

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)

(EMERGENCY)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1378

S. P. 417

In Senate, March 7, 1973

Referred to the 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-THREE

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. 5, § 139, amended. The first, 2nd and 4th paragraphs of section 139 of Title 5 of the Revised Statutes, as amended, are further amended to read as follows:

The Treasurer of State, with the approval of the Commissioner of Finance and Administration, the Bank Commissioner and the Commissioner of ~~Education~~ **Educational and Cultural Services**, shall invest and reinvest the principal of all funds derived or that may be derived from the sale and lease

of lands reserved for public uses in accordance with the laws of the State governing the investment of funds of savings banks, as enumerated in Title 9.

The Treasurer of State, with the approval of the Commissioner of Finance and Administration, the Bank Commissioner and the Commissioner of ~~Education~~ **Educational and Cultural Services**, shall have the power to enter into a contract or agreement approved by the Governor and Council with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and servicing of the securities belonging to any trust fund created from funds derived or that may be derived from the sale and lease of lands reserved for public uses. Such services shall consist of the safekeeping of said securities in the vaults of the bank or safe deposit company, collection of interest and dividends, periodical checks of the portfolio deposited for safekeeping to determine all calls for redemption, in whole or in part, of any bonds owned by such funds, and any other fiscal service which is normally covered in a custodial contract or agreement.

The Treasurer of State shall be empowered to withdraw or deposit securities from or with the custodian as circumstances may require, all withdrawal orders or delivery instructions to bear the approval in writing of the Bank Commissioner and that of either or both the Commissioner of ~~Education~~ **Educational and Cultural Services** and the Commissioner of Finance and Administration.

Sec. 2. R. S., T. 5, § 1091, sub-§ 5, amended. The last sentence of subsection 5 of section 1091 of Title 5 of the Revised Statutes is amended to read as follows:

For the effective handling of this subsection, the Commissioner of ~~Education~~ **Educational and Cultural Services** shall furnish this information to the board of trustees for all teachers.

Sec. 3. R. S., T. 5, § 1094, sub-§ 4, amended. The next to the last sentence of subsection 4 of section 1094 of Title 5 of the Revised Statutes is amended to read as follows:

For evening school credits, any teacher who teaches a full accredited year in any evening school duly accepted and approved by the ~~Department of Education~~ **Commissioner of Educational and Cultural Services** shall be allowed not more than $\frac{1}{2}$ a year's credit toward retirement for each school year so taught.

Sec. 4. R. S., T. 5, § 2301, sub-§ 1, amended. Subsection 1 of section 2301 of Title 5 of the Revised Statutes, as amended, is further amended by striking out the 3rd paragraph as follows:

~~Art Commission~~

Sec. 5. R. S., T. 5, § 2301, sub-§ 1, amended. Subsection 1 of section 2301 of Title 5 of the Revised Statutes, as amended, is further amended by adding before the 7th paragraph from the end the following:

Museum Commission ;

Sec. 6. R. S., T. 5, § 3362, amended. The first sentence of section 3362 of Title 5 of the Revised Statutes, as enacted by chapter 379 of the public laws of 1971, is amended to read as follows :

There is established the Maine Commission on Drug Abuse consisting of the Commissioner of Health and Welfare, the Commissioner of Mental Health and Corrections, the Commissioner of ~~Education~~ **Educational and Cultural Services**, the Chairman of the Employment Security Commission, the Chief of the State Police, Attorney General, State Planning Director, Federal-State Coordinator, Director of the Office of Economic Opportunity, Chairman of the Law Enforcement Planning and Assistance Agency, Chancellor of the University of Maine, Chairman of the Maine State Health Planning Council, Director of the Maine Youth Corps, a representative of the Governor's Youth Task Force and 4 citizens of the State appointed by the Governor.

Sec. 7. R. S., T. 13, § 932, amended. The 2nd sentence of the first paragraph of section 932 of Title 13 of the Revised Statutes is amended to read as follows :

Any corporation organized under this chapter and Title 27, chapter 7, for the purpose of establishing and maintaining a hospital, a free public library or a school or academy accredited by the ~~Department~~ **Board of Education** and conducted on a nonprofit basis, or a laboratory exclusively engaged in research for the benefit of mankind, or an educational television or radio station operated on a nonprofit basis, or a private vocational school conducted on a nonprofit basis may receive and hold real and personal estate to any amount, which may from time to time be given, granted, bequeathed or devised to it and accepted by the corporation for the uses and purposes of said hospital, free public library, school or academy, laboratory, or educational television or radio station provided always both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest.

Sec. 8. R. S., T. 20, § 57, amended. Section 57 of Title 20 of the Revised Statutes, as amended, is further amended to read as follows :

§ 57. Establishment of vocational and technical schools

In addition to its duties connected with vocational education, the ~~department~~ **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. 9. R. S., T. 20, § 58, amended. Section 58 of Title 20 of the Revised Statutes, as enacted by chapter 34 of the public laws of 1967 and as amended, is further amended to read as follows :

§ 58. Contracts for vocational education programs

The ~~Department~~ Commissioner of Educational and Cultural Services 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~~ Commissioner of Educational and Cultural Services may reimburse such institutions for part of the cost of conducting approved vocational courses from funds available from the Federal Government for the purpose of vocational education.

