

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 A. The commissioner shall grant exceptions under this
2 subsection in admitting students to adult education
3 programs at the local level to a student who has left
4 school under the provisions of section 5001, subsection
5 2, paragraph B, on the recommendations of the school
6 board.

7 B. Prior to requesting an exception, the school board
8 shall seek and consider the recommendations of the
9 positive action committee.

10 C. Students enrolled in public day school programs may
11 participate in adult education programs or adult voca-
12 tional programs to supplement the regular day school
13 program on an exception basis in accordance with rules
14 adopted or amended by the commissioner.

15 2. School age student; student count; reimbursement;
16 enrollment in neighboring unit. School age students may
17 enroll in adult evening school courses as follows.

18 A. A student between the 16th and 20th anniversaries
19 of his birth, who enrolls in a semester adult evening
20 school course, shall be counted as .1 of a student.

21 B. The school administrative unit in which a student
22 resides shall be reimbursed in accordance with chapter
23 605.

24 C. If a unit does not offer an appropriate adult eve-
25 ning school course, the student may enroll in a neigh-
26 boring school administrative unit or private school,
27 subject to the approval of the sending unit's superin-
28 tendent. The sending unit shall pay tuition to the
29 receiving unit in an amount no greater than .1 of the
30 present per student subsidy allocation for secondary
31 students in the sending unit.

32 §8606. Reimbursement procedures

33 1. Commissioner certification. Prior to February 1st
34 of each year, the commissioner shall prepare and certify to
35 the Legislature and to the Bureau of the Budget a recom-
36 mendation for the funding levels for the various program
37 categories in adult education.

38 A. The requested funding levels shall be computed by
39 adding the actual costs for the first half of the year
40 immediately prior to the year of allocation of funds to

1 the total estimated costs that will be incurred for the
2 2nd half of the same year.

3 B. The commissioner may amend an estimate if the com-
4 missioner believes that estimate to be unreasonable.

5 C. If a school administrative unit fails to submit the
6 necessary information required in this section within
7 the time specified by the commissioner, the commis-
8 sioner shall estimate that unit's education cost.

9 2. State reimbursement. State reimbursement for
10 expenditures on adult education programs shall be based on
11 the total expenditure less income from federal sources.

12 A. The reimbursement shall be based on the net
13 expenditures, or the report of expenditures for the
14 first 6 months and the estimate of the expenditures for
15 the last 6 months of the fiscal year, as approved by
16 the commissioner, whichever is lower.

17 B. State aid will be paid to the school administrative
18 units during the 2nd quarter of the state's fiscal year
19 following the unit's expenditure.

20 C. If the Legislature fails to appropriate sufficient
21 funds for reimbursement, state aid to school adminis-
22 trative units will be prorated.

23 §8607. Reimbursement rates

24 Reimbursement rates shall be as follows.

25 1. Administrative costs. School administrative units
26 shall be reimbursed 70% of the administrative cost for eve-
27 ning and day school classes and educational activities for
28 adults in the year following the expenditure. Administra-
29 tive cost shall include administrative, supervisory and
30 clerical salaries and the costs of maintaining and operating
31 citizens' advisory committees.

32 2. Adult vocational education courses. Adult voca-
33 tional education courses shall be reimbursed at the rate of
34 75% of the cost of instructional salaries and 50% of the
35 cost of consumable supplies.

36 3. General adult courses. Courses provided for the
37 general public in vocational, leisure and life skill pro-
38 grams shall be reimbursed at the rate of 50% of the cost of
39 instructional salaries.

1. 4. Handicapped adult courses. Handicapped adult
2 courses shall be reimbursed at the rate of 75% of the cost
3 of instructional salaries.

4 5. High school completion courses. High school com-
5 pletion courses shall be be reimbursed at the rate of 75% of
6 the cost of instructional salaries.

7 6. Basic literacy courses. Basic literacy courses
8 shall be reimbursed at the rate of 75% of the cost of
9 instructional salaries.

10 §8608. Teacher education reimbursement

11 The commissioner shall add to his budget request a sum
12 not to exceed 5% of the sum recommended for reimbursement to
13 school administrative units for preservice and in-service
14 education activities for teachers in adult education.

15 §8609. Fees for adult education

16 Fees for adult education shall be as follows.

17 1. Registration fee. A school administrative unit,
18 with the approval of the commissioner, shall establish a
19 registration fee schedule and determine the use of those
20 registration fees.

21 2. Materials fee. A school administrative unit may
22 charge a student attending a course a fee to cover the actu-
23 al cost of materials used.

24 §8610. Adult vocational education authority

25 Adult vocational education programs may be offered
26 under the following provisions.

27 1. Basic authority. A vocational region or vocational
28 center may offer adult vocational education programs within
29 its geographic area.

30 2. Request for program approval. A school administra-
31 tive unit in a vocational region or a unit served by a voca-
32 tional center may make a request to the cooperative board of
33 the vocational region or the governing body of the voca-
34 tional center that adult education courses be offered in
35 that school administrative unit.

1 3. Board approval. The cooperative board of the voca-
2 tional region or the governing body of the vocational center
3 may approve adult vocational education courses in the
4 requesting school administrative unit.

5 4. Adequate funding. The offering of adult vocational
6 education courses shall be dependent upon school administra-
7 tive units appropriating sufficient funds to pay for the
8 courses.

9 5. Persons entitled to attend. Adult vocational edu-
10 cation courses offered in a school administrative unit shall
11 be open to any adult who needs retraining or upgrading . If
12 space is limited, priority shall be given to the residents
13 of the unit offering the program.

14 6. State reimbursement. State reimbursement shall be
15 made to a school administrative unit in accordance with
16 section 8607. If the request to operate a reimbursable
17 adult vocational education course is disapproved by the
18 cooperative board of the vocational region or by the govern-
19 ing body of the vocational center, the school administrative
20 unit may appeal to the commissioner for authority to offer
21 the course. His decision is final and binding.

22 §8611. Transportation

23 A school administrative unit may provide transportation
24 for adults to and from adult education programs.

25 CHAPTER 317

26 SUMMER SCHOOLS

27 §8801. Summer schools; standards; approval

28 Standards for summer schools shall be as follows.

29 1. Standards. The state board shall adopt or amend
30 rules to establish standards consistent with section 4401
31 for summer schools offering credit toward graduation from a
32 Maine elementary or secondary school.

33 2. Approval. The state board shall direct an inspec-
34 tion after which he may approve and grant a certificate to a
35 school that maintains those standards. The expense of
36 inspection shall be paid by the department.

37 §8802. Summer school tuition

1 The following provisions apply to summer school
2 tuition.

3 1. Tuition. A school administrative unit may charge
4 the students a tuition for enrollment in a summer school.

5 2. Maximum amount. Tuition may not exceed the follow-
6 ing:

7 A. In the first summer of its operation, the average
8 cost for each student in all summer schools in the
9 State for the preceding summer;

10 B. When a summer school is operated for 2 or more
11 school administrative units and is operated alternately
12 by a different unit each summer, the cost for each
13 student for the preceding summer; and

14 C. In all other cases, the cost for each student for
15 the preceding summer.

16 3. Equality. Tuition in a summer school shall be the
17 same for all students who are Maine residents.

18 4. Rules. The commissioner shall adopt rules for
19 determining the allowable cost for each student under this
20 section.

21 CHAPTER 319

22 FIREFIGHTER TRAINING

23 §9001. Program

24 The commissioner may conduct programs to provide train-
25 ing for members of municipal fire departments, incorporated
26 volunteer fire departments and industrial and institutional
27 fire brigades.

28 The commissioner may not require participation in these
29 programs by a member of a municipal fire department,
30 incorporated volunteer fire department or industrial or
31 institutional fire brigades nor use participation in train-
32 ing programs as a condition of eligibility to receive funds
33 for training programs.

34 §9002. Advisory committee

35 An advisory committee shall be established to advise
36 the commissioner in the administration of section 9001.

1 1. Establishment. The commissioner shall appoint a
2 13-member advisory committee as follows:

3 A. One municipal chief, one call chief and one volun-
4 teer chief recommended by the Maine Fire Chiefs' Asso-
5 ciation, Inc.;

6 B. One municipal firefighter, one call firefighter and
7 one volunteer firefighter recommended by the Maine Fed-
8 eration of Firefighters, Inc.;

9 C. One city or town manager and one selectman recom-
10 mended by the Maine Municipal Association, Inc.;

11 D. One member of an industrial or institutional fire
12 brigade recommended by the Maine Safety Council;

13 E. One representative from the field of insurance
14 recommended by the Maine Insurance Association, Inc.;

15 F. Two members recommended by the Maine Council of
16 Firefighters, Inc.; and

17 G. One member of the general public.

18 2. Term of office. Members shall be appointed for a
19 term of 3 years.

20 3. Chairman. The committee shall elect a member as
21 chairman.

22 4. Expenses. The members shall be reimbursed for
23 their expenses, but may not receive other compensation for
24 service on the committee.

25 5. Nonvoting representative. The department's con-
26 sultant for the fire service training program shall be a
27 nonvoting representative of the department at the committee
28 meetings.

29 §9003. State agents for federal programs

30 The following provisions shall apply to federal fire
31 programs in the State.

32 1. Commissioner; state agent. The commissioner shall
33 be the state agent to be contacted by the United States Fire
34 Administration about matters dealing with the Federal Fire
35 Prevention and Control Act of 1974, Public Law 93-498.

1 2. Department; testing; certification. The department
2 shall be the state testing agency for the National Profes-
3 sional Qualification Board of the Joint Council of Fire Ser-
4 vices Organizations. The commissioner may award certifi-
5 cates to personnel of municipal and incorporated volunteer
6 fire departments using competency standards established by
7 the Joint Council of Fire Services Organizations.

8 CHAPTER 321

9 CORRESPONDENCE SCHOOLS

10 §9201. Certificate of approval; exemptions

11 1. Requirement for certificate of approval. Any pri-
12 vatly owned correspondence school located either within or
13 outside the State shall obtain a certificate of approval
14 from the commissioner before soliciting or selling in Maine
15 any correspondence course or collecting any tuition, fee or
16 other charge. In addition, each correspondence school shall
17 supply a listing of solicitors authorized by it to recruit
18 in Maine.

19 2. Exceptions. Public institutions which are exempt
20 from property taxation under Maine laws, and courses or pro-
21 grams of instruction conducted under contract with an
22 employer for employees exclusively, are exempt from the re-
23 quirements of this chapter.

24 §9202. Application form; fee; bond

25 1. Application requirements; certification period;
26 bonding and revocation of certificate. The application for
27 a certificate of approval required in section 9201 shall be
28 made on forms furnished by the commissioner and shall be ac-
29 companied by a fee of \$50 and a surety bond in the penal sum
30 of \$1,000.

31 A. A certificate shall be valid for the calendar year
32 in which it is issued.

33 B. The bond shall be continuous and shall provide
34 indemnification to any student suffering loss as a
35 result of any fraud or misrepresentation by the school.
36 the bond shall provide for written notification by the
37 surety to the department in the event of cancellation.
38 Cancellation of the bond by the surety shall result in
39 the revocation of the certificate of approval.

1 2. Renewal. A fee of \$25 shall be charged for the
2 renewal of a certificate.

3 3. General Fund. All fees collected for the issuance
4 or renewal of a certificate shall be deposited in the State
5 Treasury.

6 §9203. Penalty

7 Any firm, association or corporation, operating or con-
8 ducting a private correspondence school, except by authority
9 of a valid certificate of approval as required by this chap-
10 ter, is guilty of a civil violation for which a forfeiture
11 of not more than \$1,000 may be adjudged.

12 §9204. Rules

13 The commissioner is authorized to adopt rules for the
14 administration and enforcement of this chapter.

15 CHAPTER 323

16 TRADE AND TECHNICAL SCHOOLS

17 §9501. Certificate of approval; exempt institutions

18 1. Requirement of certificate of approval. Any
19 person, partnership, corporation or school located either
20 within or outside the State shall obtain a certificate of
21 approval from the commissioner before conducting any course
22 of instruction or before collecting any tuition, fee or
23 other charge for conducting or soliciting for any educa-
24 tional services or related training.

25 2. Exemptions. Schools of hairdressing and beauty
26 culture which are subject to approval by the State Board of
27 Cosmetology, educational programs related to the real estate
28 professions which are subject to approval under Title 32,
29 chapter 59, educational programs offered by any Maine non-
30 profit corporation, any educational programs offered by any
31 professional or trade association primarily for the benefit
32 of its own members and any institution authorized by the
33 laws of this State to grant a degree are exempt from the re-
34 quirements of this chapter.

35 §9502. Application form; fee; bond

36 1. Application requirements; certification; bonding
37 and cancellation of certificate. The application for a cer-

1 tificate of approval required in section 9501 shall be made
2 on forms furnished by the commissioner and shall be accompa-
3 nied by a fee of \$100 and a surety bond in the penal sum of
4 \$1,000.

5 A. A certificate of approval is valid for the calendar
6 year in which it is issued.

7 B. The bond shall be continuous and shall provide
8 indemnification to any student suffering loss as a
9 result of any fraud or misrepresentation. The bond
10 shall provide for written notification by the surety to
11 the department in the event of cancellation. Cancellat-
12 ion of the bond by the surety shall result in the
13 revocation of the certificate of approval.

14 2. Renewal fee. A fee of \$50 shall be charged for the
15 renewal of a certificate.

16 3. General Fund. All fees collected for the issuance
17 or renewal of a certificate shall be deposited in the State
18 Treasury.

19 §9503. Penalty

20 Any person, partnership, corporation or school which
21 operates or maintains a private business, trade or technical
22 school in violation of this chapter, or represents itself as
23 operating and maintaining such a school, is guilty of a
24 Class E crime.

25 §9504. Rules

26 The commissioner may adopt rules for the administration
27 and enforcement of this chapter.

28 PART 5

29 POST-SECONDARY EDUCATION

30 CHAPTER 401

31 GENERAL PROVISIONS

32 §10001. Hemophiliacs

33 1. Participation in physical activity. A post-
34 secondary institution may not require a hemophiliac to par-
35 ticipate in physical activity hazardous to his physical

1 health, as a condition or requirement for a degree, unless
2 the physical activity is approved by the state board as an
3 essential prerequisite to that degree.

4 2. Admission. A post-secondary institution may not
5 refuse admission to a hemophiliac solely because of his con-
6 dition as a hemophiliac, unless that condition would prevent
7 participation in required courses of study of physical ac-
8 tivity.

9 §10002. Records of educational institutions

10 1. Preservation of records. The trustees or officers
11 of a post-secondary institution, on going out of existence
12 or ceasing to function as an educational institution, shall
13 turn over records of attendance and academic achievements by
14 its students to the department. The department shall pre-
15 serve these records.

16 2. Duty of the commissioner. The commissioner shall
17 collect all attendance and academic records of
18 post-secondary institutions within the State which are now
19 extinct and deposit the records in a place of safety and ac-
20 cessibility for preservation and future use.

21 3. Preparation of transcript. When requested, the
22 commissioner shall prepare transcripts of grade records from
23 these records of extinct institutions, when they are needed
24 by the former student for:

25 A. Further scholastic work at another institution of
26 learning; or

27 B. Certification for teaching or for other profes-
28 sional positions.

29 4. Copy as best evidence. When a transcript is made
30 from the original and certified by the commissioner, it
31 shall be considered and accepted as legal evidence and, for
32 all other purposes, as if it was the original.

33 5. Fee. The department shall charge a nominal fee for
34 the actual cost of preparing those transcripts.

35 §10003. Fees for degrees

36 An officer of a post-secondary institution may not
37 receive as perquisites a fee for a degree granted by the
38 institute. Fees of this type shall be paid into the insti-
39 tution treasury.

1 The following vocational-technical institutes are
2 established and shall be located within the general vicinity
3 of the municipalities named in the following subsections:

4 1. Central Maine Vocational-Technical Institute in the
5 City of Auburn;

6 2. Eastern Maine Vocational-Technical Institute in the
7 City of Bangor;

8 3. Kennebec Valley Vocational-Technical Institute in
9 the City of Waterville;

10 4. Northern Maine Vocational-Technical Institute in
11 the City of Presque Isle;

12 5. Southern Maine Vocational-Technical Institute in
13 the City of South Portland; and

14 6. Washington County Vocational-Technical Institute
15 in the City of Calais.

16 §10104. State board's general duties and authority; estab-
17 lishment of additional institutes

18 1. General duties. The state board shall maintain and
19 operate the institutes established in section 10103 and have
20 policy-making and planning authority for them.

21 2. Authority. The state board may, in operating these
22 institutes:

23 A. Offer courses of study;

24 B. Grant diplomas and certificates on completion of a
25 course of study;

26 C. Confer associate degrees based upon 2 years of
27 instruction with equipment and facilities which will
28 safeguard the integrity of the degrees conferred;

29 D. Charge tuition and other reasonable fees;

30 E. Establish qualifications for admission; and

31 F. Accept and expend all funds for post-secondary
32 vocational education received by the department from:

33 (1) The General Fund;

1 (2) Gifts and donations either from public or
2 private sources which are offered unconditionally;
3 or

4 (3) Fees.

5 3. Establishment of additional vocational-technical
6 institutes. The state board may establish, maintain and
7 operate vocational-technical institutes to promote special-
8 ized training for persons who give evidence of special apti-
9 tude or need and who desire specialized training designed
10 specifically to train for service in trade, industry or com-
11 merce.

12 §10105. Directors of institutes

13 1. Appointment of directors. The commissioner, with
14 the approval of the state board, shall appoint the directors
15 of the institutes.

16 2. Salary range. The commissioner, with the approval
17 of the state board, shall establish the salary range for
18 directors and assistant directors.

19 3. Job title and salary range for new positions. The
20 state board, consistent with Title 26, chapter 12, shall
21 make recommendations to the Department of Personnel and the
22 Bureau of the Budget concerning the appropriate job title
23 and salary range for each newly-created position in the
24 unclassified service at an institute. The recommendations
25 shall be based on the level of job responsibilities of the
26 position created.

27 4. Change of job title and salary range. The state
28 board, consistent with Title 26, chapter 12, shall make
29 recommendations to the Department of Personnel and the
30 Bureau of the Budget to change the job title or salary range
31 of any existing position in the unclassified service at an
32 institute if an identifiable change in job responsibilities
33 occurs.

34 §10106. Funding levels; capital construction plan; budget

35 1. Funding levels. Prior to September 1st of even-
36 numbered years, the state board shall certify and present to
37 the Governor the funding levels which it recommends for the
38 operation of the institutes. It shall report those recom-
39 mendations to the Legislature prior to November 15th of
40 even-numbered years.

1 2. Long-range capital construction plan. With the
2 requested funding levels, the state board shall submit a
3 long-range capital construction plan in priority order.
4 This plan shall be submitted to the Legislature with the re-
5 quired report.

6 3. Costs of maintenance, repairs and capital construc-
7 tion. Notwithstanding any other provision of law, the
8 directors shall include the costs of maintenance, repairs
9 and capital construction at the institutes in the funding
10 level requests presented to the state board. In the pre-
11 paration, development and submission of funding requests for
12 maintenance, repairs and capital construction, the state
13 board shall consult with the Bureau of Public Improvements.
14 Funds appropriated for maintenance, repairs and capital con-
15 struction at the institutes shall be allocated and expended
16 only for authorized purposes.

17 §10107. Contingent account

18 There is established under Title 5, section 1507, a
19 contingent account for the institutes and the procedures for
20 allocation of contingent account funds.

21 §10108. Operation of courses at a secondary vocational
22 facility; administration; tuition charges

23 1. Courses offered. Institute vocational courses at
24 grade levels 13 and 14 may be operated in vocational centers
25 or vocational regions if approved by the state board.

26 2. Administration. If these courses are not part of
27 an adult education program, they shall be administered as
28 satellite programs of an institute designated by the state
29 board.

30 3. Tuition. Tuition for these courses shall be
31 charged directly to the students enrolled, at rates approved
32 by the state board.

33 §10109. State scholarships at the vocational-technical
34 institutes

35 1. Scholarships. The state board shall develop and
36 administer a program of scholarships for students enrolled
37 at an institute. A student selected to receive a scholar-
38 ship shall fulfill the following qualifications:

1 A. Show evidence of the qualifications necessary to
2 successfully complete the course of study and to become
3 a competent craftsman in a trade or industrial pursuit;

4 B. Show demonstrated ability and willingness to sup-
5 port the expenses of training; and

6 C. Show demonstrated need of partial financial assis-
7 tance to pay the cost of attendance at the institute.

8 2. Limitation. A scholarship may not exceed \$250 in
9 one year.

10 3. Allocation of scholarships. Amounts available for
11 these scholarships shall be distributed annually by the
12 state board to the institutes as follows:

13 A. \$1,500 or the equivalent of 6 full scholarships to
14 each institute; and

15 B. Allocation of the balance of the scholarship fund
16 to each institute in the same proportion as the
17 institute's enrollment is of all of the institutes for
18 the fall semester of the current year.

19 4. Awards. Awards shall be based on evidence of indi-
20 vidual need and worth.

21 5. National Guard Scholarship Program. Members of the
22 Maine National Guard with over 10 years' continuous service
23 may be awarded scholarships at vocational-technical insti-
24 tutes not to exceed 3 credit hours or the equivalent each
25 semester. The guard shall select those who will receive
26 scholarships from among those members eligible for admission
27 to a vocational-technical institute. The program shall be
28 administered by the state board.

29 §10110. Journeyman's examinations

30 An individual may take a journeyman's examination con-
31 ducted by the following boards in accordance with the fol-
32 lowing requirements.

33 1. Electricians' Examining Board. The individual:

34 A. Who has completed satisfactorily a course of
35 instruction certified by the Electricians' Examining
36 Board at a Maine vocational-technical institute may
37 take the journeyman's examination and after passage of

1 the examination and after working in the field of elec-
2 trical installation for 4,000 hours under the super-
3 vision of a master electrician or the equivalent shall
4 receive a journeyman's license. The board shall adopt
5 a written criteria for certification of a course of
6 instruction; or

7 B. Who is enrolled in a course of instruction at a
8 Maine vocational-technical institute on January 1,
9 1982, is entitled to take a journeyman's examination.
10 Upon the successful completion of that course of
11 instruction and after passage of the examination, the
12 student shall receive a journeyman's license.

13 2. Oil and Solid Fuel Board. The individual has com-
14 pleted an approved course of at least 1,000 hours of
15 instruction related to the respective field at a Maine
16 vocational-technical institute, a post-secondary satellite
17 program at a vocational region or vocational center or an
18 equivalent training approved by the Oil and Solid Fuel
19 Board.

20 3. Plumbers' Examining Board. The individual has com-
21 pleted a course of instruction at a vocational institute in
22 plumbing.

23 §10111. Police officer at institutes

24 1. Appointment. Subject to the Personnel Law, a
25 director may appoint persons to act as police officers.
26 These police officers shall, within the limits of the prop-
27 erty owned by or under the control of the institutes, pos-
28 sess all the powers of police officers in criminal cases.

29 2. Guidelines. The state board may establish guide-
30 lines by which each director may make rules for the control,
31 movement and parking of vehicles within the limits of the
32 property owned by or under the control of the institute.

33 3. Rules. A director's rule shall be adopted or
34 amended in accordance with section 3. It shall have the
35 same force and effect as a municipal ordinance. District
36 Courts may impose fines, not to exceed \$10, for each viola-
37 tion of these rules.

38 4. Evidence and waiver. The state board may adopt the
39 provisions of Title 30, section 2151, subsection 3, para-
40 graph A, relating to prima facie evidence and the establish-
41 ment of a waiver of court action by payment of specified
42 fees.

1 (3) One position for a member of the Maine Advisory Council on Vocational Education;
2

3 (4) One position for a member of the Board of Trustees of the Maine Maritime Academy; and
4

5 (5) One position for a member of the Maine Delegation of the New England Board of Higher Education. This member shall not, at the time of
6 appointment or during membership of the
7 Post-secondary Education Commission of Maine, be the Chancellor of the University of Maine, the
8 commissioner or an administrative officer or
9 member of the governing board of a public, private
10 nonprofit or proprietary post-secondary educational institution in Maine.
11
12
13
14

15 B. Three members shall represent private nonprofit institutions of post-secondary education in Maine. These representatives shall be appointed by a subcommittee of the Higher Education Council in Maine composed of private college members. This subcommittee shall not be limited in its choice of representatives to members of the Higher Education Council of Maine, but also shall consider administrative officers and members of the governing boards of any private nonprofit institution of post-secondary education.
16
17
18
19
20
21
22
23
24

25 C. One member shall represent proprietary institutions of post-secondary education in Maine. This representative shall be appointed by the Governor and shall be a chief executive officer or member of the governing board of a federally recognized proprietary institution of post-secondary education, as defined in the United States Higher Education Act of 1965, Public Law 89-329, United States Code, Title 20, Section 1070 (a), as amended.
26
27
28
29
30
31
32
33

34 D. Four members shall represent the general public. These members shall not be employees of, or members of the governing body of, a public, private nonprofit or proprietary institution of post-secondary education in this State. Representatives of the general public in this State shall be appointed by the Governor.
35
36
37
38
39

40 E. The Chancellor of the University of Maine and the commissioner shall serve as ex officio members of the commission.
41
42

1 2. Terms. Each member shall be appointed for a term
2 of 4 years. A member shall serve until his successor has
3 been duly appointed and qualified.

4 3. Eligibility. A position shall become vacant if the
5 member appointed to it ceases to meet the qualifications for
6 that position.

