

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 2056

S. P. 651

In Senate, January 22, 1976

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Katz of Kennebec.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

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**AN ACT to Clarify Certain Provisions in the Education Laws.**

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

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

Whereas, such inconsistencies and errors will create uncertainties and confusion in interpreting legislative intent; 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.** 20 MRSA § 102, sub-§ 7, 2nd ¶ is amended to read:

A course in history, geography and the natural and industrial resources of Maine shall be taught in at least one grade from 7 to 12, in all school systems, both public and private.

**Sec. 2.** 20 MRSA § 152, 2nd sentence is amended to read:

At said meeting or as soon thereafter as possible, and whenever a vacancy shall occur, the school directors shall, subject to the conditions provided, choose ~~by ballot~~ a superintendent of schools for a term of not more than 5 years.

Sec. 3. 20 MRSA § 153, 4th sentence from the end, as last amended by PL 1975, c. 510, § 2, is repealed as follows:

~~The election of a superintendent of schools shall not be effective, unless said election shall be approved by the school committee of the unit in the said union having a majority of the teachers in the units comprising the union and paying not less than 1/2 of the salary~~

Sec. 4. 20 MRSA § 220, 3rd ¶, last sentence, as enacted by PL 1975, c. 510, § 7, is amended to read:

The school directors are 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 or a special budget meeting.

Sec. 5. 20 MRSA § 221, 1st sentence is amended to read:

The superintendent of the School Administrative District and such other staff personnel as the school directors deem necessary shall be selected by a majority vote of the full membership of the board of school directors or more than half the weighted vote of the directors where applicable and said superintendent of schools shall have the same duties, powers and responsibilities with respect to the schools within the School Administrative District and the board of school directors as are prescribed by law for public school superintendents.

Sec. 6. 20 MRSA § 226, sub-§ 4, ¶ C, 1st sentence, as last amended by PL 1971, c. 196, § 4, is further amended to read:

As soon as he has been elected and sworn, the moderator shall preside at the meeting and the annual budget shall be voted on by written ballot acted upon by the voters present and voting.

Sec. 7. 20 MRSA § 304, 9th sentence is amended to read:

All notes or bonds issued by said school directors on behalf of an administrative district shall be signed by the treasurer or assistant superintendent of schools and countersigned by the chairman of said board of school directors, and if coupons be issued, each coupon shall be attested by a facsimile signature of the treasurer or assistant superintendent of schools printed thereon.

Sec. 8. 20 MRSA § 358, 2nd ¶, 5th sentence, as enacted by PL 1975, c. 510, § 18, is amended to read:

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 or at a special budget meeting.

Sec. 9. 20 MRSA § 471, 2nd and 3rd sentences from the end, as last amended by PL 1967, c. 425, § 19, are repealed as follows:

~~In such cases the school committee shall designate 3 of its members to serve on the joint committee of the school union and they shall be empowered to designate any one member of the 3 so designated to act for the entire com-~~

mittee. The total vote or votes cast by such member or members at any meeting of the joint union committee shall not exceed 3

Sec. 10. 20 MRSA § 473, sub-§ 5 is amended to read:

5. Scholars expelled or suspended. Expel any obstinately disobedient and disorderly scholar, after a proper investigation of his behavior, if found necessary for the peace and usefulness of the school; and restore him on satisfactory evidence of his repentance and amendment. The school committee may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules;

Sec. 11. 20 MRSA § 806, 1st ¶, as enacted by PL 1973, c. 484, is amended to read:

The right of privileged communication shall be extended to school counselors, including but not limited to, elementary and secondary counselors and counselors who may work in a school setting at a post-secondary level, except for fulfilling the requirements of Title 22, section 3853.

Sec. 12. 20 MRSA § 856, sub-§ 4, as enacted by PL 1969, c. 413 and as last amended by PL 1973, c. 571, § 72, is repealed and the following enacted in place thereof:

4. Intent. It is the intent of this section that such co-occupancy shall be used for housing on an emergency basis. Leases shall be signed for a period not to exceed 3 years and must be approved by the commissioner before the agreement is signed to qualify for reimbursement under section 3713.

Sec. 13. 20 MRSA § 967, 2nd ¶, last sentence, as enacted by PL 1969, c. 157, is amended to read:

The auditors, upon completion of such an audit, shall file a copy with the commissioner by ~~September~~ November 1st of each year.

