

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1375

S. P. 418

In Senate, April 1, 1975

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-FIVE

AN ACT to Clarify Certain Provisions in the Education Laws.

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

Sec. 1. 20 MRSA § 153, 6th sentence is amended to read:

Said joint committee, at the time of its organization or as soon thereafter as possible, and whenever a vacancy shall occur, shall, subject to the conditions provided, choose ~~by ballot~~ a superintendent of schools for a term of not more than 5 years and the term for which a superintendent is elected shall, in all cases, end on the 30th day of June of the year in which the contract expires. **The votes of the individual members of the joint committee shall be cast on a weighted basis in proportion to the population of the town or unit represented as compared with the total population of the towns and units comprising the joint board. To become effective all actions of the joint committee must be approved by a vote which represents more than half of the population comprising the towns and units which make up the joint board.**

Sec. 2. 20 MRSA § 153, 10th sentence, as amended by PL 1967, c. 425, § 19, is further amended to read:

The election of a superintendent of schools shall not be effective, unless said election shall be approved by the school committee of the ~~town~~ **unit** in the said union having a majority of the teachers in the ~~towns~~ **units** comprising the union and paying not less than ½ of the salary ~~exclusive of any sums paid by the State for the purpose.~~

Sec. 3. 20 MRSA § 154, last 2 sentences, as amended, are repealed.

Sec. 4. 20 MRSA § 155, 3rd sentence is amended to read:

Annually, in the month of ~~June~~ **December** or whenever a superintendent of schools is chosen, the chairman and secretary pro tempore of the committee or board of education shall certify to the commissioner, upon forms prescribed by him, all facts relative to the employment of a superintendent, including the amount of the salary to be paid.

Sec. 5. 20 MRSA § 155, 4th sentence, as amended by PL 1971, c. 530, § 3, is repealed.

Sec. 6. 20 MRSA § 157, is amended to read:

§ 157. Reimbursements

Whenever the schools of any administrative unit shall be placed under the supervision of agents of the commissioner, as provided by section 156, the treasurer of said administrative unit shall pay to ~~the Treasurer of State a sum which shall be at the rate of \$25 annually for each teaching position in said administrative unit, and the amount so received shall be credited to the General Fund~~ said agent a sum agreed upon by the agent and that unit. In case of dispute, the commissioner shall determine the amount to be so paid.

Sec. 7. 20 MRSA § 223, as last amended by PL 1971, c. 530, § 6, is further amended to read:

§ 223. Regulations

Subject to this chapter and sections 1901, 1902, 3456, 3457 to 3460 and ~~3731 to 3734~~ 3711 to 3716, 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. 8. 20 MRSA § 304, 2nd ¶, 1st 2 sentences, as repealed and replaced by PL 1973, c. 783, § 9, are amended to read:

The aggregate principal amount of bonds or notes issued by a School Administrative District for capital outlay purposes shall not exceed, at any one time outstanding, the limit of indebtedness of the sum of ~~12½%~~ 10% of the total of the last preceding state valuation of all the municipalities, plus an amount to be set by the State Board of Education at the time of the initial approval of the school construction project not to exceed ~~7½%~~ 4% of the state valuation of the participating municipalities. Any indebtedness in excess of ~~12½%~~ 10% incurred under the law, as it existed prior to the effective date of this Act, is hereby validated.

Sec. 9. 20 MRSA § 304, 2nd ¶, 4th sentence, as last amended by PL 1969, c. 511, § 1, is further amended to read:

The percentage limit of the indebtedness for bonds or notes for capital outlay purposes authorized after April 27, 1967 shall be fixed as of the time of authorization by the voters or, if no district meeting is held to authorize such bonds or notes, upon the expiration of 35 days following passage of a resolution of the board of school directors as described in the last 2 paragraphs of this section, provided that if the issuance of such bonds or notes together with all outstanding indebtedness included within the district's limit of indebted-

ness would cause the district's indebtedness included within such limit to exceed ~~12 1/2%~~ 10% of the total of the last preceding state valuation of all the participating towns, the board of school directors shall not issue any of such bonds or notes unless they shall first have received a certificate of approval pursuant to section 3458.

Sec. 10. 20 MRSA § 305, 6th sentence, as last amended by PL 1969, c. 589, § 3, is further amended to read:

If a budget for the operation of the School Administrative District is not approved prior to the 3rd month in any ~~given~~ fiscal year established by the board of school directors, the budget as submitted by the school directors for operational expenses, reserve fund and capital outlay purposes shall be automatically considered the budget approved for operational expenses in the ensuing year, and the other amounts submitted for payment of bonds falling due and interest thereon, including temporary loans for capital purposes and rentals and other charges provided in any contract, lease or agreement with the Maine School Building Authority, shall be added together and the total amount assessed as follows.

