

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)

OF R.

STATE OF MAINE
SENATE
107TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 651, L.D. 2056, Bill,
"AN ACT to Clarify Certain Provisions in the Education Laws."

Amend said Bill by inserting after the enacting clause
the following:

'Sec. 1. 1 MRSA §501-A, 3rd sentence, as enacted by
PL 1975, c. 436, §2, is amended to read:

At least ~~80~~ 55 copies of any annual or biennial report not
included in the Maine State Government Annual Report provided
for in Title 5, sections 43 through 46, shall be delivered
to the State Librarian, immediately upon receipt by the
State Purchasing Agent for exchange and library use; the
balance of the number of each such report shall be delivered
by the State Purchasing Agent to the agency preparing the
report.'

Further amend said Bill by inserting after section
2 the following:

'Sec. 2-A. 20 MRSA §153, first 8 sentences, as amended,
are repealed and the following enacted in place thereof:

The (—————) school committees of the administrative
units comprising a union shall form a joint committee, and
for the purposes of this chapter the joint committee shall
be held to be the agents of each unit comprising the union.

The (—————) school committee of any unit may
authorize one of its members to act for the committee in the meet-

ings of the joint committee, and in such case, the member
so authorized may cast the votes for the full membership
of his committee. The joint committee upon notification
by the commissioner shall meet annually, during the month
of December, at a day and place agreed upon by the chairmen
of the committees of the several units comprising the
union, and shall organize by the choice of a chairman and a
secretary. The joint committee shall make provisions for
an office for the superintendent of schools, office assistants,
supplies, utilities and other office expenses and shall
apportion the cost among the several administrative units
in proportion to the service to be performed. The joint committee
shall determine the relative amount of service to be performed
by the superintendent in each unit, including the minimum
number of visits to be made each term to each school, fix his
salary, apportion the amounts thereof to be paid by the
several units, which amounts shall be certified to the
treasurers of the units, respectively, and to the
commissioner, together with the amounts apportioned to each
unit, provided the amount so certified shall be in proportion
to the amount of service performed in the several units.
The 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
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 unit represented as compared with the total population of the 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 units which make up the joint board.'

Further amend said Bill by inserting after section 4 the following:

'Sec. 4-A. 20 MRSA §220, as last amended by PL 1975, c. 510, §7, is further amended by adding at the end the following new paragraph:

Notwithstanding any other provision of law, expenditures for bus purchases approved by the commissioner shall not be included within expenditure limitations placed on administrative units by other sections of this Title. The commissioner is directed to encourage administrative units, whenever possible, to pay for the cost of new buses from current funds rather than

form short-term loans.'

Further amend said Bill by inserting after section 5 the following:

'Sec. 5-A. 20 MRSA §225, sub-§2, ¶G, first sentence,
as last amended by PL 1973, c. 536, §1, is further amended to read:

The voting at meetings held in towns shall be held and conducted in accordance with Title 30, sections 2061 to 2065, even though the town has not accepted the provisions of sections 2061 and 2062, provided ~~←~~→ that if a district meeting is called to be held simultaneously with a general election or primary election the voting in towns shall be held and conducted in accordance with Title 21, except that the duties of the Secretary of State shall be performed by the district directors.'

D OF R.

Further amend said Bill by inserting after section 7 the following:

'Sec. 7-A. 20 MRSA §305, last ¶, 2nd and 3rd sentences,
as last amended by PL 1969, c. 589, §4, are repealed ;
and the following enacted in place thereof:

In the year in which the tax is so levied, the treasurer of each municipality shall pay the amount of the tax so levied in equal monthly installments to the treasurer of the School Administrative District. Each monthly installment shall be paid to the treasurer of the School Administrative District on or before the 20th day of the month.

Sec. 7-B. 20 MRSA §305, last ¶, 6th sentence,
as enacted by PL 1971, c. 72, is repealed.

