 15683-A, 15688 (3-A), 15689 (4), (5) and (6), 15689-A to 15689-F and 15690 to 15695 Amended: title 20-A MRSA §§ 15671(1),(2), (3), (4), (6) and (7), 15671-A, 15672 and 15675 (1), 15676, 15678 (5) (B), 15682, 15683, 15686, 15688 (1)(A), (B), (C), (2)and (4), and 15689 (3) Repealed and replaced: title 20-A MRSA § 15689 Repealed: title 20-A MRSA § 15673, 15681, 15682, 15683, 15684, 15685, 15683 (3)
	<u>LD 468</u>	An Act Making Unified Appropriations ... for the	Enacted with amendments	Amended: title 20-A MRSA §§ 15671 (6), 15617-A (5)and

	Fiscal Years Ending June 30, 2005, June 30, 2006 and June 30, 2007	H-35 and S-56 as: PL 2005, ch. 12, Pt. UU- to UU12 and WW-3 to WW-7	(B), 15672 (30-A), 15675 (1), 15681-A (3), 15690 (1) (A) and (B), (2) and (3)15672, 15683 and 15686 Repealed: title 20-A MRSA § 15686 (1)
2005	<u>LD 1622</u> An Act to Correct Errors and Inconsistencies in the Laws of Maine	Enacted with amendments H-692, H-699 and S- 378 as: PL 2005, ch. 397, Pt. D-3	Changed all occurrences of "vocational education" to read "career and technical education"
	<u>LD 1691</u> An Act to Eliminate Pension Costs Reduction Bonding and Provide Replacement Measures	Enacted as: PL 2005, ch. 457, Pt. I-1	Repealed and Replaced: title 20-A MRSA § 15689 (1)(B)
2006	<u>LD 1381</u> An Act to Update Teachers' Minimum Salaries	Enacted with amendments S-577 and S-620 as: PL 2005, ch. 635	Enacted: title 20-A MRSA § 15689(7) and (9) Amends: title 20-A MRSA § 15683 (1) (c) Repealed and Replaced: title 20-A MRSA § 15681 (2-A)
	<u>LD 1772</u> An Act to Improve Early Childhood Special Education	Enacted with amendment S-585 as: PL 2005,ch. 662, Pt. A-41	Amended: title 20-A MRSA § 15672 (30-A)(D)
2006	<u>LD 1968</u> An Act to Make Supplemental Appropriations ... for the Fiscal Years Ending June 30, 2006 and June 30, 2007.	Enacted with amendments H-878 and S-901 as: PL 2005, ch. 519, Pt. LL-1, 2 and AAAA-2 to 18	Enacted: title 20-A MRSA §§ 15672(2-B), 15681 (2-A), 15686 (2), 15686-A, 15689 (1-A) and 15689-A (12) Amended: title 20-A MRSA §§ 15671(6), 15671-A (5), 15675 (1)(D), 15682, 15683 (1), 15689 (1),and (2)(B), and 15690 (3)(A) and (B) Repealed and replaced: title 20-A MRSA § 15672 (22-A) and 15681-A (3) Repealed: title 20-A MRSA § 15680 (4) and 15681 (2) and (5)
	<u>LD 2055</u> An Act to Correct Errors and Inconsistencies in the Laws of Maine	Enacted amendments H-1085, H-1101,	Enacted: title 20-A MRSA § 15689(7) (D)

		H-1102, H-1103, H-1110, H-1111, H-1112, H-1118 and H-1119 as: PL 2005, ch. 683, Pt. H-2	
2007	<u>LD 150</u>	An Act to Amend and Improve the Education Laws Concerning Portable Space and Rule Making Authority	Enacted with amendment H-92 as: PL 2007, ch. 111 §§ 3 to 5
			Amended: title 20-A MRSA § 15672(2-A)(B) and (C) Repealed : title 20-A MRSA § 15672 (2-A)(D)
2007	<u>LD 499</u>	An Act Making Unified Appropriations... for the Fiscal Years Ending June 30, 2007, June 30, 2008 and June 30, 2009.	Enacted with amendments H-412 and H-445 as: PL 2007, ch. 240, Pts., C-2 to C-7, D-3 to D-9 , E-1 and XXXX-24 to 35
			Enacted: title 20-A MRSA §§ 15689(9), 15689-A (12-A, (13),(14) and (15), 15691-A, 15696 Amended: title 20-A MRSA §§ 15671-A (2)(B), 15680 (1)(A) and (B), 15688 (2) and (3-A), 15689 (1-A), (1)(B), (7)(A) and (D), 15689-A (10), 15689-D, 15671(7)(B) and 15690 (1)(B) Repealed: title 20-A MRSA § 15689-A (5) ,15754 and 15755
	<u>LD 560</u>	An Act to Interpret the Approval of Early Childhood Education Plans for Children 4 Years of Age into Basic School Approval for Elementary Schools	Enacted as: PL 2007, ch. 141 §§ 13 to 17
			Amended: title 20-A MRSA §§ 15672 (6) and (7), 15675 (3), 15681 (1)(C) and (4)
	<u>LD 1904</u>	An Act to Correct Errors and Inconsistencies in the Laws of Maine	Enacted with amendments H-630 and H-631 as: PL 2007, c. 466, Pt. B-16
			Amended: 20-A MRSA § 15689(2)(A)
2008	<u>LD 2252</u>	An Act to Correct Errors and Inconsistencies in the Laws of Maine	Enacted with amendments H-1036, H-1037, H-1038, H-1040 and
			Amended: 20-A MRSA § 15696(1)(A)

