

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 860

S. P. 277

In Senate, February 17, 1971

Referred to Committee on Education. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Katz of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

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

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

Whereas, many Acts enacted by the Legislature have created inconsistencies and technical errors; and

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

Whereas, it is vitally necessary that such uncertainties be resolved so that injustices to the people of Maine may be avoided; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 20, § 57, amended. Section 57 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 440 of the public laws of 1965, is further amended to read as follows:

§ 57. Establishment of Vocational and Technical Schools

In addition to its duties connected with vocational education and vocational rehabilitation, the board (of education) shall have authority to establish, maintain and operate state technical and vocational institutes to promote

specialized training for persons who give evidence of special aptitude or need and who desire specialized training designed specifically to train for service in trade, industry or commerce.

Sec. 2. R. S., T. 20, § 58, amended. The 2nd paragraph of section 58 of Title 20 of the Revised Statutes, as enacted by chapter 34 of the public laws of 1967, is amended to read as follows:

The State Board of Education may reimburse such institutions for part of the cost of conducting approved vocational courses from funds available under the Vocational Education Act of 1963 (P. L. 88-210) and vocational educational amendments of 1968.

Sec. 3. R. S., T. 20, § 155, amended. The last sentence of the first paragraph of section 155 of Title 20 of the Revised Statutes, is amended to read as follows:

Upon the approval of said certificate by the commissioner, the superintendent so employed shall, on presentation of proper vouchers, receive ~~monthly at intervals to be determined by the commissioner~~ out of the sum appropriated for superintendence of towns comprising school unions a sum equal to the amount paid by the town, provided the amount so paid shall not exceed \$1,350 for one year for the superintendent of any one town general-purpose aid for the unit an amount in accordance with section 3731.

Sec. 4. R. S., T. 20, § 158, amended. Section 158 of Title 20 of the Revised Statutes is amended to read as follows:

§ 158. Appropriation for superintendent's salary

Administrative units shall appropriate for the salary of the superintendent of schools their proportion of the sum paid said superintendent to the amount certified by the joint committee to the town treasurer, and said proportion to be paid by any town shall be paid out of the appropriation made for the support or maintenance of public schools or high schools as provided under section ~~3721, subsection 2~~ 3731.

Sec. 5. R. S., T. 20, § 222, amended. Section 222 of Title 20 of the Revised Statutes, as amended, is further amended by adding a new paragraph at the end to read as follows:

Any municipality initiating proceedings for the dissolution of a School Administrative District must deposit to the credit of the State Board of Education a sum of money to pay the cost of the dissolution proceedings, the amount of money to be determined by the state board. If the district is dissolved, the amount of money so set aside shall be returned to the petitioning municipality. If the district is not dissolved the unused portion, if any, of the fund shall be returned to the petitioning municipality.

Sec. 6. R. S., T. 20, § 223, amended. Section 223 of Title 20 of the Revised Statutes, as amended by section 29-C of chapter 513 of the public laws of 1965, is further amended to read as follows:

§ 223. Regulations

Subject to this chapter and sections 1901, 1902, 3456, 3457, and ~~3721 to 3723~~ 3731 to 3734, the State Board of Education may make such reasonable regulations as it may find necessary for carrying out the purposes, provisions and intent of these sections.

Sec. 7. R. S., T. 20, § 305, amended. The first sentence of the 5th paragraph of section 305 of Title 20 of the Revised Statutes, as amended by chapter 487 of the public laws of 1969, is further amended to read as follows:

Alternate Method A: Each member municipality of the district shall raise ~~the number of 20 mills on its state valuation as specified in section 3723,~~ any additional appropriation required by the district shall be divided among the member municipalities in the same proportion as the 2-year average of resident pupils of the previous biennium in a member municipality bears to the total 2-year average of resident pupils of the previous biennium in the district or municipalities of the proposed district; except that no member municipality within the School Administrative District may be assessed an amount which is more than 15% higher than the average percentage increase of the district as a whole over the assessment or assessments of the previous year.