Sec. 14. 20 MRSA § 1292, 1st ¶, as repealed and replaced by PL 1975, c. 399, § 2, is repealed and the following enacted in place thereof:

The maximum allowable tuition charge for all public and private secondary schools shall be computed as follows: All expenditures for public secondary education shall be included except expenditures for special education, vocational education, community services, major capital outlay, debt retirement, tuition and transportation, for the period July 1st to June 30th of the year immediately prior to the school year for which the tuition charge is computed. The expenditures thus obtained, minus tuition income received or receivable for the same school year, shall be divided by the average number of resident public secondary pupils on October 1st and April 1st of the year immediately prior to the school year for which the tuition charge is computed. 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 charge is computed, except that the adjustment shall be limited to a 6% increase. The rate thus computed shall be the maximum legal tuition charge for all public and private secondary schools, except that no administrative unit or private school may charge more

than the state average per pupil cost as adjusted or their own per pupil cost as adjusted, whichever is the lower. A parent who is a resident of Maine may not be billed an extra tuition charge in addition to the maximum legal tuition charge as computed. In addition, a private school may add thereto an amount obtained by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled on October 1st and April 1st of the year immediately prior to the school year for which the tuition charge is computed. This amount shall be defined as the insured value factor and it shall not exceed \$75 per pupil in any one year. Any administrative unit not maintaining a high school or contracting for secondary school privileges may pay tuition for any student who, with parent or legal guardian, resides in that administrative unit and who attends an approved school of secondary grade in another state or country, but such tuition payment shall not exceed the average cost per pupil in all secondary schools of the State of Maine as determined in this section. Tuition may be paid for any student who attends an approved school of secondary grade in another state when that school specializes in the correction of physical defects and when by reason of a disability the individual requires a specialized type of training available in that school but not obtainable in any approved secondary school in the State of Maine.

**Sec. 15. Effective date.** For computation purposes, section 14 shall be effective July 1, 1976.

**Sec. 16. 20 MRSA § 1455, 2nd sentence, as last amended by PL 1973, c. 571, § 34, is further amended to read:**

Per pupil tuition charges for such an arrangement shall be computed as follows: The gross cost of schooling for the preceding fiscal year, excluding employee retirement contributions made by the State and 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. 17. 20 MRSA § 2356-A, 3rd ¶, last sentence, as enacted by PL 1973, c. 673, § 2 and as repealed and replaced by PL 1975, c. 513, § 3, is amended to read:**

Personnel working in satellite vocational education programs shall be supervised by the school principal and the director of the regional technical-vocational center, who shall jointly make recommendations to the local superintendents of schools.

**Sec. 18. 20 MRSA § 2356-A, last ¶, as enacted by PL 1973, c. 673, § 2 and as repealed and replaced by PL 1975, c. 513, § 3, is amended by adding at the end the following new sentence:**

**Regional technical-vocational centers may operate programs in towns served by the center when such programs require only part-time instruction and are approved by the commissioner.**

**Sec. 19.** 20 MRSA § 2356-G, sub-§ 3, 4th ¶, last sentence, as enacted by PL 1965, c. 440, § 3 and as repealed and replaced by PL 1975, c. 513, § 10, is amended to read:

Each vocational region is declared to be a political subdivision within the meaning of Title 5, section 1222, subsection 6 and a quasi-municipal corporation within the meaning of Title 30, section 5053, and all the provisions of said section shall be applicable thereto.

**Sec. 20.** 20 MRSA § 2356-G, sub-§ 6, 2nd ¶, as repealed and replaced by PL 1975, c. 513, § 10, is amended by adding at the end the following:

Shall the vocational region approve a budget for adult education in the amount of \$ \_\_\_\_\_ for the year \_\_\_\_\_ ?

**Sec. 21.** 20 MRSA § 3457, as enacted by PL 1965, c. 475, § 2, and as last amended by PL 1975, c. 272, §§ 2-8, is further amended by inserting at the end the following new paragraph:

Units may borrow in anticipation of state aid on school buildings; such temporary borrowing shall not affect legal debt limits.

**Sec. 22.** 20 MRSA § 3561, next to the last ¶, 5th sentence, as enacted by PL 1975, c. 510, § 29, is amended to read:

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 or at a special budget meeting.