Sec. 7-C. 20 MRSA §355, 3rd and 4th sentences, as enacted by PL 1973, c. 783, §13, are repealed and the following enacted in place thereof:

In the year in which the tax is so committed, the treasurer of each municipality shall pay the amount of the tax so committed in monthly installments to the treasurer of the community school district. Each monthly installment shall be paid to the treasurer of the community school district on or before the 20th of the month.'

Further amend said Bill by inserting after section 8 the following:

'Sec. 8-A. 20 MRSA §365, 2nd and 3rd sentences, as enacted by PL 1973, c. 132, §5, are repealed and the following

enacted in place thereof:

In the fiscal year in which the assessment is so levied, the treasurer of each municipality shall pay ~~_____~~ the amount of the assessment so levied in monthly installments to the treasurer of the community school district. Each monthly installment shall be paid to the treasurer of the community school district on or before the 20th of the month.'

Further amend said Bill by inserting after section 10 the following:

'Sec. 10-A. 20 MRSA §805, as repealed and replaced by PL 1975, c. 289, is repealed and the following enacted in place thereof the following:

§805. Dissemination of information

The dissemination of information on students shall be governed by the Family Education Rights and Privacy Act of 1974, P. L. 93-380, as amended by P. L. 93-568.'

Further amend said Bill in section 12 by striking out in the 6th line (same in L.D.) the underlined figure "3" and inserting in place thereof the underlined figure '10'

Further amend said Bill by inserting after section 12 the following:

'Sec. 12-A. 20 MRSA §858, as/^{last}amended by PL 1967, c. 425, §19, is further amended by inserting at the end the following new ~~_____~~ sentence:

The commissioner may grant exceptions to the above in admitting students into adult education programs at the local level.'

Further amend said Bill by by inserting after section 13 the following:

'Sec. 13-A. 20 MRSA §1291, first ¶, last 2 sentences,
as last amended by PL 1971, c. 223, §19, are repealed as follows:

~~Any youth whose parents or legal guardian maintains a home in any administrative unit, who is entitled to free secondary education, and who is qualified for admission to a regional technical and vocational center according to the standards set by those having charge thereof for all its students, including those resident in the unit maintaining and operating the center, may elect to attend any approved regional technical and vocational center within the State to which he may gain admission, for the purpose of pursuing a technical and vocational course not offered by, or contracted for by, the administrative unit in which he resides with parent or legal guardian or by a community school district of which the administrative unit where he resides is a member. -- If any approved regional technical and vocational center serving the area in which he resides, as defined in section 2356-A, offers the desired course he may attend only the regional technical and vocational center serving his area.'~~

Further amend said Bill by inserting after the 4th sentence of the first paragraph after the amending clause of section 14 the following underlined sentences:

The tuition rate for public schools shall be computed in the manner set forth above. Tuition rates for private schools

J. OF R.

shall be computed as follows: Total all of the expenditures of the school, less the costs of transportation, major capital outlay, debt retirement and state aid on special education, for the period July 1st to June 30th of the year immediately prior to the school year for which tuition is computed and divide the results by the average number of pupils enrolled on October 1st and April 1st of the same year. The tuition rate thus determined shall be adjusted by the average change in public secondary education costs for the 2 years immediately prior to the school year for which the tuition is computed, except that the adjustment shall be limited to a 6% increase.'

Further amend said Bill in section 16 by striking out in the 5th line (same in L.D.) the underlined word "employee" and inserting in place thereof the underlined word 'employer'

Further amend said Bill by inserting after section 16 the following:

'Sec. 16-A. 20 MRSA §2314, as enacted by PL 1973, c. 635, §1, is amended by adding at the end,
the following new sentence:

An approved institution for participation in this program must be authorized to grant degrees in accordance with section 2202.'

Further amend said Bill by inserting after section 18 the following:

'Sec. 18-A. 20 MRSA §2356-B, sub-§1, as repealed and replaced by PL 1975, c. 513, §6, is amended by adding at the end the following blocked paragraph:

The 14 vocational centers and satellite centers in operation on July 1, 1976 shall continue in operation until the State Board of Education revokes the vocational plan for the center or satellite. Any addition to or deletion of programs at the vocational centers or satellites must be approved by the State Board of Education. The advisory committee, as set forth in section 2356-A, subsection 5, shall file its recommendations with the unit operating the vocational center and shall meet at least annually with the center school committee to discuss implementation of its recommendations.'