Sec. 10. R. S., T. 20, § 59, amended. Section 59 of Title 20 of the Revised Statutes, as enacted by section 45 of chapter 544 of the public laws of 1967 and as amended, is further amended to read as follows:

§ 59. Certification of teachers

The ~~department~~ Commissioner of Educational and Cultural Services shall, in accordance with such rules and regulations as ~~it prescribes~~ he may prescribe, 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 ~~department~~ Commissioner of Educational and Cultural Services may, in accordance with such rules and regulations as ~~it~~ 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 ~~department~~ Commissioner of Educational and Cultural Services may, in accordance with such rules and regulations as ~~it~~ he prescribes, authorize the employment of teacher aides, teacher assistants or other semi-professional personnel for service in the kinds of schools described in this section.

Sec. 11. R. S., T. 20, § 102, sub-§§ 3, 4 and 5, repealed and replaced. Subsections 3, 4 and 5 of section 102 of Title 20 of the Revised Statutes are repealed and the following enacted in place thereof:

3. In-service education. To take such action as he deems necessary to encourage in-service education and staff development for teachers in cooperation with local school officials.

Sec. 12. R. S., T. 20, § 102, sub-§ 12, amended. Subsection 12 of section 102 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:

12. Inspection. To cause an inspection to be made ~~under the direction of the board~~ and to report to the school committee ~~and to the board~~ his findings and recommendations when petitioned by 60% of the parents of the children of any one school or whenever the school committee, school directors or the superintendent of schools of any administrative unit, or 20% of the legal voters, shall petition him ~~of the board~~ to make an inspection of the schools

in said unit; and to prepare a list of standards of buildings, equipment, organization and instruction, and to give such ratings upon such lists of standards to any schools that are inspected under this subsection as their general condition, equipment and grade of efficiency may entitle them. Whenever such a petition is received by the ~~commissioner or the board, the board~~ **Commissioner of Educational and Cultural Services**, he may determine the extent and conditions under which an inspection shall be made;

Sec. 13. R. S., T. 20, § 151, amended. The first sentence of section 151 of Title 20 of the Revised Statutes, as amended by section 21 of chapter 610 of the public laws of 1971, is further amended to read as follows:

It shall be the duty of the ~~commissioner and Department~~ **Commissioner** of Educational and Cultural Services to adjust the grouping of school administrative units within the State in accordance with the following.

Sec. 14. R. S., T. 20, § 151, sub-§ 3, amended. Subsection 3 of section 151 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967 and by section 21 of chapter 610 of the public laws of 1971, is further amended to read as follows:

3. Reorganization. On presentation of a written plan of organization which has been approved by the school committees of the towns involved, the commissioner ~~and the department~~ **is** authorized to combine 2 or more school unions, or parts thereof, into a larger supervisory unit administered by a superintendent of schools and staff assistants, who may be employed by the joint committee as provided in section 153, and the commissioner shall have authority to adjust disbursements for supervision so that there will be no loss in state support because of the reorganization.

Sec. 15. R. S., T. 20, § 151, sub-§ 4, amended. Subsection 4 of section 151 of Title 20 of the Revised Statutes, as amended by section 21 of chapter 610 of the public laws of 1971, is further amended to read as follows:

4. Less than 35 teachers. Where School Administrative Districts or community school districts exist and they employ less than 35 teachers, the commissioner ~~and department~~ may order the combination of any type of administrative units to form a supervisory unit, if such combination as is proposed is approved by the school committees, community school committees and school directors involved.

Sec. 16. R. S., T. 20, § 151, sub-§ 5, amended. Subsection 5 of section 151 of Title 20 of the Revised Statutes, as amended by section 21 of chapter 610 of the public laws of 1971, is further amended to read as follows:

5. Less than 15 teachers. When a School Administrative District employs less than 15 teachers and owing to geographical location or other reasons it is not practicable to combine with other administrative units to form a supervisory unit as authorized in this section, the directors, on approval of the commissioner ~~and department~~, may employ a qualified person to serve as superintendent of schools and as supervising principal.

Sec. 17. R. S., T. 20, § 154, amended. The 3rd sentence of section 154 of Title 20 of the Revised Statutes, as repealed and replaced by section 1 of

Section C of chapter 191 of the private and special laws of 1967 and as amended, is further amended to read as follows:

Upon approval of said certificate, the superintendent so employed shall, on presentation of proper vouchers, receive at intervals to be determined by the ~~commissioner~~ **Commissioner of Educational and Cultural Services** out of the sum appropriated for general-purpose aid for the unit an amount in accordance with section ~~373~~ **373I**.

Sec. 18. R. S., T. 20, § 155, amended. The 2nd paragraph of section 155 of Title 20 of the Revised Statutes, as amended by section 2 of chapter 440 of the public laws of 1969, is further amended to read as follows:

When a unit having more than 75 teachers under its care and custody shall remove itself from an existing school union or supervisory combination composed of not more than 2 units, the remaining unit shall, with the consent of its school committee members and the ~~State Board of Education~~ **Commissioner of Educational and Cultural Services** be treated as though said remaining unit had more than 75 teachers under its care and custody, provided that said remaining unit has more than 40 teachers under its care and custody.