Sec. 11. 20 MRSA § 306, as last amended by PL 1973, c. 750, § 7, is further amended by adding after the 2nd sentence the following:

When any school fails to maintain an average daily attendance for any school year of at least 8 pupils, it shall be closed. The voters at the annual budget meeting acting on an appropriate article may vote to raise money to keep the school open.

Sec. 12. 20 MRSA § 351, 3rd ¶ is repealed as follows:

~~Article To see if the town will vote that the district be authorized to acquire and hold property of a value not in excess of \$. for the purpose of operating (name type of school or school)~~

Sec. 13. 20 MRSA § 351, next to last paragraph, as last amended by PL 1973, c. 783, § 11, is further amended to read:

The clerk in each of the several towns shall file a return of such votes with the State Board of Education. If a majority of those voting in each of the towns shall favor each of the 3 propositions, the inhabitants of and the territory within said towns shall thereupon become a community school district, which shall, subject to the provisions hereof, bear the name so determined upon and shall have authority to ~~acquire and hold property and to~~ borrow money not in excess of the respective amounts so ~~determined upon~~ authorized. The inhabitants of the participating towns in meetings similarly called and held may vote to change the name of the school district, or to increase the maximum amount of ~~property to be held by the school district or the maximum amount~~ of money which the school district may borrow.

Sec. 14. 20 MRSA § 352, 3rd ¶, as amended by PL 1973, c. 571, § 25-A, is further amended to read:

When the corporation is thus organized, the trustees shall make a return to the State Board of Education setting forth the fact of the organization of

the district, the names of the trustees and the officers thereof, ~~the amount of property it is authorized to acquire and hold~~ and the amount of its borrowing power.

Sec. 15. 20 MRSA § 352, 4th ¶, 2nd sentence, is amended to read as follows:

Whenever the membership of a community school district is changed by the addition of new territory ~~or by appointment, election or resignation of trustees or otherwise~~, a return to that effect shall promptly be so filed.

Sec. 16. 20 MRSA § 354, 2nd sentence, as last amended by PL 1971, c. 567, § 2, is further amended to read:

To procure funds for capital outlay purposes, the trustees of said district are authorized to issue bonds and notes of the district, not to exceed in the aggregate at any one time outstanding, the limit of indebtedness of said district as established under section 351 or ~~12 1/2%~~ 10% of the total of the last preceding state valuation of all of the participating towns, whichever is the lesser.

Sec. 17. 20 MRSA § 358, 2nd ¶, as enacted by PL 1973, c. 556, § 3, is amended by adding at the end the following new sentences.

The Commissioner of Educational and Cultural Services shall have the responsibility of approving or disapproving all school bus purchases, contracts and leases. The school committee is authorized to procure short-term loans not to exceed 3 years for the purchase of school buses when such authorization has been approved at the annual budget meeting.

Sec. 18. 20 MRSA § 851, last ¶, as last amended by PL 1971, c. 530, § 10-A, is repealed.

Sec. 19. 20 MRSA § 858, 1st sentence, as last amended by PL 1967, c. 425, § 19, is further amended to read:

Any administrative unit may, in addition to the sum raised for the support of the public schools, raise and appropriate money for the support of evening schools, day schools, classes and educational activities, which shall admit persons over 16 years of age, ~~who are not in attendance at another public school, and if such persons are out of school as a result of action taken under the 2nd paragraph of section 911.~~ Such persons shall be under the direction and supervision of the school committee or school directors, and shall ~~give~~ be given such courses of instruction as said committee or school directors may determine and, furthermore, any administrative unit may raise and appropriate money for payment of tuition for residents in attendance at such classes in another administrative unit for courses not offered by the unit of residence.

Sec. 20. 20 MRSA § 1172, 1st sentence, as last repealed and replaced by PL 1967, c. 540, § 4, is amended to read:

All school buildings or buildings used for school purposes shall be provided with either toilet facilities of the flush water closet type connected with sewer, filter bed or septic tank, or other type of toilet facilities approved by the State Department of Health and Welfare, with separate compartments for the sexes,

accessible only by separate passage ways from school rooms or corridors, and shall be installed in such manner and location as to insure privacy, cleanliness and supervision by teachers.

Sec. 21. 20 MRSA § 1281, sub-§ 2, as amended by PL 1969, c. 440, § 9, is repealed and the following enacted in place thereof:

2. Length of school day. It has a school day of sufficient length to allow the operation of its educational program as approved by the commissioner.

Sec. 22. 20 MRSA § 1902, 1st sentence, as last amended by PL 1973, c. 255, is repealed and the following enacted in place thereof:

Whenever any certified teacher completes, within any 2-year period, 6 credit hours of additional professional work approved by the superintendent, the teacher shall receive an amount of not less than \$100 from the administrative unit.