Sec. 8. R. S., T. 20, § 307, amended. Section 307 of Title 20 of the Revised Statutes is amended by adding at the end of the first paragraph the following new sentence:

The directors are authorized to return unused school property to individuals from whom it was purchased when it is no longer needed for school purposes.

Sec. 9. R. S., T. 20, § 474, amended. Section 474 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is further amended to read as follows:

§ 474. Service without pay

School committees shall serve without pay unless otherwise voted by the town ~~under section 3721, subsection 2.~~

Sec. 10. R. S., T. 20, § 802, amended. The 2nd sentence of section 802 of Title 20 of the Revised Statutes is amended to read as follows:

They shall report annually to the towns or school directors the amount necessary to furnish the public schools with suitable flags and flagstuffs, and all administrative units shall annually appropriate ~~under section 3721, subsection 2~~ a sufficient amount to defray the necessary cost of the display of the flag.

Sec. 11. R. S., T. 20, § 856, amended. The first sentence of section 856 of Title 20 of the Revised Statutes is amended to read as follows:

Administrative units shall provide school books, apparatus and appliances for the use of pupils in the public schools, including all free high schools, at the expense of said administrative unit ~~as provided in section 3721, subsection 2.~~

Sec. 12. R. S., T. 20, § 856, amended. The 2nd paragraph of section 856 of Title 20 of the Revised Statutes, as amended by section 3 of chapter 440 of the public laws of 1969, is further amended to read as follows:

Administrative units shall pay for the necessary repairs of school buildings and the improvement and maintenance of school yards and playgrounds out of a sum or sums of money raised and appropriated for the support of public schools as provided in section 3721, subsection 2.

Sec. 13. R. S., T. 20, § 912, amended. Section 912 of Title 20 of the Revised Statutes, as amended by sections 10 and 19 of chapter 425 of the public laws of 1967, is further amended by inserting after the first sentence, the following new sentence to read as follows:

When pupils are sent from one administrative unit to an approved school in another, if any accounts for tuition of such pupils are not paid on or before August 15th of that year, the commissioner shall pay such accounts, or so much thereof as he shall find to be rightly due, to the treasurer of the receiving administrative unit, at the next regular apportionment, together with interest on such accounts at the rate of 6% annually, computed from said August 15th, and the commissioner shall charge any such payment against the apportionment fund of the sending administrative unit.

Sec. 14. R. S., T. 20, § 912, amended. Section 912 of Title 20 of the Revised Statutes, as amended by sections 10 and 19 of chapter 425 of the public laws of 1967, is further amended by adding a new paragraph at the end to read as follows:

When pupils are sent from an administrative unit to an approved school on a tuition basis, all tuition bills shall be paid within 30 days of the billing date. If any accounts for tuition of such pupils are not paid within 30 days of the billing date, the commissioner shall pay such accounts or so much thereof as he shall find to be rightly due to the treasurer of the receiving administrative unit or school at the next subsequent monthly apportionment and in subsequent monthly apportionments until such payment has been completed, and the commissioner shall charge any such payment against the apportioned fund of the sending administrative unit. Superintendents of schools and principals of private schools shall notify the Commissioner of Education whenever a sending unit is delinquent in its tuition payments and the commissioner shall withhold such delinquent tuition from the monthly apportionments as is necessary.

Sec. 15. R. S., T. 20, § 913, amended. The next to the last sentence of section 913 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is further amended to read as follows:

School committees or school directors shall elect attendance officers at their first meeting after the annual election; they shall fill any vacancies occurring during the year and they may fix the compensation of said officers, and said compensations shall be paid from the appropriation made for the salaries of attendance officers under section 3721, subsection 2.