**Sec. 23.** 20 MRSA § 3712, sub-§ 2, 2nd sentence, as last amended by PL 1975, c. 272, § 15, is further amended to read:

Average elementary per pupil operating costs shall be computed by dividing elementary operating costs for the preceding year, adjusted by the state average percentage change in total operating costs experienced during the 2 previous years, by the average number of resident elementary pupils, excluding those full-time students in special education programs, on October 1st and April 1st in the preceding year.

**Sec. 24.** 20 MRSA § 3712, sub-§ 12, as enacted by PL 1975, c. 272, § 19, is repealed and the following enacted in place thereof:

12. **Minor capital costs.** Minor capital costs shall include all costs which are related to repairs or alterations of any building or of any undeveloped land used or useful for school purposes and the cost of furnishings and equipment when such costs are financed out of the unit's operating budget. Minor capital costs shall not include construction of new buildings or the purchase of land. All minor capital costs shall be a part of operating costs; however, operating costs for the year 1974-75 shall include a minor capital cost amount limited to \$10 per pupil.

Sec. 25. 20 MRSA § 3713, sub-§ 3, ¶ A, as enacted by PL 1973, c. 556, § 1 and as last amended by PL 1975, c. 272, § 25, is further amended to read:

A. If the average elementary or secondary per pupil operating cost in the unit is less than the state average elementary or secondary per pupil operating cost, the per pupil allocation for elementary or secondary pupils respectively shall be limited to an increase of  $\frac{1}{3}$  of the difference between the per pupil operating cost of the unit and the state average elementary or secondary per pupil operating cost respectively amount which equals the unit's average per pupil operating costs plus a further amount which represents  $\frac{1}{3}$  of the amount by which the state average per pupil cost exceeds the average per pupil costs of the unit;

Sec. 26. 20 MRSA § 3713, sub-§ 3, ¶ D, as last repealed and replaced by PL 1975, c. 265, § 2 and as last amended by PL 1975, c. 272, § 26, is repealed and the following enacted in place thereof:

D. When an administrative unit enrolls pupils who reside on land under control of the Federal Government, or any agency thereof, or on a Federal Military Reservation, such pupils shall be considered as resident pupils for purposes of this chapter. However, the allocation to such a unit shall be adjusted by subtracting therefrom the Federal Public Law 874 receipts in the same proportion that total local revenues under the state equalization program are in total local revenues for education in the unit. The amount which may be subtracted may not exceed 90% of the units entitlement for the year immediately prior to the year of allocation. 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.

Sec. 27. 20 MRSA § 3713, sub-§ 15 is enacted to read:

15. The commissioner shall have the authority to correct errors revealed by audit in administrative units when certifying the costs of public school education on January 15th annually.

Sec. 28. 20 MRSA § 3716, as enacted by PL 1973, c. 783, § 42 and as amended by PL 1975, c. 42, § 2, is further amended by adding at the end the following new sentence:

School budgets in all school administrative units must be adopted on or before June 1st in each year.

Sec. 29. 20 MRSA § 3717, as enacted by PL 1975, c. 15, as amended by PL 1975, c. 185 and c. 338 and as repealed by PL 1975, c. 272, § 44-A, is repealed.

Sec. 30. 27 MRSA § 90 is enacted to read:

#### § 90. Conservation fund

1. Revolving fund. There is established within the Maine State Museum a revolving fund for conservation, within the Maine State Museum Conserva-

tion Center, of objects which are of significance to the cultural and environmental heritage of Maine for which a charge is made.

2. **Prices and rates.** The director is authorized to establish such prices, fees or rates for materials or services provided by the Conservation Center as may be appropriate to assure maintenance of the fund and continuation of conservation activities.

3. **Income.** Income received from such fees for services or materials, or through contributions, allocations, grants or bequests from private, corporate, institutional and governmental sources for this purpose, shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of subsection 1.

**Sec. 31.** 29 MRSA § 2019, sub-§ 1, last sentence, as enacted by PL 1975, c. 430, § 47, is repealed.

**Sec. 32.** 29 MRSA § 2019, as enacted by PL 1973, c. 780, § 4 and as repealed and replaced by PL 1975, c. 510, § 41, is amended by adding a new subsection 5 to read:

5. **Penalty.** Any such operator who fails to comply with this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 90 days, or by both.

**Emergency clause.** This Act shall become effective when approved except as otherwise indicated.

#### STATEMENT OF FACT

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