Sec. 23. 20 MRSA § 2210, 1st ¶, as last amended by PL 1973, c. 571, § 72, is repealed and the following enacted in place thereof:

An Indian Scholarship Committee set up by the Department of Educational and Cultural Services shall, at its discretion, approve all grants under this chapter. The composition of the Indian Scholarship Committee shall be as follows: The superintendent of schools of Maine Indian Education; 2 representatives of the Passamaquoddy Tribe, chosen by joint session of the tribal councils of Indian Township and Pleasant Point; 2 representatives of the Penobscot Tribe, chosen by the tribal council of the Penobscot Tribe; 2 representatives of the Association of Aroostook Indians, Inc., chosen by the board of directors of the Association of Aroostook Indians, Inc.; and a representative of the Chancellor of the University of Maine. The term of service of each member of the Indian Scholarship Committee will be for one, 2 or 3 years as determined by the appointing authority.

Sec. 24. 20 MRSA § 2452, sub-§ 2, as last amended by PL 1973, c. 571, § 72, is repealed.

Sec. 25. 20 MRSA § 3452, sub-§ 7 is enacted to read:

7. School principal. Public school principals shall supervise the operation and management of the school or schools and property as the superintendent shall determine necessary under policy established by the board of school directors or the school committee.

Sec. 26. 20 MRSA § 3461, as enacted by PL 1973, c. 154, § 4, is repealed.

Sec. 27. 20 MRSA § 3561, next to last ¶, as enacted by PL 1973, c. 556, § 4, is amended by adding at the end the following new sentences:

The Commissioner of Educational and Cultural Services shall have the responsibility of approving or disapproving all school bus purchases, contracts and leases. The school committee is authorized to procure short-term loans not to exceed 3 years for the purchase of school buses when such authorization has been approved at the annual budget meeting.

Sec. 28. 20 MRSA § 3713, sub-§ 11 is enacted to read:

11. Any administrative unit without a previous year's pupil count or with new pupils moving in may be permitted to appropriate from the uniform school tax an amount of money not to exceed the average per pupil allocation of the State times the number of pupils, plus an amount for transportation to be approved by the commissioner.

Sec. 29. 29 MRSA § 1368, sub-§ 1, last sentence, as last amended by PL 1973, c. 222, § 5, is further amended to read:

Nothing herein shall limit the use of lights showing a red beam of light to the front or rear of school buses provided said lights are of a type approved by the Commissioner of Educational and Cultural Services as stated in section ~~2011~~ of this Title 2012.

Sec. 30. 29 MRSA § 2013, sub-§ 1, ¶ C, as enacted by PL 1973, c. 780, § 4, is amended to read:

C. Meet all special physical, mental and moral requirements established by the Commissioner of Educational and Cultural Services and must pass an annual physical examination, with the cost of such examination being borne by the employer;

Sec. 31. 29 MRSA § 2014, sub-§ 1, last sentence, as enacted by PL 1973, c. 780, § 4, is amended to read:

Effective September 1, 1977 seating shall be provided that will permit each occupant to sit in a ~~seat in a plain~~ plan view lateral location.

Sec. 32. 29 MRSA § 2014, sub-§ 2, 1st sentence, as enacted by PL 1973, c. 780, § 4, is amended to read:

All school buses shall be equipped with at least 2 doors; one door on the right side near the front for all ordinary exits and entrances, and a 2nd door to be located in the center of the rear end of the vehicle or at some point along the left side of the vehicle in the center or to the rear of center if the engine is so located as to make it impossible to place the door in the center of the rear end.

Sec. 33. 29 MRSA § 2019, as enacted by PL 1973, c. 780, § 4, is repealed and the following enacted in place thereof:

§ 2019. Overtaking and passing school buses

1. Receiving or discharging passengers. All school bus operators shall activate the system of flashing red lights at least 100 feet before any stop is made to receive or discharge its passengers and such lights shall be continually displayed until after the bus has received or discharged its passengers.

2. Stopping. The operator of a vehicle on a way, upon meeting or overtaking a school bus from either direction which has stopped, with its red lights flashing, on the way to receive or discharge school children, shall stop such vehicle before reaching such school bus and said operator shall not proceed until such school bus resumes motion or until signaled by the school bus operator to proceed.

3. Separated roadways. The operator of a vehicle on a way with roadways separated by curbing or other similar physical barrier need not stop upon meeting or passing a school bus which is stopped, with its red lights flashing, traveling in a lane separated by such barrier from the lane said operator is traveling in, or when upon a limited access highway and the school bus is stopped in a loading zone, which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

Sec. 34. PL 1973, c. 556, § 17 is repealed.

STATEMENT OF FACT

The purpose of this bill is to clarify certain provisions in the education laws.