Sec. 16. R. S., T. 20, § 1054, repealed and replaced. Section 1054 of Title 20 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 1054. Treasurer of State as custodian

The Treasurer of State is designated custodian of all moneys received by the State from the Federal Government for establishment, maintenance, operation and expansion of food service programs and he shall receive and provide for the proper custody of such moneys and disburse such moneys on requisition of the commissioner to school committees and boards of directors of public schools and to administrative officers of service institutions as defined in Public Law 90-302.

Sec. 17. R. S., T. 20, § 1137, amended. The first sentence of section 1137 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is further amended to read as follows:

Expenses which a city or town may incur by virtue of the authority vested in the school committee shall not exceed the amount appropriated for that purpose in cities by the city government and in towns by a town meeting ~~under section 3721, subsection 2.~~

Sec. 18. R. S., T. 20, § 1289, amended. The last sentence of section 1289 of Title 20 of the Revised Statutes is amended to read as follows:

When an administrative unit has made a contract as provided for in this section, or as provided in the act of incorporation of any such academy and amendments thereto prior to May 1, 1907, the tuition liability of said administrative unit shall be the same as if an approved secondary school were maintained in accordance with section 1281, and the expenditure of any administrative unit for schooling of pupils as provided in this section shall be subject to the conditions of sections 1291 and 1292 for the purposes of state subsidy to the administrative unit ~~under section 3723.~~

Sec. 19. R. S., T. 20, § 1291, amended. The last sentence of the last paragraph of section 1291 of Title 20 of the Revised Statutes is amended to read as follows:

These expenditures shall be subject to state subsidy ~~under section 3723.~~

Sec. 20. R. S., T. 20, § 1294, amended. The first sentence of section 1294 of Title 20 of the Revised Statutes is amended to read as follows:

Superintendents shall, annually, before the first day of July, make returns under oath to the commissioner on blanks prepared and sent out by him, of the amount appropriated and the amount expended by each administrative unit for instruction in such free high schools during the current year; the amount appropriated and the amount expended for elementary school purposes by each administrative unit maintaining the same; the number of weeks during which such schools have been taught; ~~the wage paid each teacher;~~ the number of pupils registered, the average attendance, and the number of pupils in each branch of study pursued, and the amount received for tuition.

Sec. 21. R. S., T. 20, § 1346, amended. Section 1346 of Title 20 of the Revised Statutes is amended to read as follows:

§ 1346. Audit

Every academy, eligible to receive tuition payments from municipalities which are eligible for state subsidy aid under chapter ~~511~~ 512, shall on or before September 1st of each year furnish to the State Auditor satisfactory proof that the books, accounts, financial documents and reports to the commissioner of said institution for the fiscal year preceding have been examined and found to be in a satisfactory and accurate condition with proper vouchers on file, said audit to be made by the State Department of Audit or by individuals or firms recognized as competent auditors by training and experience or by qualified public accountants.

Sec. 22. R. S., T. 20, § 1348, amended. Section 1348 of Title 20 of the Revised Statutes is amended to read as follows :

§ 1348. Forfeiture of tuition payments

Academies which have not complied with sections 1344, 1346 or 1347 before the first day of September of each year shall not be eligible to receive tuition payments from municipalities receiving state subsidy ~~under section 3723.~~

Sec. 23. R. S., T. 20, § 1391, repealed and replaced. Section 1391 of Title 20 of the Revised Statutes, as last repealed and replaced by section 27 of chapter 590 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 1391. Attendance at public schools

Any child between the ages of 5 and 20, who resides at a private tax-exempt institution within this State, shall have the right to attend the public schools in the administrative unit in which such institution is located under the same conditions as pupils residing in such administrative unit, and shall for the purposes of this section be classed as resident pupils and the administrative unit shall be paid from the appropriation for general-purpose aid the net local cost of educating such children at each elementary or secondary school attended by them. Any child between the ages of 5 and 20, committed or otherwise legally admitted to any state-operated institution, shall have the right to attend the public schools in the administrative unit in which such institution is located, or in any adjoining administrative unit, upon enrollment therein by the head of such institution under the same conditions as pupils residing in such administrative unit and shall for the purposes of this section be classed as resident pupils, and the net local cost of educating such children shall include only those school operating expenses paid by the administrative unit on account of such children enumerated in section 3731, and shall be computed for each school on the basis of financial reports and school enrollment figures required by and filed with the commissioner during each school year ending June 30th. Payments shall be made to each administrative unit based on the net local per pupil cost of education during the previous fiscal

year. The payment shall be added to the general-purpose aid of the administrative unit.