Sec. 19. R. S., T. 20, § 159, amended. The 2nd sentence of section 159 of Title 20 of the Revised Statutes is repealed.

Sec. 20. R. S., T. 20, § 212, sub-§ 6, amended. Subsection 6 of section 212 of Title 20 of the Revised Statutes, as amended by section 21 of chapter 610 of the public laws of 1971, is further amended to read as follows:

6. Establishment of districts not eligible for board approval. To further expedite the reorganization of administrative units by receiving, examining and recommending to the Legislature the establishment of School Administrative Districts which are not eligible for ~~department~~ **board** approval under section 213.

Sec. 21. R. S., T. 20, § 226, sub-§ 4, ¶ B, amended. Paragraph B of subsection 4 of section 226 of Title 20 of the Revised Statutes is amended to read as follows:

B. The secretary of the school directors or, in his absence, the chairman of the board, shall open the meeting by call for the election of a moderator, receiving and counting votes for moderator, and swearing in the moderator.

Sec. 22. R. S., T. 20, § 226, sub-§ 4, ¶ D, amended. Paragraph D of subsection 4 of section 226 of Title 20 of the Revised Statutes is amended to read as follows:

D. The secretary to the school directors or in his absence, the chairman of the board, shall record accurately all the votes of the district meeting.

Sec. 23. R. S., T. 20, § 305, amended. The 5th and 6th paragraphs of section 305 of Title 20 of the Revised Statutes, as amended, are further amended to read as follows:

Alternate Method A: Each member municipality of the district shall raise 20 mills on its state valuation; any additional appropriation required by the district shall be divided among the member municipalities in the same proportion as the ~~a year~~ average of October 1st and April 1st resident pupils of the ~~previous biennium~~ year preceding the convening of the Legislature in a member municipality bears to the total ~~a year~~ district average of resident pupils on October 1st and April 1st in the year preceding the convening of the Legislature 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. Any amounts that must be redistributed because of this limitation shall be distributed among the remaining member municipalities of the district in proportion to the ~~a year~~ October 1st and April 1st average of resident pupils in the year preceding the convening of the Legislature in the remaining member municipalities.

Alternate Method B: Assessments to the member municipalities shall be based partly on the number of resident pupils in each municipality and partly on the state valuation of each municipality. The portion of the cost that is based on resident pupils shall be in the same proportion as the ~~a year~~ October 1st and April 1st average of resident pupils of the ~~previous biennium~~ year preceding the convening of the Legislature in a member municipality bears to the total ~~a year~~ October 1st and April 1st average of resident pupils of the ~~previous biennium~~ year preceding the convening of the Legislature in the district or municipalities of the proposed district; the portion of the cost that is based on state valuation shall be in the same proportion as the state valuation in a member municipality bears to the total state valuation in the district or the proposed district. The State Board of Education may approve any one of the following 15 percentage sharing plans:

Pupils	Valuation
15%	85%
20%	80%
25%	75%
30%	70%
35%	65%
40%	60%
45%	55%
50%	50%
55%	45%
60%	40%
65%	35%
70%	30%
75%	25%
80%	20%
85%	15%

Sec. 24. Effective date. Section 23 shall become effective January 1, 1975.

Section. 25. R. S., T. 20, § 351, amended. The last paragraph of section 351 of Title 20 of the Revised Statutes is amended to read as follows:

The inhabitants of each town which has heretofore participated in the formation of a **secondary** school district may, **with approval of the State Board of Education**, in meetings similarly called and held, vote to authorize the district to acquire and hold property for the purpose of operating a ~~primary or primary~~ **schools at other grade levels** and to authorize said district from time to time to borrow money and to issue its bonds and notes therefor.

Sec. 26. R. S., T. 20, § 859, amended. The 2nd sentence of the 4th paragraph of section 859 of Title 30 of the Revised Statutes is amended to read as follows:

Residence as used in this section shall mean the administrative unit where the father or legal guardian maintains a home for his family.

Sec. 27. R. S., T. 20, § 859, amended. The 2nd sentence of the 5th paragraph of section 859 of Title 20 of the Revised Statutes is amended to read as follows.

The per capita cost shall be determined in accordance with regulations established by the ~~State Board of Education~~ **Commissioner of Educational and Cultural Services**.

Sec. 28. R. S., T. 20, § 911, amended. The 2nd sentence of section 911 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 272 of the public laws of 1965, is amended to read as follows:

The first sentence of this section shall not apply to a child who has been graduated from high school before his 17th anniversary ~~or to a child with subnormal mental capacity or a child who has completed the grades of the elementary school prior to September 1, 1965.~~

Sec. 29. R. S., T. 20, § 911, amended. The last sentence of the first paragraph of section 911 of Title 20 of the Revised Statutes, as amended by section 2 of chapter 272 of the public laws of 1965, is further amended to read as follows:

A child between the ages of 15 and 17 years of age who, because of subnormal mental capacity, is unable to successfully pass the tests necessary to allow a regular work permit to be issued, may under conditions deemed proper receive a work permit issued jointly by the ~~Commissioner of Education~~ **Educational and Cultural Services** and the ~~Commissioner~~ **Director** of the **Bureau of Labor and Industry**, such persons to be employed in nonhazardous occupations.