S-680 as: PL
2007, c. 695,
Pt. A-23

<u>LD 2289</u>	An Act Making Supplemental Appropriations... for the Fiscal Years Ending June 30, 2008 and June 30, 2009	Enacted as: PL 2007, c. 539, Pt. C-3 to C-15 and W-1 to W-3	Enacted: 20-A MRSA §§ 15689-A (16), (17), 15689-B (7-A) Amended: 20-A MRSA §§ 15671 (7)(A) and (B), 15671-A (2)(B), 15675 (1) (A), (B) and (C), 15683-A, 15689 (1)(B), 15689_A (10) and (12-A), 15689-B(7) and 15690 (1)(C)	
<u>LD 2303</u>	An Act to Implement the Recommendations of the Alternative Education Programs Committee	Enacted with amendment S-647 as: PL 2007, c. 667 § 15	Amended: 20-A MRSA § 15674(1)(C)	
<u>LD 2323</u>	An Act To Remove Barriers to the Reorganization of School Administrative Units	Enacted with amendment H-1041 as: P.L. 2007, c. 668 §§ 34 to 41	Enacted: 20-A MRSA §§ 15672(25-A), 15689(1-B), 15696(1)(E) Amended: 20-A MRSA §§ 15671-A(2)(B), 15688(3-A)(C), 15696(1)(C) and (D) Repealed: 20-A MRSA § 15688(3-A)(B-1)	
2009	<u>LD 45</u>	An Act to Make Supplemental Appropriations... for the Fiscal Year Ending June 30, 2009	Enacted with amendment H-2 as: PL 2009, c. 1, Pt. C	Amended: 20 MRSA §§ 15761(7)(B) and 15689(1)(B)
2009	<u>LD 285</u>	An Act To Amend the Laws Governing the Consolidation of School Administrative Units To Delay All Penalties for One Year	Enacted with amendment H-352 as PL 2009, c. 455	Amended: 20-A MRSA § 15696 (1)
<u>LD 353</u>	An Act Making Unified Appropriations... for the Fiscal Years Ending June 30, 2007, June 30, 2010 and June 30, 2011.	Enacted with amendments H-350 and H-408 as: PL 2009, c. 213, Pt. C	Enacted: 20-A MRSA §§ 15689(10), 15696-A(19) Amended: 20-A MRSA §§ 15761(7)(A), 15761-A(2), 15682, 15683-A, 15689(1) (B), 15689-A(10),(12-A),(16), (18), 15689-B(6) and 15690 (1)	

LD 1126

	An Act to Limit the Scope of Miscellaneous Costs within the General Purpose Aid for Local Schools Appropriation	Enacted with amendment S-209 as: PL 2009, c. 275	Enacted: 20-A MRSA §§ 15689-D Amended: 20-A MRSA §§ 15689-C(1), (4),
<u>LD 1356</u>	An Act to Improve The Ability of the Department of Education to Conduct Longitudinal Data Studies	Enacted with amendments S-301 and S-345 as: PL 2009, c. 448 § 2	Amended: 20-A MRSA §§ 15689-B(7)
2009 <u>LD 1493</u>	An Act to Clarify the Rights of Bondholders and Noteholders in the Event a School Administrative Unit with Outstanding Bonds or Notes is Dissolved or is No Longer Authorized by Law	Enacted with amendment S-346 as: PL 2009, c. 445	Enacted: 20-A MRSA §§ 15695-A
2010 <u>LD 1671</u>	An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011	Enacted with amendments H-790 and H-798 as PL 2009, c. 571, Pts. E-17-28 and XXX-1	Enacted: 20-A MRSA § 15690(1)(B) Amended: 20-A MRSA §§ 15671(7)(A), (B), 15683(1)(F), 15689(1)(A), 15689-B(4), 15690(2), 15693 (3)(B) Repealed and Replaced: 20-A MRSA §§ 15689(1)(B) and 15671(7)(B)
2011 <u>LD 100</u>	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 30,2011	Enacted with amendment H-2 as PL 2011, c. 1, Part C	Amended: 20-A MRSA § 15671, sub-§7, para B, 20-A MRSA § 15671, sub-§2, para B,
<u>LD 385</u>		Enacted with amendment	Repealed: 20-A MRSA § 15696