Sec. 24. R. S., T. 20, § 1453, amended. The 2nd paragraph of section 1453 of Title 20 of the Revised Statutes is amended to read as follows:

Notwithstanding the foregoing, the commissioner may make arrangements for children living in the unorganized territory of Estcourt, Maine to attend a public school in ~~Estcourt~~ **Commission Scolaire Des Frontieres Sully**, Province of Quebec, and with his approval, tuition shall be paid by the state for such pupils.

Sec. 25. R. S., T. 20, § 1455, amended. The 2nd sentence of section 1455 of Title 20 of the Revised Statutes, is amended to read as follows:

Per pupil tuition charges for such an arrangement shall be computed as follows: The gross cost of schooling for the preceding fiscal year, for the unorganized unit in which the school is located, plus the total amount of assessment for capital expenditures, if any, as made for the preceding fiscal year, divided by the average daily ~~attendance~~ **membership** of pupils attending school in the unorganized unit during the preceding school year.

Sec. 26. R. S., T. 20, § 1901, amended. The 2nd sentence of the 2nd paragraph of section 1901 of Title 20 of the Revised Statutes, as repealed and replaced by chapter 462 of the public laws of 1967, is repealed as follows:

~~Any administrative unit which fails to comply with any of these conditions shall have deducted from its apportionment a sum equal to that by which it is delinquent~~

Sec. 27. R. S., T. 20, § 1902, amended. The 2nd sentence of the first paragraph of section 1902 of Title 20 of the Revised Statutes, as enacted by chapter 177 of the public laws of 1967, is amended to read as follows:

Expenditures for this purpose shall be included as a proper cost in calculating expenditures which may be reimbursed by the State under the foundation program as defined in ~~section 3721, subsection 2~~ **section 3731.**

Sec. 28. R. S., T. 20, § 2356-D, amended. Section 2356-D of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 440 of the public laws of 1965, and as amended by section 11-A of chapter 425 of the public laws of 1967, is further amended to read as follows:

§ 2356-D. Tuition charges paid by an administrative unit credited on foundation program allowance

Any administrative unit which is required to pay and has paid, or which is a member of a secondary community school district which is required to pay and has paid, tuition charges to another unit for technical and vocational classes through grade 12 in an approved regional technical and vocational center serving the area of which the paying unit is a part shall receive in its foundation program allowance computed under ~~section 3722~~ **chapter 512** credit for the tuition so paid.

Sec. 29. R. S., T. 20, §§ 2403 and 2405, repealed. Section 2403 and section 2405, as amended by section 19 of chapter 425 of the public laws of 1967, both of Title 20 of the Revised Statutes, are repealed.

Sec. 30. R. S., T. 20, § 2452, sub-§ 2, amended. The first sentence of subsection 2 of section 2452 of Title 20 of the Revised Statutes, as repealed and replaced by section 6 of chapter 540 of the public laws of 1967, is amended to read as follows:

Special subsidy shall be paid to the administrative units that have conducted driver education courses meeting standards established by the state board according to the following plan: \$15 for each pupil completing the driver education course during the preceding year; said aid to be distributed as provided for in section ~~3723~~ 3732.

Sec. 30-A. R. S., T. 20, § 3111, amended. The 2nd sentence of section 3111 of Title 20 of the Revised Statutes is amended to read as follows:

The purpose of this chapter is to provide educational facilities, services and equipment for all handicapped or exceptional children below ~~21~~ 20 years of age who cannot be adequately taught with safety and benefit in the regular public school classes of normal children or who can attend regular classes beneficially if special services are provided.