7 4. Vacancy. If a vacancy occurs prior to the expira-
8 tion of a term, an eligible person may be appointed by the
9 appointing authority to serve for the remainder of the unex-
10 pired term.

11 5. Expenses. Members shall serve without pay, but
12 shall be reimbursed for travel and other expenses incurred
13 in the performance of their official duties.

14 §10305. Appointment of the chairman and vice-chairman

15 The chairman and vice-chairman of the commission shall
16 be appointed by the members of the commission from among the
17 4 public members. The terms of the chairman and vice-
18 chairman shall be coterminous with their terms on the com-
19 mission.

20 §10306. Meetings

21 Commission meetings shall be held at least quarterly or
22 upon call of the chairman on 5 days' written notice to the
23 members. If the chairman is absent or refuses to call a
24 meeting, any 4 members may call a meeting by similar notices
25 in writing.

26 §10307. Staff

27 The appointment of an executive director and the
28 employment and retirement status of other staff shall be as
29 follows.

30 1. Executive director. The commission may appoint an
31 executive director, who shall serve at the pleasure of the
32 commission and shall maintain offices in Augusta. The com-
33 penetration of the executive director shall be fixed by the
34 Governor.

35 2. Other staff. The commission may employ other pro-
36 fessional and clerical staff.

1 3. Retirement benefits. A commission employee shall
2 be eligible to become a member of the Maine State Retirement
3 System.

4 §10308. Powers and duties

5 The commission shall:

6 1. Comprehensive planning. Conduct comprehensive
7 planning for post-secondary education in Maine, including
8 planning in cooperation with the New England Board of Higher
9 Education and other New England states. This planning shall
10 assure the development, maintenance and accessibility of
11 diversified post-secondary educational opportunities of high
12 quality for Maine citizens. It shall seek efficient use of
13 limited resources through promotion of voluntary coordina-
14 tion and cooperation among institutions and educational
15 sectors and through encouragement of efforts to avoid unnec-
16 essary duplication of institutions, programs and facilities.
17 This comprehensive planning shall take into consideration
18 the educational, cultural, social and economic contributions
19 to Maine of all of the post-secondary educational insti-
20 tutions in the State. It is the intent of the Legislature
21 that this comprehensive planning shall lead to a cohesive
22 system of post-secondary education involving all of the
23 public, private nonprofit and proprietary post-secondary
24 educational institutions in the State;

25 2. State commission under United States Higher Educa-
26 tion Act, Section 1202. Serve as the state commission as
27 required under the United States Code, Section 1202 of the
28 United States Higher Education Act of 1965, Public Law
29 89-329, Title 20, United States Code, Section 1141, et seq,
30 as amended;

31 3. Annual report. Present a report annually, before
32 December 31st, to the Governor and the Legislature on "The
33 State of Post-secondary Education in Maine," in which it
34 reviews the comprehensive planning for the previous year and
35 makes recommendations based on this planning which might
36 lead to the maximum realization of the objectives of subsec-
37 tion 1; and

38 4. Studies. Undertake studies on post-secondary edu-
39 cation in this State, as requested by the Legislature and
40 the Governor, and provide reports and information to legis-
41 lative committees as requested.

42 §10309. Collection of information

1 The commission may request institutions of
2 post-secondary education in Maine to submit information
3 reasonably necessary for the commission to carry out respon-
4 sibilities defined by federal and state law and to perform
5 effective comprehensive planning. This authority shall be
6 limited by safeguards necessary to protect the confidential-
7 ity of information related to specific persons.

8 §10310. Limitations of the authority of commission
9 with respect to institutions

10 The provisions of this Title related to the authority,
11 responsibilities and functions of the commission may not be
12 construed as authorizing the commission to infringe on or
13 substitute its authority for or otherwise modify the govern-
14 ing authority of any institution of post-secondary educa-
15 tion.

16 §10311. Designation of PECOM as the state agency or state
17 commission for the purposes of certain federal pro-
18 grams

19 The Post-secondary Education Commission of Maine shall
20 be designated as the state agency or state commission for
21 the following purposes.

22 1. Designation. The commission is designated as the
23 state commission as required by the United States Code,
24 Section 1202, subsection (a) of the United States Higher
25 Education Act of 1965, as amended, Title 20, United States
26 Code, Section 1142a.

27 2. Powers. The commission may develop plans, rules
28 and procedures, and establish or designate advisory commit-
29 tees, councils or task forces to carry out the requirements
30 of the federal laws and other programs for which the commis-
31 sion is assigned responsibility under this section.

32 3. Other functions. The commission may undertake
33 other functions assigned by federal law or regulation to
34 state commissions designated pursuant to the United States
35 Code, Section 1202 of the United States Higher Education Act
36 of 1965, as amended, Title 20, United States Code, Section
37 1142a.

38 4. Funds. The commission may accept and disburse all
39 moneys in accordance with the United States Code, Section
40 1202, the United States Higher Education Act of 1965, as
41 amended, for which the commission is assigned responsibility
42 under this section.

1 3. Educational institution. "Educational institution"
2 means any person, partnership, board, association, institu-
3 tion or corporation which offers academic, educational,
4 literary or professional courses or programs.

5 §10702. Use of name "junior college," "college" or "univer-
6 sity"

7 An educational institution may use the term "junior
8 college," "college" or "university" in connection with its
9 operation or use any other name, title or descriptive matter
10 which might tend to indicate that it is an institution of
11 higher learning with the authority to confer degrees, only
12 if it:

13 1. Temporary approval. Is operating under a license
14 or certificate of temporary approval from the state board in
15 accordance with section 10703; or

16 2. Legislative authorization. Has legislative author-
17 ization to confer degrees in accordance with section 10704.

18 §10703. Temporary approval to use the name "junior col-
19 lege," "college" or "university"

20 1. Power. The state board may grant an applicant a
21 certificate of temporary approval, permitting use of the
22 term "junior college," "college" or "university" in its name
23 until the earlier of:

24 A. The expiration of the academic year; or

25 B. The applicant is authorized by the Legislature to
26 grant degrees in accordance with section 10704.

27 2. Extensions and renewals. The state board may
28 extend or renew a certificate of temporary approval for not
29 more than 2 years.

30 §10704. Authority to confer degrees

31 An educational institution may confer degrees if it has
32 been granted authority under an Act of the Legislature.

33 §10705. Courses for credit

34 An educational institution may offer courses or pro-
35 grams for academic credit only if:

1 1. Legislative authority. It has been authorized by
2 the Legislature to grant degrees;

3 2. State board authority. It has been given temporary
4 authority by the state board to use the name "junior col-
5 lege," "college" or "university;" or

6 3. Out-of-state institution. It is:

7 A. Located in another state; and

8 B. Authorized by the state board to offer courses for
9 academic credit.

10 An educational institution may offer courses or pro-
11 grams for academic credit if it offers coordinated courses
12 or programs in conformity with section 10706.

13 §10706. Coordinated courses

14 An educational institution may offer courses or pro-
15 grams for academic credit which are coordinated with a Maine
16 degree-granting educational institution and which have been
17 approved by the state board.

18 §10707. Applications

19 1. Degree-granting authority. Applications for legis-
20 lative authority to grant degrees shall be made on applica-
21 tion to the state board on forms provided by the commis-
22 sioner.

23 2. Temporary use of name. Applications for temporary
24 state board authority to use the name "junior college,"
25 "college" or "university" shall be made to the state board
26 on forms provided by the commissioner.

27 3. Courses for academic credit. Applications by out-
28 of-state educational institutions to offer courses for aca-
29 ademic credit shall be made to the state board on forms pro-
30 vided by the commissioner.

31 4. Coordinated programs. Applications to offer coor-
32 ordinated programs shall be made to the state board on forms
33 provided by the commissioner.

34 5. Exempt status. Applications for exempt status
35 under section 10708, subsection 2, shall be made to the com-
36 missioner.

1 §10708. Exemptions

2 This chapter does not apply to educational institutions
3 which:

4 1. Prior to September 18, 1981. Have specific degree-
5 granting authority granted to them by the Legislature prior
6 to September 18, 1981;

7 2. Federal reservations. Offer programs or courses
8 which are conducted solely on a federal reservation over
9 which the Federal Government has exclusive jurisdiction.
10 The commissioner shall authorize exempt status under this
11 subsection; and

12 3. Noncredit courses. Offer courses or programs which
13 are not for academic credit.

14 §10709. Penalties

15 Any educational institution conferring degrees within
16 the State or offering courses or programs within the State
17 which carry academic credit without being authorized or
18 approved to do so in accordance with this chapter is subject
19 to a civil penalty of not more than \$5,000, payable to the
20 State, to be recovered in a civil act.

21 §10710. Rules

22 The state board shall, in accordance with section 3,
23 adopt rules necessary to carry out the purposes of this
24 chapter.

25 CHAPTER 411

26 UNIVERSITY OF MAINE

27 §10901. Definitions

28 As used in this chapter, unless the context otherwise
29 indicates, the following terms have the following meanings.

30 1. Trustees. "Trustees" means the Trustees of the
31 University of Maine.

32 2. University. "University" means the University of
33 Maine.

34 §10902. Public policy on higher education

1 The following shall be the fundamental policies adhered
2 to in the state's public higher educational planning:

3 1. Recognition. To recognize higher education as an
4 organized program of instruction, research and service:

5 A. Primarily concerned with the field of organized
6 knowledge, related theory and associated practice;

7 B. Offered by a collegiate institution, not necessar-
8 ily of 4 years, authorized to award academic degrees;
9 and

10 C. Administered and systematically pursued on a full-
11 time or part-time basis by persons who have completed
12 secondary school or who demonstrate equivalent compe-
13 tence;

14 2. Principles. To support the principles that each
15 higher educational institution in the State, public and pri-
16 vate:

17 A. Shall have control over its educational program and
18 related activities, within its board of control;

19 B. That its faculty shall enjoy the freedom
20 traditionally accorded to the faculty of higher educa-
21 tional institutions in teaching, research and expres-
22 sion of opinions; and

23 C. That the faculty shall be consulted in the formu-
24 lation of academic policies pertaining to it;

25 3. Cohesive system. To develop, maintain and support
26 a structure of public higher education in the State which
27 will assure the most cohesive system possible for planning,
28 action and service in providing higher educational oppor-
29 tunities, to which the highest priority for fiscal support
30 shall be assigned;

31 4. Programs. To provide in its public higher educa-
32 tional institutions, or through cooperative arrangements
33 with private institutions or institutions outside the State,
34 the programs of study, research or experimentation that its
35 citizens may require;

36 5. Encourage growth. To encourage the growth and
37 development of existing or new private higher educational
38 institutions within the State where studies justify their
39 continuation or establishment;

1 6. All citizens eligible. To recognize that all citi-
2 zens shall be considered eligible for the benefits of appro-
3 appropriate higher education, whether they are high school grad-
4 uates or the equivalent, or those seeking retraining or
5 training for new careers;

6 7. Public funds. To assign continually a high prior-
7 ity in the allocation of public funds to the development of
8 services, programs and institutions designed to provide
9 opportunities for those who do not now share equitably in
10 the advantages of higher education, because of limiting eco-
11 nomical, social, educational and cultural factors;

12 8. Financial support. To support financially the pro-
13 grams of public higher educational institutions through
14 appropriations, grants and loans, based on comprehensive
15 plans and budgets, both short-term and long-term;

16 9. Public accountability. To expect appropriate
17 public accountability for this support;

18 10. Federal funds. To encourage all institutions,
19 public and private, to make maximum use of federal funds
20 available for the support of higher educational programs and
21 activities, the State to provide matching funds, where
22 necessary, initially and on a continuing basis;

23 11. Cooperative undertakings. To expect and request
24 cooperative undertakings among the higher educational insti-
25 tutions, public and private, and between them and the busi-
26 ness, industrial and labor interests, to further the devel-
27 opment of quality and quantity in educational programs and
28 services and the advancement of the state's economy;

29 12. Evaluation and research. To encourage a continu-
30 ing program of evaluation and research with respect to
31 higher educational opportunities in the State through finan-
32 cial support and the expectation of annual reporting;

33 13. Master plan. To give a high priority to the
34 provisions of the master plan for higher education through
35 legislative action and appropriate publicity; and

36 14. Commuter education. To make the most effective
37 use possible of the financial resources allocated to public
38 higher education by maximum emphasis on commuter facilities.

39 §10903. State agency

1 The university shall be an instrumentality and agency
2 of the State for the purpose for which it was established
3 and for which it has been managed and maintained under Pri-
4 vate and Special Law 1865, chapter 532, and related supple-
5 mentary legislation.

6 §10904. Trust funds

7 1. Accounting. Endowment, trust and other nonexpend-
8 able funds for investment held by the trustees, which have
9 been or may be created and established by private donors for
10 the benefit of the university or for any purpose directly
11 related to the activities of the university, shall be pre-
12 served in their several separate identities in the books of
13 account of the university and administered according to the
14 terms of the gifts.

15 2. Management of individual funds. For the purpose of
16 investment only, and in order to afford to each fund the
17 advantage of a diversification of risk wider than can be
18 obtained by preserving the investment unity of each fund,
19 and in the absence of any conditions or restrictions to the
20 contrary made by the donor, the trustees may combine, pool
21 and merge these funds with other similar funds. The
22 trustees shall account for profits, losses and income to
23 each individual fund in the proportion which its value bears
24 to the total value of the merged fund as of the date of
25 merger.

26 3. Valuation of individual funds. If a new fund is
27 merged into an existing combination of funds, the propor-
28 tionate shares shall be determined by calculating the assets
29 of the existing combination of funds at the then market
30 value, and calculating the future shares of each individual
31 fund in proportion to its value to the whole of the new com-
32 bination.

33 §10905. Treasurer; compensation

34 The trustees shall appoint a full-time treasurer of the
35 university. The treasurer shall give bond for the faithful
36 performance of his duties in an amount and with such condi-
37 tions and sureties as the trustees may determine. The com-
38 penensation of the treasurer shall be set by the trustees.

39 §10906. Powers and duties of treasurer

40 1. Receipt and custody of moneys, expenditures,
41 authority to contract. The treasurer shall:

1 A. Receive and have custody of all moneys received for
2 the university;

3 B. Make all expenditures upon vouchers authenticated
4 and approved in a manner designated by the trustees;
5 and

6 C. Have no authority to contract debts and obli-
7 gations, except:

8 (1) Loans in anticipation of assured revenues
9 when approved by vote of the trustees; and

10 (2) Other loans when directed by vote of the
11 trustees and duly and properly authorized by the
12 Governor.

13 2. Report of treasurer. The treasurer shall prepare a
14 complete report for the period ending on June 30th of each
15 year and forward a copy of the report to the Governor, the
16 board of trustees and the members of the Legislature.

17 CHAPTER 413

18 NEW ENGLAND HIGHER EDUCATION COMPACT

19 SUBCHAPTER 1

20 COMPACT

21 §11001. Purposes - Article I

22 The purposes of the New England Higher Education Com-
23 pact shall be to provide greater educational opportunities
24 and services through the establishment and maintenance of a
25 coordinated educational program for the persons residing in
26 the several states of New England parties to this compact,
27 with the aim of furthering higher education in the fields of
28 medicine, dentistry, veterinary medicine, public health and
29 in professional, technical, scientific, literary and other
30 fields.

31 §11002. Board of Higher Education - Article II

32 1. Creation. There is created and established a New
33 England Board of Higher Education, in this chapter known as
34 the "board," which shall be an agency of each state party to
35 the compact.

1 2. Powers. The board shall be a body corporate and
2 politic, having the powers, duties and jurisdiction enumer-
3 ated and such other and additional powers as shall be con-
4 ferred upon it by the concurrent act or acts of the compact-
5 ing states.

6 3. Composition. The board shall consist of 8 resident
7 members from each compacting state, at least 2 of whom shall
8 be members of the Legislature, chosen in the manner and for
9 the terms provided by law of the several states parties to
10 this compact.

11 §11003. Entry into force - Article III

12 This compact shall become operative immediately as to
13 those states executing it whenever any 2 or more of the
14 States of Maine, Vermont, New Hampshire, Massachusetts,
15 Rhode Island and Connecticut have executed it in the form
16 which is in accordance with the laws of the respective com-
17 pacting states.

18 §11004. Officers; meetings; organization - Article IV

19 1. Officers. The board shall annually elect from its
20 members a chairperson and vice-chairperson and shall appoint
21 and at its pleasure remove or discharge said officers.

22 2. Employees. It may appoint and employ an executive
23 secretary and may employ such stenographic, clerical, tech-
24 nical or legal personnel as shall be necessary and at its
25 pleasure remove or discharge such personnel.

26 3. Rules. It shall adopt a seal and suitable bylaws
27 and shall promulgate any and all rules which may be neces-
28 sary for the conduct of its business.

29 4. Office. It may maintain an office or offices
30 within the territory of the compacting states.

31 5. Meetings. It may meet at any time or
32 place. Meetings shall be held at least once each year. A
33 majority of the members shall constitute a quorum for the
34 transaction of business, but no action of the board imposing
35 any obligation on any compacting state shall be binding
36 unless a majority of the members from the compacting state
37 shall have voted in favor thereof. Where meetings are
38 planned to discuss matters relevant to problems of education
39 affecting only certain of the compacting states, the board
40 may vote to authorize special meetings of the board members
41 of such states.

1 6. Accounts. The board shall keep accurate accounts
2 of all receipts and disbursements and shall make an annual
3 report to the governor and the legislature of each compact-
4 ing state, setting forth in detail the operations and trans-
5 actions conducted by it pursuant to this compact, and shall
6 make recommendations for any legislative action deemed by it
7 advisable, including amendments to the statutes of the com-
8 pacting states which may be necessary to carry out the
9 intent and purpose of this compact.

10 7. Credit. The board shall not pledge the credit of
11 any compacting state without the consent of the Legislature
12 thereof given pursuant to the constitutional processes of
13 said state. The board may meet any of its obligations in
14 whole or in part with funds available to it under Article
15 VII of this compact; provided that board takes specific ac-
16 tion setting aside such funds prior to the incurring of any
17 obligation to be met in whole or in part in this manner.
18 Except where the board makes use of funds available to it
19 under Article VII, the board shall not incur any obligations
20 for salaries, office, administrative, traveling or other
21 expenses prior to the allotment of funds by the compacting
22 states adequate to meet the same.

23 8. Audit. Each compacting state reserves the right to
24 provide hereafter by law for the examination and audit of
25 the accounts of the board.

26 9. Disbursements. The board shall appoint a treasurer
27 and assistant treasurer who may be empowered to perform any
28 and all duties of the treasurer. Fiscal disbursements of
29 the board should be valid only when authorized by any 2 per-
30 sons from among those authorized by the board to execute
31 this authority, and when substantiated by vouchers signed
32 and countersigned by any 2 members from among those author-
33 ized by the board to execute this authority.

34 10. Records. The executive secretary shall be custo-
35 dian of the records of the board with authority to attest to
36 and certify such records or copies thereof.

37 §11005. Powers and duties - Article V

38 The board may:

39 1. Data reports. Collect, correlate and evaluate data
40 in the fields of its interest under this compact; publish
41 reports, bulletins and other documents making available the
42 results of its research; and, in its discretion, charge fees
43 for those reports, bulletins and documents;

1 2. Contractual agreements or arrangements. Enter into
2 such contractual agreements or arrangements with any of the
3 compacting states or agencies thereof and with educational
4 institutions and agencies as may be required in the judgment
5 of the board to provide adequate services and facilities in
6 educational fields covered by this compact. It shall be the
7 policy of the board in the negotiation of its agreements to
8 serve increased numbers of students from the compacting
9 states through arrangements with then existing institutions,
10 whenever in the judgment of the board adequate service can
11 be so secured in the New England region. Each of the com-
12 compacting states shall contribute funds to carry out the con-
13 tracts of the board on the basis of the number of students
14 from such state for whom the board may contract.

15 Contributions shall be at the rate determined by the board
16 in each educational field. Except in those instances where
17 the board by specific action allocates funds available to it
18 under Article VII, the board's authority to enter into such
19 contracts shall be only upon appropriation of funds by the
20 compacting states. Any contract entered into shall be in
21 accordance with rules and regulations promulgated by the
22 board and in accordance with the laws of the compacting
23 states.

24 §11006. Appropriations - Article VI

25 Each state agrees that, when authorized by the legis-
26 lature pursuant to the constitutional processes, it will
27 from time to time make available to the board such funds as
28 may be required for the expenses of the board as authorized
29 under the terms of this compact. The contribution of each
30 state for this purpose shall be in the proportion that its
31 population bears to the total combined population of the
32 states who are parties hereto as shown from time to time by
33 the most recent official published report of the Bureau of
34 the Census of the United States, unless the board shall
35 adopt another basis in making its recommendation for appro-
36 riation to the compacting states.

37 §11007. Gifts - Article VII

38 The board for the purposes of this compact may receive
39 grants, devises, gifts and bequests which the board may
40 agree to accept and administer. The board shall administer
41 property held in accordance with special trusts, grants and
42 bequests, and shall also administer grants and devises of
43 land and gifts or bequests of personal property made to the
44 board for special uses, and shall execute said trusts,

1 investing the proceeds thereof in notes or bonds secured by
2 sufficient mortgages or other securities.

3 §11008. Severability - Article VIII

4 The provisions of this compact shall be severable, and
5 if any phrase, clause, sentence or provision of this compact
6 is declared to be contrary to the constitution of any com-
7 compacting state or of the United States the validity of the
8 remainder of this compact and the applicability thereof to
9 any government, agency, person or circumstance shall not be
10 affected thereby. If this compact is held to be contrary to
11 the constitution of any compacting state the compact shall
12 remain in full force and effect as to all other compacting
13 states.

14 §11009. Withdrawal - Article IX

15 This compact shall continue in force and remain binding
16 upon a compacting state until the legislature or the gover-
17 nor of such state, as the laws of such state shall provide,
18 takes action to withdraw therefrom. Such action shall not
19 be effective until 2 years after notice thereof has been
20 sent by the governor of the state desiring to withdraw to
21 the governors of all other states then parties to the com-
22 compact. Such withdrawal shall not relieve the withdrawing
23 state from its obligations accruing prior to the effective
24 date of withdrawal. Any state so withdrawing, unless rein-
25 stated, shall cease to have any claim to or ownership of any
26 of the property held by or vested in the board or to any of
27 the funds of the board held under the terms of the compact.
28 Thereafter, the withdrawing state may be reinstated by
29 application after appropriate legislation is enacted by such
30 state, upon approval by a majority vote of the board.

31 §11010. Defaults; suspension - Article X

32 If any compacting state shall at any time default in
33 the performance of any of its obligations assumed or imposed
34 in accordance with this compact, all rights and privileges
35 and benefits conferred by this compact or agreement here-
36 under shall be suspended from the effective date of such de-
37 fault as fixed by the board. Unless such default shall be
38 remedied within a period of 2 years following the effective
39 date of such default, this compact may be terminated with
40 respect to such defaulting state by affirmative vote of 3/4
41 of the other member states. Any such defaulting state may
42 be reinstated by:

1 §11054. Duties of board

2 The board on the part of the State shall obtain accu-
3 rate accounts of all the board's receipts and disbursements
4 and shall report to the Governor and the Commissioner of
5 Finance and Administration annually on or before the 15th
6 day of September, setting forth in such detail as the com-
7 missioner may require the transactions of the board for the
8 fiscal year ending on the preceding June 30th. They shall
9 include in such report recommendations for any legislation
10 as may be necessary or desirable to carry out the intent and
11 purposes of the New England Higher Education Compact among
12 the states joining.

13 §11055. Effective date

14 When the Governor shall have executed this compact on
15 behalf of this State, and shall have caused a verified copy
16 thereof to be filed with the Secretary of State, and when
17 the compact shall have been ratified by one or more of the
18 states named in section 11051 then this compact shall become
19 operative and effective as between this State and such other
20 state or states. The Governor shall take such action as may
21 be necessary to complete the exchange and filing of official
22 documents as between this State and any other state ratify-
23 ing the compact, and to take such steps as may be necessary
24 to secure the consent of the Congress of the United States
25 to the compact.

26 CHAPTER 415

27 TUITION EQUALIZATION FUND

28 §11201. Definition

29 As used in this chapter, unless the context clearly
30 indicates otherwise, the term "eligible private institution
31 of higher education" means an institution meeting the re-
32 quirements as set forth in the United States Higher Educa-
33 tion Act of 1965, Section 1201, as amended, 29 United States
34 Code 1141, and the United States Higher Education Act of
35 1965, Section 491, as amended, 20 United States Code 1088,
36 and the regulations and guidelines promulgated by the United
37 States Secretary of Education pursuant to those provisions
38 of federal law and published in the Federal Register. Also,
39 the institution must be authorized to grant degrees in ac-
40 cordance with chapter 409.

41 §11202. Tuition equalization fund

1 2. Sum; charges and credits. The fund shall initially
2 be in the sum of \$5,000. To this sum shall be:

3 A. Charged all expenses of the state board for their
4 operations under this chapter, including interest and
5 principal payments required by loan defaults; and

6 B. Credited all amounts received by the state board
7 under this chapter.

8 3. Excess moneys. Moneys in the fund, not needed cur-
9 rently to meet the obligations of the state board as an
10 insurer, shall be deposited with the Treasurer of State to
11 the credit of the fund, or may be invested as provided by
12 statute.

13 §11404. Additions to Student Loan Insurance Fund

14 1. Request of board. The state board may, in writing,
15 request the Governor to provide additional funds to add to
16 the Student Loan Insurance Fund to meet its obligations.