	An Act To Amend the School Administrative Unit Consolidation Laws	H-357 as PL 2011, c. 251	
<u>LD 506</u>	An Act To Prevent the Disclosure of Student Social Security Numbers	Enacted with amendment H-292 as PL 2011, c. 223	Amended: 20-A MRSA § 15689, sub-§7
<u>LD 569</u>	An Act To Support and Encourage the Use of Online Textbooks	Enacted with amendment S-186 as PL 2011, c. 354	Enacted: 20-A MRSA § 15689-A, sub-§12-A
<u>LD 1043</u>	An Act Making Unified Appropriations ... for the Fiscal Years Ending June 30, 2011, June 30, 2012 and June 30, 2013	Enacted with amendments H-620, H-636, S-324 as PL 2011, c. 380, Part C	Enacted: 20-A MRSA § 15671, sub-§7, para C, 20-A MRSA §15689-A, sub-§20 Amended: 20-A MRSA § 15671, sub-§7, paras A and B, 20-A MRSA § 15671-A, sub-§2, para B Repealed: 20-A MRSA § 15689, sub-§1-A
<u>LD 1274</u>	An Act To Restore Equity in Education Funding	Enacted with amendments S-240 and S-273 as 2011 PL c. 419	Amended: 20-A MRSA § 15679, sub-§2, 20-A MRSA § 15682 Enacted: 20-A MRSA § 15689, sub-§11

An Independent Review of Maine's Essential Programs and Services Funding Act: Part 2

Presented to the Maine Legislature's
Joint Standing Committee on Education And Cultural Affairs
December 10, 2013

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Part 1 of the Study

- Analysis of Maine's current funding system
- State comparative analyses
- Equity analysis
- Tribal funding analysis
- Comparison of EPS with our Evidence Based Model
- Teacher Compensation



Part 2 of the Study

- Alternative Measures of Fiscal Capacity
- Stakeholder Input
- Case Studies of Improving Schools
- Simulating Options to the EPS
- Regional Cost Adjustments



3

Summary of Recommendations (Part 1)

- Per pupil expenditures are relatively high nationally but low among the six New England states
- Distribution of revenues meet accepted levels of equity
- Relative to the growth of revenues, student performance has been relatively flat
 - Test scores are relatively strong compared to the nation
 - Test scores are about average in New England
- Overall the system operates well
- We identified several issues to consider in moving forward



4

Issues We Identified

- Does EPS fund a comprehensive education system for Maine?
- Are EPS adjustments fair?
 - Special education adjustments
 - Regional cost adjustment
 - Reduction of funding based on Title I receipts
 - Do small schools receive adequate funding?
- Is there too much reliance on the property tax?
- Should the state fund its 55% share of EPS costs?
- What is the appropriate measure of SAU fiscal capacity?
- Can EPS and EB be compared element by element?



5

Summary of Recommendations (Part 2)

- Fiscal Capacity – income adjustment did not solve problem of high property wealth/low household income districts, recommend expanded circuit breaker
- Stakeholder Input – several recommendations to modify the EB model
- Case Studies – improving schools had similar elements in school improvement strategies, all supported by EB model
- Simulations – offered several option for further consideration depending on available resources
- Regional cost adjustment – suggest shifting to a comparable wage index (CWI)



6

Fiscal Capacity Recommendations

- Don't use an income factor as part of the fiscal capacity measure
- Expand the current circuit breaker to provide a larger amount of property tax relief



7

Summary of Findings from Stakeholder Input to EB

- Support
 - Resources for professional development
 - Resources for economically disadvantaged students
 - Elimination of instructional aides
 - Provision of professional teachers for extra help for struggling students



8

Summary of Findings from Stakeholder Input to EB

- Modifications
 - Special Education
 - 100% of high cost students >\$20,000
 - Weight for all other special education students, less than current 1.27
 - Keep Maine's current career and technical education funding but carefully review forthcoming study
 - Adopt a "newcomer" program for ELL students who recently entered the country