Further amend said Bill by inserting after section 19 the following:

'Sec. 19-A. 20 MRSA §2356-G, sub-§6, ¶B, sub-(5), as repealed and replaced by PL 1975, c. 513, §10, is amended by adding at the end the following new sentence:

A budget must be adopted on or before July 1st.'

Further amend said Bill by inserting after section 22 the following:

'Sec. 22-A. 20 MRSA §3561, as last amended by PL 1975, c. 510, §29, is further amended by inserting before the last paragraph the following new paragraph:

J. OF R.

¶ Notwithstanding any other provision of law, expenditures for bus purchases approved by the commissioner shall not be included within expenditure limitations placed on administrative units by other sections of this Title. The commissioner is directed to encourage administrative units, whenever possible, to pay for the cost of new buses from current funds rather than from short-term loans.'

Further amend said Bill by striking out all of sections 23 to 23.

Further amend said Bill by inserting after section 26 the following:

'Sec. 26-A. 20 MRSA §3713, sub-§11, 2nd ¶, as repealed and replaced by PL 1975, c. 660, §3, is amended by inserting at the end the following:

Administrative units are authorized to establish an "accounts receivable" in anticipation of state aid under this section when the fiscal year closes on June 30th.'

Further amend said Bill by inserting after section 29 the following:

'Sec. 29-A. 20 MRSA §3743, sub-§6, last ¶ and sub-§7, last ¶, first sentence, as enacted by PL 1975, c. 660, §2, are amended to read:

After July 1, 1975 "average elementary per pupil operating costs" shall be computed by dividing elementary operating costs for the base year by the average number of resident elementary pupils on October 1st and April 1st in the base year, excluding special education students for whom tuition is paid in programs approved by the commissioner.

After July 1, 1975, "average secondary per pupil operating costs" shall be computed by dividing secondary operating costs for the base year by the average resident secondary pupils on October 1st and April 1st in the base year, excluding special education students for whom tuition is paid in programs approved by the commissioner.

Sec. 29-B. 20 MRSA §3743, sub-§9, 2nd ¶, first sentence,
as enacted by PL 1975, c. 660, §2, is amended to read:
After July 1, 1976, "vocational education," for subsidy
purposes only, shall mean training in trade, industrial,
agricultural, technical, fishing and service occupations.

Sec. 29-C. 20 MRSA §3744, ^{sub-§1, ¶0,} as enacted by PL 1975, c. 660,
§2, is repealed and the following enacted in place thereof:

O. Optional local funds without state participation raised
under section 3749 for each of paragraphs A to K, including
the 10% local portion of paragraphs C to F or under a
special hardship waiver granted by the State Board of
Education, expended during the base year.

Sec. 29-D. 20 MRSA §3744, as enacted by PL 1975, c. 660,
§2, is amended by adding at the end the following new sentence:
The commissioner is granted the authority to withhold monthly
subsidy payments from any administrative unit when information
is not filed within specified time schedules.

Sec. 29-E. 20 MRSA §3745, first and 2nd ¶¶, as enacted
by PL 1975, c. 660, §2, are repealed and the following enacted
in place thereof:

The commissioner, with the approval of the State Board
of Education, shall also certify annually, prior to February
1st, to the Legislature and the Bureau of the Budget his
recommendation for the funding levels recommended for each
of paragraphs A to K and M of subsection 1 of section 3744

and for the ~~State's~~ maximum obligation under section 3748, subsection 4.