Sec. 30. R. S., T. 20, § 913, amended. The 6th sentence of section 913 of Title 20 of the Revised Statutes is amended to read as follows:

If any minors are employed contrary to Title 26, chapter 7, they shall also report in writing such illegal employment to the ~~Commissioner~~ **Director** of the **Bureau of Labor and Industry**.

Sec. 31. R. S., T. 20, § 916, amended. The 2nd sentence of section 916 of Title 20 of the Revised Statutes, as amended by section 21 of chapter 610 of the public laws of 1971, is further amended to read as follows:

The ~~commissioner~~ Commissioner of Educational and Cultural Services, with the approval of the ~~Department of Educational and Cultural Services Board of Education~~, shall establish requirements for accreditation which include quality of instruction, curriculum and school facilities.

Sec. 32. R. S., T. 20, § 1294, amended. The 2nd sentence, as amended by section 65 of chapter 622 of the public laws of 1971 and the 3rd and 4th sentences of section 1294 of Title 20 of the Revised Statutes, are repealed as follows:

~~If the commissioner is satisfied that sections 1281, 1282, 1284 to 1286, 1288 and 1289 have been complied with, he shall certify to the Governor and Council the sum each administrative unit is entitled to receive from the State. In case any administrative unit has failed to comply with any of said sections by reason of circumstances beyond its control, he may after proper investigation certify such part of the high school aid as circumstances may justify. Any administrative unit dissatisfied with his decision may appeal to the Governor and Council, and the Governor and Council shall issue a certificate to the treasurer of the administrative unit for such amount as they adjudge such administrative unit entitled to receive from the State Treasury.~~

Sec. 33. R. S., T. 20, § 1345, amended. Section 1345 of Title 20 of the Revised Statutes is amended to read as follows:

§ 1345. Regulations of commissioner

The ~~state board~~ Commissioner of Educational and Cultural Services may make such reasonable regulations regarding tuition charges, accounting and other aspects of academy and municipal relationships as are deemed necessary for carrying out the purposes and provisions of sections 1344 to 1348.

Sec. 34. R. S., T. 20, § 1455, amended. The 2nd sentence of section 1455 of Title 20 of the Revised Statutes, as amended by section 25 of chapter 530 of the public laws of 1971, is further amended to read as follows:

The gross cost of schooling for the preceding fiscal year, ~~excluding transportation~~, 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 membership of pupils attending school in the unorganized unit during the preceding school year, except that a municipality which has contributed to the cost of the school building in compliance with a special legislative Act shall not pay any tuition charge related to capital expenditures.

Sec. 35. R. S., T. 20, § 1464, amended. The last sentence of section 1464 of Title 20 of the Revised Statutes is amended to read as follows:

Nothing in this section shall prevent the commissioner ~~with the approval of the state board~~ from making capital expenditures of income from short-term

investments as described in section 1471 for the use of 3 or more units in the unorganized territory without assessing the expenditure on the property of any unit.

Sec. 36. R. S., T. 20, § 1471, amended. Section 1471 of Title 20 of the Revised Statutes is amended to read as follows:

§ 1471. Gifts and bequests; short-term investments

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~~ **Commissioner of Educational and Cultural Services** to be credited to the Capital Working Fund. When any such gift, bequest or grant is made for a particularly designated purpose, the amount so received shall be used to reduce the total amount of capital outlay involved in the project designated and due to be returned to the fund as provided in section 1464.

The Treasurer of State may, with the approval of the ~~state board~~ **Commissioner of Educational and Cultural Services**, make short-term investments of accumulated assets in the Capital Working Fund, the income and capital to be returned to the Capital Working Fund and the income expended by the commissioner ~~with the approval of the state board~~ for the purposes described in section 1463.

Sec. 37. R. S., T. 20, § 1474, amended. The first sentence of section 1474 of Title 20 of the Revised Statutes is amended to read as follows:

Whenever any unorganized unit becomes organized as a town or plantation, such town or plantation shall, within 5 years of the date of said organization, through the commissioner, pay to the Treasurer of State for each school building within its limits erected or remodeled prior to August 20, 1951, a sum to be determined by the commissioner ~~and approved by the state board~~, which sum shall be credited to the General Fund of the State.

Sec. 38. R. S., T. 20, § 1751, amended. The first and 3rd paragraphs of section 1751 of Title 20 of the Revised Statutes, as repealed and replaced by section 2 of chapter 79 of the public laws of 1967 and as amended, are further amended to read as follows:

Certificates shall be issued by the ~~commissioner, under rules and regulations prescribed by the board~~ **Commissioner of Educational and Cultural Services**, to teachers and other professional personnel for service in any public elementary or secondary school in the State or in any such nonpublic school as accepts public funds for tuition. Authorizations may be granted by the commissioner ~~under rules and regulations prescribed by the board~~ for the employment of teacher aides, teacher assistants or other semiprofessional personnel for service in the kinds of schools described in this section.

Certificates may ~~under rules prescribed by the board~~ be granted to persons holding certificates granted by authority of other states.