17 2. Transfer of funds. The Governor shall transfer to
18 the fund sufficient moneys for the requested purpose from
19 the State Contingent Account or from the proceeds of bonds
20 to be issued as provided in this section.

21 3. Bonds. Bonds shall be issued as follows.

22 A. The Governor shall order the Treasurer of State to
23 issue bonds in the amount requested, but not exceeding
24 in the aggregate outstanding at any one time the amount
25 set forth in the Constitution of Maine, Article VIII,
26 Part First, Section 2.

27 B. Bonds shall mature serially or be made to run for
28 such periods as the Governor may determine, but not for
29 a term of more than 20 years.

30 C. The Governor shall determine the rates of interest
31 and the terms and conditions of the bonds.

32 D. The bonds shall be deemed a pledge of the faith and
33 credit of the State.

34 §11405. Powers and duties

35 Under this chapter, the state board may:

1 1. Rules. Adopt, amend or enforce rules to carry out
2 the purposes of this chapter;

3 2. Agents. Choose a suitable agent to administer the
4 affairs and activities required by this chapter or by appli-
5 cable federal provisions; and

6 3. Agreements. Enter into agreements with the United
7 States Secretary of Education relating to federal, state and
8 private programs of low-interest insured loans to students
9 in institutions of higher education, within the United
10 States Higher Education Act of 1965.

11 §11406. Loans to minors

12 Notwithstanding any other law, if the borrower on a
13 loan insured under this program is a minor, an otherwise
14 valid note or other written agreement executed by him for
15 the purpose of the loan shall create a binding obligation.

16 CHAPTER 419

17 STUDENT INCENTIVE SCHOLARSHIP PROGRAM

18 §11601. Definitions

19 As used in this chapter, unless the context otherwise
20 indicates, the following terms have the following meanings.

21 1. Academic year and in attendance. "Academic year"
22 and "in attendance" means the same as the definitions of
23 these terms contained in Section 1201 of the United States
24 Higher Education Act of 1965, as amended, (29 United States
25 Code 1141) and section 491 of the United States Higher Edu-
26 cation Act of 1965, as amended, (20 United States Code 1088)
27 and the regulations, guidelines and procedures promulgated
28 by the secretary and published in the Federal Register pur-
29 suant to these sections of federal law.

30 2. Actual cost-of-attendance. "Actual cost-
31 of-attendance" means the same as the definition contained in
32 the Federal Basic Educational Opportunity Grant Program,
33 Section 411 of the United States Higher Education Act of
34 1965, as amended, (20 United States Code, 1070a) and the
35 regulations, guidelines and procedures promulgated by the
36 secretary and published in the Federal Register. If the
37 secretary does not publish regulations, guidelines and
38 procedures, the commissioner shall adopt or amend rules to
39 be used in determining "actual cost-of-attendance" for the

1 purposes of the Maine Student Incentive Scholarship Program.

2 3. Expected family contribution. The "expected family
3 contribution" means the amount which the family of a student
4 may be reasonably expected to contribute toward his
5 post-secondary education for the academic year for which the
6 student is seeking a state student incentive scholarship.
7 The method of determining "expected family contribution"
8 shall be uniformly applied to all students. It shall be
9 established by rules of the department. In establishing the
10 method, the department shall consider using the system as
11 promulgated by the Secretary for the Basic Educational
12 Opportunity Grant Program pursuant to Section 411 of the
13 United States Higher Education Act of 1965, as amended, (20
14 United States Code 1070a) or methods commonly used by col-
15 leges and universities, such as those of the College
16 Scholarship Service or American College Testing Service.

17 4. Institution of higher education. "Institution of
18 higher education" means an institution of higher education
19 located within this State, or within another state with
20 which this State has a reciprocal agreement. The insti-
21 tutions shall meet the requirements of and conform to the
22 definitions contained in Section 1201 of the United States
23 Higher Education Act of 1965, as amended, (29 United States
24 Code 1141) and Section 491 of the United States Higher Edu-
25 cation Act of 1965, as amended, (20 United States Code 1088)
26 and the regulations, guidelines and procedures promulgated
27 by the secretary and published in the Federal Register pur-
28 suant to these sections of law.

29 §11602. Establishment

30 The commissioner shall administer a program of state
31 student incentive scholarships.

32 §11603. Eligibility

33 The scholarships shall be given only to residents of
34 the State who:

35 1. Graduated. Have graduated from an approved second-
36 ary school or matriculated at a post-secondary school prior
37 to high school graduation, or have successfully completed a
38 general educational development examination or its equiva-
39 lent;

40 2. Accepted as undergraduate. Have been accepted for
41 enrollment as undergraduates in, or are in good standing as

1 undergraduates at, institutions of higher education accord-
2 ing to the prescribed standards, regulations and practices
3 of those institutions and have met the required academic
4 standards for admission;

5 3. Applied for grants. Have applied for these grants
6 according to schedules and procedures and on forms as the
7 department may require;

8 4. Agreement on costs. Have agreed that costs not
9 provided for by federal grants shall be covered by the
10 student and the student's family in the form of self-help,
11 such as loans and extra work, or by merit scholarships, vet-
12 erans' benefits or other resources which the student has
13 obtained by merit, previous service or similar personal
14 efforts prior to the awarding of any scholarship under this
15 chapter; and

16 5. Shown need. Have been determined by the department
17 to be of substantial financial need according to the cri-
18 teria set forth in section 11604.

19 The commissioner may adopt or amend rules to establish
20 the criteria to demonstrate residency.

21 §11604. Determination of need

22 1. Method. The commissioner shall establish the need
23 of a student for a state student incentive scholarship for
24 an academic year for which the student applies, by determin-
25 ing the difference between:

26 A. The sum of the student's expected family contribu-
27 tion and the student's basic grant, if any, received
28 under the Federal Basic Educational Opportunity Grant
29 Program (20 United States Code 1070a) for the academic
30 year for which the student is applying for a state
31 student incentive scholarship. The commissioner may
32 also consider the contributions of the student and the
33 student's family in the form of self-help or in the
34 form of merit scholarships, veterans' benefits or other
35 resources which the student has obtained by merit, pre-
36 vious service or similar personal efforts or could
37 reasonably be required to obtain, unless there is ample
38 proof to the contrary that this latter requirement is
39 impossible to fulfill; and

40 B. The actual cost-of-attendance at the institution of
41 higher education at which the student has been accepted

1 for enrollment, or at which the student is in good
2 standing.

3 2. Determination. The student's need shall serve as
4 the basis on which the commissioner determines the state
5 student incentive scholarship to that student for an academ-
6 ic year.

7 §11605. Determination of grants

8 Grants to eligible students shall be determined as fol-
9 lows, subject to the limitations set forth in section 11604.

10 1. Full-time. In the case of an eligible student who
11 is in attendance on a full-time basis, the amount of the
12 scholarship awarded the student shall not exceed 50% of the
13 need of that student, or \$1,500, whichever is less, for a
14 single academic year.

15 2. Half-time. In the case of an eligible student who
16 is in attendance less than fulltime, but at least halftime,
17 the amount of the scholarship awarded to that student shall
18 be reduced in proportion to which that student is not
19 attending a full-time basis.

20 3. Minimum. A scholarship of less than \$200 a year
21 may not be awarded to a student.

22 4. Less than half-time. A student who is in attend-
23 ance on a less than half-time basis, as defined by the com-
24 missioner, may not be awarded a scholarship.

25 5. Withdrawal. If a recipient of a scholarship with-
26 draws from an institution and if the student is entitled to
27 a refund of tuition, fees or other charges, the institution
28 shall pay directly to the State from that refund a sum which
29 represents the portion of the scholarship paid to the
30 student for the portion of the academic year that the
31 student did not complete.

32 §11606. Schedule of reductions in grants

33 Prior to March 1st of each year, the commissioner shall
34 evaluate the availability of state and federal funds for the
35 scholarship program in relationship to the number of stu-
36 dents eligible for grant assistance. If funds will be
37 insufficient to pay scholarships under the conditions set
38 forth in section 11605, the commissioner shall publish, no
39 later than March 1st, a schedule of reductions in scholar-

1 ships for the succeeding academic year. The schedule of
2 reductions shall be effective for not longer than one aca-
3 ademic year, except if renewed by republication by the com-
4 missioner prior to the following March 1st.

5 §11607. Length of grant; period of study

6 1. Length of grant. A scholarship grant shall be for
7 a period not to exceed one academic year. A student may
8 apply for a new grant for each year during the period re-
9 quired for completion of the undergraduate course of study
10 being pursued by that student.

11 2. Period of study. A student may receive a scholar-
12 ship during the period required for the completion of the
13 undergraduate course of study being pursued by that student
14 at the institution at which the student is in attendance.
15 The period may not exceed 8 semesters or its equivalent for
16 the full-time student and 16 semesters or 120 credit hours,
17 whichever is completed first, for the part-time student.
18 The period may be extended for not more than one additional
19 academic year, if:

20 A. The student is pursuing a course of study leading
21 to a first degree in a program of study which is
22 designed by the institution offering it to extend over
23 5 academic years; or

24 B. The student will be unable to complete a course of
25 study within 4 academic years because of a requirement
26 of the institution that the student enroll in a
27 noncredit remedial course of study. The "noncredit
28 remedial course of study" means a course of study for
29 which no credit is given toward an academic degree and
30 which is designed to increase the ability of the
31 student to engage in an undergraduate course of study
32 leading to that degree.

33 §11608. Program administration

34 1. Responsibility of the department. The commissioner
35 shall administer the scholarship program, including estab-
36 lishing and maintaining fund accounting and control proce-
37 dures as required by state law, or as necessary for the
38 State to be eligible to receive federal assistance under the
39 Federal State Incentive Grant Program, Title IV, Part A,
40 Subpart 3 of the United States Higher Education Act of 1965,
41 as amended, (20 United States Code 1070C-1, 1070C-2 and
42 1070C-3).

1 2. Guidelines and rules. The following provisions
2 shall apply to the program.

3 A. The commissioner shall develop rules, procedures,
4 schedules and forms necessary to carry out the purposes
5 of this program, including the adoption of reciprocal
6 agreements with other states.

7 B. To the maximum extent possible consistent with the
8 need for state control of this program, the commis-
9 sioner shall use or follow the guidelines, rules, regu-
10 lations, procedures, forms and schedules set forth by
11 the Secretary for the Administration of the Federal
12 Basic Educational Opportunity Grant Program, Title IV,
13 Part A, Subpart 1 of the United States Higher Education
14 Act of 1965, as amended, (20 United States Code 1070a).

15 3. University of Maine; grant allocation. The depart-
16 ment may allocate up to 25% of the state student incentive
17 scholarship grants to eligible students attending the Uni-
18 versity of Maine. The balance of funds shall be granted to
19 eligible students attending other institutions of higher
20 education.

21 CHAPTER 421

22 POSTGRADUATE EDUCATION

23 IN THE FIELD OF MEDICINE

24 §11801. Legislative intent

25 1. Admission of Maine residents to educational insti-
26 tutions. It is the intent of the Legislature to assure, to
27 the greatest extent possible, the admission of qualified
28 Maine residents to educational institutions providing pro-
29 grams of instruction leading to doctoral degrees in
30 allopathic medicine, dentistry, optometry and veterinary
31 medicine.

32 2. Responsibility for program. It is the intent of
33 the Legislature, consistent with the purposes of this chap-
34 ter, that the commissioner shall administer the program and
35 develop a plan which assures, to the extent practicable,
36 that Maine contract students, or a similar number of out-
37 of-state medical school graduates, return to practice their
38 profession within the State, particularly in primary care in
39 underserved areas.

1 3. Advisory committee. It is the intent of the Legis-
2 lature, consistent with the purposes of this chapter, to
3 establish an Advisory Committee on Medical Education to
4 assist the commissioner in planning and administration of
5 the professional health program and particularly in the
6 development of clinical education sites and continuing edu-
7 cation, which are funded primarily by sources other than
8 patient charges.

9 §11802. Definitions

10 For the purposes of this chapter, unless the context
11 otherwise indicates, the following terms have the following
12 meanings.

13 1. Clinical education site. "Clinical education site"
14 includes both clinical clerkship sites and preceptorship
15 sites.

16 A. "Clinical clerkship site" means an on-location
17 teaching environment in conjunction with residency
18 training.

19 B. "Preceptorship site" means a training site ranging
20 from a one-to-one training site between a physician and
21 medical student to a training site in a health clinic
22 or hospital without a residency program.

23 2. Final determination of residency. "Final determi-
24 nation of residency" means the decision on residency made
25 subject to rules of the department. Criteria for these
26 rules shall include length of residence, secondary school
27 attended, legal residence of parent, voting registration and
28 place where taxes are paid.

29 3. Primary care. "Primary care" means the practice of
30 general or family medicine, internal medicine, pediatrics,
31 obstetrics and gynecology.

32 4. State capitation payment. "State capitation pay-
33 ment" means the amount agreed on between the State and the
34 institution for the purchase of the student space.

35 5. State contract student. A "state contract student"
36 means a Maine resident who is enrolled in an educational
37 program at an educational institution for which program the
38 State:

39 A. Has entered into a contractual arrangement with the
40 institution; and

1 B. Expends funds under this arrangement in return for
2 a guarantee on the part of the institution that student
3 positions will be made available to Maine residents.

4 6. Underserved areas. "Underserved areas" means those
5 geographic locations which meet the Health Maintenance Orga-
6 nization Act definition of medically underserved areas as
7 described in the Federal Register, Vol. 42, number 201,
8 October 15, 1976, or its successor.

9 §11803. Agreement of state contract student with the State;
10 September 1, 1977, to June 30, 1981

11 1. Agreement. State contract students commencing
12 their professional education between September 1, 1977, and
13 June 30, 1981, shall, as a condition precedent to the com-
14 mencement of that education, enter into an agreement with
15 the State under which the student shall agree:

16 A. To pay tuition to the institution;

17 B. That, on the conclusion of his professional educa-
18 tion, including internship, residency and obligated
19 public health service and Armed Forces' service, he
20 shall pay the State an amount of money equal to the
21 state capitation payment for the student position which
22 he occupied. The commissioner may adopt or amend rules
23 to define the conclusion of professional education; and

24 C. The payments shall be payable at 6% simple annual
25 interest in not more than 10 equal annual installments.

26 2. Forgiveness of indebtedness. The agreement shall
27 provide that 1/4 of the indebtedness shall be forgiven for
28 each year in which the state contract student practices his
29 profession within the State in primary care or other spe-
30 cialized areas as determined by the commissioner, with the
31 advice of the Advisory Committee on Medical Education. For
32 other state contract students returning to practice their
33 profession in Maine, 1/4 of their indebtedness shall be for-
34 given for each of the first 2 years of practice.

35 §11804. Agreement for contract students after July 1, 1981

36 Any state contract student commencing professional edu-
37 cation on or after July 1, 1981, shall, as a condition
38 precedent to the commencement of the education, enter into
39 an agreement with the State under which the student shall
40 agree:

1 1. Tuition to institution. To pay tuition to the
2 institution; and

3 2. Repayment to State. Upon the conclusion of profes-
4 sional education, including internship, residency and obli-
5 gated public health service, to pay the State an amount of
6 money equal to the state capitation payment expended by the
7 State in purchasing the state contracted position which the
8 student occupied.

9 A. This amount shall be payable at 9% simple annual
10 interest in not more than 10 annual equal installments.

11 B. These installment payments shall commence upon con-
12 clusion of the state contract student's professional
13 education under rules promulgated by the commissioner.

14 §11805. Positions

15 1. Negotiations. The commissioner shall, directly or
16 through the New England Board of Higher Education, negotiate
17 with educational institutions to secure positions for state
18 contract students in the fields of allopathic medicine, den-
19 tistry, optometry and veterinary medicine.

20 2. Purchase of positions at medical schools; September
21 1, 1977, and June 30, 1981. Money to purchase positions at
22 medical schools may be expended between September 1, 1977
23 and June 30, 1981 as follows.

24 A. The commissioner may expend appropriated money
25 between September 1, 1977, and June 30, 1981, for the
26 purchase of positions at accredited medical schools,
27 for not more than:

28 (1) A total of 40 positions each year, divided
29 among the University of Vermont College of Medi-
30 cine, Tufts University School of Medicine,
31 Dartmouth Medical School or other accredited medi-
32 cal schools, to a total of 160;

33 (2) A total of 10 positions each year divided
34 among Tufts School of Dental Medicine or other ac-
35 credited dental schools, to a total of 25;

36 (3) A total of 4 positions each year, divided
37 among the University of Pennsylvania School of
38 Veterinary Medicine, the New York State College of
39 Veterinary Medicine at Cornell University, Tufts

1 University School of Veterinary Medicine or other
2 accredited schools of veterinary medicine, to a
3 total of 16;

4 (4) A total of 2 positions each year at the New
5 England College of Optometry, to a total of 8; and

6 (5) A total of 10 positions each year at the New
7 England College of Osteopathic Medicine, to a
8 total of 40.

9 B. The department shall not exceed the total number of
10 spaces, but may allocate the number of spaces at the
11 various institutions based on the spaces available for
12 the academic school years, the cost of securing the
13 student space, the number of applications and the pri-
14 mary care residency program needs.

15 3. Purchase of positions at medical schools after July
16 1, 1981. Money to purchase positions at medical schools may
17 be expended after July 1, 1981 as follows:

18 A. The Department of Educational and Cultural Services
19 may expend the money appropriated by the Legislature,
20 for the purchase of positions at accredited medical
21 schools to purchase:

22 (1) Up to 18 positions each year, to a total of
23 72 positions, at accredited schools of allopathic
24 medicine;

25 (2) Up to 2 positions each year, to a total of 8
26 positions, at accredited schools of dentistry;

27 (3) Up to 2 positions each year, to a total of 8
28 positions, at accredited schools of veterinary
29 medicine; and

30 (4) Up to one position each year, to a total of 4
31 positions, at accredited schools of optometry.

32 B. The department shall not exceed the total number of
33 spaces identified in this subsection for students com-
34 mencing their professional education on or after July
35 1, 1981, but may allocate the number of spaces at the
36 various institutions based on:

37 (1) The spaces available for the academic school
38 years;

1 (2) The cost of securing the student's space;

2 (3) The number of applications; and

3 (4) The primary care residency program needs.

4 §11806. Instate clinical education programs; development of
5 a plan

6 1. Return to practice in Maine. The commissioner
7 shall develop a plan which assures, to the extent practi-
8 cable, that contract students, or a similar number of out-
9 of-state medical school graduates, return to practice their
10 profession within the State, particularly in primary care in
11 underserved areas of the State. This plan shall be com-
12 pleted and presented to the Legislature and the Governor
13 before February 1st each year.

14 2. Plan. This plan shall include:

15 A. The development of a coordinated mechanism for the
16 administration of the compact;

17 B. The projected number of student spaces needed and
18 projected costs in all professional health fields;

19 C. Recommendations for the future need of this pro-
20 gram;

21 D. The development of sites for student clinical
22 training;

23 E. The percentage of the total amount expended for the
24 purchase of the space at the contract institutes that
25 will return with the student undertaking clinical edu-
26 cation in the State;

27 F. The development of incentives to practice in pri-
28 mary care and underserved areas; and

29 G. Recommendations for utilizing contract funds to
30 provide assistance to Maine residency programs.

31 3. Coordination. To avoid duplication in the under-
32 taking of this plan, the commissioner shall coordinate all
33 activities with other professional health agencies and orga-
34 nizations.

35 §11807. Advisory Committee on Medical Education

1 1. Committee. The Advisory Committee on Medical Edu-
2 cation shall assist the commissioner in developing the plan.

3 2. Members. The advisory committee shall consist of
4 15 members, who shall be appointed by the commissioner and
5 subject to approval by the committee having jurisdiction
6 over education. Membership of the advisory committee shall
7 include representatives from those health care agencies and
8 associations, public and private, whose activities are rele-
9 vant to the objectives of the plan, as determined by the
10 commissioner. Members shall be appointed for a 2-year term.

11 3. Vacancies. In the case of vacancies or resigna-
12 tions, appointments shall be made as for a new member to
13 fill the vacancies until the expiration of the terms.

14 §11808. Nonlapsing fund

15 Any unexpended money appropriated by the Legislature
16 under section 11805 shall not lapse, but shall be carried
17 forward to the following year to be expended by the depart-
18 ment for the purpose of purchasing positions at medical
19 schools. Moneys returned to the State shall be deposited in
20 a revolving account, to be expended for the purpose of pur-
21 chasing contract spaces at medical schools.

22 §11809. Annual review

23 The legislative committee having jurisdiction over
24 appropriations and financial affairs shall annually review
25 the program established under this chapter.

26 CHAPTER 423

27 LOANS FOR CANDIDATES FOR

28 PRACTICE OF OSTEOPATHIC MEDICINE

29 §12001. Purpose

30 1. Purpose. The purpose of this chapter is to provide
31 for persons who desire to practice osteopathic medicine in
32 this State.

33 2. Findings. The provision of financial assistance in
34 securing this type of higher education is an important
35 public purpose. Many qualified youth are deterred by finan-
36 cial considerations from securing this type of higher educa-
37 tion resulting in irreparable loss to the State in maintain-
38 ing the health of its residents.

1 §12002. State Osteopathic Loan Fund

2 1. Creation. The State Osteopathic Loan Fund shall be
3 used by the commissioner as a nonlapsing, revolving fund for
4 carrying out this chapter. The fund shall initially be in
5 the sum of \$40,000.

6 2. Continuity. The program shall be a continuing one.
7 The commissioner shall include in his biennial budget an
8 appropriate request adequate to fund the loan program.

9 3. Excess. Moneys in the fund, not needed currently
10 to meet the obligations under this chapter shall be depos-
11 ited with the Treasurer of State to the credit of the fund,
12 or may be invested in any manner provided for by statute.

13 §12003. Eligibility for loans

14 An applicant shall be eligible for a loan under this
15 chapter when the commissioner, after consultation with the
16 executive committee of the Maine Osteopathic Association,
17 finds that the applicant:

18 1. Residency. Has been a resident of this State for a
19 minimum of 3 years at any time prior to application;

20 2. Qualifications. Is attending or will immediately
21 attend an osteopathic college or university accredited by
22 the American Osteopathic Association;

23 3. Financial resources. Will, in the absence of a
24 loan, be deterred by financial considerations from beginning
25 or completing a course of study at an osteopathic college or
26 university; and

27 4. Return to Maine. Shows a genuine interest in
28 returning to this State to practice osteopathic medicine.

29 §12004. Repayment for pre-June 30, 1981 students

30 1. Agreement. A student commencing professional edu-
31 cation between September 1, 1977 and June 30, 1981, as a
32 condition of receiving a loan, shall enter into an agreement
33 with the State that the student, after the completion of an
34 internship, residency, obligated public health service or
35 Armed Forces' service, shall enter in the practice of
36 osteopathic medicine in this State and continue in that
37 practice for a period of one year for each \$2,000 of the
38 loan utilized.

1 2. Initial interest. The loan shall be granted to the
2 applicant with no interest or principal payments until one
3 year after he has ended his attendance at that osteopathic
4 college or university.

5 3. Breach of contract. If a recipient of a loan fails
6 to comply with the terms of the agreement with the State for
7 reasons other than death, the recipient shall immediately be
8 liable to the State for all loan payments received plus
9 interest on each payment at the rate of 6% each year com-
10 pounded semiannually.

11 4. Repayment process. If a recipient of a loan prac-
12 tices osteopathic medicine in a community in this State for
13 only a part of the total compensatory practice agreed upon,
14 the recipient shall be liable to the State only for the
15 amount granted under the loan plus interest at the rate of
16 6% each year compounded semiannually. This amount shall be
17 reduced by a credit at the rate of \$2,000 plus interest for
18 each year the recipient has actually practiced in the State.
19 The loan shall be repaid within 12 years of graduation.

20 §12005. Agreement for osteopathic loan students after
21 July 1, 1981

22 1. Agreement. Any osteopathic loan student commencing
23 professional education on or after July 1, 1981, shall, as a
24 condition precedent to receiving the loan, enter into an
25 agreement with the Commissioner of Educational and Cultural
26 Services stating that, following completion of professional
27 education, including internship, residency and obligated
28 public health service, the student shall pay the State an
29 amount of money equal to the loan received.

30 2. Repayment. This amount shall be payable at 9%
31 simple annual interest in not more than 10 annual equal
32 installments. These installment payments shall commence at
33 such time as the state contract student concludes profes-
34 sional education under rules promulgated by the commis-
35 sioner.

36 CHAPTER 425

37 NATIONAL DEFENSE EDUCATION PROGRAM

38 §12201. Acceptance of program

39 The State, having accepted the provisions and benefits
40 of the United States National Defense Education Act of 1958,

1 Public Law 85-864, shall observe and comply with that Act.

2 §12202. Custodian of funds

3 The Treasurer of State shall be the custodian of all
4 moneys received by the State from the Federal Government for
5 administration, supervision and assistance to subdivisions
6 of the State, in the expansion and improvement of educa-
7 tional programs. The treasurer may receive and provide for
8 the proper custody of moneys and make disbursements on the
9 order of the commissioner.

10 §12203. State agency

11 The state board shall be the sole state agency to ad-
12 minister and supervise national defense activities under the
13 United States National Defense Education Act of 1958, Public
14 Law 85-864. Subject to the approval of the state board, its
15 executive officer:

16 1. Rules. May make rules subject to section 3;

17 2. Agreements. Shall enter into agreements with state
18 and federal agencies providing educational services related
19 to national defense; and

20 3. Plans. Shall prepare, issue and amend state plans
21 for the administration of titles of the Act requiring state
22 plans.