The requested funding levels for section 3744, subsection 1, paragraphs C, E and F and the requested funding level of the insured value factor and leases under paragraph G shall be computed by adding the actual costs for the first half of the year immediately prior to the year of allocation of funds to the total estimated costs that will be incurred for the 2nd half of the same year. The requested funding levels of section 3744, subsection 1, paragraph D, shall be computed by estimating the costs of special education tuition and board, excluding medical costs in the year of allocation of funds. The requested funding level of principal and interest payments under section 3744, subsection 1, paragraph G, shall be computed by computing both known obligations and the estimate of anticipated principal and interest costs for the year of allocation of funds. The commissioner shall have the authority to correct errors revealed by audit in administrative units when compiling actual education costs. The commissioner shall have the authority to amend any estimate where he believes such estimate to be unreasonable.

Sec. 29-F. 20 MRSA §3747, sub-§6, last sentence, as enacted by PL 1975, c. 660, §2, is amended to read: The Legislature shall appropriate ~~no more than~~ 90% of amounts established for subsection 4 and subsection 3, paragraphs C, D, E and F, subparagraph (1).

JF R.

Sec. 29-G. 20 MRSA §3748, sub-§1, ¶¶ A and B,
as enacted by PL 1975, c. 660, §2, are repealed and the
following enacted in place thereof:

A. Multiply the average number of resident elementary pupils in the unit on April 1st and October 1st of the calendar year immediately prior to the year of allocation, excluding special education tuition pupils, by the basic elementary per pupil operating rate, as established in section 3747. For the calendar year 1975 only, full-time pupils in special education programs operated by the unit shall be excluded from the resident pupil count.

B. Multiply the average number of resident secondary pupils in the unit on April 1st and October 1st of the calendar year immediately prior to the year of allocation, excluding special education tuition pupils, by the basic secondary per pupil operating rate as established in section 3747. For the calendar year 1975 only, full-time pupils in special education programs operated by the unit and full-time pupils, as defined by the commissioner, in vocational education programs shall be excluded from the resident pupil count.

Sec. 29-H. 20 MRSA §3748, sub-§1, ¶C, sub-¶(1), 2nd ¶,
as enacted by PL 1975, c. 660, §2, is repealed and the
following enacted in place thereof:

2 OF R

Reimbursement for both special education programs operated or contracted for by the administrative unit and for special education tuition and board shall be limited to 90% of the estimated costs, as adjusted by the commissioner, or 90% of the actual expenditures, whichever is less. Special education tuition and board shall be reimbursed in the year of allocation. In no event shall a local unit be responsible for contracted special education tuition and board in excess of an average of \$500 per pupil for the total number of pupils for whom tuition and board is paid; the balance, if any, shall be reimbursed pursuant to this section.

Sec. 29-I. 20 MRSA §3748, sub-§1, ¶C, sub-¶(2), last ¶, as enacted by PL 1975, c. 660, §2, is repealed and the following enacted in place thereof:

Any vocational center shall have the authority to bill its member units in proportion to the number of students served, on October 1st and April 1st of the year immediately prior to the year of allocation, for any reduction in vocational education subsidies.

Vocational regions shall have the same authority to bill vocational centers when there is a reduction in vocational education subsidies. If any bill is not paid within 30 days after submission, the vocational center may appeal to the commissioner under the 3rd paragraph of section 1292.

Sec. 29-J. 20 MRSA §3748, sub-§1, ¶C, sub-¶(4), as enacted by PL 1975, c. 660, §2, is repealed and the following enacted in place thereof:

(4) Debt service. Principal and interest costs for major capital projects approved prior to the effective date of this Act shall be reimbursed in the year of allocation.

Sec. 29-K. 20 MRSA §3748, sub-§2, as enacted by PL 1975, c. 660, §2, is amended by inserting after the 2nd sentence, the following:

Adjustments to reflect actual expenditures for items in subsection 1 shall be made in the December and June subsidy payments. One-half of the adjustment amount shall be made in December with the remainder distributed during the remaining months of the fiscal year.

Sec. 29-L. 20 MRSA §3748, sub-§3, ¶A, as enacted by PL 1975, c. 660, §2, is amended to read:

A. If the administrative unit's average elementary or secondary per pupil operating cost in the base year is less than the basic elementary or secondary per pupil operating rate, the per pupil allocation for elementary or secondary pupils respectively shall be limited to an amount which equals the unit's average per pupil operating costs for the base year, ~~increased-by-6%~~, plus an amount equivalent to 1/3 of the difference between the unit's per pupil elementary or secondary cost for the base year, as adjusted, and the basic elementary or secondary per pupil operating rate respectively.