Sec. 31. R. S., T. 20, § 3115, amended. The first sentence of section 3115 of Title 20 of the Revised Statutes, as amended by section 2 of chapter 456 of the public laws of 1967, is further amended to read as follows:

Appropriations made under this chapter and subsequent appropriations made for this service are to be used to pay administrative units or institutions designated by the commissioner as provided for in section ~~3722~~ 3732 for classes as described in section 3117 and for part of the cost of other approved special education programs according to regulations formulated by the state board to permit adequate instruction and to prevent unnecessary use of state funds.

Sec. 32. R. S., T. 20, § 3211, amended. Section 3211 of Title 20 of the Revised Statutes, as amended, is further amended by adding a new sentence after the first sentence to read as follows:

Children of a veteran who at time of death was totally and permanently disabled due to service-connected disability, but whose death was not related to service-connected disability, shall be eligible for benefits under this chapter.

Sec. 33. R. S., T. 20, § 3452, amended. The first paragraph of section 3452 of Title 20 of the Revised Statutes, as amended by section 14 of chapter 425 of the public laws of 1967, is further amended to read as follows:

For the purposes of this chapter, chapters 117, 207, 209, 211 and ~~511~~ 512, and sections 522, 1292 and 3457, the following terms are defined:

Sec. 34. R. S., T. 20, § 3454, amended. The first sentence of section 3454 of Title 20 of the Revised Statutes, as amended by section 35 of chapter 513 of the public laws of 1965, is further amended to read as follows:

Whenever the information required for the purposes of this chapter, chapters 117, 207, 209, 211 and ~~511~~ 512, and sections 522, 1292 and 3457 is not available because of the failure of the administrative unit, through its officers, to make the returns required by law, or because of the loss or destruction of the school records of an administrative unit, the commissioner may use as a basis for apportionment numbers on which the apportionment for said administrative unit was made for the preceding year less 10%.

Sec. 35. R. S., T. 20, § 3456, amended. The first sentence of section 3456 of Title 20 of the Revised Statutes, is amended to read as follows:

When administrative units are reorganized by the formation of "School Administrative Districts" as provided in chapter 9, the state subsidy paid annually to each such district, as determined in section ~~3723~~ 3732, shall be supplemented by an additional 10% of that amount.

Sec. 36. R. S., T. 20, § 3457, amended. The 6th paragraph of section 3457 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 475 of the public laws of 1965 and as amended by section 8 of chapter 224 of the public laws of 1967, is further amended by adding at the end the following sentence:

When aid is paid under section 3460, financing charges shall include those expenditures necessarily incurred when borrowing in anticipation of state aid.

Sec. 37. R. S., T. 20, § 3460, amended. Section 3460 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 373 of the public laws of 1969 and as amended by section 3 of chapter 511 of the public laws of 1969, is further amended by adding at the end the following 2 sentences to read as follows:

The local administrative unit shall invest the school construction aid payment until it is needed to meet construction commitments. Any interest earned from such an investment shall be credited to the State and shall be deducted from the final school construction aid payment made to the unit.

Sec. 38. R. S., T. 20, § 3732, amended. The 3rd paragraph from the end of section 3732 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 496 of the public laws of 1969, is amended to read as follows:

The state valuation used in the above computations shall be as determined by the ~~Board of Equalization~~ State Tax Assessor in the statement filed by ~~it~~ him, as provided in Title 36, section 381. The computation of state aid for each unit shall be subject to correction in accordance with the final statement filed by the ~~Board of Equalization~~ State Tax Assessor on December 1st.

Sec. 39. R. S., T. 30, § 5104, sub-§ 5, ¶ A, amended. The first sentence of paragraph A of subsection 5 of section 5104 of Title 30 of the Revised Statutes is amended to read as follows:

Such sums shall not be considered in computing the net foundation program allowance on which state subsidy is computed under Title 20, section ~~3722~~ 3732.

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

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble