

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 156

H. P. 123

House of Representatives, January 26, 1977

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

EDWIN H. PERT, Clerk

Presented by Mr. Fenlason of Danforth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Clarify the Education Laws.

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

Sec. 1. 20 MRSA § 160 is amended to read:

§ 160. Regulations for issuance of certificates

Persons employed to serve as superintendents of schools shall hold state certificates of superintendence grade which shall be issued ~~under such in accordance with rules and regulations as may be prescribed by the commissioner authorized in section 59.~~

Sec. 2. 20 MRSA § 161, sub-§ 5, 6th sentence is amended to read:

After a probationary period of 3 2 years, any teacher, who receives notice in accordance with this section that his contract is not going to be renewed, may, during the 15 days following such notification, request a hearing with the school committee or governing board.

Sec. 3. 20 MRSA § 161, sub-§ 10 is amended to read:

10. ~~Shall devote entire time to superintendence.~~ He shall devote his entire time to superintendence in the ~~towns comprising the union or School Administrative District~~ school administrative unit which employs him. He may, without violation of this section, perform such educational service outside of ~~the towns of his union or School Administrative District~~ his administrative unit as may be performed with the approval of the commissioner and with the consent of the school committee or board of directors employing him.

Sec. 4. 20 MRSA § 302, last sentence is amended to read:

The treasurer's bond premium and fees paid members for attendance at meetings and all expenses of the district shall be paid from funds of the district by

the treasurer on vouchers presented and certified by the superintendent of schools and approved by a majority of the members of the board of school directors or a finance committee of that board duly ~~appointed or~~ elected annually by that board.

Sec. 5. 20 MRSA § 306, 1st sentence is amended to read:

In addition to other duties prescribed, school directors may select an unofficial name for the School Administrative District and may **annually** elect a finance committee whose members shall all be directors, said committee to consist of 3 members.

Sec. 6. 20 MRSA § 1054, as last amended by PL 1969, c. 440, § 8, is further amended to read:

§ 1054. Treasurer of State as custodian

The Treasurer of State is designated custodian of all moneys received by the State from the Federal Government for establishment, maintenance, operation and expansion of food service programs and he shall receive and provide for the proper custody of such moneys and disburse such moneys on requisition of the commissioner to school committees, ~~and boards of directors of public schools, and to administrative officers of service institutions as defined in Public Law 90-302~~ sponsors of child care food programs and sponsors of summer food service programs for children.

Sec. 7. 20 MRSA § 1281, sub-§ 3, 1st sentence, as last amended by PL 1969, c. 440, § 9-A, is further amended to read:

It has a minimum school year of 180 school days, of which not less than 175 shall be actual school days and no more than 5 may be devoted to in-service education of teachers, ~~administrative meetings, parent-teacher conferences, records days and other such teacher work activities.~~

Sec. 8. 20 MRSA § 1294, as last amended by PL 1973, c. 571, § 32, is further amended to read:

§ 1294. Returns to commissioner of expenditure for free high schools; amounts certified; appeal

Superintendents shall, annually, before the first day of ~~July~~ **August**, make returns under oath to the commissioner on blanks prepared and sent out by him, of the amount appropriated and the amount expended by each administrative unit for instruction in such free high schools during the current year; the amount appropriated and the amount expended for elementary school purposes by each administrative unit maintaining the same; the number of weeks during which such schools have been taught; the number of pupils registered, the average attendance ~~and the number of pupils in each branch of study pursued~~ and the amount received for tuition.

Sec. 9. 20 MRSA § 1454, 2nd ¶, 1st sentence, as amended by PL 1967, c. 463, § 3, is further amended to read:

In the case of any youth qualified for attendance at secondary school in accordance with the preceding paragraph, whose parent, legal guardian or person acting in loco parentis maintains a home for his family in the unorganized territory, so located that in the judgment of the commissioner attendance at secondary school necessitates boarding away from home and the arrangement is approved by him in advance upon a form provided for the purpose, ~~the State shall pay an amount for this purpose toward his board not to exceed \$650 for the school year or a prorated amount for any fraction thereof~~ the State may pay his board in full or in part at the discretion of the commissioner.

Sec. 10. 20 MRSA § 1753, last sentence is amended to read:

The ~~commissioner~~ State Board of Education is authorized to formulate all rules and regulations necessary for the carrying out of this section and sections 1751 and 1752.

Sec. 11. 20 MRSA § 3452, sub-§ 8 is enacted to read:

8. Superintendent of schools. A superintendent of schools shall be employed by each supervisory unit as established by sections 151 to 155. The superintendent shall hold state certification in accordance with rules and regulations established by the State Board of Education.

Sec. 12. 20 MRSA § 3748, sub-§ 1, ¶ C, sub-¶ (4), as last repealed and replaced by PL 1975, c. 746, § 24-J, is amended by adding at the end the following new sentence:

Reimbursement for lease expenditures shall be no greater than the expenditure during the fiscal year 1977 only.

Sec. 13. 20 MRSA § 3748, sub-§ 5, as last amended by PL 1975, c. 746, § 24-T, is repealed and the following enacted in its place:

5. School aid payments. School aid payments shall be made directly to the treasurer of each administrative unit and shall be based upon the number of resident pupils educated at public expense and contingent expenditures as outlined in this chapter based upon audited financial reports submitted by the various administrative units. Whenever a community school district is organized to educate some, but not all, of the grades from kindergarten through grade 12, the department shall compute subsidy payments for the member municipalities as follows:

A. Compute the average number of resident pupils in the municipality on April 1st and October 1st of the calendar year prior to the year of allocation;

B. Compute the average number of resident pupils during this time frame who were not educated by the community school district;

C. Multiply the ratio of B divided by A times the state valuation for the municipality as determined by the State Tax Assessor. The result determines that part of the member municipality's valuation which the department will use to compute state aid for the municipality;

D. The sum of the remaining valuation of each member municipality shall be the total state valuation which the department will use to compute state aid for the community school district.

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. 14. 20 MRSA § 3748, sub-§ 10, as last amended by PL 1975, c. 746, § 24-U, is repealed and the following enacted in its place:

10. Reimbursement for transportation. Notwithstanding any other provision of this chapter, the commissioner shall reimburse 90% of the expenditures of the year immediately prior to the year of allocation. These expenditures shall be computed by adding the actual costs for the first half of that year to the total estimated costs that will be incurred for the 2nd half of that year as 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. A municipality shall be limited to 90% of the estimated costs, as adjusted by the commissioner, or 90% of the actual expenditure, whichever is less. The total amount reimbursed under this subsection shall not exceed the level of funds appropriated for this item under section 3747, subsection 4.

STATEMENT OF FACT

The intent of this bill is to clarify the education laws.