Sec. 29-M. Effective date. Section 29-L of this Act shall become effective on January 1, 1977.

Sec. 29-N. 20 MRSA §3748, sub-§3, ¶B, as enacted by PL 1975, c. 660, §2, is amended to read:

B. If the average elementary or secondary per pupil operating cost for the base year in the unit is above the basic elementary or secondary per pupil operating rate, the per pupil allocation for elementary or secondary pupils respectively shall be frozen at $\frac{1}{2}$ the difference between the basic elementary or secondary per pupil operating rate respectively and the local average elementary or secondary per pupil operating cost respectively expended during the 1973-74 school year ~~or the state elementary or secondary average per pupil allocation respectively, whichever is greater.~~

Sec. 29-O. 20 MRSA §3748, sub-§3, ¶¶D and E, the last sentence of paragraph D and the 2nd sentence of paragraph E, as enacted by PL 1975, c. 660, §2, are amended to read: In adjusting the allocation under the ~~unit's~~ previous sentence, the amounts subtracted for pupils residing on land under control of the Federal Government, or any agency thereof, or on a Federal Military Reservation shall not exceed $\frac{1}{2}$ of the national average expenditure per pupil, as computed by the Federal Government, times the number of such students in the unit.

The number of pupils in excess of 3% increase shall be multiplied by the appropriate per pupil rate as established ~~this~~ ^{this} in section 3747 ~~←→~~ to determine the allowable adjustment.

Sec. 29-P. 20 MRSA §3748, sub-§4, first sentence, as enacted by PL 1975, c. 660, §2, is repealed and the following enacted in place thereof:

The legislative body of any administrative unit may, in addition to the unit's allocation under this section, authorize an additional expenditure for either elementary or secondary pupils, or both, not to exceed a local appropriation of 2 mills on the state valuation in effect on July 1st. Such local appropriations shall be divided equally over a 12-month period and shall not exceed a 1/6 mill levy per month for each month in the unit's fiscal year.

Sec. 29-Q. 20 MRSA §3748, sub-§4, first ¶, as enacted by PL 1975, c. 660, §2, is amended by inserting after the 4th sentence the following:

Administrative units are authorized to establish an "accounts receivable" in anticipation of state aid under this section when the fiscal year closes on June 30th.

Sec. 29-R. 20 MRSA §3748, sub-§4, 2nd ¶, 2nd sentence, as enacted by PL 1975, c. 660, §2, is amended to read:
The purpose of these funds appropriations is to provide that all administrative units may raise and appropriate at least \$45 per pupil per mill to supplement the adjusted allocations when necessary in the judgment of the local administrative units.

Sec. 29-S. 20 MRSA §3748, sub-§4, 3rd ¶, as enacted by PL 1975, c. 660, §2, is amended to read:
An article in substantially the following form is to be used when any municipality, School Administrative District or

community school district is considering the appropriation of additional local funds under this subsection:

Article : To see what sum the municipality or district will authorize to be expended from optional local appropriations with state participation for school purposes (Recommended \$), and to see if the municipality or district will raise and appropriate the local share of \$.

Sec. 29-T. 20 MRSA §3748, sub-§5, as enacted by PL 1975, c. 660, §2, is amended by adding at the end the following new/sentenc
Subsidy for debt service on bonds issued by regional vocational cooperative boards shall be paid directly to the treasurer of the regional vocational board notwithstanding any other section of the statute.

Sec. 29-U. 20 MRSA §3748, sub-§10, first sentence, as enacted by PL 1975, c. 660, §2, is amended to read as follows: Notwithstanding any other provision of this chapter, the commissioner shall reimburse 90% of the ~~preceeding-year's expenditures~~ expenditures of the year immediately prior to the year of allocation reported by any municipality for providing the transportation of school children to and from schools other than public schools, except such schools as are operated for profit in whole or in part.

