

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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PUBLIC LAWS
OF THE
STATE OF MAINE

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authorized to delete those words and insert in their place the words "Maine Geological Survey" or appropriate word meaning "Maine Geological Survey."

Effective October 24, 1977

CHAPTER 361

AN ACT Relating to Adult Education.

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

Sec. 1. 20 MRSA § 858, as last amended by PL 1975, c. 746, § 12-A, is repealed.

Sec. 2. 20 MRSA § 2356-B, sub-§ 2, 1st ¶, 2nd sentence, as repealed and replaced by PL 1975, c. 513, § 6, is repealed as follows:

~~Ninety percent of the costs of instruction for approved part-time and evening classes for out-of-school youth and adults shall be reimbursed~~

Sec. 3. 20 MRSA § 2356-B, sub-§ 2, 2nd ¶, as repealed and replaced by PL 1975, c. 513, § 6, is repealed as follows:

~~Costs of instruction for part-time and evening classes shall be limited to the cost of instructors' and supervisors' salaries, janitor services, public utility services, textbooks, if furnished free to students, reference books and consumable supplies for classroom, shop or laboratory use, but such costs shall be reduced by any receipts from tuition charges for persons enrolled, whether residents of the unit maintaining and operating the center or of other administrative units and whether or not these tuition charges are paid by the student personally or by the administrative unit where he resides~~

Sec. 4. 20 MRSA § 2358, as last amended by PL 1973, c. 571, § 44, is repealed.

Sec. 5. 20 MRSA § 2359, as last amended by PL 1975, c. 771, § 183, is repealed.

Sec. 6. 20 MRSA § 2360 is repealed.

Sec. 7. 20 MRSA § 2404, as last amended by PL 1969, c. 448, is repealed.

Sec. 8. 20 MRSA § 2405, as last amended by PL 1975, c. 771, § 184, is repealed.

Sec. 9. 20 MRSA § 2406 is repealed.

Sec. 10. 20 MRSA c. 308 is enacted to read:

CHAPTER 308
ADULT EDUCATION

§ 2381. Purpose

Since education is a lifelong process, it is the declared policy of the State to provide and encourage the growth of educational opportunities for all adults.

§ 2382. Authority to raise money for adult education

Any administrative unit may, in addition to the sum raised for the support of public schools, raise and appropriate money for the support of adult education classes and educational activities which shall be under the direction and supervision of the administrative unit's school committee or board of school directors. An administrative unit may raise, appropriate and expend money to cover the tuition costs resulting from its residents attending adult education courses in another administrative unit provided that the courses are not offered by the unit of residence.

§ 2383. Authority to operate nonsubsidizable activities

The school committee or board of school directors may make available facilities for adults for day and evening educational and recreational activities not supported by public school funds and not reimbursed by the State. These courses and activities may be financed by tuition fees, by funds voted by the administrative unit, or by funds from other proper sources, or by any combination of these.

§ 2384. Participation in adult education

Any person who is 17 years of age or older and who is not attending public school is entitled to local adult education courses in accordance with local program criteria. The commissioner may grant exceptions to the above in admitting students into adult education programs at the local level. Students enrolled in public day school programs may participate in adult or adult vocational programs to supplement the regular day school program on an exception basis in accordance with the guidelines established by the commissioner.

§ 2385. Reimbursement procedures

1. Commissioner certification. Annually, prior to February 1st, the commissioner shall certify to the Legislature and to the Bureau of the Budget his recommendation for the funding levels for the various program categories in adult education. The requested funding levels shall be computed by adding the actual costs for the first half of the year immediately prior to the year of allocation of funds to the total estimated costs that will be incurred for the 2nd half of the same year. The commissioner shall have the authority to amend any estimate when he believes that estimate to be unreasonable. If an administrative unit fails to submit the necessary information required in this section within the time specified by the commissioner, the commissioner shall estimate that unit's educational cost.