Sec. 39. R. S., T. 20, § 1901, amended. The 4th paragraph of section 1901 of Title 20 of the Revised Statutes, as repealed and replaced by chapter 462

of the public laws of 1967 and as amended, is further amended to read as follows:

After providing an opportunity for a hearing, the ~~department~~ **Commissioner of Educational and Cultural Services** may adjust the state subsidy to an administrative unit when the expenditures for education in such unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive. Any interested party aggrieved by a decision of the ~~department commissioner~~ may appeal to the State Board of Education pursuant to section 51.

Sec. 40. R. S., T. 20, § 1902, amended. The last paragraph of section 1902 of Title 20 of the Revised Statutes is amended to read as follows:

If the employment of teachers under permits or other special licenses is authorized by the ~~state board, the said board commissioner~~, he shall have the authority to prescribe minimum salaries and other regulations for this class of teachers.

Sec. 41. R. S., T. 20, § 1951, amended. The 3rd sentence of section 1951 of Title 20 of the Revised Statutes is amended to read as follows:

Any other plan of sick leave which, in the opinion of the ~~state board~~ **Commissioner of Educational and Cultural Services**, provides at least equal benefits may be approved in lieu thereof.

Sec. 42. R. S., T. 20, § 2202, amended. Section 2202 of Title 20 of the Revised Statutes, as repealed and replaced by section 1 of chapter 393 of the public laws of 1967 and as amended by section 21 of chapter 610 of the public laws of 1971, is further amended to read as follows:

§ 2202. Authority to confer academic degrees; approval of degree-granting institutions

1. **Application.** No person, partnership, institution of corporation shall confer academic, educational, literary or professional degrees unless expressly authorized by an Act of the Legislature upon recommendation of the **State Board of Education**.

Any educational institution seeking authority to grant any educational, literary or academic degree, or any junior college or similar post-secondary educational institution seeking authority to grant an associate degree, shall make application to the **Secretary of State** in a manner prescribed by him, not later than ~~May 1st immediately preceding the legislative session~~ **State Board of Education through the office of the Commissioner of Educational and Cultural Services.**

Upon ~~notification by the Secretary of State~~ receipt of the application it shall be the duty of the ~~Department~~ **Commissioner of Educational and Cultural Services** to obtain full information regarding the merit of the institution to confer the degree or grant the associate degree. The ~~department board~~ shall seek the advice of the Higher Education Council in establishing and using those standards which are commonly accepted in the accreditation of American educational institutions, and shall prepare for the use of the Legislature

a report regarding the adequacy of the institution's buildings, instructional facilities and provisions for the safety and well-being of students, the qualifications of the faculty; the character of the program of studies and of the requirements for the award of degrees; practices in the admission of students; the adequacy of financial resources and the governing policies of the institution. The report, with recommendations of the ~~state department~~, shall be delivered to the Secretary of State at least ~~10 days~~ before the opening of the ~~regular legislative session~~. Board of Education will be on file in the Department of Educational and Cultural Services for use by the appropriate legislative committee.

2. **Use of name.** No person, school board, association or corporation shall use in any way the term "junior college," "college" or "university" in connection with an institution, or use any other name, title or descriptive matter tending to designate that it is an institution of higher learning with the power to grant academic, educational, literary or professional degrees, unless the institution is operating under a license or a certificate of temporary approval from the Department of Educational and Cultural Services or has been given the right to grant degrees in accordance with this section.

3. **Temporary approval.** ~~When the Legislature is not in session, the Department of Educational and Cultural Services~~ The State Board of Education shall have the power to grant to an applicant ~~who has secured from the department~~ a certificate of temporary approval, ~~permission to permitting~~ use of the term "junior college," "college" or "university" in its name until the expiration of the academic year in which the next regular session of the Legislature convenes or until authorized to grant degrees in accordance with this section. Said board is authorized to extend or renew a certificate of temporary approval for not more than 2 years, to the end that the board may, if requested, consider the extension of temporary approval for new institutions which have not progressed to the point where it believes it is ready to seek degree-granting status. Said ~~department~~ board shall establish regulations concerning the requirements for licensure and temporary approval. In the establishment of such regulations, ~~said department~~ the board shall seek the advice of the Higher Education Council.

4. **Exception.** This section shall not apply to institutions authorized by the Legislature to grant degrees. This section shall not apply to any person, school, board, association or corporation which was using any said term or terms in connection with any educational institution operated prior to January 1, 1957.

5. **Penalty.** Any person, partnership, institution or corporation offering or conferring degrees without being duly authorized shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

This section shall not apply to any educational institutions coordinating programs with degree granting educational institutions in Maine, provided that such programs are approved by the State Board of Education.

Sec. 43. R. S., T. 20, § 2356-D, repealed. 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, is repealed.

Sec. 44. R. S., T. 20, § 2358, amended. The last sentence of section 2358 of Title 20 of the Revised Statutes is amended to read as follows:

Such schools shall cover 144 hours per year and meet the standards set up by the ~~state board~~ **Commissioner of Educational and Cultural Services.**

Sec. 45. R. S., T. 20, § 2359, amended. Section 2359 of Title 20 of the Revised Statutes is amended to read as follows:

§ 2359. Reimbursement from state and federal funds

Whenever the superintendent of schools of any administrative unit, on or before the first day of July, shall report to the commissioner that part-time or part-time continuation schools and classes have been maintained in accordance with the specified standards ~~and when such schools and classes shall be approved by the State Board~~; the commissioner shall recommend to the Governor and Council annually in December the payment of reimbursement from federal funds designated for part-time schools and from state funds provided for industrial education to the extent of $\frac{1}{2}$ the cost of instruction.

Sec. 46. R. S., T. 20, § 2405, reenacted. Section 2405 of Title 20 of the Revised Statutes, as repealed by section 29 of chapter 530 of the public laws of 1971, is reenacted as follows:

§ 2405. State aid for general industrial schools

The school committee of any town, when authorized by vote of the town, shall and the school directors of a School Administrative District may establish and maintain as a part of the public school system of such administrative unit a general industrial school for the teaching of agriculture, household science, the mechanic arts and the trades. Such general industrial schools shall be open to pupils who have completed the elementary school course or who have attained the age of 15 years. The authority and duties of the school committee or school directors and of the superintendent of schools in relation to such industrial schools shall be the same as in the case of the elementary and secondary schools, but the support of such schools shall be derived from funds raised in addition to any sums appropriated for the support of elementary and secondary schools. Whenever it shall be made to appear to the Governor and Council that any administrative unit has provided instruction in the trades and industries in a general industrial school maintained therein for a period of 35 weeks during the school year, and employing at least one teacher whose work is devoted exclusively to such instruction and having an average attendance of at least 20 pupils, the Governor and Council shall direct the Treasurer of State to pay to the treasurer of such administrative unit a sum equal to $\frac{1}{2}$ the total amount spent for instruction in said school, provided that not more than \$2,000 shall be paid by the State to any one administrative unit in any year.

Sec. 47. R. S., T. 20, § 2552, amended. The first sentence of section 2552 of Title 20 of the Revised Statutes is amended to read as follows:

There shall be established an advisory committee, appointed by the ~~board~~ **commissioner**, to advise and consult with ~~the board~~ **him** in carrying out the administration of section 2551.

Sec. 48. R. S., T. 20, § 2652, amended. Section 2652 of Title 20 of the Revised Statutes, as amended by section 21 of chapter 610 of the public laws of 1971, is further amended to read as follows:

§ 2652. Permits for outside Maine

No **school** or person representing a privately owned correspondence school located outside the State of Maine shall solicit or sell in Maine any correspondence course for a consideration of remuneration unless he first secures a permit from the ~~department~~ **commissioner** in the manner and on the terms provided in section 2651.

Sec. 49. R. S., T. 20, § 2661, amended. The 2nd paragraph of section 2661 of Title 20 of the Revised Statutes, as enacted by chapter 451 of the public laws of 1969 and as amended, is further amended to read as follows:

No **school** or person representing a privately-owned business, vocational or technical school located outside the State of Maine shall solicit or sell in Maine any course for training at such business, vocational or technical school located outside of the State of Maine unless he first secures a permit from the ~~Department of Educational and Cultural Services~~ **commissioner**.

Sec. 50. R. S., T. 20, § 3455, amended. The first 4 sentences of section 3455 of Title 20 of the Revised Statutes, as amended, are repealed.

Sec. 51. R. S., T. 20, § 3455, amended. The 5th, 6th and 7th sentences of section 3455 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 308 of the public laws of 1969, are amended to read as follows:

~~If funds become available, the Department of Educational and Cultural Services may authorize the following alternate method of distributing state aid~~ All apportionments to administrative units, academies and institutes under this Title, unless specifically directed by statute, shall be made annually commencing in July of each year in the following manner: An amount not to exceed 1/12 of the subsidy shall be paid each month no later than the last day of the month. Any balance shall be paid in the last month of the annual period. ~~Payments may be made to regional technical vocational centers at such times and in such amounts as the commissioner may authorize.~~

Sec. 52. R. S., T. 20, § 3457, amended. The last sentence of the 11th 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, is amended to read as follows:

Before computing the eligible expenditure of any administrative unit for construction aid, the commissioner shall cause to be deducted all moneys ex-

pended on the project which were received from federal sources, **except moneys from federal revenue sharing sources.**

Sec. 53. R. S., T. 20, § 3731, amended. The 2nd and 4th sentences of the 2nd paragraph of section 3731 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 496 of the public laws of 1969, are amended to read as follows:

This sum shall be equal to the amount computed under the appropriate sections of this Title for distribution in the fiscal year 1969-70, and shall be frozen at this amount until July 1, ~~1974~~ 1975.

No new contracts shall be written extending beyond July 1, ~~1974~~ 1975, which call for direct payments of state aid toward the superintendent's salary.

Sec. 54. R. S., T. 22, § 4774-A, amended. The 2nd and 4th paragraphs of section 4774-A of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 383 of the public laws of 1971, are amended to read as follows:

The Commissioner of ~~Education~~ **Educational and Cultural Services** shall appoint a superintendent of schools who shall serve in this office in the same legal capacity as any other public school superintendent.

