

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 123**

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H. P. 99

House of Representatives, January 20, 1977

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

EDWIN H. PERT, Clerk

Presented by Mr. Lynch of Livermore Falls.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Clarify the Role of the Department of Educational and  
Cultural Services Relating to Local School Systems.**

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

20 MRSA §§ 4, 5 and 6 are enacted to read:

§ 4. State responsibility for public education

In accordance with Article VIII of the Maine Constitution, the State Legislature is directed to enact such laws as are necessary to assure that all school administrative units make suitable provision for the support and maintenance of the public schools. It is the intent of the Legislature that every person within age limitations prescribed by state statutes be provided an opportunity to receive the benefits of a free public education.

§ 5. Local control of public education

It is the intent of the Legislature that the control and management of the public schools be vested in the legislative and governing bodies of the several local school administrative units so long as those units are in compliance with appropriate state statutes.

§ 6. Compliance

1. **State aid withheld; notice.** The commissioner is authorized to withhold state aid from an administrative unit in order to assure compliance with the administrative and reporting requirements prescribed by state statutes or by rules and regulations adopted by the Department of Educational and Cultural Services pursuant to statutory authority. The withholding of aid may only be undertaken after due notice is given to the appropriate school

officials and may only continue for so long as it is necessary to achieve compliance with the law.

**A. Refer to the Attorney General.** Whenever compliance with the administrative and reporting requirement cannot be achieved by the withholding of state aid, the commissioner is authorized to refer the matter to the Attorney General who shall take such action as he deems necessary to achieve compliance.

**2. Complaint; program noncompliance investigation.** A formal complaint alleging that a school administrative unit is not in compliance with the program requirements set forth in this Title shall be filed with the commissioner pursuant to the procedures set forth in section 102, subsection 12. Upon receiving the complaint, the commissioner shall cause a prompt investigation to be made.

**3. Probable cause; state board; hearing.** If the commissioner finds that probable cause for the complaint exists, he shall refer the complaint to the State Board of Education for a public hearing.

**A. Due process.** The commissioner shall notify the administrative unit of the date of the hearing and shall supply the administrative unit with a copy of the complaint. All parties at the hearing shall have the right to testify, present witnesses, cross-examine witnesses, introduce evidence and be represented by counsel.

**B. Finding of fact.** The purpose of the hearing shall be limited to "findings of fact" on specific charges in the complaint.

**C. Refer to the Attorney General.** If the board makes a finding of non-compliance, the commissioner shall refer the matter to the Attorney General who shall take such action as he deems necessary to achieve compliance.

## STATEMENT OF FACT

The purpose of this bill is to clarify state and local responsibilities for public education and to specify a means for local school system compliance with state statutes and reporting requirements.

It is intended that this bill will extend greater decision-making authority to local administrative units.