Sec. 29-V. 20 MRSA §3749, sub-§3, as enacted by PL 1975, c. 660, §2, is repealed and the following enacted in place thereof:

3. Effective date. Subsection 1 shall be in effect from July 1, 1976 until June 30, 1977.

OF R.

Sec. 29-W. Effective date. Sections 29-A to 29-K and sections 29-N to 29-V shall become effective on July 2, 1976.

Sec. 29-X. 20 MRSA §3750, as enacted by PL 1975, c. 660, §2, is repealed and the following enacted in place thereof: §3750. Construction project approval limit

No new major capital project shall be approved by the State Board of Education prior to July 1, 1977, except such projects as are judged to be of an absolute emergency nature. Emergency replacements of roofs, boilers or other repairs which are necessary to protect the health and safety of the pupils may be approved. The commissioner is authorized to approve the leasing of space to keep schools open until such time as appropriate school facilities can be constructed. In any event, the authority to approve emergency projects under this section shall be limited to the amount appropriated for the major capital construction fund.

Sec. 29-Y. 20 MRSA §§3751 - 3752 are enacted to read: §3751. Special school districts

Debt service on bonds or notes issued by any school district created by private and special law for the purposes of constructing or adding to school buildings, which district is not responsible for operating public schools, shall be included in the school budget of the administrative unit which operates the school or schools constructed by such districts, and the school committee, board of school directors or other board exercising like functions for such administrative unit shall pay to such district all sums necessary to meet

the payments of principal and interest on bonds or notes when due and any maintenance or other costs payable by such district. For the purposes of sections 3457 to 3460 and 3753, any school district to which this section is applicable shall be deemed to be an administrative unit.

§3752. School budget

All administrative units shall set forth the school budget to include the state and local allocation, maintenance of effort and additional expenditures within the limitations of the statute. A detailed budget document shall be available to the legislative body which has responsibility for final budget approval and to any person residing within the geographical area administered by the administrative unit submitting the budget at least 7 days before the initial meeting of the legislative body to consider the budget document. The budget document shall contain a summary of anticipated revenue and estimated school expenditures for the fiscal year. School budgets in all school administrative units must be adopted on or before June 1st in each year.

Sec. 29-Z. Effective date. Section 29-Y of this Act shall become effective on July 2, 1976.'

Further amend said Bill by inserting after section 30 the following:

'Sec. 30-A. 29 MRSA §2014, sub-§1, as last amended by PL 1975, c. 510, §39, is repealed and the following enacted in place thereof:

1. Seating. No vehicle shall be operated as a school bus when the number of occupants exceeds the maximum seating

capacity of the school bus. To determine the maximum seating capacity of a school bus, the linear width of each pupil seat in inches shall be divided by 13 and rounded down to the nearest whole number. The sum of these rounded down quotients is the maximum seating capacity of that individual school bus and shall be so indicated just to the rear of the right front door. There shall be no auxiliary seating accommodations such as temporary or folding seats. Effective September 1, 1977, seating shall be provided that will permit each occupant to sit in a forward facing position.'

Further amend said Bill by inserting after section 32 the following:

'Sec. 32-A. PL 1975, c. 660, last paragraph is amended to read:

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1976, except sections 3 and 5 and section 3750 of Title 20 of section ± 2 of this Act which shall become effective ~~when-approved~~ July 2, 1976, and except section 3748, subsection 4, last paragraph of section ± 2 of this Act which shall become effective July 1, 1977. Sections 6 to 10 of this Act shall take effect when approved.'

Further amend said Bill by renumbering sections of the bill to read consecutively. (Take particular notice of all effective dates and make sure the correct sections are stated after renumbering.)

Statement of Fact

The purpose of this amendment is for clarification purposes of the original bill and of chapter 660 of the public laws of 1975.

Reported by the Committee on Education.

Reproduced and distributed pursuant to Senate Rule 11-A.

March 26, 1976.

(Filing No. S-480).