The biennial budget shall be drawn up by the superintendent and school committee and forwarded to the Commissioner of ~~Education~~ **Educational and Cultural Services** for his consideration and recommendation before being submitted to the Legislature. The execution of the budget must be carried out within the funds made available and in accordance with the laws governing fiscal responsibility.

Sec. 55. R. S., T. 22, § 4839, amended. The 2nd and 4th paragraphs of section 4839 of Title 22 of the Revised Statutes, as enacted by chapter 463 of the public laws of 1969, are amended to read as follows:

The Commissioner of ~~Education~~ **Educational and Cultural Services** shall appoint a superintendent of schools who shall serve in this office in the same legal capacity as any other public school superintendent.

The biennial budget will be drawn up by the superintendent and school committee and forwarded to the Commissioner of ~~Education~~ **Educational and Cultural Services** for his consideration and recommendation before being submitted to the Legislature. The execution of the budget must be carried out within the funds made available and in accordance with the laws governing fiscal responsibility.

Sec. 56. R. S., T. 22, § 4840, amended. The 2nd and 4th paragraphs of section 4840 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 384 of the public laws of 1971, are amended to read as follows:

The Commissioner of ~~Education~~ **Educational and Cultural Services** shall appoint a superintendent of schools who shall serve in this office in the same legal capacity as any other public school superintendent.

The biennial budget shall be drawn up by the superintendent and school committee and forwarded to the Commissioner of ~~Education~~ **Educational and**

Cultural Services for his consideration and recommendation before being submitted to the Legislature. The execution of the budget must be carried out within the funds made available and in accordance with the laws governing fiscal responsibility.

Sec. 57. R. S., T. 24-A, § 4502, amended. Section 4502 of Title 24-A of the Revised Statutes, as enacted by section 1 of chapter 132 of the public laws of 1969 and as amended by chapter 374 of the public laws of 1971, is further amended to read as follows :

§ 4502. Tax sheltered annuities for school employees

1. In order to extend to the employees of any school administrative unit, school or educational institution located in the State of Maine and to certified employees of the Maine State Department of **Educational and Cultural Services** the benefits of tax sheltered annuities available under the Internal Revenue Code, it is declared to be the policy of the Legislature that any such school administrative unit, school, institution or the **Department of Educational and Cultural Services** may contract with any insurer authorized to contract such business within the State to provide one or more individual or group annuities for the pensioning of any employees of such unit, school, institution or **Department of Educational and Cultural Services** and for such purposes may agree to pay part or all of the premiums or charges for carrying such contracts, raise money by taxation therefor where otherwise lawful and appropriate out of its treasury money necessary to pay such premiums or charges or portions thereof.

2. It is the intent of the Legislature that employees of any school administrative unit, school, educational institution or **Department of Educational and Cultural Services** located in the State of Maine shall be extended the opportunity to share in the benefits of tax sheltered annuities and all laws and regulations of the State of Maine shall be construed liberally to enable such employees to come within the Internal Revenue Code, section 403(b) without loss to themselves, or to the school administrative unit, school, educational institution or **Department of Educational and Cultural Services** to which they belong, of any benefits, subsidies or opportunities therefor that they might otherwise be entitled to under the laws of the State of Maine.

Sec. 58. R. S., T. 25, § 2703, sub-§ 1, amended. Subsection 1 of section 2703 of Title 25 of the Revised Statutes, as enacted by chapter 367 of the public laws of 1967, is amended to read as follows :

1. **State.** Where state funds are used, the Director of Public Improvements; except in respect to elementary and secondary school buildings it shall be the Commissioner of ~~Education~~ **Educational and Cultural Services**.

Sec. 59. R. S., T. 26, § 774, amended. The last paragraph of section 774 of Title 26 of the Revised Statutes, as amended by section 13 of chapter 620 of the public laws of 1971, is further amended to read as follows :

Work performed in agriculture or any occupation that does not offer continuous, year-round employment shall be exempt from this section, provided

a minor under 16 years of age has been excused by the local superintendent of schools in accordance with the policy established by the Commissioner of ~~Education~~ **Educational and Cultural Services** and the Director of the Bureau of Labor and Industry.

Sec. 60. R. S., T. 26, § 775, amended. The 5th sentence of the last paragraph of section 775 of Title 26 of the Revised Statutes, as amended, is further amended to read as follows:

A child between the ages of 15 and 17 years who, because of subnormal mental capacity, is unable to successfully pass the tests necessary to allow a regular work permit to be issued may, under conditions deemed proper, receive a work permit issued jointly by the Commissioner of ~~Education~~ **Educational and Cultural Services** and the Director of the Bureau of Labor and Industry, such persons to be employed in nonhazardous occupations.

Sec. 61. R. S., T. 26, § 1002, sub-5, amended. Subsection 5 of section 1002 of Title 26 of the Revised Statutes is amended to read as follows:

5. Cooperate with others. Cooperate with the State Department of ~~Education~~ **Educational and Cultural Services** and the local school authorities in the organization and establishment of classes of related and supplemental instruction for apprentices employed under approved agreements.

Sec. 62. R. S., T. 26, § 1005, amended. The 2nd sentence of section 1005 of Title 26 of the Revised Statutes is amended to read as follows:

The ~~State Department of Education~~ **Commissioner of Educational and Cultural Services** shall be responsible and make provision, subject to ~~the department's decision on~~ the allotment of ~~its~~ funds, for related and supplemental instruction for apprentices as may be employed under apprenticeship programs registered and approved by the council.

Sec. 63. R. S., T. 29, § 532, amended. The 4th sentence of section 532 of Title 29 of the Revised Statutes, as amended, is further amended to read as follows:

Such instruction permit shall only be valid when applicant is accompanied by an instructor approved by the ~~State Department of Education~~ **Commissioner of Educational and Cultural Services** or eligible commercial driver education instructors licensed by the Secretary of State.

Sec. 64. R. S., T. 29, § 722-A, amended. Section 722-A of Title 29 of the Revised Statutes, as enacted by section 2 of chapter 126 of the public laws of 1965, is amended to read as follows:

§ 722-A. Secretary of State may appoint

The Secretary of State may appoint a driver education teacher, licensed by the ~~State Department of Education~~ **Commissioner of Educational and Cultural Services**, to give professional driving instruction meeting the need of a licensee or new applicant when a duly licensed commercial instructor is not available within a reasonable distance from his domicile. The fee required by section 722 shall be waived for the purposes of this section.

Sec. 65. R. S., T. 29, § 2011, amended. The last sentence of the 2nd paragraph of section 2011 of Title 29 of the Revised Statutes, as repealed and replaced by section 1 of chapter 113 of the public laws of 1967, is amended to read as follows:

Such standard "descriptive signs" shall be furnished at cost by the Department of ~~Education~~ **Educational and Cultural Services**.

Sec. 66. R. S., T. 30, § 4165, sub-§ 2, amended. The last sentence of subsection 2 of section 4165 of Title 30 of the Revised Statutes is amended to read as follows:

A copy of said list shall be transmitted to the Commissioner of ~~Education~~ **Educational and Cultural Services** by the Treasurer of State.

Sec. 67. R. S., T. 30, § 4166, amended. The 7th and 8th sentences of section 4166 of Title 30 of the Revised Statutes are amended to read as follows:

The Commissioner of ~~Education~~ **Educational and Cultural Services** shall file in the office of the State Controller a list of such plantations with the amount due for interest for the preceding year according to a record of such amounts to be furnished to him by the Treasurer of State. The Commissioner of ~~Education~~ **Educational and Cultural Services** shall be satisfied that all such plantations are organized, and that schools have been established therein according to law, that assessors are sworn and qualified and that the treasurers of such plantations have given bonds as required by law.

Sec. 68. R. S., T. 30, § 5104, sub-§ 5, ¶ B, amended. The first sentence of paragraph B of subsection 5 of section 5104 of Title 30 of the Revised Statutes is amended to read as follows:

The superintendent of schools in each municipality that conveys such school children shall annually on or before April 1st make a return to the Commissioner of ~~Education~~ **Educational and Cultural Services**, showing the number of school children conveyed to and from schools other than public schools in such manner as the commissioner may require.

Sec. 69. R. S., T. 39, § 52, amended. The 2nd sentence of the 4th paragraph of section 52 of Title 39 of the Revised Statutes is amended to read as follows:

Such vocational rehabilitation service may be arranged in consultation with the Division of Vocational Rehabilitation, Department of ~~Education~~ **Health and Welfare** or in cases of blindness with the Division of Eye Care and Special Services of the Department of Health and Welfare, as provided in section 106, subject to the following conditions and limitations:

Sec. 70. R. S., T. 39, § 106, amended. The 3rd sentence of section 106 of Title 39 of the Revised Statutes is amended to read as follows:

Upon receipt of such notice from the employer, or upon any knowledge or notice received prior to such notice, the commission shall forthwith refer such case to the Division of Vocational Rehabilitation of the Department of

~~Education~~ **Health and Welfare**, or in cases of blindness to the Division of Eye Care and Special Services of the Department of Health and Welfare, and may thereafter cooperate and work with those divisions in the matter of rehabilitation of the injured employee.

Sec. 71. Amendatory clause. Wherever in the following list of sections in Title 20 of the Revised Statutes as amended by section 21 of chapter 610 of the public laws of 1971, the term "Department of Educational and Cultural Services" or "Department of Education" appears, it shall be changed to State Board of Education: Sections 212, 213, 222, 224, 2202, 2231, 2232, 2233, 2234, 2235, 2352, 2355, 2356, 2356-A, 2356-B, 2356-E, 2356-G, 2356-H, 2357, 2703, 2704, 3111, 3455, 3457, 3458, 3460, 3732, 3734.

Sec. 72. Amendatory clause. Wherever in the following list of sections in Title 20 of the Revised Statutes as amended by section 21 of chapter 610 of the public laws of 1971, the term "Department of Educational and Cultural Services," "Maine State Department of Education" or "Department of Education" appears it shall be changed to Commissioner of Educational and Cultural Services: Sections 855, 856, 1053, 1281, subsections 3 and 10, 2210, 2244, 2452, subsection 2, 2551, 2651, 2652, 2654, 2655, 2661, 2662, 3117.

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.