9

Summary of Findings from Stakeholder Input to EB

- Other Suggestions (we don't fully support)
 - Lower class sizes in grades 4-12
 - Additional nursing staff
 - Higher allocations for gifted and talented students
 - More administrative staffing at all three school levels (more assistant principals)
 - More computer technicians at each school
 - More state support for health care costs



10

Case Studies of Improving Schools

- Studied five schools that showed improvement in student achievement over time
 - Based on NECAP score in reading, math and science between 2010 and 2012
 - Sought schools with high proportion of economically disadvantaged students
 - Cross section of grades and geographic locations
 - School have 1,139 students
 - 62% are economically disadvantaged



11

Case Studies

- Common elements of the improving schools
 - Clear school focus on core subjects
 - Research based curriculum used school wide
 - Intensive on-going professional development focused on Common Core Standards
 - Instructional Coaches
 - Collaborative time with other teachers
 - including regional partnerships with universities or grant-funded projects (e.g., TIF, Reading First)
 - Multiple assessments to:
 - Inform core instruction
 - Plan interventions
 - Monitor student progress



12

Case Studies

- Common elements (continued)
 - Additional instructional time for struggling students
 - Tutoring as a first intervention
 - Multiple cohesive interventions including extended day and summer school
 - Small class sizes (smaller than EB)



13

Case Studies

- Also observed (not part of EB)
 - Extension of Reading Recovery tutoring beyond first grade
 - Stability of teaching staff
 - Long-term, trusting relationships between teachers and students
 - Investment in professional development stays in the school



14

Case Studies

- Effective strategies often seen as “extras” and therefore vulnerable
- Extra time for struggling students typically comes from Title I
- Loss of literacy coaches with loss of funding
- Loss of collaborative time for teachers when budget cuts reduce specialist teachers
- Regional and university-based PD opportunities for teachers are grant funded



15

Case Study Findings Consistent with Prior Work

- Preliminary findings of the Maine case studies echo the research findings of the Evidence-Based Model
- Preliminary findings are also consistent with those of high performing schools studied by The Maine Education Policy Research Institute



16

Case Studies

- Changes to Phillips Case Study
 - P. 104 – School has 0.5 principal, not 0.5 assistant principal
 - P. 105 – Literacy coach was eliminated at end of 2010-11
 - P. 107 – “push -in” replaced with “in and out of regular classroom
 - P. 108 – replace “mostly in the summer” with “throughout the school year”



17

Simulation Options

- EB Model – cost \$2.2 billion or \$327.3 million more than EPS
 - Current state percentage share
 - Current required tax rate (RTR)
 - State percentage share at 55%
- Committee Option – cost \$2.25 billion or \$378.3 million more
 - Reduce the core teacher to pupil ratio to 20:1 for grades 4 and 5
 - Use current per pupil allocations for technology of \$95 for (P) K-8 and \$288 for 9-12
 - Increase per pupil allocations for instructional materials to \$377 for (P)K-8 and to \$466 for 9-12
 - Increase gifted and talented funding to the greater of \$25 per pupil (total district enrollment) or the current grant funding received by the district for gifted programs



18

Simulation Options

- Hubbell Option
 - Committee EB
 - State Share 55%
 - Minimum Receivers get 100% of Special Education
 - Impact is to shift some funding to the minimum receiver districts
- Income adjustment to fiscal capacity
 - Used EB model
 - With and without outlier districts
 - Very small overall impact on distribution to high property wealth/low household income districts



19

Other Important Simulation Issues

- Comparison of EPS with EB and alternatives – See Table x.1 or 3.1
- Decomposition of the cost differences between EPS and EB – report Table 5.2, page 125
- Detailed simulation Comparisons
 - Appendix A – summary data
 - Appendix B – SAU detail for EPS, EB and Committee EB by total funding and funding per pupil



20

Regional Cost Adjustment

- We recommend use of a CWI rather than the current Maine Index
- Likely to impact the distribution of funds
- Table in Chapter 6 shows districts that would receive more under CWI (CWI index larger than Maine index) and districts that receive more under the Maine index (Maine index larger than CWI)



21

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22

CONSTITUTION OF THE STATE OF MAINE

PREAMBLE.

Objects of government. We the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring God's aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine and do ordain and establish the following Constitution for the government of the same.

[...]

Article VIII.

Part First.

Education.

Section 1. Legislature shall require towns to support public schools; duty of Legislature. A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the State; provided, that no donation, grant or endowment shall at any time be made by the Legislature to any literary institution now established, or which may hereafter be established, unless, at the time of making such endowment, the Legislature of the State shall have the right to grant any further powers to alter, limit or restrain any of the powers vested in any such literary institution, as shall be judged necessary to promote the best interests thereof.