2. State reimbursement. State reimbursement for expenditures on all adult education programs shall be based upon the total expenditure less income

from federal sources. The reimbursement shall be based on the net expenditures, or the report of expenditures for the first 6 months and the estimate of the expenditure for the last 6 months of the fiscal year, as approved by the commissioner, whichever is lower. State aid will be paid to the administrative units during the 2nd quarter of the state's fiscal year following the unit's expenditure. If the Legislature fails to appropriate sufficient funds for reimbursement, state aid to units will be prorated.

§ 2386. Reimbursement rates

1. **Administrative costs.** Whenever the school committee or school directors of an administrative unit shall have maintained during the school year evening schools, day schools, classes and educational activities for adults as provided in section 2382, 70% of the administrative costs, which include administrative, supervisors' and clerical salaries and the costs of maintaining and operating citizens' advisory committees shall be reimbursed to the administrative unit in the year following the expenditure.

2. **Adult vocational-education courses.** Adult vocational-education courses, as defined by the commissioner, shall be reimbursed at the rate of 75% of the cost of instructional salaries and 50% of consumable supplies.

3. **General adult courses.** Courses provided for the general public in avocational, leisure and life skill programs, as defined by the commissioner, shall be reimbursed at the rate of 50% of the cost of instructional salaries.

4. **Adult handicapped courses.** Adult handicapped courses, as defined by the commissioner, shall be reimbursed at the rate of 75% of the cost of instructional salaries.

5. **High school completion courses.** High school completion courses, as defined by the commissioner, shall be reimbursed at the rate of 75% of the cost of instructional salaries.

6. **Basic literacy courses.** Basic literacy courses, as defined by the commissioner, shall be reimbursed at the rate of 75% of the cost of instructional salaries.

§ 2387. Teacher education reimbursement

The commissioner shall add to his budget request a sum not to exceed 5% of the sum recommended for reimbursement to the local units for preservice and inservice education activities for teachers in adult education.

§ 2388. Fees for adult education

1. **Registration fee.** An administrative unit, in concurrence with the commissioner, shall establish a registration fee schedule and determine the use of such registration fees.

2. **Material fee.** An administrative unit may charge a student a fee to cover the actual cost of materials used by him in a course he is attending.

§ 2389. Adult vocational education authority

1. **Basic authority.** A vocational region or vocational center may offer

adult vocational education programs within their geographic area.

2. Request for program approval. Any administrative unit in a vocational region or an administrative unit served by a vocational center may request that adult vocational education courses be offered in that administrative unit through the cooperative board of the vocational region or the governing body of the vocational center.

3. Board approval. The cooperative board of the vocational region or the governing body of the regional technical vocational center may approve adult vocational education courses in that administrative unit.

4. Adequate funding. The offering of adult vocational education courses shall be dependent upon that administrative unit appropriating sufficient funds to pay for the courses.

5. Persons entitled to attend. All adult vocational education courses offered in any administrative unit under the authority of this section shall be open to any adult who needs retraining or upgrading. Whenever space is limited, priority will be given to the residents of the unit offering the program. State reimbursement will be made to the administrative unit in accordance with this chapter. If the request from an administrative unit to operate a reimbursable adult vocational education course is disapproved by the cooperative board of the vocational region or by the administrative unit governing the vocational center, the administrative unit may appeal to the commissioner for authority to offer the course and his decision is final and binding.

§ 2390. Program definitions

The commissioner shall establish program definitions for adult vocational courses, general adult courses, adult handicapped courses, high school completion courses and basic literacy courses.

Sec. 11. Effective date. This Act shall become effective on January 1, 1978; however, it shall not become effective for subsidy purposes until July 1, 1978.

Effective January 1, 1978, unless otherwise indicated

CHAPTER 362

AN ACT to Clarify the Powers of the Department of Inland Fisheries and Wildlife.

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

Sec. 1. 12 MRSA § 1952, 1st sentence, as last amended by PL 1975, c. 497, § 2, is repealed and the following enacted in its place: