

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1662

H. P. 1188

House of Representatives, March 17, 1971

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Millett of Dixmont.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Reorganize the Department of Education.

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

Sec. 1. R. S., T. 20, § 1, amended. The 2nd sentence of section 1 of Title 20 of the Revised Statutes is amended to read as follows:

The Department of Education shall consist of a State ~~Board~~ **Secretary** of Education, hereinafter in this Title called the "~~board~~" "**secretary**," ~~a Commissioner of Education chosen by the board~~ and such official and clerical staff as are provided for.

Sec. 2. R. S., T. 20, c. 3, repealed. Chapter 3 of Title 20 of the Revised Statutes, as amended, is repealed.

Sec. 3. R. S., T. 20, c. 4, additional. Title 20 of the Revised Statutes is amended by adding a new chapter 4 to read as follows:

CHAPTER 4

SECRETARY OF EDUCATION

§ 71. Appointment

The Governor, with the advice and consent of the Council, shall appoint the Secretary of Education who shall serve at the pleasure of the Governor. He shall be the executive head of the department and exercise all powers and responsibilities assigned to him by law or assigned to the commissioner.

§ 72. Seal

The secretary shall adopt a seal and such seal shall be used by the secretary to authenticate documents or copies of documents as he shall deem advisable.

§ 73. Annual report

The secretary shall, biennially, on the first Monday of January, make a report to the Governor and shall cause this report to be printed and shall distribute the same to the members of the Legislature and to the educational officers of the various municipalities of the State. The cost of printing the report shall be paid from the appropriation of the department.

§ 74. Personnel and organization

The secretary, in addition to other duties prescribed by law, shall select, subject to the Personnel Law, such personnel as may be needed for the efficient operation of the department. The secretary may organize and, from time to time, reorganize the department into such divisions, branches or sections as may be found necessary or desirable in order that it may perform all proper functions and render maximum service to the operation and improvement of the state system of education.

§ 75. Vocational and technical schools

The secretary 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.

§ 76. Contracts for vocational education programs

The secretary is authorized to enter into contract with any academy or institute, which is serving one or more communities in lieu of a public secondary school, for the conduct of a vocational course or vocational courses which meet the same standards for approval as those conducted in public secondary schools.

The department 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).

§ 77. Certification of teachers

The secretary shall, in accordance with such rules and regulations as he prescribes, authorize the certification of teachers and other professional personnel for service in any public school in the State, or in any nonpublic school which accepts public funds for tuition or is approved for attendance purposes under section 911. The secretary may, in accordance with such rules and regulations as he prescribes, authorize the certification of adult education teachers, and other teaching and professional personnel in publicly supported education programs other than those in the public schools, post-high school institutes, colleges and universities. The secretary may, in accordance with such rules and regulations as he prescribes, authorize the employment of teacher aides, teacher assistants or other semiprofessional personnel for service in the kinds of schools described in this section.

Sec. 4. R. S., T. 20, § 101, repealed. Section 101 of Title 20 of the Revised Statutes, as amended, is repealed.

Sec. 5. R. S., T. 20, § 102, sub-§ 11, amended. Subsection 11 of section 102 of Title 20 of the Revised Statutes is amended to read as follows:

11. Reports. Biennially, to report to the ~~board~~ **Maine Education Council** the result of his inquiries and investigations and the facts obtained from the school returns, with such suggestions and recommendations as in his judgment will best promote the improvement of public schools;

Sec. 6. R. S., T. 20, § 212, repealed. Section 212 of Title 20 of the Revised Statutes, as amended, is repealed.

Sec. 7. R. S., T. 20, § 1471, amended. The first sentence of section 1471 of Title 20 of the Revised Statutes is amended to read as follows:

The Treasurer of State is authorized to accept gifts, bequests and other funds from public or private agencies, subject to any conditions contained therein provided such conditions are approved by the ~~state board~~ **Governor and Council** to be credited to the Capital Working Fund.

Sec. 8. R. S., T. 20, § 1901, amended. The next to the last 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 amended to read as follows:

After providing an opportunity for a hearing, ~~the state board, on recommendation of the commissioner~~ **secretary** may adjust the state subsidy to an administrative unit when, in ~~the his~~ **his** opinion ~~of the board,~~ the expenditures for education in such unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive. **An administrative unit dissatisfied with the adjustment made by the secretary, may, by a majority vote of the local board, appeal to the Governor and Council who shall make the final decision relative thereto.**

Sec. 9. R. S., T. 20, § 2021, amended. The last sentence of section 2021 of Title 20 of the Revised Statutes, as enacted by chapter 189 of the public laws of 1969, is amended to read as follows:

He may enter into contracts pursuant to ~~Article III of the Agreement only with the approval of the specific text thereof by the State Board of Education~~ **section 2017.**

Sec. 10. R. S., T. 20, § 2218, amended. The first paragraph of section 2218 of Title 20 of the Revised Statutes, as enacted by chapter 443 of the public laws of 1965, and as amended, is further amended to read as follows:

There shall be created a State Scholarship Board, hereinafter in this chapter called the "board", consisting of the ~~Commissioner~~ **Secretary** of Education, the Chancellor of the University of Maine, the Chairman of the ~~State Board of Maine Education Council,~~ one member to be appointed by the Governor from among the several heads of campuses of the University of Maine, the President of the Maine Teachers Association and the Chairman of the Governor's Advisory Committee on Education.

Sec. 11. R. S., T. 20, § 2356, amended. Section 2356 of Title 20 of the

Revised Statutes, as amended by chapter 284 of the public laws of 1967, is further amended to read as follows:

§ 2356. Powers and duties of secretary

For the purposes of this section and sections ~~57~~ 79 and 2355, the ~~state board~~ **secretary** shall have the power to accept and expend all funds received by ~~it from~~ the department on appropriation from the General Fund of the State or from such gifts and donations either from public or private sources as may be offered unconditionally, together with fees as provided. The said ~~board~~ **secretary** shall have authority to offer such courses of study, give such diploma or certificate on completion of a course of study, charge such tuition and other reasonable fees and set up such qualifications for admission as ~~it~~ **he** deems necessary in any such technical and vocational schools, and schools for practical nursing, and in addition ~~the board~~ may confer associate degrees at the state vocational-technical institutes based upon 2 years of instruction with such equipment and faculties as will safeguard the integrity of the degrees conferred.

Sec. 12. R. S., T. 20, § 2921, amended. Section 2921 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 452 of the public laws of 1967, is amended by adding a new sentence at the end to read as follows:

The council shall, for purposes of chapter 10 be the "Maine board" as defined in section 311-B, subsection 6.

Sec. 13. R. S., T. 20, § 3504, amended. The 2nd sentence of section 3504 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 483 of the public laws of 1969, is further amended to read as follows:

The Maine School Building Authority shall consist of 8 members, including the Governor, the ~~Commissioner~~ **Secretary** of Education, one member of the committee on education to be appointed by the President of the Senate, and one member of the ~~State Board of Education~~ **Maine Education Council** to be appointed by the Governor, to serve during their incumbency in said offices, except for the member of the committee on education, who shall serve until his successor is appointed and qualified, and 4 members at large appointed by the Governor for a period of 5 years, and said authority shall constitute a body corporate and politic.

Sec. 14. R. S., T. 29, § 583, amended. The first sentence of the second paragraph of section 583 of Title 29 of the Revised Statutes is amended to read as follows:

Successful course completion certificates may be issued to any person permitted by law to have a license provided such course, given by the public secondary schools and academies receiving tuition students as described in Title 20, section 1291, shall meet teacher qualification, course content and standards approved by the State ~~Board~~ **Secretary** of Education.

Sec. 15. R. S., T. 34, § 2902, amended. The second sentence of section 2902 of Title 34 of the Revised Statutes is amended to read as follows:

The government of said school is vested in the Department of ~~Mental Health and Corrections~~ Education.

Sec. 16. R. S., T. 34, § 2903, amended. The first sentence of section 2903 of Title 34 of the Revised Statutes is amended to read as follows:

The Department of ~~Mental Health and Corrections~~ Education shall have charge of the general interests of said school and see that its affairs are conducted in accordance with law.

Sec. 17. R. S., T. 34, § 2904, amended. Section 2904 of Title 34 of the Revised Statutes is amended to read as follows:

§ 2904. Admittance of children

With the consent of his parent or guardian, the Department of ~~Mental Health and Corrections~~ Education may admit to said school for a term not exceeding 16 years, any deaf child residing in this State and not less than 2 years of age, and the sums necessary for the support and instruction of such children while attending said school shall be paid by the State.

Sec. 18. R. S., T. 34, § 2905, amended. The last sentence of section 2905 of Title 34 of the Revised Statutes is amended to read as follows:

Such child or youth shall attend such school, year after year, until discharged by the superintendent ~~upon approval of the Department of Mental Health and Corrections.~~

Sec. 19. R. S., T. 34, § 2907, amended. The first sentence of section 2907 of Title 34 of the Revised Statutes is amended to read as follows:

Deaf children residing in other states may, at the discretion of the Department of ~~Mental Health and Corrections~~ Education, be admitted to said school upon the payment by their parents, guardian or other responsible agency of a reasonable compensation to be fixed by the department.

Sec. 20. Amendatory clause. Wherever in Title 20 of the Revised Statutes the word "board" or words "state board" appears or appear, it or they shall mean "secretary" unless in the context it clearly refers to the state education agency in which case it or they shall mean "department".

Wherever in said Title 20 the word "commissioner" appears it shall mean "secretary".

Wherever a power or powers or responsibility or responsibilities are jointly shared by the commissioner and state board, the power or responsibility shall be solely vested in the secretary.

Sec. 21. Transfer. On July 1, 1973 all funds, equipment, realty, employees and records of the Governor Baxter School for the Deaf shall be transferred to the Department of Education.

Sec. 22. Effective date. This Act shall be effective July 1, 1973, however, the authority to appoint a Secretary of Education pursuant to new Section 75 of Title 20 of the Revised Statutes shall be effective 91 days after adjourn-

ment of the Legislature and he shall be responsible for budget preparation and submission for the "reorganized department" for the 1973-75 biennium.

STATEMENT OF FACT

This legislation would replace the present State Board of Education and Commissioner of Education employed by them with a Secretary of Education appointed by the Governor as the educational department head effective July 1, 1973 and would transfer responsibility for the Governor Baxter School for the Deaf from the Department of Mental Health and Corrections to the Department of Education.

In some specific instances the Maine Education Council would assume responsibilities heretofore assigned to the state board and it would be expected to assume a more active role as an advisor to the secretary and the department in the absence of the state board.