23 §12204. Appropriation

24 The state board may accept federal and other funds made
25 available for purposes of education, and may cooperate with
26 the United States Department of Health and Human Services in
27 carrying out the United States Defense Education Act of
28 1958, Public Law 85-864, and other federal programs as may
29 concern the expansion or improvement of educational programs
30 to meet national needs.

31 CHAPTER 427

32 NORTH AMERICAN INDIAN SCHOLARSHIPS

33 §12401. Definitions

34 As used in this chapter, unless the context otherwise
35 indicates, the following terms have the following meanings.

1 1. North American Indians residing in Maine. "North
2 American Indians residing in Maine" means those persons:

3 A. Whose names are included on the current tribal cen-
4 sus of either the Passamaquoddy Tribe or Penobscot
5 Nation; or

6 B. Who are members of the Maliseet and Micmac Tribes
7 and:

8 (1) Individually prove 1/4 Indian blood; and

9 (2) Have resided in this State during 5 consecu-
10 tive years immediately preceding their application
11 for a scholarship.

12 2. Properly accredited institutions. "Properly ac-
13 credited institutions" means secondary and post-secondary
14 institutions of learning which are:

15 A. Approved or accredited by the Department of Educa-
16 tion of the state in which they are located;

17 B. Approved or accredited by a regional association of
18 secondary schools and colleges; or

19 C. Approved for payment of tuition by the United
20 States Veterans' Administration.

21 §12402. Scholarship fund

22 The North American Indian Scholarship Fund shall assist
23 North American Indians residing in this State to obtain a
24 secondary or post-secondary education, or both, from prop-
25 erly accredited institutions.

26 §12403. Committee

27 1. Purpose. The Indian Scholarship Committee may
28 approve grants under this chapter.

29 2. Composition. The Indian Scholarship Committee
30 shall be composed as follows:

31 A. The superintendent of schools of Maine Indian edu-
32 cation;

33 B. One representative of the Passamaquoddy Tribe at
34 Indian Township chosen by the tribal council;

1 C. One representative of the Passamaquoddy Tribe at
2 Pleasant Point chosen by the tribal council;

3 D. Two representatives of the Penobscot Nation, chosen
4 by the tribal council of the Penobscot Nation;

5 E. Two representatives of the Association of Aroostook
6 Indians, Inc., chosen by the board of directors of the
7 Association of Aroostook Indians, Inc.;

8 F. Two representatives of Central Maine Indian Associ-
9 ation, Inc., one Micmac and one Maliseet, chosen by the
10 board of directors of the Central Maine Indian Associa-
11 tion, Inc.; and

12 G. A representative of the Chancellor of the Univer-
13 sity of Maine.

14 3. Term of service. The term shall be for one, 2 or 3
15 years, as determined by the appointing authority.

16 4. Acceptance of funds. The committee may accept
17 funds for scholarships.

18 §12404. Application

19 A student meeting the requirements of properly accred-
20 ited institutions may apply for a grant, not exceeding
21 \$3,000 a year, for the purpose of paying his tuition, room,
22 board, books and other costs of attending that institution.

23 §12405. Institutional grant

24 An institution that enrolls a grant recipient may apply
25 for a grant, not to exceed \$1,000 per enrolled grant recip-
26 ient, to establish and conduct a program of support services
27 for the grant recipient.

28 §12406. Grant limitation

29 If funds are available from the Federal Bureau of
30 Indian Affairs, a grant may not be given to any Penobscot or
31 Passamaquoddy student or to any institution when the student
32 is enrolled in a 4-year post-secondary degree-granting pro-
33 gram. This limitation shall not apply to Micmac or Maliseet
34 Indians who are not eligible for Federal Bureau of Indian
35 Affairs Scholarship assistance.

36 PART 6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

TEACHERS

CHAPTER 501

CERTIFICATION AND REGISTRATION OF TEACHERS

§13001. Duties of the state board

1. Policy for certification. The state board shall establish policies under which the commissioner may:

A. Certify teachers and other professional personnel for service in a public school or in an approved private school;

B. Certify adult education teachers and other teaching and professional personnel in publicly supported educational programs other than those in the public schools, post-high school institutions, colleges and universities;

C. Approve the employment of teacher aides, teacher assistants or other semiprofessional personnel for service in schools;

D. Seek a revocation of a certificate in the Administrative Court; and

E. The state board may adopt rules to carry out this subsection.

2. Specific policies. The policies established by the state board shall include:

A. The interstate agreement in chapter 511; and

B. The requirement that:

(1) All applicants furnish evidence of good moral character; and

(2) Applicants for elementary school teaching furnish evidence of training in physiology and hygiene, with special reference to the effects of alcohol stimulants and narcotics upon the human system.

3. Persons holding certificates from other states. Certificates may be granted to persons holding certificates granted by authority of other states.

1 4. Renewal of certification; permits and special
2 licenses. Certification permits and special licenses shall
3 be renewed as follows.

4 A. The renewal of a teaching certificate shall be con-
5 ditional on the completion of at least 6 hours of pro-
6 fessional study within each period of 5 years.

7 B. The following teachers may be declared eligible for
8 a 10-year term certificate, renewal of which is condi-
9 tional on the presentation of evidence of professional
10 improvement acceptable to the commissioner:

11 (1) Teachers qualifying for standard grade cer-
12 tificates, completing 18 credit hours of
13 post-baccalaureate study, and teaching success-
14 fully for not less than 4 years; and

15 (2) Certified teachers who have taught success-
16 fully for not less than 25 years.

17 §13002. Duties of the commissioner

18 The commissioner shall carry out the duties assigned by
19 the state board under the policies and rules established
20 under section 13001.

21 §13003. Mandatory certification; penalty

22 1. Certification. A person must be certified by the
23 commissioner under section 13002 in order to:

24 A. Teach in any public elementary or secondary school
25 in the State; or

26 B. Teach in any private school receiving basic
27 approval under section 2901.

28 2. Penalty. A person who teaches in a public school
29 without first obtaining a teacher's certificate shall be
30 barred from receiving pay or wages for that teaching. The
31 person shall forfeit to the school administrative unit the
32 amounts received as wages for this teaching.

33 3. Exception. This section does not apply to teachers
34 in secondary schools approved under section 2901, subsection
35 2, paragraph A.

36 4. Rules. The state board may adopt rules to carry
37 out this section.

1 §13004. List of persons certified; records confidential

2 1. Records. The commissioner shall keep a list of
3 certified teachers. This list shall be a public record.
4 The commissioner shall send copies of the list to school
5 boards and superintendents on their request.

6 2. Records confidential. Transcripts, recommendations
7 and other documents submitted in support of an application
8 for certification and maintained in the office of the com-
9 missioner shall be confidential. They may only be made
10 available to the following:

11 A. School boards and superintendents;

12 B. Authorized personnel of the department in fulfill-
13 ing assigned duties; and

14 C. Individuals and their representatives who request
15 to examine their own records.

16 3. Duplication costs. Individuals requesting copies
17 of their records shall bear the costs of copying them.

18 4. Rules. The state board may adopt rules to carry
19 out this section.

20 §13005. Registration; list furnished; fee

21 1. Application. A person eligible to receive or hold-
22 ing a state teacher's certificate, may register as a candi-
23 date for employment as a teacher in the public schools on
24 application to the commissioner and payment of \$5. The com-
25 missioner may prescribe the manner of the application.

26 2. Providing information. On request, the commis-
27 sioner shall furnish:

28 A. Information relative to registered persons to
29 school boards or superintendents; and

30 B. Information relative to vacancies in positions in
31 public schools to registered persons.

32 3. Responsibility of commissioner. The commissioner
33 or a person employed under the commissioner's direction may
34 not be held responsible for, nor be understood to vouch for,
35 the fitness or success of a teacher who may secure a posi-
36 tion in a public school through the operation of this

1 section. The acceptance of this enrollment and the payment
2 of the required fee may not be construed as a guarantee for
3 securing employment as a teacher.

4 4. Fee. The fee shall entitle registration for one
5 year.

6 §13006. Clerical assistance; disposition of fees

7 1. Rules. The commissioner may adopt or amend rules
8 for carrying out section 13004 and for obtaining information
9 required as to the experience, qualifications and character
10 of persons seeking employment as teachers. A teacher may be
11 eligible for consideration for employment only so long as
12 the teacher complies with these rules.

13 2. Accounting. The commissioner shall:

14 A. Collect and give a receipt for all registration
15 fees; and

16 B. Report and pay these fees to the Treasurer of
17 State. These fees shall be credited to the General
18 Fund.

19 3. Clerical assistants. The commissioner may employ
20 clerical and other assistants, subject to the Personnel Law.
21 They shall perform their duties under the general super-
22 vision of the commissioner.

23 CHAPTER 503

24 TEACHER EMPLOYMENT

25 §13201. Nomination and election of teachers; teacher con-
26 tracts

27 The superintendent shall nominate all teachers, subject
28 to such regulations governing salaries and the qualifica-
29 tions of teachers as the school board shall make. Upon the
30 approval of nominations, by the school board, the superin-
31 tendent may employ teachers so nominated and approved for
32 such terms as the superintendent may deem proper, subject to
33 the approval of the school board. In case the superinten-
34 dent of schools and the school committee or school directors
35 fail to legally elect a teacher, the commissioner shall have
36 the authority to appoint a substitute teacher who shall
37 serve until such election is made.

1 In assigning salaries to teachers of public schools,
2 discrimination may not be made between male and female
3 teachers with the same training and experience employed in
4 the same grade or performing the same kinds of duties.

5 §13402. Minimum salaries

6 1. Minimum salary schedule. A school administrative
7 unit shall pay those teachers, except substitute teachers as
8 defined by the commissioner, the following minimum salaries.

<u>Years of</u>	<u>Certified</u>	<u>Teachers</u>	<u>Teachers</u>	<u>Teachers</u>	<u>Teachers</u>
<u>teaching</u>	<u>teachers</u>	<u>with</u>	<u>with</u>	<u>with</u>	<u>with an</u>
<u>experience</u>		<u>3 years of</u>	<u>4 years of</u>	<u>study beyond</u>	<u>with an</u>
		<u>professional</u>	<u>study beyond</u>	<u>high school</u>	<u>earned</u>
		<u>study beyond</u>	<u>high school</u>	<u>and with a</u>	<u>master's</u>
		<u>high school</u>		<u>bachelor's</u>	<u>degree</u>
				<u>degree</u>	<u>degree</u>
17	0	\$3,500	\$4,000	\$5,000	\$5,300
18	1	3,600	4,200	5,200	5,500
19	2	3,700	4,400	5,400	5,700
20	3	3,800	4,600	5,700	6,100
21	4	3,900	4,800	6,100	6,500
22	5	4,000	5,000	6,500	6,900
23	6	4,100	5,200	6,700	7,100
24	7	4,200	5,400	6,900	7,300
25	8	4,300	5,600	7,100	7,500
26	9	4,400	5,800	7,300	7,700
27	10	4,500	6,000	7,500	8,000

28 2. Increase. Notwithstanding other provisions of this
29 section, a school administrative unit may not be required to
30 increase the salary of any teacher more than \$500 in one
31 school year.

32 3. Substitute teachers. Substitute teachers with 4
33 years of study beyond high school and with a bachelor's
34 degree and a teacher's certificate and substitute teachers
35 who have retired after a minimum of 15 years of teaching
36 shall be compensated at the rate of not less than \$20 for
37 each day of service.

38 4. Annuity contract premiums. Money paid by a school
39 administrative unit as a premium for an annuity contract for
40 the benefit of an employee shall, for purposes of minimum
41 salaries for teachers, be considered part of that employee's
42 salary.

1 A school administrative unit shall grant a certified
2 teacher, except a substitute teacher as defined by the com-
3 missioner, leave of absence without pay and without forfei-
4 ture of continuing contract status and other accumulated
5 benefits to fulfill the duties of a Legislator, provided
6 that the teacher provides a written notice of intent to
7 become a candidate for the Legislature at the time teacher
8 contracts are issued.

9 §13603. Military leave of absence of teachers

10 Teachers who are members of the National Guard or other
11 authorized state military or naval forces, and those teach-
12 ers who are members of the Army, Air Force, Marines, Coast
13 Guard or Naval Reserve may take a leave of absence from
14 their respective duties, without net loss of income during
15 periods of annual training not to exceed 17 calendar days in
16 any calendar year as specified under the National Defense
17 Act or Armed Forces Reserve Act of 1952, provided that the
18 teachers have made every reasonable effort to perform their
19 annual training during the period when school is not in
20 session.

21 §13604. Sabbatical leave

22 To increase the efficiency of the public schools and to
23 permit teachers, principals or other persons to pursue a
24 further course of study or to travel to be better qualified
25 by education and culture for the position they hold in the
26 schools, school boards may grant to any teacher, principal
27 or other person regularly employed by them a leave of ab-
28 sence for a period of not to exceed one year and for not
29 more than half pay. A leave of absence may be granted only
30 after 7 years and under those conditions and rules deter-
31 mined by the school board.

32 CHAPTER 509

33 MISCELLANEOUS

34 §13801. Residency requirement; collective bargaining

35 If an administrative unit engages in collective bar-
36 gaining as required in Title 26, then it shall not enact any
37 ordinance which requires employees to reside within the
38 boundaries of the unit as a condition for employment. A
39 collective bargaining agreement may include a residency re-
40 quirement for persons not yet employed at the time the
41 agreement becomes effective. If an administrative unit does

1 not engage in collective bargaining as required in Title 26,
2 then any ordinance it enacts which requires employees to
3 reside within the boundaries of the unit shall not apply to
4 persons already employees at the time the regulation becomes
5 effective.

6 CHAPTER 511

7 INTERSTATE AGREEMENT ON QUALIFICATIONS OF

8 EDUCATIONAL PERSONNEL

9 SUBCHAPTER I

10 AGREEMENT

11 §13901. Purpose, findings and policy - Article I

12 1. Purpose. The states party to this agreement,
13 desiring by common action to improve their respective school
14 systems by utilizing the teacher or other professional edu-
15 cational person wherever educated, declare that it is the
16 policy of each of them, on the basis of cooperation with one
17 another, to take advantage of the preparation and experience
18 of such persons wherever gained, thereby serving the best
19 interests of society, of education and of the teaching
20 profession. It is the purpose of this agreement to provide
21 for the development and execution of such programs of
22 cooperation as will facilitate the movement of teachers and
23 other professional educational personnel among the states
24 party to it, and to authorize specific interstate educa-
25 tional personnel contracts to achieve that end.

26 2. Findings. The party states find that included in
27 the large movement of population among all sections of the
28 nation are many qualified educational personnel who move for
29 family and other personal reasons but who are hindered in
30 using their professional skill and experience in their new
31 locations. Variations from state to state in requirements
32 for qualifying educational personnel discourage such person-
33 nel from taking the steps necessary to qualify in other
34 states. As a consequence, a significant number of profes-
35 sionally prepared, and experienced educators is lost to our
36 school systems. Facilitating the employment of qualified
37 educational personnel, without reference to their states of
38 origin, can increase the available educational resources.
39 Participation in this compact can increase the availability
40 of educational manpower.

1 §13902. Definitions - Article II

2 As used in this agreement and contracts made pursuant
3 to it, unless the context clearly requires otherwise:

4 1. Accept. "Accept," or any variant thereof, means to
5 recognize and give effect to one or more determinations of
6 another state relating to the qualifications of educational
7 personnel in lieu of making or requiring a like determina-
8 tion that would otherwise be required by or pursuant to the
9 laws of a receiving state.

10 2. Designated state official. "Designated state offi-
11 cial" means the education official of a state selected by
12 that state to negotiate and enter into, on behalf of his
13 state, contracts pursuant to this agreement.

14 3. Educational personnel. "Educational personnel"
15 means persons who must meet requirements pursuant to state
16 law as a condition of employment in educational programs.

17 4. Originating state. "Originating state" means a
18 state, and the subdivision thereof, if any, whose determina-
19 tion that certain educational personnel are qualified to be
20 employed for specific duties in schools is acceptable in ac-
21 cordance with the terms of a contract made pursuant to Arti-
22 cle III.

23 5. Receiving state. "Receiving state" means a state,
24 and the subdivisions thereof, which accept educational per-
25 sonnel in accordance with the terms of a contract made pur-
26 suant to Article III.

27 6. State. "State" means a state, territory or posses-
28 sion of the United States, the District of Columbia or the
29 Commonwealth of Puerto Rico.

30 §13903. Interstate educational personnel contracts - Arti-
31 cle III

32 1. Contracts. The designed state official of a party
33 state may make one or more contracts on behalf of that state
34 with one or more other party states providing for the accep-
35 tance of educational personnel. Any such contract for the
36 period of its duration shall be applicable to and binding on
37 the state whose designated state officials enter into it,
38 and the subdivisions of those states, with the same force
39 and effect as if incorporated in this agreement. A desig-
40 nated state official may enter into a contract pursuant to

1 this Article only with states in which the official finds
2 that there are programs of education, certification stan-
3 standards or other acceptable qualifications that assure pre-
4 paration or qualification of educational personnel on a
5 basis sufficiently comparable, even though not identical to
6 that prevailing in that official's own state.

7 2. Provisions. Any such contract shall provide for:

8 A. Its duration;

9 B. The criteria to be applied by an originating state
10 in qualifying educational personnel for acceptance by
11 a receiving state;

12 C. Such waivers, substitutions and conditional accep-
13 tances as shall aid the practical effectuation of the
14 contract without sacrifice of basic educational stan-
15 dards;

16 D. Any other necessary matters.

17 3. Term. No contract made pursuant to this agreement
18 shall be for a term longer than 5 years but any such con-
19 tract may be renewed for like or lesser periods.

20 4. Acceptance. Any contract dealing with acceptance
21 of educational personnel on the basis of their having com-
22 pleted an educational program shall specify the earliest
23 date or dates on which originating state approval of the
24 program or programs involved can have occurred. No contract
25 made pursuant to this agreement shall require acceptance by
26 a receiving state of any persons qualified because of suc-
27 cessful completion of a program prior to January 1, 1954.

28 5. Revocation or suspension. The certification or
29 other acceptance of a person who has been accepted pursuant
30 to the terms of a contract shall not be revoked or otherwise
31 impaired because the contract has expired or been termi-
32 nated. However, any certificate or other qualifying docu-
33 ment may be revoked or suspended on any ground which would
34 be sufficient for revocation or suspension of a certificate
35 or other qualifying document initially granted or approved
36 in the receiving state.

37 6. Review. A contract committee composed of the des-
38 ignated state officials of the contracting states or their
39 representatives shall keep the contract under continuous
40 review, study means of improving its administration and

1 report no less frequently than once a year to the heads of
2 the appropriate education agencies of the contracting
3 states.

4 §13904. Accepted and approved programs - Article IV

5 1. Training requirements. To the extent that con-
6 tracts made pursuant to this agreement deal with the academ-
7 ic or other educational training requirements for the proper
8 qualification of educational personnel, the principles set
9 forth in this Article shall govern.

10 2. Effect of approval. The approval, by the appropri-
11 ate state or local authorities pursuant to the laws of a
12 sending state, of a program of educational training shall
13 have such effect on the qualification of educational person-
14 nel within that state as its laws provide.

15 3. Acceptance. Acceptance of a program of educational
16 preparation or training for purposes of this agreement shall
17 be in accordance with such procedures and requirements as
18 may be provided in the applicable contract.

19 §13905. Interstate cooperation - Article V

20 The party states agree that:

21 1. Multi-lateral contracts. They will, so far as
22 practicable, prefer the making of multi-lateral contracts
23 pursuant to Article III of this agreement.

24 2. Cooperation. They will facilitate and strengthen
25 cooperation in interstate certification and other elements
26 of educational personnel qualification and for this purpose
27 shall cooperate with agencies, organizations and associa-
28 tions interested in certification and other elements of edu-
29 cational personnel qualification.

30 §13906. Agreement evaluation - Article VI

31 The designated state officials of any party state may
32 meet from time to time as a group to evaluate progress under
33 the agreement, and to formulate recommendations for changes.

34 §13907. -other arrangements - Article VII

35 Nothing in this agreement shall be construed to prevent
36 or inhibit other arrangements or practices of any party
37 state or states to facilitate the interchange of educational
38 personnel.

1 §13908. Effect and withdrawal - Article VIII

2 1. Effective. This agreement shall become effective
3 when enacted into law by 2 states. Thereafter it shall
4 become effective as to any state upon its enactment of this
5 agreement.

6 2. Withdrawal. Any party state may withdraw from this
7 agreement by enacting a statute repealing the same, but no
8 such withdrawal shall take effect until one year after the
9 Governor of the withdrawing state has given notice in writ-
10 ing of the withdrawal to the governors of all other party
11 states.

12 3. Obligations. No withdrawal shall relieve the with-
13 drawing state of any obligation imposed upon it by a con-
14 tract to which it is a party. The duration of contracts and
15 the methods and conditions of withdrawal therefrom shall be
16 those specified in their terms.

17 §13909. Construction and severability - Article IX

18 This agreement shall be liberally construed so as to
19 effectuate the purposes thereof. The provisions of this
20 agreement shall be severable and if any phrase, clause, sen-
21 tence or provision of this agreement is declared to be con-
22 trary to the Constitution of any state or of the United
23 States, or the application thereof to any government,
24 agency, person or circumstance is held invalid, the validity
25 of the remainder of this agreement and the applicability
26 thereof to any government, agency, person or circumstance
27 shall not be affected thereby. If this agreement shall be
28 held contrary to the Constitution of any state participating
29 therein, the agreement shall remain in full force and effect
30 as to the state affected as to all severable matters.

31 SUBCHAPTER II

32 PROVISIONS RELATING TO COMPACT

33 §13951. Designated state official

34 The commissioner shall be the "designated state offi-
35 cial" for this State and may enter into contracts pursuant
36 to Article III of the agreement only with the approval of
37 the specific text thereof by the state board.

38 §13952. True copies files

1 aggregate at- positions in
2 tendence of all the schools
3 secondary
4 school pupils

5 B. If a teaching position is maintained for only part
6 of a school year, it shall be counted as follows:

7 teaching position number of weeks the
8 count position is maintained
9 =
10 total number of weeks
11 the schools in the town
12 were maintained

13 4. Pupil. "Pupil" means elementary or secondary
14 school student.

15 §15002. Permanent school fund

16 1. Definition. As used in this section unless the
17 context indicates otherwise, the following terms have the
18 following meanings.

19 A. School lands are lands which were set aside for
20 school purposes in unincorporated areas by the Common-
21 wealth of Massachusetts in 1788 and subsequently ad-
22 dressed by the Laws of Maine, 1831, Public Laws chapter
23 492.

24 B. Permanent school fund:

25 (1) Shall be the moneys derived from the sale,
26 lease or other use of school lands; and

27 (2) May include other moneys appropriated or
28 given to a permanent school fund for school pur-
29 poses.

30 2. Trustee of fund. The lands or funds shall be:

31 A. Managed by a board of trustees in a town incorpo-
32 rated since 1788. The board shall be composed of the
33 selectmen, treasurer and clerk of the town; or

34 B. Managed by a land agent appointed by the State.

35 The Treasurer of State shall keep a separate account of
36 all moneys paid into the State Treasury and shall

1 invest the money in securities which are legal invest-
2 ments for savings banks under Title 9.

3 3. Use of funds. Funds shall be used as follows.

4 A. The interest from the school fund shall be exclu-
5 sively used for school purposes.

6 B. The commissioner may use the interest from the
7 funds under state control for the purpose of surveying
8 school systems and developing school plans. The allo-
9 cations shall not exceed 1/2 the cost of the surveys or
10 plans.

11 §15003. School fiscal year

12 Notwithstanding any statute or charter provision to the
13 contrary, a school administrative unit shall annually adopt
14 a school budget for a period beginning on July 1st and
15 ending on June 30th.

16 §15004. Unexpended balances

17 The unexpended balance of all moneys raised by a school
18 administrative unit, received: From the State for
19 general-purpose aid or for other educational programs; from
20 the Federal Government directly or from the Federal Govern-
21 ment through the State; from tuition payments made by other
22 units, the State, or by individuals; and other receipts for
23 school purposes shall be carried forward and credited to the
24 unit for educational programs for the ensuing year.

25 §15005. Apportionments

26 1. Apportionments. Apportionments to school adminis-
27 trative units and private schools, unless specifically
28 directed by statute, shall be made annually commencing in
29 July in the following manner. An amount not to exceed 1/12
30 of the subsidy shall be paid each month no later than the
31 last day of the month. Any balance shall be paid in the
32 last month of the annual period.

33 2. Vocational centers. Payments may be made to voca-
34 tional centers at the times and in the amounts as the com-
35 missioner may authorize.

36 3. Return required. An apportionment provided in this
37 chapter, chapters 109, 205, 505 and 605, and section 13601,
38 and Title 20, section 3457, may not be paid to a school

1 administrative unit by the Treasurer of State until returns
2 required by law have been filed with the commissioner.

3 4. Failure to file return. When the information re-
4 quired by the chapters and sections listed in subsection 3
5 is not available because of the failure of the school admin-
6 istrative unit, through its officers, to make the returns re-
7 quired by law, or because of the loss or destruction of the
8 school records of the unit, the commissioner may use a basis
9 for apportionment numbers on which the apportionment for the
10 unit was made for the preceding year less 10%.

11 CHAPTER 603

12 FEDERAL AID

13 §15301. State acceptance of federal constructions aid laws

14 The State may accept an Act of Congress providing for
15 financial assistance to states for the construction of
16 school facilities or other similar purposes. If accepted,
17 the State shall comply with the provisions of the Act of
18 Congress, including regulations published by the United
19 States Department of Education under the Act which have the
20 force of law when published in the Federal Register.

21 §15302. State board as state agency

22 The state board shall be the sole agency for adminis-
23 tering funds allotted under a federal act providing for
24 financial assistance in the operation and constructions of
25 school facilities, including higher educational facilities.
26 It may certify to the United States Department of Education
27 information necessary to entitle the State to receive the
28 benefits of the Act. The state board may elect that a por-
29 tion of a federal allotment be in the form of the commitment
30 by the Federal Government to make payments of interest and
31 principal on debts of local agencies for the construction of
32 school facilities or other similar purpose.

33 §15303. Treasurer of State as custodian

34 The Treasurer of State shall be custodian for moneys
35 received by the State from appropriations allotted under the
36 authority of a federal act providing for financial assis-
37 tance for constructing school facilities or other similar
38 purpose. The Treasurer of State may receive and provide for
39 the proper custody of these funds and make disbursements
40 from them on the order of the state board, its executive
41 officer or other legal authority.

1 §15304. Appropriations authorized

2 Where federal law requires matching by state funds, the
3 state board may estimate the appropriations necessary to
4 comply with the requirements of the federal law and include
5 those estimates in the budget request of the department for
6 appropriations to be made by the Legislature.

7 1. No obligation. Nothing in this chapter may be con-
8 strued as obligating the State to make these appropriations
9 if the Legislature, in its judgment, shall deem it in the
10 best interest of the State not to make such appropriations
11 and to waive any allotments of federal funds the allotment
12 of which is contingent upon state appropriations.

13 2. Local funds. To the maximum extent possible under
14 a federal act, school construction assistance presently
15 authorized and paid under Title 20, section 3457 shall be
16 considered as state funds used to match federal funds.

17 CHAPTER 605

18 THE SCHOOL FINANCE ACT

19 §15501. Short title

20 This chapter may be cited as the "School Finance Act."

21 §15502. Intent

22 1. Contributions from General Fund. It is the intent
23 of the Legislature to provide at least 50% of the cost of
24 the basic educational allocation from General Fund revenue
25 sources or a percentage no less than that provided in the
26 year prior to the year of allocation, whichever is greater.

27 2. Amount of basic educational allocation. It is the
28 intent of the Legislature that the basic educational alloca-
29 tion for elementary and secondary operating costs, as annu-
30 ally established by the Legislature, shall be an amount suf-
31 ficient to meet the level of the costs in the year prior to
32 the year of allocation.

33 3. Transportation costs for nonprofit private schools.
34 It is the intent of the Legislature to reduce the trans-
35 portation costs incurred on behalf of the nonprofit private
36 schools in this State by reducing those costs to the extent
37 and in the manner permitted by section 15510, subsection 6.

1 §15503. Definitions

2 As used in this chapter, unless the context otherwise
3 indicates, the following terms have the following meanings.

4 1. Actual education costs. "Actual education costs"
5 means the state and local expenditures during the base year
6 for the programs and adjustments specified in section 15504.

7 2. Average elementary per pupil operating costs.
8 "Average elementary per pupil operating costs" means the
9 costs computed by dividing elementary operating costs for
10 the base year by the average number of resident elementary
11 pupils on October 1st and April 1st in the base year.

12 Special education students for whom tuition is paid in pro-
13 grams approved by the commissioner shall not be counted nor
14 otherwise included in determining the average elementary per
15 pupil operating costs.

16 3. Average secondary per pupil operating costs.
17 "Average secondary per pupil operating costs" means the
18 costs computed by dividing secondary operating costs for the
19 base year by the average number of resident secondary pupils
20 on October 1st and April 1st in the base year.

21 A. Special education students for whom tuition is paid
22 in programs approved by the commissioner shall not be
23 counted nor otherwise included in determining the aver-
24 age secondary per pupil operating costs.

25 B. A student graduating from grade 12 during the base
26 year prior to April 1st shall be counted as though he
27 were in attendance on April 1st of that year.

28 4. Base year. "Base year" means the 2nd year prior to
29 the year of allocation of funds.

30 5. Basic education allocation. "Basic education allo-
31 cation" means the total amount of the state-local allocation
32 for the following programs:

33 A. Elementary operating costs;

34 B. Secondary operating costs;

35 C. Special education programs operated by the school
36 administrative unit;

1 D. Special education tuition and board, excluding med-
2 ical costs, for pupils placed by the school administra-
3 tive unit;

4 E. Vocational education;

5 F. Transportation; and

6 G. Debt service.

7 6. Basic education appropriation. "Basic education
8 appropriation" means the amount appropriated from General
9 Fund revenue sources for all public education programs
10 established by the Legislature under section 15507.

11 7. Basic elementary per pupil operating rate. "Basic
12 elementary per pupil operating rate" means the rate estab-
13 lished by the Legislature in section 15507, subsection 1.

14 8. Basic secondary per pupil operating rate. "Basic
15 secondary per pupil operating rate" means the rate estab-
16 lished by the Legislature in section 15507, subsection 2.

17 9. Debt service costs. "Debt service costs," for sub-
18 sidy purposes, includes:

19 A. Principal and interest costs for approved major
20 capital projects;

21 B. The portion of the tuition costs applicable to the
22 insured value factor computed under section 5806; and

23 C. Lease costs for school buildings when the leases
24 have been approved by the commissioner.

25 10. Elementary grades. "Elementary grades" includes a
26 childhood educational program, as defined by section 5201,
27 through grade 8.

28 11. Institutional resident. "Institutional resident"
29 means a person between the ages of 5 and 20 who is attending
30 a public school of the school administrative unit and who is
31 committed or otherwise legally admitted to, and residing at,
32 a state-operated institution. It shall not include students
33 attending private facilities, regardless of the means of
34 placement.

35 12. Local allocation. "Local allocation" means a
36 school administrative unit's portion of the state-local
37 allocation.

1 13. Major capital costs. "Major capital costs" means
2 costs relating to school construction projects as defined in
3 section 15901.

4 14. Minor capital costs. "Minor capital costs" means
5 costs relating to maintenance of plant and minor remodeling
6 and site development not in conjunction with a construction
7 project.

8 A. Minor capital costs shall not include construction
9 of new buildings or the purchase of land.

10 B. Funds expended to repay funds borrowed for mainte-
11 nance of plant and minor remodeling shall be considered
12 minor capital costs in the year which these funds are
13 repaid.

14 15. Municipality. "Municipality" includes cities,
15 towns and organized plantations.

16 16. Operating costs. Except as listed in this subsec-
17 tion, "operating costs" includes all costs minus applicable
18 tuition receipts. It includes minor capital costs. The
19 following costs shall not be included as "operating costs:"

20 A. Transportation costs;

21 B. Community service costs;

22 C. Major capital costs;

23 D. Debt service costs;

24 E. Expenditures from all federal revenue sources
25 except for amounts received under Public Law 874;

26 F. Special education costs in subsection 19;

27 G. Vocational education costs in subsection 24; and

28 H. Costs of maintaining:

29 (1) The Governor Baxter State School for the
30 Deaf;

31 (2) The Maine Youth Center; and

32 (3) Schools in the unorganized territories as de-
33 defined in section 3201.

1 17. State allocation percentage. "State allocation
2 percentage," for all programs contained in the basic educa-
3 tion allocation, means the rate computed by dividing the
4 state allocation by the state-local allocation, expressed as
5 a percentage.

6 18. Secondary grades. "Secondary grades" means grades
7 9 through 12.

8 19. Special education costs. "Special education
9 costs," for subsidy purposes, includes:

10 A. The costs of certified professionals, assistants
11 and aides or persons contracted to perform a special
12 education service;

13 B. The costs of tuition and board to other schools for
14 programs which have been approved by the commissioner;
15 and

16 C. The cost of programs for gifted and talented stu-
17 dents which have been approved by the commissioner.

18 20. State allocation. "State allocation" means the
19 amount allocated from General Fund revenue sources to fund
20 the state's portion of the state-local allocation.

21 21. State-local allocation. "State-local allocation"
22 means the total amount allocated to a school administrative
23 unit during the year of allocation for the programs and ad-
24 justments computed in sections 15508 and 15509. A
25 state-local allocation shall include a school administrative
26 unit's share of vocational region debt service, if any.

27 22. State-operated institution. "State-operated
28 institution" means any residential facility or institution
29 which is operated by the Department of Mental Health and
30 Mental Retardation.

31 23. Subsidy index. "Subsidy index" means the equiva-
32 lent of a mill rate which, if applied to the state valuation
33 of all municipalities and as limited by section 15511, sub-
34 section 1, paragraph C, would raise not more than 50% of the
35 basic education allocation.

36 This index may not be levied but shall be used for the pur-
37 pose of computed allocations.

1 24. Vocational education costs. "Vocational education
2 costs," for subsidy purposes, means all costs incurred by
3 the vocational regions, centers or satellites, in providing
4 approved secondary school vocational education programs as
5 defined in section 8305, subsection 3.

6 25. Year. "Year" means a fiscal year starting July
7 1st and ending June 30th of the succeeding year.

8 §15504. Notification of actual education costs; other
9 information; mandatory reports; audit adjustments

10 1. Notification; items. Prior to December 1st of each
11 year, the commissioner shall notify the Legislature and the
12 Bureau of the Budget of actual education costs. This noti-
13 fication shall include the following items:

14 A. Elementary operating costs;

15 B. Secondary operating costs;

16 C. Special education costs for programs operated by
17 school administrative units;

18 D. Special education tuition and board, excluding med-
19 ical costs, defined as follows:

20 (1) Tuition and board for pupils placed by school
21 administrative units;

22 (2) Tuition and board for pupils placed directly
23 by the State in accordance with rules adopted or
24 amended by the commissioner;

25 (3) Special education tuition and other tuition
26 for institutional residents of state-operated
27 institutions attending programs in school adminis-
28 trative units in accordance with rules adopted or
29 amended by the commissioner; and

30 (4) Adjustment under section 15509, subsection 6;

31 E. Vocational education costs;

32 F. Transportation costs;

33 G. Debt service costs;

34 H. Costs of unusual enrollment adjustments;

1 I. Costs of geographic isolation adjustments;

2 J. Costs of adjustments for small school administra-
3 tive units;

4 K. Costs of reimbursement for private school services;

5 L. Audit adjustments;

6 M. Local and state funds raised under section 15511,
7 subsection 3;

8 N. Local funds raised under section 15512; and

9 O. Cost of state expenditures for teachers' retirement
10 benefits.

11 2. Additional information. The commissioner shall
12 provide additional information requested by the Legislature.

13 3. Required reports; subsidy payments withheld. A
14 school administrative unit shall provide the commissioner
15 with information the commissioner requests to carry out the
16 purposes of this chapter, according to time schedules which
17 the commissioner shall establish.

18 The commissioner may withhold monthly subsidy payments from
19 a school administrative unit when information is not filed
20 within specified time schedules.

21 4. Audit adjustments. The commissioner may correct
22 errors revealed by audit in a school administrative unit
23 when compiling actual education costs.

24 §15505. Commissioner's recommendation for funding levels;
25 computation; guidelines

26 1. Annual certification. Prior to December 15th of
27 each year, the commissioner, with the approval of the state
28 board, shall certify to the Bureau of the Budget the funding
29 levels the commissioner recommends for section 15504, sub-
30 section 1, paragraphs A to L, and for the state's maximum
31 obligation under section 15511, subsection 3.

32 2. Funding level computations. The following are
33 funding level computations.

1 A. The requested funding levels of section 15504, sub-
2 section 1, paragraph C; paragraph D, subparagraph (1)
3 and paragraphs E and K; transportation operating costs
4 under paragraph F; and the insured value factor under
5 paragraph G shall be the actual costs for the base
6 year.

7 B. The requested funding levels of section 15504, sub-
8 section 1, paragraph D, subparagraphs (2) and (3),
9 shall be computed by estimating those costs in the year
10 of allocation of funds.

11 C. The requested funding level for the purchase of
12 buses under section 15504, subsection 1, paragraph F,
13 shall be the level of purchases approved by the commis-
14 sioner for the year prior to the year of allocation.

15 D. The requested funding level of principal and inter-
16 est payments under section 15504, subsection 1, para-
17 graph G, shall be computed by adding both known obli-
18 gations and the estimate of anticipated principal and
19 interest costs for the year of allocation of funds.

20 E. The requested funding level for leases under
21 section 15504, subsection 1, paragraph G, shall be the
22 level of leases approved by the commissioner for the
23 year prior to the year of allocation.

24 3. Estimate guidelines for elementary and secondary
25 operating costs. The recommendation for elementary and
26 secondary operating costs shall reflect the commissioner's
27 best estimate as to changes in pupil enrollment, economic
28 factors, adjustments based on actual changes in education
29 costs and any other considerations which effect a change in
30 the costs of education. The commissioner shall be ever con-
31 scious of the need for prudent restraint in educational
32 financing.

33 §15506. Governor's recommendation for funding levels

34 The Bureau of the Budget shall annually certify to the
35 Legislature the funding levels which the Governor recommends
36 for section 15504, subsection 1, paragraphs A to K and the
37 state's maximum obligation under section 15511, subsection
38 3. The Governor's recommendations shall be transmitted to
39 the Legislature within the time schedule set by Title 5,
40 section 1666.

41 §15507. Actions by the Legislature

1 The Legislature shall annually, prior to May 1st, enact
2 legislation which shall:

3 1. Basic elementary per pupil operating rate. Estab-
4 lish the basic elementary per pupil operating rate;

5 2. Basic secondary per pupil operating rate. Estab-
6 lish the basic secondary per pupil operation rate;

7 3. Basic education allocation. Establish the basic
8 education allocation;

9 4. Subsidy index. Establish a subsidy index for the
10 year of allocation;

11 5. Appropriation for basic educational allocation.
12 Appropriate the necessary funds for the state's share of the
13 basic educational allocation as defined in section 15503 and
14 computed in sections 15508 and 15509, subsections 1 and 3;

15 6. Appropriation for state share of local leeway.
16 Appropriate the necessary funds to meet the maximum state
17 obligation under section 15511, subsection 3;

18 7. Appropriation for unusual enrollment. Appropriate
19 the necessary funds for the contingent account for unusual
20 enrollment adjustments established by section 15509, subsec-
21 tion 4;

22 8. Appropriation for geographic isolation. Appropriate
23 the necessary funds for adjustments due to geographic
24 isolation as determined by section 15509, subsection 2;

25 9. Appropriation for small administrative units.
26 Appropriate the necessary funds for adjustments to small
27 school administrative units which qualify in accordance with
28 section 15509, subsection 8;

29 10. Appropriation for audit adjustments. Appropriate
30 the necessary funds for audit adjustments under section
31 15509, subsection 7;

32 11. Appropriation for private school student services.
33 Appropriate the necessary funds for reimbursement for pri-
34 vate school student services under section 15510, subsection
35 6; and

36 12. Appropriation for pupils placed directly by the
37 State for institutional residents. Appropriate the neces-
38 sary funds for:

1 A. Tuition and board for pupils placed directly by the
2 State in accordance with rules adopted or amended by
3 the commissioner; and

4 B. Special educational tuition and other tuition for
5 institutional residents of state-operated institutions
6 attending programs in school administrative units in
7 accordance with rules adopted or amended by the commis-
8 sioner.

9 §15508. Computation of the state-local allocation prior to
10 adjustments

11 The commissioner shall compute the state-local alloca-
12 tion for each school administrative unit prior to adjust-
13 ments under section 15509, as follows:

14 1. Elementary educational allocation. The elementary
15 educational allocation shall be determined by multiplying
16 the average number of resident elementary pupils in the unit
17 on April 1st and October 1st of the calendar year immedi-
18 ately prior to the year of allocation, excluding special
19 educational tuition pupils, by the basic elementary per
20 pupil operating rate, as established in section 15507.

21 2. Secondary educational allocation. The secondary
22 educational allocation shall be determined by multiplying
23 the average number of resident secondary pupils in the
24 school administrative unit on April 1st and October 1st of
25 the calendar year immediately prior to the year of alloca-
26 tion, excluding special educational tuition pupils, by the
27 basic secondary per pupil operating rate as established in
28 section 15507. Pupils enrolled in programs for school
29 dropouts and truants shall be counted in the manner provided
30 in section 5104 and pupils enrolled in adult educational
31 programs eligible for state subsidies shall be counted in
32 the manner provided in section 8605.

33 3. Basis of state-local allocation for special educa-
34 tion, vocational education, transportation and debt service;
35 legislative changes; transportation costs. The following
36 are provisions for the basis of state-local allocation for
37 special education, vocational education, transportation and
38 debt service, legislative changes and transportation costs.

39 A. A school administrative unit's state-local alloca-
40 tion for each of the items identified in subsections 4
41 to 7, except as otherwise specified, shall be 100% of
42 actual expenditures during the base year as is con-

1 tained in the commissioner's recommendation of educa-
2 tional costs.

3 B. If the Legislature increases or decreases the com-
4 missioner's recommendation for an item, the unit allo-
5 cation shall be increased or decreased by the same per-
6 centage.

7 C. If the Legislature appropriates for the transporta-
8 tion of pupils an amount which differs from the commis-
9 sioner's recommendation, the percentage of increase or
10 decrease in the amount shall apply only to the operat-
11 ing cost and not to the purchase of buses.

12 4. Special educational allocation; state wards. The
13 following provisions apply to special educational allocation
14 and state wards.

15 A. The special educational allocation shall be the
16 expenditures for special educational programs operated
17 or contracted for by the school administrative unit and
18 the expenditures for special educational tuition or
19 board, or both. Medical costs shall not be allowable
20 as a part of a tuition charge.

21 B. Special educational tuition and board for state
22 wards and other pupils placed directly by the State
23 shall be paid by the State in the year of allocation at
24 100% of the actual cost.

25 5. Vocational educational allocation; billing author-
26 ity; appeal to commissioner; payment of state subsidy. The
27 following provisions apply to vocational educational alloca-
28 tion, billing authority, appeals to commissioner and payment
29 of state subsidy.

30 A. The vocational educational allocation shall be the
31 expenditures for vocational educational programs
32 serving the school administrative unit.

33 B. The vocational center or region may bill other
34 school administrative units as follows.

35 (1) A vocational center may bill its member units
36 for any legislatively approved reduction in voca-
37 tional educational subsidies in proportion to the
38 number of students served on October 1st and April
39 1st of the school year immediately prior to the
40 year of allocation. A vocational region may bill

1 vocational centers for students who are sent to
2 the region for vocational educational programs in
3 the same manner.

4 (2) If a bill is not paid within 30 days after
5 submission, the vocational center or region may
6 appeal to the commissioner under section 5810.

7 6. Transportation allocation; bus purchases. The fol-
8 lowing provisions apply to transportation allocation and bus
9 purchases.

10 A. The transportation allocation shall be the unit's
11 expenditures for transportation operating costs.

12 B. Reimbursement for expenditures for bus purchases
13 shall be limited to the total of expenditures for pur-
14 chases approved by the commissioner and made during the
15 year prior to the year of allocation.

16 7. Debt service allocation; reimbursement for major
17 capital projects; reimbursement for lease costs; vocational
18 region debt service. The following provisions apply to debt
19 service allocation, reimbursement for major capital
20 projects, reimbursement for lease costs and vocational
21 region debt service.

22 A. Debt service allocation shall be limited to lease
23 expenditures approved by the commissioner, insured
24 value factor expenditures and principal and interest
25 costs for major capital projects.

26 B. Principal interest costs for major capital projects
27 shall be reimbursed in the year of allocation.

28 C. Reimbursement for lease costs shall be limited to
29 total lease expenditures approved by the commissioner
30 and made during the year prior to the year of alloca-
31 tion.

32 D. State allocation for vocational region debt service
33 shall be computed as follows.

34 (1) A member school administrative units' pro-
35 rated share of the region's debt service payment
36 shall be determined by the region's cost-sharing
37 agreement and shall be included in the member
38 unit's state-local allocation.

1 (2) The reimbursement rate, as defined in section
2 15503, subsection 21, for a member school adminis-
3 trative unit shall be multiplied times the unit's
4 prorated share of the region's debt service pay-
5 ments to establish the state allocation for voca-
6 tional region debt service for that member unit.

7 (3) The sum of the member school administrative
8 units' state allocations for vocational region
9 debt service shall be the region's state alloca-
10 tion for debt service.

11 §15509. Adjustments included in state-local allocation

12 Adjustments to the state-local allocation shall be made
13 as allowed in subsections 1 to 8. A school administrative
14 unit may not be eligible for the adjustments identified in
15 subsections 2, 4, 5, 6 and 8 unless it has raised the maxi-
16 mum amount of its local allocation.

17 1. Equalizing adjustments; below and above average per
18 pupil operating costs. The following provisions apply to
19 equalizing adjustments, and below and above average per
20 pupil operating costs.

21 A. If a school administrative unit's average elemen-
22 tary or secondary per pupil operating cost in the base
23 year is less than the basic elementary or secondary per
24 pupil operating rate, the unit's per pupil state-local
25 allocation for elementary or secondary pupils respec-
26 tively shall be limited to an amount which equals:

27 (1) The unit's average elementary or secondary
28 per pupil operating costs for the base year; plus

29 (2) An amount equivalent to 1/3 of the difference
30 between:

31 (a) The unit's per pupil elementary or
32 secondary cost for the base year, as adjust-
33 ed; and

34 (b) The basic elementary or secondary per
35 pupil operating rate respectively.

36 B. If a school administrative unit's average elemen-
37 tary or secondary per pupil operating cost for the base
38 year is above the basic elementary or secondary per
39 pupil operating rate, the per pupil allocation for ele-

1 mentary or secondary pupils respectively shall be the
2 basic elementary or secondary per pupil operating rate.
3 If the 1973-74 expended local average elementary or
4 secondary per pupil operating cost exceeds the average
5 elementary or secondary per pupil operating rate, the
6 per pupil allocation for elementary or secondary pupils
7 shall be increased by 1/2 the lesser amount of the fol-
8 lowing differences:

9 (1) The difference between the basic elementary
10 or secondary per pupil operating rate and the
11 local average elementary or secondary per pupil
12 operating cost; or

13 (2) The difference between the basic elementary
14 and secondary per pupil operating rate and the
15 local average elementary or secondary per pupil
16 operating cost expended during the 1973-74 school
17 year.

18 2. Geographic isolation; determination; adjustment
19 limitation. The following provisions apply to geographic
20 isolation, determination and adjustment limitation.

21 A. The commissioner, with the approval of the state
22 board, shall determine geographic isolation if a school
23 administrative unit operates a school which is located
24 an unreasonably long distance from another school
25 facility or is situated in a location which has unique
26 problems in transporting students to another school
27 administrative unit.

28 B. If the school administrative unit is declared to be
29 geographically isolated, the commissioner shall adjust
30 the elementary and secondary per pupil allocation to
31 that unit to meet the educational needs of that unit.

32 C. The geographic isolation adjustment shall not
33 exceed the amounts expended by the school administra-
34 tive unit in the base year which were in excess of the
35 basic elementary and secondary per pupil operating
36 rates in the year of allocation.

37 3. Pupils on federal land; adjustment; limitation.
38 The following provisions apply to pupils on federal land,
39 adjustment and limitation.

40 A. A school administrative unit which enrolls eligible
41 pupils under the United States Laws of September 30,

1 1950, Chapter 1124, United States Code, Section 236, et
2 seq., Public Law 81-874, shall count those pupils as
3 resident pupils for purposes of this chapter.

4 B. The state-local allocation to that school adminis-
5 trative unit shall be adjusted by subtracting the
6 receipts under the United States Laws of September 30,
7 1950, Chapter 1124, United States Code, Section 236, et
8 seq., Public Law 81-874, in the same proportion that
9 total local revenues under the state equalization pro-
10 gram are to total local revenues for education in that
11 unit.

12 C. The amount subtracted under paragraph B may not
13 exceed 90% of the school administrative unit's
14 entitlement for the year prior to the year of alloca-
15 tion or the base year, whichever is less. In adjusting
16 the allocation, the amounts subtracted for pupils
17 residing on land under control of the Federal Govern-
18 ment or a federal agency, or on a federal military
19 reservation shall not exceed 1/2 of the national aver-
20 age expenditure per pupil, as computed by the Federal
21 Government, multiplied by the number of the students in
22 the school administrative unit.

23 4. Unusual enrollment, computation of adjustment; pro-
24 ration; local authorization; contingent account. The fol-
25 lowing provisions apply to unusual enrollment, computation
26 of adjustment, proration, local authorization and contingent
27 accounts.

28 A. A school administrative unit may qualify for an
29 unusual enrollment adjustment to the state and local
30 allocation when the increase in pupils between October
31 1st of the year of allocation of funds and October 1st
32 of the year prior to the year of allocation of funds is
33 3% or more. The number of pupils in excess of a 3%
34 increase shall be multiplied by the appropriate per
35 pupil rate as established in this section to determine
36 the allowable adjustment.

37 B. All school administrative units shall be prorated
38 if necessary to remain within the sum appropriated for
39 that adjustment.

40 C. A school administrative unit may expend any funds
41 received through this adjustment without calling for a
42 special meeting of the local legislative body.

1 5. Decrease in enrollment; guaranteed allocation. A
2 school administrative unit which experiences a decrease in
3 enrollment in either elementary or secondary educational
4 programs of 33% or greater between April 1st of the base
5 year and October 1st of the year prior to the year of allo-
6 cation shall have its state-local allocation based on the
7 basic elementary or secondary per pupil operating rate.

8 6. Special educational adjustment; guidelines; limits;
9 local authorization. The following provisions apply to special
10 educational adjustment, guidelines, limits and location
11 authorization.

12 A. If a school administrative unit petitions the com-
13 missioner and demonstrates that the unexpected costs of
14 placement for educational purposes of a student in a
15 special educational program will cause a budgetary
16 hardship, the commissioner may adjust the unit's allo-
17 cation to include an amount not to exceed the educa-
18 tional cost of the placement under rules adopted or
19 amended by the commissioner.

20 B. The funds for the adjustment shall be limited to
21 the amount appropriated by the Legislature for that
22 purpose.

23 C. School boards may expend the funds allocated with-
24 out seeking approval from their legislative bodies.

25 7. Audit adjustments; limits. The following provi-
26 sions apply to audit adjustments and limits.

27 A. If errors are revealed by audit and corrected by
28 the commissioner under section 15504, subsection 4, the
29 school administrative unit's state-local allocation
30 shall be adjusted to include corrections.

31 B. The funds for these adjustments shall be limited to
32 the amount appropriated by the Legislature under
33 section 15507, subsection 10.

34 8. Small unit subsidy adjustments; legislative intent.
35 A school administrative unit may qualify for one of the fol-
36 lowing small unit subsidy adjustments.

37 A. If a school administrative unit is operating an
38 elementary school with 25 pupils or less in kindergar-
39 ten through grade 8 during the school year immediately
40 prior to the year of allocation, it shall receive a

1 minimum allocation for operating costs equal to 5/3 of
2 the state average elementary teachers' salary in the
3 school year immediately prior to the year of allocation
4 as determined by the commissioner.

5 B. If a school administrative unit is not operating an
6 elementary school or a secondary school and has 25
7 pupils or less in kindergarten through grade 8 during
8 the school year immediately prior to the year of allo-
9 cation, it shall receive a minimum allocation computed
10 by multiplying the elementary or secondary pupil
11 enrollment on October 1st in the year of allocation by
12 the state average elementary or secondary adjusted per
13 pupil operating rate or the actual cost of tuition pay-
14 ment in the year of allocation, whichever is less.

15 C. The small unit subsidy adjustment shall guarantee a
16 minimum subsidy payment for operating costs to those
17 school administrative units which qualify and it shall
18 be made only after the adjustments in subsections 1 to
19 7 have been made.

20 §15510. Schedules of payment of state allocation; appeals;
21 limitation of use

22 1. Schedules of payment of state allocation. The com-
23 missioner shall authorize state allocation payments to the
24 school administrative units to be made in accordance with
25 time schedules set forth in section 15005, sections 15901 to
26 15910 and Title 20, sections 3457 to 3460.

27 2. Notification of allocation; commissioner's duty;
28 superintendent's duty. The following provisions apply to
29 notification of allocation, commissioner's duty and
30 superintendent's duty.

31 A. The commissioner shall annually prior to May 21st
32 notify each school board of the amount allocated to the
33 school administrative unit.

34 B. Each superintendent shall report to the municipal
35 officers whenever the school administrative unit is
36 notified of the allocation or a change is made in the
37 allocation resulting from a December or June adjust-
38 ment.

39 3. Payments of state allocation to unit's treasurer;
40 basis. State allocation payments shall be made directly to
41 the treasurer of each school administrative unit. They

1 shall be based on audited financial reports submitted by
2 school administrative units.

3 4. Computation of state allocation payments to commu-
4 nity school districts. If a community school district is
5 organized to educate some, but not all, of the grades from
6 kindergarten through grade 12, the commissioner shall com-
7 pute state allocation payments for the member municipalities
8 as follows:

9 A. Compute the average number of resident pupils in
10 the municipality on April 1st and October 1st of the
11 calendar year prior to the year of allocation;

12 B. Compute the average number of resident pupils
13 during this period who were not educated by the commu-
14 nity school district;

15 C. Multiply the ratio of paragraph B divided by para-
16 graph A times the state valuation for the municipality
17 as determined by the State Tax Assessor. The result
18 shall be the part of the member municipality's valua-
19 tion which the department shall use to compute state
20 aid for the municipality; and

21 D. The sum of the remaining valuation of each member
22 municipality shall be the total state valuation which
23 the department shall use to compute state aid for the
24 community school district.

25 5. State allocation payments to vocational regions.
26 State allocations for debt service on bonds issued by the
27 cooperative boards of vocational regions shall be paid
28 directly to the treasurers of the boards, notwithstanding
29 any other statute.

30 6. Nonpublic school service reimbursements. The fol-
31 lowing provisions apply to nonpublic school service reim-
32 bursements.

33 A. Notwithstanding any other provision of this chap-
34 ter, if students attend nonpublic schools that are not
35 operated for profit in whole or in part, the commis-
36 sioner shall reimburse 50% of the expenditures of the
37 base year for providing services to these nonpublic
38 school students as authorized by Title 30, section
39 5104, subsections 5 to 8. Municipal officers shall
40 report these expenditures to the commissioner on forms
41 provided by him.

1 B. The total amount reimbursed under this section
2 shall not exceed the level of funds appropriated for
3 this item under section 15507, subsection 11.

4 C. Municipal officers shall submit documentation dem-
5 onstrating the amount of money appropriated for nonpub-
6 lic school student services for the base year.

7 D. The commissioner may adopt or amend rules to assure
8 that:

9 (1) All sums reimbursed were utilized and actual-
10 ly expended for programs authorized pursuant to
11 Title 30, section 5104, subsections 5 to 8;

12 (2) No municipality receives reimbursement for a
13 student who attends school at public expense; and

14 (3) All services provided to nonpublic school
15 students that require professional personnel are
16 provided by public employees.

17 7. Direct special educational payments. The commis-
18 sioner may make tuition and board payments directly to pri-
19 vate special educational boarding schools which receive
20 state wards or other pupils placed directly by the State.

21 8. Education of institutional residents. The commis-
22 sioner may pay tuition to to school administrative units for
23 institutional residents within the limits of the appropria-
24 tion made under section 15507, subsection 12.

25 9. Appeals. A school board may appeal the computation
26 of state allocation for the school administrative unit to
27 the state board in writing within 30 days of the date of
28 notification of the computed amount. The state board shall
29 review the appeal and make an adjustment if, in its judg-
30 ment, an adjustment is justified. The state board's deci-
31 sion shall be final as to facts supported by the record of
32 the appeal.

33 10. School purpose expense requirement. Notwithstand-
34 ing any other public or private statute, money allocated for
35 school purposes shall be expended only for school purposes.

36 11. Balance of allocations. Notwithstanding any other
37 public or private statute, balances of allocations at the
38 end of a school administrative unit's fiscal year shall be
39 carried forward to meet the next year's school needs.

1 §15511. Local allocation and appropriations

2 1. Local allocation computation; recorded vote; limit.
3 The following provisions apply to local allocation computa-
4 tion, recorded vote and limitation.

5 A. The commissioner shall compute the local allocation
6 using the subsidy index established under section
7 15507, subsection 4, and the state valuation of the
8 municipalities within each school administrative unit.

9 B. The legislative body of each school administrative
10 unit may vote to raise and appropriate an amount up to
11 the local allocation. This action shall be taken by a
12 recorded vote.

13 C. The commissioner's computation of the local alloca-
14 tion for each school administrative unit shall not
15 exceed the state-local allocation as adjusted by
16 section 15509 for that unit.

17 (1) Beginning July 1, 1981, the commissioner's
18 computation of the local allocation for each sin-
19 gle school administrative unit or for each member
20 municipality within a school administrative dis-
21 trict or community school district shall not
22 exceed the state-local allocation.

23 (2) The member municipality's share of a dis-
24 trict's state-local allocation shall, for the pur-
25 pose of this paragraph, be determined on the basis
26 of the average number of resident pupils in the
27 calendar year prior to the year of allocation.

28 D. The provisions of subsection 2 shall not apply to a
29 school administrative unit whose local allocation is
30 equal to or greater than its state-local allocation,
31 but that unit shall report to the commissioner the
32 amount of the appropriation for the state-local alloca-
33 tion.

34 2. Local appropriation of state-local allocation. An
35 article in substantially the following form shall be used
36 when a school administrative unit is considering the appro-
37 priation of the state-local allocation:

38 "Article : To see what sum the municipali-
39 ties/district will appropriate from the state-local
40 allocation for school purposes (Recommended \$) and

1 to see what sum the municipality/district will raise as
2 the local share (Recommended \$)."

3 3. Local leeway. The following provisions apply to
4 local leeway.

5 A. The legislative body of a school administrative
6 unit may, in addition to that unit's state-local allo-
7 cation, authorize an additional expenditure for elemen-
8 tary or secondary pupils, or both, not to exceed a
9 local appropriation for each municipality of 1.2 mills
10 on the state valuation in effect on July 1st or \$125
11 per pupil, whichever is less, for the 1980-81 year of
12 distribution. A school administrative unit may not
13 participate in local leeway unless it has raised the
14 minimum amount of its local allocation, as computed by
15 the commissioner under subsection 1, paragraph A, or as
16 provided under subsection 1, paragraph D.

17 B. A school administrative unit may appropriate local
18 leeway funds no later than 90 days following the final
19 adoption of the school budget. A school administrative
20 unit may file a request for a waiver of this require-
21 ment with the state board. If a school administrative
22 unit demonstrates to the satisfaction of the state
23 board that unusual circumstances require additional
24 local leeway appropriations to avoid serious educa-
25 tional hardship in that unit, the state board may grant
26 that unit a waiver and authorize these additional
27 appropriations.

28 C. The local appropriations shall be divided equally
29 over a 12-month period.

30 D. The funds appropriated under this subsection shall
31 be called "local leeway."

32 (1) The purpose of local leeway appropriations
33 shall be to provide that all school administrative
34 units may raise and appropriate at least the
35 amount per pupil established at the computed mill
36 rate for that year to supplement the adjusted
37 allocation when necessary in the judgment of the
38 unit.

39 (2) The amount appropriated by the Legislature
40 under section 15507, subsection 6, shall be the
41 maximum state obligation under this subsection.

1 E. A school administrative unit may establish an "ac-
2 counts receivable" in anticipation of state aid under
3 this subsection when the fiscal year closes on June
4 30th.

5 F. If the local leeway authorization by a school
6 administrative unit exceeds the maximum levy for a
7 municipality within that unit, the commissioner shall
8 add to allocation of the unit for its fiscal year a sum
9 which equals the excess over the maximum levy of the
10 municipality within the unit.

11 G. If the local leeway appropriation fails to produce
12 the amount per pupil established at the computed mill
13 rate for that year under this subsection, the commis-
14 sioner shall add to the allocation of the school admin-
15 istrative unit for its fiscal year a sum which, when
16 combined with the local leeway appropriation, shall
17 equal the amount per pupil established at the computed
18 mill rate for that year. This sum shall be paid annu-
19 ally to the unit no later than December 31st for the
20 previous 12-month period.

21 H. If a school administrative unit raises less than
22 the local leeway maximum, the levy on a municipality
23 within the school administrative unit shall be in the
24 same proportion as the municipality's share is to the
25 total when the maximum amount allowed is raised.

26 I. If a school administrative unit raises less than
27 the local leeway maximum, the State shall pay its share
28 in the same proportion to the maximum state share that
29 the amount raised locally is to the maximum local
30 share.

31 J. An article in substantially the following form
32 shall be used when a municipality, school administra-
33 tive district or community school district is consider-
34 ing the appropriation of local leeway funds:

35 "Article : To see what sum the municipality or
36 district shall appropriate from local leeway for
37 school purposes (Recommended total \$, local
38 share \$, state share \$), and to see if the
39 municipality or district shall raise the local
40 share of \$."

41 K. The provisions of paragraph I shall not apply to a
42 school administrative unit whose local allocation is

1 equal to or greater than its state-local allocation.
2 That unit shall report to the commissioner the amount
3 of the appropriation for local leeway.

4 §15512. Local funds without state participation

5 1. Authorization. A school administrative unit may
6 raise and expend funds for educational purposes in addition
7 to the funds available under section 15508 to 15511.

8 2. Calculation of operating costs. For the purposes
9 of this chapter, moneys raised under subsection 1 shall be
10 included in any future calculation of the school administra-
11 tive unit's elementary and secondary per pupil operating
12 costs, but shall not be included in any future calculations
13 of the state average or total operating costs.

14 3. Administrative costs for units with no pupils. If
15 a school administrative unit is required to pay administra-
16 tive costs and has no allocation of state and local funds,
17 that unit may raise and expend funds for administrative
18 costs.

19 §15513. Municipal assessment paid to district

20 1. Presentation of assessment schedule. The assess-
21 ment schedule based on the budget approved at a community
22 school district of school administrative district budget
23 meeting shall be presented to the treasurer of each municipi-
24 ality which is a member of the district.

25 The assessment schedule shall include each member
26 municipality's share of the district's local allocation,
27 local leeway and local appropriation without state parti-
28 cipation.

29 2. Municipal treasurer's payment schedule. The treas-
30 urer of the member municipality, after being presented with
31 the assessment schedule, shall forward 1/12 of that member
32 municipality's share to the treasurer of the district on or
33 before the 20th day of each month of the fiscal year begin-
34 ning in July.

35 §15514. Special school districts

36 1. School administrative unit. For the purposes of
37 section 15517 and Title 20, sections 3457 to 3460, a special
38 school district shall be deemed to be a school administra-
39 tive unit.

1 2. Debt service. Debt service on bonds or notes
2 issued by a special school district shall be included in the
3 school budget of the school administrative unit which oper-
4 ates the schools constructed by that district. The school
5 board for the school administrative unit which operates the
6 special district's schools shall pay to the special school
7 district all sums necessary to meet the payments of prin-
8 cipal and interest on bonds or notes when due and to cover
9 maintenance or other costs for which the special school dis-
10 trict is responsible.

11 §15515. School budget; budget formats

12 1. Content. A school administrative unit shall
13 include in its school budget document:

14 A. Its state-local allocation, its local leeway and
15 any additional expenditures authorized by statute; and

16 B. A summary of anticipated revenues and estimated
17 school expenditures for the fiscal year.

18 2. Budget deadlines. The following time limitations
19 shall apply to adoption of a budget.

20 A. At least 7 days before the initial meeting of the
21 legislative body responsible for adopting a budget, a
22 detailed budget document shall be available to that
23 legislative body and to any person residing within the
24 geographic area served by the school administrative
25 unit.

26 B. Notwithstanding a provision of statute or charter
27 to the contrary, school administrative units may adopt
28 an annual budget prior to June 30th, except that the
29 school budgets for vocational regions shall be adopted
30 on or before August 1st.

31 3. Budget format. The following provisions shall
32 apply to a budget format.

33 A. Except as provided in subsection 4, the budget for-
34 mat shall be that prescribed by a majority of the
35 school board until an article prescribing the school
36 budget format is approved by a majority of voters in an
37 election in which the total vote is at least 20% of the
38 number of votes cast in the municipality in the last
39 gubernatorial election, or 200, whichever is less.

1 B. The format of the school budget may be determined
2 in accordance with section 1306.

3 C. It is the intent of the Legislature that a school
4 board shall attempt to obtain public participation in
5 the development of the school budget.

6 4. Budget format; town or city charter. In a municipi-
7 ality where the responsibility for final adoption of the
8 school budget is vested by municipal charter in a council,
9 the school budget format may be changed through amendment of
10 the charter under the home rule procedures of Title 30, sec-
11 tions 1911 to 1920, except that the amendment shall be
12 approved by a majority of voters in an election in which the
13 total vote is at least 20% of the number of votes cast in
14 the municipality in the last gubernatorial election.

15 5. Budget format; town meeting. When the final budget
16 authority is vesting in a town meeting operating under the
17 general enabling procedures of Title 30, the format of the
18 school budget may be determined by the town meeting or under
19 the procedures of Title 30, section 2053 or 2061.

20 6. Budget format; community school district. The fol-
21 lowing provisions shall apply to the budget format of a com-
22 munity school district.

23 A. An article containing the district's proposed bud-
24 get format shall be placed on the next warrant issued
25 or ballot printed if:

26 (1) A majority of the district school committee
27 votes to place it on the warrant or ballot; or

28 (2) A written petition of at least 10% of the
29 number of voters voting in the last gubernatorial
30 election in each municipality within the community
31 school district requests it to be on the warrant
32 or ballot.

33 B. The article containing the budget format may be
34 voted on by secret ballot at an election conducted in
35 accordance with Title 30, sections 2061 to 2065.

36 C. The district school committee shall:

37 (1) Issue a warrant specifying that the municipal
38 officers of the municipalities within the commu-
39 nity school district to place the budget format
40 article on the secret ballot; and

1 (2) Prepare and furnish the required number of
2 ballots for carrying out the election, including
3 absentee ballots.

4 7. Budget format; articles. The articles prescribed
5 in this chapter shall be included in the budget format and
6 voted on in the adoption of the budget in order to determine
7 state and local cost sharing.

8 8. Change in budget format. Any change in the budget
9 format shall be voted on at least 90 days prior to the bud-
10 get year for which that change is to be effective.

11 §15516. Actions on budget

12 The following provisions shall apply to approving a
13 budget.

14 1. Checklist required. Prior to the articles dealing
15 with school appropriations being voted on, the moderator of
16 a regular or special school budget meeting shall require the
17 clerk or secretary to make a checklist of the registered
18 voters present. The number of voters listed on the check-
19 list shall be conclusive evidence of the number present at
20 the meeting.

21 2. Reconsideration. Notwithstanding another statute
22 to the contrary, in school administrative units where the
23 school budget is finally approved by the voters, a special
24 budget meeting to reconsider action taken on the budget may
25 only be called as follows.

26 A. It shall be held within 30 days of the regular bud-
27 get meeting.

28 B. In a school administrative district or community
29 school district, it shall be called by the school
30 board, or as follows:

31 (1) At least 10% of the number of voters voting
32 in the last gubernatorial election in member
33 municipalities of the school administrative unit,
34 or 100 voters, whichever is less, shall present a
35 signed petition within 15 days of the regular bud-
36 get meeting to the school board, specifying the
37 article or articles to be reconsidered; and

38 (2) On receiving the petition, the school board
39 shall call the special reconsideration budget

1 meeting to be held within 15 days of the date the
2 petition was received.

3 C. In a municipality the meeting shall be called by
4 the municipal officers:

5 (1) Within 15 days after receipt of a request
6 from the school board, if the request is received
7 within 15 days of the budget meeting and it speci-
8 fies the article or articles to be reconsidered;
9 or

10 (2) Within 15 days after receipt of a petition
11 presented in accordance with Title 30, section
12 2065, if the petition is received within 15 days
13 of the budget meeting and it specifies the article
14 or articles to be reconsidered.

15 3. Invalidation of action of a special reconsideration
16 budget meeting. If a special budget meeting is called to
17 reconsider action taken at a regular budget meeting, the ac-
18 tions of the meeting shall be invalid if the number of
19 voters at the special budget meeting is less than the number
20 of voters present at the regular budget meeting.

21 4. Line item transfers. Meetings requested by a
22 school board for the purpose of transferring funds from one
23 category or line item to another shall be posted for voter
24 or council action within 15 days of the date of the request.

25 §15517. Bonds; notes; other

26 All bonds, notes or other evidences of indebtedness
27 issued for school purposes by a school administrative unit,
28 as defined in section 15001, for major capital expenses or
29 for current operating expenses, including tax or other reve-
30 nue anticipation notes, shall be general obligations of the
31 unit.

32 1. Tax assessments. The municipal officers or school
33 board shall require the sums which may be necessary to meet
34 in full the principal of and interest on these bonds, notes
35 or other evidences of indebtedness payable in each year to
36 be assessed and collected in the manner provided by law for
37 the assessment and collection of taxes.

38 2. Reduction. The sums to be assessed and collected
39 shall be reduced by the amount of an allocation of funds

1 appropriated by the Legislature to pay the principal and
2 interest owed by the unit in a given year as certified to
3 the school administrative unit by the commissioner. The
4 commissioner shall certify the amount due to the unit within
5 30 days of its appropriation by the Legislature.

6 3. Collection. After assessment and reduction, the
7 remaining sum shall be payable from ad valorem taxes which
8 may be levied without limit as to rate or amount upon all
9 the taxable property within the unit.

10 §15518. Compliance with federal and state laws and regula-
11 tions

12 1. Commissioner's duty. The commissioner shall assure
13 that federal or state funds distributed to a school adminis-
14 trative unit are spent in compliance with:

15 A. Provisions of federal laws and regulations, United
16 States Code, Title 31, Section 1242, as amended, and
17 the Code of Federal Regulations, Title 31, Part 51,
18 subpart 8, chapter 1, revenue sharing;

19 B. Title 9 of the Education Amendments of 1972, 20
20 United States Code, Section 1681 et seq., and the Code
21 of Federal Regulations, Title 45, Part 86;

22 C. Title 6 of the United States Civil Rights Act of
23 1964, Title 42 of the United States Code 2000d and the
24 Code of Federal Regulations, Title 45, Part 16;

25 D. Title 5, chapter 337, Human Rights Act and the
26 rules adopted or amended under Title 5, sections 4551
27 to 4632; and

28 E. Title 5, section 781 to 790, Code of Fair Practices
29 and Affirmative Action.

30 2. Assistance. On request of the commissioner, the
31 Human Rights Commission and the Department of the Attorney
32 General shall assist the department in meeting its obli-
33 gation to respond to complaints raised under this section.

34 CHAPTER 607

35 MAINE SCHOOL BUILDING AUTHORITY

36 §15701. Short title

1 This chapter may be know and may be cited as the "Maine
2 School Building Authority Act."

3 §15702. Purpose

4 The purpose of the "Maine School Building Authority,"
5 shall be to promote the diffusion of the advantages of edu-
6 cation, which is essential to the preservation of the rights
7 and liberties of the people, and to aid in the provision of
8 public school buildings in the State.

9 §15703. Definitions

10 As used in this chapter, unless the context otherwise
11 indicates, the following terms have the following meanings.

12 1. Authority. "Authority" means the Maine School
13 Building Authority.

14 2. Cost. "Cost" as applied to a project includes:

15 A. The cost of construction or acquisition;

16 B. The cost of the acquisition of land, rights-of-way,
17 property rights, easements and interests acquired by
18 the authority for the construction or acquisition;

19 C. The cost of demolition or removing buildings or
20 structures on acquired lands , including the cost of
21 acquiring lands to which the buildings or structures
22 may be moved;

23 D. The cost of furnishings and equipment, financing
24 charges, insurance, interest prior to and during con-
25 struction and for up to one year after completion of
26 construction;

27 E. The cost of architectural and legal expenses,
28 plans, specifications, estimates of cost, administra-
29 tive expense and other expenses necessary or incidental
30 to the construction or acquisition;

31 F. The financing of the construction or acquisition
32 and the placing of the project in operation; or

33 G. Any other obligation or expense incurred in connec-
34 tion with the construction or acquisition of a project.

1 3. Project or school construction project. "Project"
2 or "school construction project" means a public school
3 building or an extension or enlargement of a building,
4 including land, furniture and equipment for use as a public
5 school, together with the property rights, easements and
6 interests which may be acquired by the authority for the
7 construction or the operation of that building.

8 4. School building. "School building" means, but
9 shall not be limited to, a structure used or useful for
10 schools and playgrounds, including facilities for physical
11 education.

12 §15704. Organization

13 1. Establishment. The Maine School Building Authority
14 shall be a public instrumentality of the State. The exer-
15 cise by the authority of the powers conferred by this chap-
16 ter shall be the performance of essential governmental func-
17 tions.

18 2. Membership. The authority shall consist of:

19 A. Nine members of the state board;

20 B. The Treasurer of State or his deputy, ex officio,
21 as a nonvoting member; and

22 C. The commissioner.

23 3. Administration. The commissioner shall be chairman
24 of the authority. The authority shall elect one of its mem-
25 bers as a vice-chairman, and shall also elect a secretary
26 and treasurer who need not be a member of the authority, to
27 serve at the pleasure of the authority. The secretary and
28 treasurer shall be bonded as the authority directs.

29 4. Quorum. Six members of the authority shall consti-
30 tute a quorum and the affirmative vote of 5 members shall be
31 necessary for an action. A vacancy in the membership may
32 not impair the right of the quorum to exercise all rights
33 and perform all duties of the authority.

34 5. Expenses. Members of the authority shall be reim-
35 bursed for their actual expenses necessarily incurred in the
36 performance of their duties.

37 §15705. Powers

1 The authority may:

2 1. Bylaws. Adopt bylaws for the regulation of its
3 affairs and the conduct of its business;

4 2. Seal. Adopt or alter an official seal;

5 3. Office. Maintain an office;

6 4. Sue and be sued. Sue and be sued in its own name.
7 Civil actions against the authority shall be brought only in
8 the county in which the principal office of the authority
9 shall be located;

10 5. Construct, repair or alter school projects. Con-
11 struct or acquire, extend, enlarge, repair or improve school
12 projects, if:

13 A. The board of directors of a school administrative
14 district has certified the need for the facilities to
15 the authority;

16 B. The school board of a municipal school administra-
17 tive unit has certified the need for the facilities to
18 the municipal officers of the unit, together with their
19 recommendations for school construction and these
20 recommendations have been approved by the municipal
21 officers and state board; or

22 C. The district school committee of a community school
23 district has certified the need for these facilities to
24 the board of trustees of the community school district,
25 together with the recommendations for school construc-
26 tion and these recommendations have been approved by
27 the district board of trustees and the state board;

28 6. Revenue bonds. Issue revenue bonds of the author-
29 ity for its corporate purposes, payable, except as provided
30 in this chapter, solely from the rentals and revenues
31 pledged for their payment; and to:

32 A. Refund its bonds; and

33 B. Secure a bond issued by a trust agreement by and
34 between the authority and a corporate trustee. A
35 trustee may be a trust company or bank having the
36 powers of a trust company within or without the State;

- 1 7. Temporary loans. Make temporary loans to finance
2 individual projects until the authority issues revenue
3 bonds;
- 4 8. Rentals and charges. Fix, alter, charge and col-
5 lect rentals and other charges at reasonable rates for the
6 use of school projects. These rates shall be determined by
7 the authority to fund:
- 8 A. The expenses of the authority;
- 9 B. The improvement, repair and maintenance of these
10 projects;
- 11 C. The payment of the principal of and the interest on
12 its revenue bonds; and
- 13 D. To fulfill the terms and provisions of agreements
14 made with the purchasers or holders of these bonds;
- 15 9. Acquire and dispose of property. Acquire, hold and
16 dispose of real and personal property;
- 17 10. Acquire land; eminent domain. Acquire in the name
18 of the authority, by purchase or otherwise, on the terms and
19 conditions and in the manner it deems proper, or by the
20 exercise of the power of eminent domain, land or property
21 rights. Using eminent domain, the authority may not take
22 more than 25 acres for one project. In using eminent
23 domain, the authority shall be governed by Title 35, chapter
24 263;
- 25 11. Contracts, leases and agreements. Make and enter
26 into contracts, leases and agreements necessary or inci-
27 idental to the performance of its duties;
- 28 12. Utilize services of other departments. Utilize
29 the services of agencies and departments of the State when-
30 ever feasible;
- 31 13. Employees. Employ other persons and agents, and
32 fix their compensation;
- 33 14. Supplement lease agreements. As funds are appro-
34 priated, make a grant to a school administrative unit if the
35 borrowing capacity of the unit, the lease or rental policies
36 of the authority, and other available funds are not suffi-
37 cient to finance the minimum classroom facilities needed.

1 A. The authority shall adopt or amend rules to deter-
2 mine eligibility for these grants. The authority's
3 determination of eligibility shall become final on
4 approval of the Governor.

5 B. The grant of state-appropriated funds shall be con-
6 sidered as matching funds for a federal law requiring
7 matching funds for school construction assistance.

8 C. The authority may make an additional grant to units
9 extending school opportunities to children living in
10 unorganized territories by adding to the grant the per-
11 centage determined by dividing the number of pupils
12 enrolled in the unit from unorganized territories on
13 the preceding April 1st by the total unit enrollment
14 reported in the latest annual report required under
15 section 6004.

16 D. It is the intent of the Legislature that grants
17 under this subsection shall be made only as supplemen-
18 tary financial aid to those units which cannot finance
19 minimum needed classroom facilities within the maximum
20 loan limit policy of the authority. Grants may not be
21 considered as a precedent for granting general major or
22 minor capital cost funds for school construction; and

23 15. Other acts. Do all acts necessary or convenient
24 to carry out the powers expressly granted in this chapter.

25 §15706. Contracts

26 1. Authorization. The authority may authorize a
27 school administrative unit to design and construct a
28 project, and to acquire the necessary land, furnishings and
29 equipment for it. This authorization shall be subject to
30 the supervision and approval of the authority.

31 A. A school administrative unit may convey to the
32 authority property rights, easements and other inter-
33 ests, which may be necessary or convenient for the con-
34 struction and operation of the project on terms agreed
35 on between the authority and the unit.

36 B. A school administrative unit, notwithstanding the
37 prior creation of a special school district coterminous
38 with that unit, may contract with the authority for the
39 lease or use of a project for a period and for consid-
40 eration and on terms and conditions as agreed on
41 between the unit and the authority. Rentals or other

1 charges provided by these contracts to be paid for the
2 lease or use of a project shall be current operating
3 expenses of the unit, but shall be excluded in the com-
4 putation for state school subsidy.

5 2. Approval. A contract, lease or agreement between a
6 school administrative unit and the authority may not be
7 valid unless first approved by the vote of a majority of:

8 A. The residents of a municipality voting on this
9 question;

10 B. In a community school district, the residents of
11 each municipality within the district; or

12 C. The residents of a school administrative district
13 in the manner provided in sections 1351 to 1354.

14 3. Delinquency. If a school administrative unit is
15 delinquent in its payments to the authority, the department
16 shall make payment to the authority in lieu of the unit from
17 amounts properly payable to that unit by the department.
18 This payment shall not exceed the amount then presently due
19 to the authority from the unit. If the amounts properly
20 payable to a community school district are less than the
21 amount then presently due to the authority, the department
22 shall pay the balance to the authority from the amounts
23 properly payable to the participating municipalities in the
24 district. The amount withheld from each of the municipali-
25 ties shall be proportional to the balance of that
26 municipality's state valuation divided by the total state
27 valuation of all of the municipalities within the district.

28 4. Delays. Notwithstanding any other law, a delay in
29 the actual completion of a project beyond the date as esti-
30 imated by the authority, or any damage to or destruction of
31 the whole or a portion of the project may not operate to
32 relieve the school administrative unit of its obligation to
33 pay the rentals and other charges as provided in the con-
34 tract, lease or agreement.

35 5. Confirmed agreements. A contract, lease or agree-
36 ment entered into in accordance with this section shall be
37 ratified and confirmed.

38 §15707. Revenue bonds

39 The authority may provide by resolution for the issu-
40 ance of revenue bonds. These bonds may not exceed
41 \$25,000,000 outstanding at any one time.

1 1. Payment of principal and interest. Except as pro-
2 vided in this chapter, the principal and interest on those
3 bonds shall be payable solely from the funds provided for
4 this payment.

5 2. Dates; redemption. The bonds of each issue:

6 A. Shall be dated;

7 B. Shall bear interest at rates determined by the
8 authority;

9 C. Shall mature at a date not to exceed 40 years from
10 their date of issue; and

11 D. May be made redeemable before maturity, at the
12 option of the authority, at a price and under terms
13 established by the authority prior to their issuance.

14 3. Form. The authority shall determine the form of
15 the bonds, including interest coupons to be attached, the
16 denomination of the bonds and the places of payment of prin-
17 cipal and interest. The authority may designate a bank or
18 trust company within or without the State for these pay-
19 ments. The bonds and attached coupons shall be signed by
20 the chairman of the authority or shall bear his facsimile
21 signature. The official seal of the authority shall be
22 impressed on the bonds and attested by the secretary and
23 treasurer. If any officer whose signature or a facsimile of
24 whose signature appears on bonds or coupons shall cease to
25 be an officer before the delivery of the bonds, the signa-
26 ture or facsimile shall nevertheless be valid and sufficient
27 for all purposes.

28 4. Bonds as negotiable instruments. The authority's
29 bonds shall have all the qualities and incidents of nego-
30 tiable instruments under Title 11, sections 1-101 to 10-108.
31 Bonds may be issued in coupon or in registered form, or
32 both. Provision may be made for the registration of coupon
33 bonds as to principal or as to both principal and interest,
34 and for the reconversion into coupon bonds or bonds regis-
35 tered as to both principal and interest.

36 5. Bond sales. The authority may sell bonds either at
37 public or at private sale. It may determine the sale price
38 of bonds.

39 6. Proceeds of bonds. The proceeds of the bonds shall
40 be used solely for the payment of the cost of projects.

1 A. The authority shall determine the manner of dis-
2 bursement of the proceeds. The authority may restrict
3 the disbursement by authorizing resolution or by trust
4 agreement securing the issuance of the bonds.

5 B. The authority may, under similar restrictions,
6 issue interim receipts, notes or temporary bonds prior
7 to the preparation of definitive bonds with or without
8 coupons. These interim notes may be exchangeable or
9 definitive bonds when these bonds are available for
10 delivery.

11 C. The authority may provide for the replacement of
12 bonds which become mutilated, destroyed or lost.

13 D. Bonds may be issued without obtaining the consent
14 of any agency of the State, and without any other pro-
15 ceedings or conditions, except as specifically required
16 by this chapter.

17 §15708. State credit

18 Except as provided in this section, issued revenue
19 bonds may not be deemed to constitute a debt or pledge of
20 credit of the State. The bonds shall be payable solely from
21 the funds provided for payment, and a statement to that
22 effect shall be placed on the face of the bonds.

23 1. Exceptions. The authority, acting on behalf of the
24 State, may insure the payment of its revenue bonds. To this
25 end, the faith and credit of the State shall be pledged,
26 consistent with the terms and limitations of the Constitu-
27 tion of Maine, Article IX, Section 14-C. The authority
28 shall, in the resolution authorizing the issuance of these
29 revenue bonds, provide that the payment of these revenue
30 bonds shall be insured by the State. On the adoption of the
31 resolution, the payment of these revenue bonds shall be
32 deemed to have been insured by the State and the faith and
33 credit of the State to have been pledged to that payment.
34 The insurance shall take effect without obtaining the con-
35 sent of any agency of the State, and without any other pro-
36 ceedings or conditions except as specifically required by
37 this chapter.

38 2. State payments. If moneys are required to pay the
39 revenue bonds so insured, the authority shall, in writing,
40 request the Governor to provide the necessary funds. The
41 Governor shall transfer sufficient moneys to the authority
42 from the State Contingent Account or from the proceeds of

1 bonds. If bonds are to be issued for that payment, the Gov-
2 ernor shall order the Treasurer of State to issue bonds in
3 the amount requested subject to the following conditions.

4 A. The aggregate of the bonds may not exceed the
5 amount set forth in the Constitution of Maine, Article
6 IX, Section 14-C.

7 B. The bonds shall mature at a time not to exceed 20
8 years from the date of issue.

9 C. The Governor shall determine the interest rates and
10 terms for the issue of the bonds.

11 D. The bonds shall constitute a pledge of the faith
12 and credit of the State.

13 §15709. Trust funds

14 Notwithstanding any other law, all moneys received
15 under this chapter whether as proceeds from the sale of
16 bonds or as revenues, shall be deemed to be trust funds to
17 be held and applied solely as provided in this chapter. The
18 resolution authorizing the bonds or trust agreement securing
19 these bonds shall provide that a person with which these
20 moneys are deposited shall act as trustee of the moneys, and
21 shall hold and apply the moneys for the purposes and subject
22 to the conditions of this chapter.

23 §15710. Revenue refunding bonds

24 1. Authorization. The authority may provide by reso-
25 lution for the issuance of revenue refunding bonds for:

26 A. Refunding bonds then outstanding which shall have
27 been issued under this chapter, including the payment
28 of a redemption premium or accrued interest; or

29 B. Constructing enlargements, extensions or improve-
30 ments by the original project.

31 2. Conditions. The issuance of these bonds, their
32 maturities and other details, the rights of the holders and
33 the rights, duties and obligations of the authority shall be
34 governed by this chapter, insofar as they may be applica-
35 ble.

36 3. Insurance. The provisions of section 15708 shall
37 apply to these revenue refunding bonds.

1 §15711. Transfer

2 When bonds have been paid, or a sufficient amount for
3 the payment of the bonds and the interest has been set aside
4 in trust for the benefit of the bondholders, the project
5 shall be conveyed by the authority to the lessee school
6 administrative unit.

7 §15712. Investment

8 Revenue bonds and revenue refunding bonds shall be
9 securities in which public officers and public bodies of the
10 State and its political subdivisions, insurance companies,
11 trust companies and their commercial departments, banking
12 associations, investment companies, savings banks, execu-
13 tors, trustees and other fiduciaries and other persons who
14 are now or may be authorized to invest in bonds or other
15 obligations of a similar nature, may properly and legally
16 invest funds, including pension and retirement funds or cap-
17 ital under their control or belonging to them. The bonds
18 shall be securities which may properly and legally be depos-
19 ited with and received by a state or municipal officer or an
20 agency or political subdivision of the State for a purpose
21 for which the deposit of bonds may be authorized by law.

22 §15713. Other bonding authority

23 This chapter shall not be regarded as in derogation of
24 any power now existing. The issuance of bonds need not com-
25 ply with the requirements of other laws applicable to the
26 issuance of bonds.

27 §15714. Remedies

28 A holder of bonds or coupons and the trustee under a
29 trust agreement, except to the extent the rights may be re-
30 stricted by that trust agreement, may, by civil action, pro-
31 tect and enforce all his applicable rights and may enforce
32 and complete the performance of all duties required by this
33 chapter.

34 §15715. Preliminary expenses

35 A school board may, with the approval of the authority,
36 expend out of funds available for the purpose, moneys neces-
37 sary for preliminary expenses, including architectural and
38 other services. Expenses incurred by the school board prior
39 to the issuance of revenue bonds shall be paid by the board

1 and charged to the appropriate project. The school board
2 shall keep proper records of accounts showing each amount
3 charged. On the issuance of revenue bonds for the project,
4 the funds expended by the school board for the project shall
5 be reimbursed from the proceeds of the bonds.

6 §15716. Direct payment

7 The commissioner may pay to the authority funds due to
8 a school administrative unit as part of its state allocation
9 as follows.

10 1. Application. If a school administrative unit is
11 obligated to make payments to the authority on December 1st,
12 its school board may apply in writing to the commissioner
13 setting forth:

14 A. The amount due;

15 B. The date due;

16 C. The name of the trustee of the authority who shall
17 receive the payment; and

18 D. Their statement that they desire that the amount
19 specified be paid directly to the designated trustee
20 from moneys apportioned to the unit.

21 If the commissioner and the Treasurer of State approve the
22 request, the specified amount shall be paid directly to the
23 designated trustee prior to the due date. It shall also be
24 deducted from the amount due to the school administrative
25 unit from the State.

26 §15717. Exemption from taxation

27 As the exercise of the powers granted by this chapter
28 will be in all respects for the benefit of the people of the
29 State and for the improvement of their educational facili-
30 ties, and as projects constructed under this chapter consti-
31 tute public property, the authority may not be required to
32 pay taxes or assessments on its property, a project or on
33 income from property or projects. Bonds issued under this
34 chapter, their transfer and their income, including profit
35 made on their sale, shall at all times be free from taxation
36 within the State.

37 §15718. Liberal construction

1 This chapter, being necessary for the welfare of the
2 State and its inhabitants, shall be liberally construed to
3 effect its purposes.

4 CHAPTER 609

5 SCHOOL CONSTRUCTION

6 §15901. Definitions

7 As used in this chapter, unless the context otherwise
8 indicates, the following terms have the following meanings.

9 1. Concept approval. "Concept approval" means the
10 initial approval of a school construction project by the
11 state board which indicates:

12 A. Acknowledgment of the local need;

13 B. Approval of the preliminary design;

14 C. Approval of estimated costs; and

15 D. The state board's intent to issue final approval
16 subject to a favorable local vote and approval of final
17 cost estimates.

18 2. Maintenance of plant. "Maintenance of plant" means
19 those activities concerned with keeping the grounds, build-
20 ings and equipment at their original condition of complete-
21 ness or efficiency either through repairs or by replacement
22 of property.

23 3. Major capital cost. "Major capital cost" means
24 school construction projects and may include the cost for
25 equipment approved under a school construction project.

26 4. School construction project. "School construction
27 project" means:

28 A. On-site additions to existing schools;

29 B. New schools;

30 C. The cost of land acquisition;

31 D. The building of or acquisition of other facilities
32 related to the operation of school administrative
33 units;

1 E. Major renovations of existing schools, which in the
2 judgment of the commissioner are more feasible than new
3 construction; and

4 F. Off-site construction may only be included within
5 the meaning of this term if, in the judgment of the
6 commissioner, it is economically in the best interests
7 of the State or there is no other practical way to com-
8 plete a project.

9 5. Total cost of school construction projects. "Total
10 costs of school construction projects" means all costs
11 related to or incidental to the project, except financing
12 costs and proceeds from insured losses.

13 §15902. Administrative units

14 1. Building committee. The legislative body of a
15 school administrative unit may at a regular or specially
16 called meeting establish a special building committee. If
17 the legislative body does not establish a special building
18 committee, then the school board shall act as the building
19 committee and may delegate the powers and duties of the
20 building committee to the superintendent.

21 2. School board approval. A plan for a school con-
22 struction project voted for by a school administrative unit
23 shall be approved by the school board.

24 3. Authority to sell bonds. A school administrative
25 unit may sell bonds to raise the local share of project
26 costs.

27 4. Final report to commissioner. On the completion of
28 a school construction project, the building committee shall
29 certify to the commissioner that the construction project
30 has been completed in conformity with the approved plans and
31 specifications.

32 §15903. Approval of plans and specifications

33 1. Application. A school construction project or the
34 minor capital costs of a project with an estimated cost of
35 more than \$25,000 shall meet the requirements of this
36 section.

37 2. Requirements. The plans and specifications shall
38 contain suitable provision for the health, welfare and
39 safety of persons who will utilize the project.

1 3. Approval. Before acceptance by a school board, the
2 plans and specifications shall be approved by the following:

3 A. The Bureau of Public Improvements, Department of
4 Finance and Administration;

5 B. The department;

6 C. The Department of Human Services; and

7 D. The State Fire Marshal.

8 4. Changes. Changes in the plans and specifications
9 shall be approved by the department.

10 5. Inspection and compliance. If it appears to the
11 commissioner that the school construction project has not
12 been completed in conformity with the approved plans and
13 specifications, the commissioner may cause an inspection of
14 the project to be made. The commissioner shall notify the
15 building committee of the findings of the investigation and
16 of any changes required. The building committee shall make
17 the changes within a reasonable period of time. Failure to
18 do so shall render the school administrative unit liable to
19 the penalties provided in section 6801.

20 §15904. Local vote

21 Prior to final approval by the state board, a school
22 construction project must receive a favorable vote conducted
23 in accordance with the following.

24 1. Councils. In a municipality where the responsibil-
25 ity for final adoption of the school budget is vested in a
26 municipal council by municipal charter or in a town meeting,
27 the vote shall be by secret ballot in accordance with the
28 appropriate provisions set forth in Title 21 and Title 30.

29 2. School administrative districts. In a school admin-
30 istrative district or vocational region the vote shall be
31 conducted in accordance with sections 1351 to 1354.

32 3. Community school districts. In a community school
33 district, the vote shall be conducted in accordance with
34 Title 30, sections 2061 to 2065. The district school com-
35 mittee shall:

36 A. Issue a warrant ordering the municipalities within
37 the district to place the school construction article
38 on the ballot; and

1 B. Prepare and furnish the required number of ballots
2 for carrying out the vote.

3 4. Form. The article shall indicate:

4 A. That the initial local share of the total cost of
5 the project shall be 5% of the total cost or one mill
6 multiplied by the school administrative unit's state
7 valuation, whichever is less;

8 B. The actual initial local share;

9 C. That the entire additional operating costs of the
10 new project during its first 2 years shall be borne by
11 revenues raised by the school administrative unit;

12 D. The estimated amount of the additional operating
13 costs during each of the first 2 years; and

14 E. The state allocation percentage in the year in
15 which the project received concept approval.

16 \$15905. State board

17 1. Approval authority. The state board must approve a
18 school construction project.

19 A. The state board may approve projects as long as no
20 project approval will cause debt service costs, as de-
21 defined in section 15503, subsection 9, paragraph A, to
22 exceed \$30,000,000 in a subsequent fiscal year.

23 B. Nonstate funded projects, such as school construc-
24 tion projects or portions of projects financed by pro-
25 ceeds from insured losses, money from federal sources,
26 other noneducational funds or local funds which shall
27 not be reimbursed by the State, shall be outside the
28 total cost limitations set by the Legislature.

29 2. Secondary school construction project limitations.
30 The state board may approve a secondary school construction
31 project designed to accommodate fewer than 300 pupils only
32 if the state board has determined that the school will have
33 an adequate educational program. The board may not approve
34 a secondary school construction project if fewer than 10
35 full-time teachers will be employed at the school, unless
36 the location of the school would be geographically isolated.

1 3. Certificate of approval. A certificate of approval
2 shall be issued for each project approved by the state
3 board. The certificate shall bear the amount of state aid
4 and other stipulations or conditions. The certificate shall
5 be signed by the commissioner and shall be conclusive evi-
6 dence of the facts stated on it.

7 4. Rules. The state board may adopt or amend rules
8 relating to the approval of school construction projects.

9 §15906. Suits challenging school bond issues, security re-
10 quired

11 In any action challenging the validity of the issuance
12 of bonds for a school construction project authorized and
13 approved under this chapter, or seeking to enjoin the com-
14 mencement, construction or completion of any such school
15 construction project, the following shall apply.

16 1. The plaintiff to provide security. If the court
17 has granted a motion to dismiss or has granted summary judg-
18 ment against the plaintiff, the court may require the plain-
19 tiff to provide security during the period of any appeal
20 from that judgment to cover any costs or damages as may be
21 incurred or suffered by any party resulting from delay of
22 the project, including any loss of purchasing power during
23 the period of delay.

24 2. The amount of security. In determining the amount
25 of security to be required, the court shall consider a
26 recognized index of building costs, the consumer price index
27 and other relevant evidence concerning the cost of the
28 project and the estimated period of delay during the appeal.

29 §15907. Payment

30 1. Payment of state's share. The state allocation for
31 debt service costs shall be paid by the commissioner to
32 each unit according to that unit's debt retirement schedule.

33 2. Payment of local share. A school administrative
34 unit shall pay the local share of their project costs.

35 3. Local funds ineligible for state aid. Notwith-
36 standing any other law, the initial local share of school
37 construction projects shall not be considered educational
38 costs for purposes of computing the state and local alloca-
39 tion under chapter 605.

1 §15908. Design limits

2 1. Technical assistance. In order to provide the
3 technical assistance required by the state board in assess-
4 ing proposed school construction projects, the Bureau of
5 Public Improvements may contract for the services of a pro-
6 fessional engineer whenever the bureau is not employing
7 qualified personnel on a full-time basis.

8 2. Energy conservation standards. The state board
9 shall approve only those projects which have been designed
10 in accordance with rigorous standards for the conservation
11 of energy.

12 3. Life-cycle costs. The department and the Bureau of
13 Public Improvements may not approve the plans and specifica-
14 tions of a project which does not meet the requirements of
15 Title 5, chapter 153, subchapter I-A.

16 §15909. Financing

17 1. Rate of construction aid. A school administrative
18 unit's initial local share of the total cost of a project
19 shall be either 5% of the total cost or the equivalent of
20 one mill multiplied by the unit's state valuation, whichever
21 is less.

22 A. The one mill shall be calculated on the state
23 valuation in effect at the time the project is first
24 approved by the state board.

25 B. The unit's initial local share shall be applied to
26 the project costs during the period of construction.

27 C. The unit's initial local share may be derived from
28 local appropriations or gifts.

29 D. The unit's initial local share shall not be consid-
30 ered an educational cost for purposes of subsidy reim-
31 bursement under chapter 605.

32 2. Bonds. A school administrative unit shall sell
33 bonds in its name for the total cost of the project minus
34 the amounts listed in paragraph A. Bond sales shall be con-
35 sistent with rules adopted or amended by the state board.

36 A. The amount to be bonded shall be determined as fol-
37 lows. The total cost of the project shall be reduced
38 by:

- 1 (1) The initial local share;
- 2 (2) Proceeds from insured losses;
- 3 (3) Money from federal sources; and
- 4 (4) Other noneducational funds, except gifts and
- 5 moneys from federal revenue sharing sources.

6 B. A school administrative unit may borrow money for
7 projects in anticipation of bond sales. Borrowing
8 shall be consistent with rules adopted or amended by
9 the state board.

10 3. Deductions; cost of project. Proceeds from insured
11 losses, money from federal sources and other noneducational
12 funds shall be deducted from the total cost of the project
13 to determine the amount on which the state's share shall be
14 calculated. Proceeds from gifts or moneys from federal rev-
15 enue sharing sources shall be treated as local appropri-
16 ations.

17 §15910. Requirements

18 The following requirements shall apply to a school con-
19 struction project.

20 1. Applications. An application for approval of a
21 project shall include the information required by the state
22 board.

23 2. Reports. A school administrative unit shall file:

24 A. A copy of the debt retirement schedule with the
25 commissioner as soon as bonds are sold; and

26 B. A final report on a project to include any informa-
27 tion the commissioner may require. This report shall
28 be made within the time specified by rule by the com-
29 missioner.

30 3. Penalty. Failure to submit accurate reports within
31 specified times shall be deemed sufficient cause for with-
32 holding school construction aid until the school administra-
33 tive unit complies.

34 4. Time of signing. A school administrative unit may
35 not sign a contract for construction or begin construction
36 until the final plans and specifications have been approved

1 by the commissioner, the Bureau of Public Improvements, the
2 Department of Human Services and the State Fire Marshal.

3 §15911. Community services; conditions of approval

4 The state board may approve construction of school
5 buildings without obligating the State to pay a share of the
6 costs of those buildings, if those portions are to be con-
7 structed to fulfill a community service need.

8 1. Community service. "Community service" means a
9 service which does not fulfill an educational purpose or
10 which is not restricted to a school-age population.

11 2. Breakdown of costs. If construction of facilities
12 to meet a community service need occurs in conjunction with
13 a school construction project, the board shall:

14 A. Require a breakdown of costs for the entire
15 project; and

16 B. Approve a plan as to how operating costs, including
17 repairs, shall be shared by agreement between the
18 municipal officers and the school board.

19 3. Findings. The state board's finding shall become a
20 part of the certificate of approval and shall be the basis
21 on which all costs shall be apportioned between the municip-
22 ality and the school administrative unit for as long as
23 that portion of the project shall:

24 A. Continue to serve that community need; and

25 B. Remain under the control of persons other than the
26 school board.

27 4. Application. An application from a school adminis-
28 trative unit for approval of a school construction project
29 shall include evidence that approval will result in meeting
30 or helping to meet the total construction and program needs
31 of the area to be served.

32 §15912. Inspection of facility; compliance

33 If it appears that a school administrative unit has
34 failed to maintain a school facility which protects the
35 health, welfare and safety of the persons utilizing the
36 facility, the commissioner may cause an inspection to be
37 made. The commissioner shall notify the school administra-

1 tive unit of the findings of the investigation and of any
2 changes to be made. The school administrative unit shall
3 make the changes promptly. If it fails to make the changes,
4 it shall be liable to the penalties provided in section
5 6801.

6 §15913. School bus shelters

7 1. Placement. School bus shelters for school chil-
8 dren, when approved by the school board of the unit in which
9 they are located, may be placed or maintained outside the
10 right-of-way and at least 33 feet from the center line of a
11 highway.

12 2. Requirement. A shelter shall be:

13 A. Constructed of steel or other durable material with
14 concrete floor raised above ground level;

15 B. Kept clean, well painted or otherwise suitably
16 maintained at all times; and

17 C. Kept free from snow.

18 3. Removal. The school board may order its removal if
19 it does not meet these requirements.

20 CHAPTER 611

21 CONDEMNATION

22 §16101. Authority for condemnation

23 1. Conditions. A school administrative unit may con-
24 demn land for the construction or enlargement of school
25 buildings and playgrounds when:

26 A. The owner of the property refuses to sell;

27 B. The parties are unable to agree on a price within
28 60 days of the first offer; or

29 C. The owner of the property resides outside the State
30 and has no authorized agent or attorney within the
31 State.

32 2. School administrative units. The following school
33 administrative units may condemn land for school construc-
34 tion:

1 A. Municipalities;

2 B. School administrative districts; and

3 C. Community school districts.

4 3. Restrictions. A school administrative unit may not
5 condemn lots exceeding 25 acres for one project.

6 §16102. Procedures

7 1. Authority to condemn. When the location of a
8 school lot has been legally determined by a school adminis-
9 trative unit, the land may be condemned:

10 A. In a municipality by the municipal officer;

11 B. In a school administrative district by a school
12 board; and

13 C. In a community school district by the district
14 board of trustees.

15 2. Appraisal. Damages for condemnation shall be
16 determined:

17 A. As provided for laying out town ways for municipal-
18 ities; or

19 B. As provided for laying out county ways in Title 23,
20 sections 2052 and 2054, for school administrative dis-
21 tricts and community school districts, except that
22 notice need not be given to the Department of Trans-
23 portation.

24 3. Payment of damages. The school board may take lots
25 for school construction after payment of these damages. If
26 the owner of the condemned property resides outside the
27 State the damages shall be deposited in the municipal treas-
28 ury for municipalities and in the county treasury for other
29 school administrative units.

30 4. Description. The school board shall cause a plan
31 and description of the lots, as they have laid them out, to
32 be recorded in the registry of deeds where the land lies,
33 within 30 days of payment or deposit of damages.

34 5. Notice. The school board shall serve on the owner
35 a certified copy of the vote directing the condemnation.

1 This notice shall be served according to the Maine Rules of
2 Civil Procedure.

3 §16103. Reversion

4 If land taken under this chapter has ceased to be used
5 for school purposes for 2 successive years, the lot shall
6 revert to the owner, the owner's heirs or assigns, on
7 demand. The request for reversion shall be made in writing
8 to the school board. The school board may enter the lot and
9 remove the school buildings within 6 months after the
10 demand.

11 §16104. Appeals

12 If the owner is aggrieved at the damages awarded him
13 under this chapter, he may appeal to the Superior Court of
14 the county in which the land or any part of it lies.

15 1. Procedure. The owner shall file a complaint in the
16 court and serve the school administrative unit with a copy
17 within 90 days of the date of recording of the description
18 of the lot in the registry of deeds. The complaint shall
19 set forth substantially the facts, but shall not state the
20 amount of the damages previously awarded to the owner.

21 2. Determination of damages. The damages may be
22 determined in the Superior Court by a committee of reference
23 if the parties so agree, or by a jury verdict.

24 3. Costs. If the damages are increased, the school
25 administrative unit shall pay the damages and costs; other-
26 wise, the costs shall be paid by the appellant.

27 4. Committee of reference compensation. A committee
28 of reference shall be allowed a reasonable compensation for
29 its services. This compensation shall be fixed by the court
30 upon the presentation of its report and paid from the county
31 treasury upon the certificate of the clerk of courts.

32 5. Further appeal. An appeal may be taken by a party
33 from the judgment of the court to the Supreme Judicial
34 Court.

35 §16105. School lots; erroneous description

36 1. Reappraisal. If a school administrative unit has
37 designated, located and described a lot upon which to con-
38 struct or enlarge a school and by mistake or omission has

1 failed to comply with the law whereby the location has been
2 rendered invalid, 3 legal voters and taxpayers of that unit
3 may apply in writing to the school board and have the lot,
4 so designated or described, reappraised by them.

5 2. Notice. The school board to whom an application
6 has been made shall give not less than 7 nor more than 20
7 days' notice to the municipal clerks and to the person
8 owning or having charge of the real estate. The notice
9 shall contain the time and place for the hearing. After
10 examination and hearing of all interested, the school board
11 shall appraise and affix a fair value to the lot as set out,
12 exclusive of improvements made by the school administrative
13 unit. As soon as practicable, the school board shall notify
14 the municipal clerks and the person owning or having charge
15 of the real estate of the appraisal.

16 3. Assessment and collection. The sum fixed as the
17 value of the lot shall be assessed, collected and paid over
18 as other school money.

19 4. Tender. A sum which has been tendered and is in
20 the hands or under the control of the persons owning or hav-
21 ing charge of the land shall be allowed in payment of the
22 appraisal.

23 5. Appeal by either party. The school board or the
24 person owning or having charge of the land reappraised may
25 appeal within 10 days if they are dissatisfied with the
26 reappraisal.

27 A. The claim for appeal shall be submitted to the
28 county commissioners of the county in which the land
29 lies, and shall include a copy of the proceedings.

30 B. The determination of the appeal shall be by a
31 majority of the commissioners who are not residents of
32 the school administrative unit.

33 C. The determination may be appealed by an aggrieved
34 party to the Superior Court as provided under section
35 16104.

36 6. Improvements inure to units. If a school adminis-
37 trative unit has erected or moved a building on or improved
38 a lot, the improvement shall inure to the benefit of the
39 school administrative unit. The building or improvements
40 may be as completely occupied and controlled by the school
41 administrative unit as it would have been if the location
42 had been in strict conformity to law.

1 7. Tax not affected. The legality of a tax assessed
2 to build, repair or remove a school building and to pay for
3 a lot shall not be affected by a mistake or error in desig-
4 nation or location of a lot.

5 **Sec. 6. Transition.** The following provisions shall
6 apply to the transition from the Revised Statutes, Title 20
7 to Title 20-A.

8 1. Definition. For the purposes of this section:

9 A. "Management board" means a school board, advisory
10 committee, cooperative committee, joint committee or
11 other governing body of a school unit; and

12 B. "School unit" means a school administrative unit,
13 vocational region, school union, union school and
14 vocational-technical institutes.

15 2. Personnel. This Act shall have no effect on the
16 terms or appointment of an employee of the department, of a
17 school unit or management board operating under this Title.

18 3. Funds and equipment transferred in department.
19 Notwithstanding the provisions of the Revised Statutes,
20 Title 5, all accrued expenditures, assets, liabilities, bal-
21 ances of appropriations, transfers, revenues or other avail-
22 able funds in an account or subdivision of an account of the
23 Department of Educational and Cultural Services shall be
24 transferred to the proper place under this Act by the State
25 Controller on the request of the Commissioner of Educa-
26 tional and Cultural Services and the State Budget Officer,
27 and with the approval of the Governor.

28 4. Funds and equipment transferred in school unit.
29 Notwithstanding the provisions of the Revised Statutes,
30 Title 5, all accrued expenditures, assets, liabilities, bal-
31 ances of appropriations, transfers, revenues or other avail-
32 able funds in an account or subdivision of an account of a
33 school unit shall be transferred to the proper place under
34 this Act on the approval of the management board.

35 5. Agreements, leases, contracts, authorizations or
36 bonds. All agreements, leases, contracts, authorizations,
37 notes or bonds, issued under the Revised Statutes, Title 20,
38 prior to the effective date of this Act shall continue to be
39 valid under the terms of issuance until they expire or are
40 rescinded, amended or revoked.

1 6. Dedicated revenues. This Act shall not be con-
 2 strued to change the status of any dedicated revenues. All
 3 dedicated revenues existing prior to this Act shall not
 4 lapse because of this Act, but shall be transferred to the
 5 funds of the same name which are created by this Act.

6 **Sec. 7. Legislative intent.** It is the intent of the
 7 Legislature that this Act shall be considered a revision of
 8 the Department of Educational and Cultural Services' govern-
 9 ing statutes.

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

12 STATEMENT OF FACT

13 This new draft reorganizes the education statutes.
 14 Title 20, except for sections 1221,1223 to 1230 and 3457 to
 15 3460, is repealed. A new Title, Title 20-A, Education, is
 16 established. The following table shows the derivation of
 17 sections from the old to the new.

18	<u>Old - Title 20</u>	<u>New - Title 20-A</u>
19	1	201
20	1-A	201, 202, 251
21	1-B	202, 203
22	3	256
23	4	2
24	5	2
25	6	6801
26	21	3
27	22	3
28	23	3
29	51	401, 405, 406, 15302
30	52	402
31	53	403
32	54	404
33	55	405
34	57	254, 10104
35	58	254, 3002, 3003
36	59	13001, 13002
37	71	10301, 10302
38	72	10302
39	73	10308
40	74	10310
41	75	10303
42	76	10304

1	77	.....	10305
2	78	.....	10306
3	79	.....	10311
4	80	.....	10309
5	81	.....	10307
6	102	.... 253, 254, 255, 256, 257, 258, 259, 853, 2901, 2902,	
7		. 2904, 2905, 3051, 4001, 4202, 4203, 4205, 4601, 4602	
8	103	..... 252, 255	
9	104	..... 255	
10	105	..... 253	
11	106	..... 253	
12	151	.....	1901
13	152	..... 1051, 1052	
14	153	..... 1051, 1052, 1053, 1054, 1902	
15	154	.....	1051
16	155	.....	1901
17	156	.....	1901
18	157	.....	1901
19	158	.....	1903
20	159	.....	254
21	160	.....	1051
22	161	..... 1055, 13201, 13202, 13203, 13205	
23	162	.....	6808
24	211	.....	1201
25	212	..... 402, 405	
26	213	..... 1202, 1203	
27	213-A	.....	1258
28	215	.....	1203
29	216	..... 1204, 1206	
30	217	.....	1205
31	218	.....	1312
32	219	.....	1207
33	220	.....	5401
34	221	..... 1051, 1052, 1053, 1054, 1055	
35	222	..... 1401, 1402	
36	222-A	.....	1403
37	222-B	.....	1404
38	222-C	.....	1405
39	222-D	.....	1406
40	222-E	.....	1407
41	223	.....	406
42	224	.....	1206
43	225	..... 1351, 1352, 1353, 1354	
44	226	..... 1302, 1303, 1304, 1306, 1307	
45	226-A	.....	1305
46	301	..... 1203, 1251, 1252, 1253, 1255	
47	301-A	.....	1253, 1255
48	302	..... 1002, 1004, 1251, 1253, 1254	
49	304	.....	1311

1	305	..... 1203, 1301, 1302, 1303, 1304, 1308, 1309, 1310
2	306	..... 1255, 1256, 1257, 4003, 4006
3	307	..... 1313, 1314
4	308	..... 1255
5	309	..... 2501
6	309-A	..... 2501
7	309-B	..... 2501
8	309-C	..... 1003, 1314, 1315
9	309-D	..... 1002
10	310	..... 3601
11	311	..... 3602
12	311-A	..... 3603
13	311-B	..... 3604
14	312	..... 3605
15	312-A	..... 3606
16	312-B	..... 3607
17	312-C	..... 3608
18	312-D	..... 3609
19	312-E	..... 3610
20	312-F	..... 3611
21	312-G	..... 3612
22	313	..... 3613
23	314	..... 3614
24	314-A	..... 3615
25	314-B	..... 3616
26	314-C	..... 3617
27	314-D	..... 3618
28	314-E	..... 3619
29	314-F	..... 3620
30	314-G	..... 3621
31	314-H	..... 3622
32	314-I	..... 3623
33	315	..... 3624
34	315-A	..... 3625
35	315-B	..... 3626
36	315-C	..... 3627
37	315-D	..... 3628
38	315-E	..... 3629
39	315-F	..... 3630
40	315-G	..... 3631
41	315-H	..... 3632
42	315-I	..... 3633
43	315-J	..... 3634
44	316	..... 3635
45	316-A	..... 3636
46	316-B	..... 3637
47	316-C	..... 3638
48	316-D	..... 3639
49	317	..... 3640

1	317-A	3641
2	317-B	3642
3	317-C	3643
4	317-D	3644
5	317-E	3645
6	317-F	3646
7	317-G	3647
8	318	3648
9	318-A	3649
10	318-B	3650
11	319	3651
12	320	3652
13	320-A	3653
14	320-B	3654
15	320-C	3655
16	320-D	3656
17	321	3657
18	321-A	3658
19	321-B	3659
20	321-C	3660
21	321-D	3661
22	322	3662
23	322-A	3663
24	322-B	3664
25	322-C	3665
26	322-D	3666
27	322-E	3667
28	322-F	3668
29	322-G	3669
30	322-H	3670
31	322-I	3671
32	371	1601, 1602, 1654
33	372	1602, 1603, 1604, 1651, 1701, 15003
34	373	1002, 1004, 1652, 1653, 1654, 4003
35	374	1604
36	374-A	1705
37	375	1051, 1052, 1053, 1054, 1055
38	376	1651, 1702
39	377	5401
40	378	1704
41	379	1701
42	380	1703
43	381-A	1751
44	382	1752
45	411	2351
46	471	2302, 2303, 2305
47	472	1002, 1004, 2305
48	473	1001, 4003, 4801, 13603, 13604
49	474	2306

1	475	.....	2304
2	476	.....	2301
3	521	.....	2101
4	522	.....	2101, 2102
5	571	.....	6802
6	801	.....	4802, 4803, 4804
7	802	.....	1055, 1056, 4805
8	803	.....	4007
9	804	.....	15913
10	805	.....	6001
11	806	.....	4008
12	807	.....	6101
13	808	.....	6102
14	851	.....	1
15	852	.....	15002
16	853	.....	2352
17	854	.....	6801
18	855	.....	4801
19	856	.....	4001, 4002
20	857	.....	4002
21	859	.....	5201, 5202, 5205, 8802
22	860	.....	5205
23	861	.....	5205
24	862	.....	5401, 5601, 5802
25	863	.....	13801
26	911	.....	5001, 5002, 5003, 5051, 5053
27	912	.....	5203, 5204, 5804, 5810
28	913	.....	5052
29	914	.....	5051
30	915	.....	5053
31	916	.....	4204
32	918	.....	4009
33	931	.....	5101
34	932	.....	5102
35	933	.....	5103
36	934	.....	5104
37	961	.....	6003
38	962	.....	6002
39	963	.....	6002
40	964	.....	6002
41	965	.....	6002
42	966	.....	5205, 6004
43	967	.....	6051, 6052
44	1011	.....	4601
45	1012	.....	4601
46	1013	.....	6301
47	1014	.....	6301
48	1015	.....	6552
49	1051	.....	6601

1	1052	.....	6601
2	1053	.....	6602
3	1054	.....	6603
4	1055	.....	6051, 6152
5	1091	.....	6551
6	1131	.....	6402
7	1134	.....	6403
8	1135	.....	6451
9	1135-A	.....	6452
10	1138	.....	6301
11	1140	.....	6401
12	1171	.....	6501
13	1172	.....	6501
14	1174	.....	6501
15	1191	.....	6351
16	1192	.....	6351
17	1193	.....	6351
18	1194	.....	6351
19	1195	.....	6351
20	1196	.....	6351
21	1221	..... not repealed (Title 20, §1221)	
22	1222	.....	4601
23	1223	..... not repealed (Title 20, §1223)	
24	1224	..... not repealed (Title 20, §1224)	
25	1225	..... not repealed (Title 20, §1225)	
26	1226	..... not repealed (Title 20, §1226)	
27	1227	..... not repealed (Title 20, §1227)	
28	1228	..... not repealed (Title 20, §1228)	
29	1229	..... not repealed (Title 20, §1229)	
30	1230	..... not repealed (Title 20, §1230)	
31	1231	.....	4803
32	1233	.....	4805
33	1281	.....	4401, 4404, 4601
34	1282	.....	4406
35	1284	.....	4404
36	1285	.....	4005, 5401, 5601
37	1286	.....	4401, 5204
38	1288	.....	4001
39	1289	.....	2701, 2702, 2703, 2704
40	1241	.....	4002, 5204, 5601, 5810
41	1292	.....	5204, 5805, 5806, 5807, 5810, 5814, 7255
42	1292-A	.....	5809
43	1294	.....	1055
44	1295	.....	6803
45	1341	.....	4005
46	1342	.....	4005
47	1343	.....	4005
48	1344	.....	2901, 2902, 2903
49	1345	.....	2954

1	1346	2953
2	1347	2953
3	1348	2955
4	1451	3201, 3202, 3251
5	1453	3252, 5401, 5601
6	1454	3253, 5601
7	1455	3304
8	1456	3254
9	1457	3255
10	1458	3351
11	1459	3301
12	1460	3303
13	1461	3351
14	1461-A	3351
15	1462	3351
16	1463	3351
17	1464	3351
18	1465	3351
19	1466	3351
20	1467	3351
21	1468	3351
22	1469	3351
23	1470	3351
24	1471	3351
25	1472	3301
26	1473	3305
27	1474	3401
28	1475	3305
29	1476	3301, 3402
30	1477	3403
31	1478	3302
32	1479	3351
33	1751	13001
34	1752	13004
35	1753	13003
36	1754	13003
37	1801	13005
38	1802	13006
39	1851	13401
40	1901	6809, 13402
41	1902	13001, 13402
42	1951	13601
43	2001	13602
44	2011	13901
45	2012	13902
46	2013	13903
47	2014	13904
48	2015	13905
49	2016	13906

1	2017	13907
2	2018	13908
3	2019	13909
4	2021	13951
5	2022	13952
6	2202-A	10701, 10701, 10702, 10703, 10704, 10705, 10706,
7		10707, 10708, 10709, 10710
8	2203	10002
9	2004	10003
10	2204-A	10001
11	2205	12402
12	2206	12401
13	2207	12401
14	2208	12404
15	2209	12405
16	2210	12403
17	2211	12406
18	2231	11401
19	2232	11402
20	2233	11403
21	2234	11404
22	2235	11405
23	2236	11406
24	2241	12001
25	2242	12002
26	2243	12003
27	2244	12004, 12005
28	2251	10902
29	2252	10903
30	2253	10904
31	2254	10905
32	2255	10906
33	2256	10906
34	2261	10101
35	2261-A	10101
36	2262	10102
37	2263	10103, 10104
38	2264	10105
39	2265	10106
40	2266	10107
41	2267	10108
42	2268	10109
43	2268-A	10109
44	2269	10110
45	2270	10111
46	2271	11801
47	2272	11802
48	2273	11802, 11803, 11804
49	2273-A	11804

1	2274	11805
2	2276	11805
3	2277	11806, 11807
4	2278	11808
5	2279	11809
6	2311	11202
7	2312	11202
8	2313	11203
9	2314	11201
10	2351	8302
11	2351-A	8301
12	2352	8303
13	2353	8304
14	2355-A	8306
15	2355-B	8307
16	2356-A	5401, 8301, 8305, 8401, 8402, 8403, 8404, 8405
17	2356-B	8351, 8457
18	2356-C	8353
19	2356-F	8305
20	2356-G	5401, 8451, 8452, 8453, 8457, 8458, 8459, 8460,
21		8461, 8462, 8463, 8464, 8465, 8466, 8467
22	2356-H	352
23	2356-I	8353
24	2356-J	5809
25	2371	11601
26	2372	11602, 11603, 11604, 11605, 11606, 11607
27	2373	11608
28	2381	8601
29	2382	8603
30	2383	8604
31	2384	8605
32	2385	8606
33	2386	8607
34	2387	8608
35	2388	8609
36	2389	8610
37	2390	8602
38	2401	4603
39	2451	4604
40	2452	4604
41	2453	4604
42	2454	4604
43	2455	4604
44	2501	8801
45	2551	9001
46	2552	9002
47	2553	9003
48	2554	9003
49	2601	801

1	2602	802
2	2603	803
3	2604	851
4	2605	852
5	2651-A	9201
6	2652-A	9202
7	2653-A	9203
8	2654-A	9204
9	2661	9501
10	2662	9502
11	2663	9503
12	2664	9504
13	2701	12201
14	2702	12202
15	2703	12203
16	2704	12204
17	2720	10501
18	2721	10502
19	2751	11001
20	2752	11002
21	2753	11003
22	2754	11004
23	2755	11005
24	2756	11006
25	2757	11007
26	2758	11008
27	2759	11009
28	2760	11010
29	2801	11051
30	2802	11052
31	2803	11053
32	2804	11054
33	2805	11055
34	2901	601
35	2902	602
36	2903	603
37	2904	604
38	2905	605
39	2906	606
40	2907	607
41	2908	608
42	2909	609
43	2921	651
44	2922	652
45	2923	653
46	3121	7201
47	3122	7201, 7204, 7501, 7502, 7503
48	3123	7001
49	3124	7202, 7203

1	3125	.....	7001, 7204, 7251, 7252, 7253, 7254, 7255
2	3126	.....	7202, 7204, 7205, 7301
3	3127	.....	7206
4	3128	.....	7202, 7204
5	3129	.....	7202
6	3130	.....	7302
7	3131	.....	7002, 7201, 7204, 7207, 7208, 7301, 7706
8	3132	.....	7003
9	3161	.....	7901
10	3162	.....	7902
11	3201	.....	7701
12	3202	.....	7001, 7702
13	3203	.....	7703
14	3204	.....	7704
15	3205	.....	7705
16	3301	.....	8101
17	3302	.....	8102
18	3303	.....	8103
19	3451	.....	15002
20	3452	.....	1, 1051, 15001
21	3453	.....	15004
22	3453-A	.....	15003
23	3454	.....	15005
24	3455	.....	15005, 15716
25	3457	.....	not repealed (Title 20, §3457)
26	3458	.....	not repealed (Title 20, §3458)
27	3459	.....	not repealed (Title 20, §3459)
28	3460	.....	not repealed (Title 20, §3460)
29	3471	.....	15901, 15904, 15905, 15908
30	3471-A	.....	15906
31	3472	.....	15901, 15902, 15907, 15909
32	3473	.....	1510
33	3474	.....	5803
34	3475	.....	15911
35	3476	.....	4001
36	3477	.....	15901, 15907
37	3481	.....	15912
38	3482	.....	15902
39	3483	.....	15902, 15903, 15905
40	3501	.....	15701
41	3502	.....	15702
42	3503	.....	15708
43	3504	.....	15704
44	3505	.....	15703
45	3506	.....	15705
46	3507	.....	15706
47	3508	.....	15707
48	3508-A.	.....	15708
49	3509	.....	15709

1	3510	.....	15714
2	3511	.....	15710
3	3512	.....	15711
4	3513	.....	15715
5	3514	.....	15712
6	3515	.....	15713
7	3516	.....	15718
8	3517	.....	15717
9	3561	..... 4006, 5401, 5601	
10	3562	..... 16101, 16102	
11	3562-A	..... 16101, 16102	
12	3562-B	..... 16101, 16102	
13	3562-C	.....	16103
14	3562-D	.....	4004
15	3563	.....	16104
16	3564	.....	16105
17	3565	.....	16105
18	3566	.....	16105
19	3567	.....	16105
20	3568	.....	16105
21	3569	.....	16105
22	3570	.....	16105
23	3671	.....	15301
24	3672	.....	15302
25	3673	.....	15303
26	3674	.....	15304
27	3771	.....	6804
28	3772	.....	6805
29	3773	.....	6806
30	3774	.....	6807
31	4741	.....	15501
32	4742	.....	15502
33	4743	..... 4001,	15503
34	4744	.....	15504
35	4745	.....	15505
36	4746	.....	15506
37	4747	.....	15507
38	4748	.....	15508
39	4749	.....	15509
40	4750	.....	15510
41	4751	.....	15511
42	4752	.....	15512
43	4753	.....	15513
44	4754	..... 1,	15514

1	4755	.....	15515
2	4755-A	.....	out of date
3	4756-A	.....	15516
4	4757	.....	15517
5	4758	.....	15518

6 4356022482