

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)

SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2093

H. P. 2018

House of Representatives, January 19, 1978

Governor's bill. The Committee on Education suggested.

EDWIN H. PERT, Clerk

Presented by Mr. Lynch of Livermore Falls.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Clarify the Education Laws.

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

Sec. 1. 20 MRSA § 153, as last amended by Pl 1975, c. 746, § 3, is further amended by adding at the end the following new paragraph:

An administrative unit within a supervisory union may be authorized by the joint committee to serve as the contractual employer of teachers who provide services to more than one town in the supervisory union. Employment shall be subject to sections 161 and 473 and Title 26, chapter 9-A.

Sec. 2. 20 MRSA § 226, first ¶, as amended by PL 1965, c. 48, § 1, is repealed and the following enacted in its place:

A district budget meeting may be called to approve the operating school budget, reserve fund for capital outlay purposes, contingency fund or capital outlay appropriations or for the purpose of pledging the credit of the district to obtain additional moneys for the operation of schools. A special district budget meeting may be called whenever the directors declare that an emergency exists. The school directors shall call the meetings as follows.

Sec. 3. 20 MRSA § 301, 5th ¶, 2nd sentence, as repealed and replaced by PL 1973, c. 750, § 3, is amended to read:

The Commissioner of Educational and Cultural Services shall provide the committee with the necessary Federal Decennial Census or **Federal Estimated Census** figures, **whichever are more recent**, for each municipality in the district and at least one recommended plan that meets the requirements of one of the 4 Methods A, B, C or D.

Sec. 4. 20 MRSA § 301, Method A, sub-§ 2, 1st sentence, as enacted by PL 1973, c. 552, § 4, is amended to read:

A finding of fact shall be made of the population of each of the municipalities within the district and the total for the district from the lastest Federal Decennial Census of **Federal Estimated Census**, **whichever is more recent**.

Sec. 5. 20 MRSA § 301, Method B, 1st ¶, last sentence, as enacted by PL 1973, c. 750, § 5, is amended to read:

The ratio of the number of votes able to be cast by the directors representing a member municipality at a board meeting in relation to the number 1000 shall be the same ratio to the nearest whole number as the population of the member municipality is in relation to the population of all municipalities in the district, as determined by the last Federal Decennial Census or **Federal Estimated Census**, **whichever is more recent**.

Sec. 6. 20 MRSA § 859, as last amended by PL 1977, c. 28, §§ 1-3 and c. 272, is repealed and the following enacted in its place:

§ 859. Persons eligible for a free public education

1. School age; kindergarten, first grade, transfer from another state.

A. Only those children who are or will become 5 years of age on or before October 15th of the school year shall be admitted to kindergarten in those public schools in the State which offer a one-year childhood education program prior to grade one. Only those children who will be 4 years of age on or before October 15th of the school year shall be admitted to kindergarten in those public schools in the State which offer a 2-year childhood education program prior to grade one.

B. Only those children who are or will become 6 years of age on or before October 15th of the school year shall be admitted to grade one in the public schools in the State.

C. Notwithstanding the age requirements of this subsection, a pupil who was enrolled in and who has attended a public kindergarten or grade one in another state may be admitted to kindergarten or to grade one, respectively, in the administrative unit in which his parents or guardian establishes residency. Also, notwithstanding the age requirements of this section, a pupil who was

enrolled in a public kindergarten in another state and was promoted to grade one may be admitted to grade one in the administrative unit in which his parents or guardian establish their residency. Any pupil so admitted to kindergarten shall, upon satisfactory completion of kindergarten, be admitted to grade one, notwithstanding the age requirements of this subsection.

2. Eligibility to attend public schools; war veteran. Subject to this section and subject to such reasonable regulations as the school committee or school directors shall from time to time prescribe, every person between the ages of 5 and 20 years shall have the right to attend as a full-time student or, with the consent of the school committee or board of directors, as a part-time student, the public schools in the administrative unit in which his parent or guardian has residence, except that a war veteran who has not completed high school before the age of 18 years may attend school in the administrative unit wherein he resides until graduation or age 25 years.

3. Residence. Residence as used in this section shall mean the administrative unit where the father or legal guardian maintains a home for his family. If the parents of the child are separated, residency shall be considered to be the administrative unit where the person having custody of the child maintains his or her home. Nothing in this section shall negate the provisions of compulsory education prescribed in section 911.

4. Summer school, tuition rate, per capita costs. Notwithstanding this section, summer schools operated by public school administrative units may charge tuition, not exceeding the school's per capita cost for the preceding summer, except that when a summer school is operated for the benefit of 2 or more public school administrative units, and when the summer school is operated by one of the other public school administrative units the following summer, the school administrative unit may charge tuition not exceeding the per capita cost of the school which served its students during the preceding summer. The per capita cost shall be determined in accordance with regulations established by the Commissioner of Educational and Cultural Services. In the first summer of its operation, a school's tuition rate shall not exceed the average cost per pupil in all approved public summer schools of the State for the preceding summer. The tuition rate in a public summer school shall be the same for all pupils in attendance at that school who are legal residents of Maine.

Sec. 7. 20 MRSA § 912, as last amended by PL 1975, c. 768, § 2, is further amended by adding after the first paragraph the following new paragraphs:

Any administrative unit not maintaining elementary schools may contract with another administrative unit for elementary school privileges.

Any unit not maintaining elementary school or contracting for elementary

school privileges may pay tuition for any student who resides with a parent or legal guardian in that administrative unit and who attends an approved elementary school. The tuition payment shall not exceed the receiving unit's per pupil cost for the previous year as computed by the commissioner unless a higher rate is approved by the school committee or board of school directors of the sending unit. The tuition payment to a private school shall not exceed the average cost per pupil in all public elementary schools of the State for the previous year as computed by the commissioner.

Sec. 8. 20 MRSA § 1291, 2nd ¶, 1st sentence, as enacted by PL 1965, c. 371, § 1, is amended to read:

Payments in excess of the legal tuition charge as defined in ~~this~~ section 1292 may be made when authorized by the voters of the sending administrative unit at a regular or special town meeting.

Sec. 9. 20 MRSA § 1292, 2nd sentence, as repealed and replaced by PL 1975, c. 746, § 14, is amended to read:

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 **enrolled** on October 1st and April 1st of the year immediately prior to the school year for which the tuition charge is computed.

Sec. 10. 20 MRSA § 1292, 2nd ¶, last sentence, as enacted by PL 1971, c. 233, § 32, is amended to read:

Superintendents of schools and principals of private schools shall notify the ~~Commissioner of Education~~ **commissioner** whenever a sending unit is delinquent in its tuition payments and the commissioner shall withhold such delinquent tuition from the monthly apportionment as set out in the preceding paragraph.

Sec. 11. 20 MRSA § 2356-G, sub-§ 4, 4th ¶, 1st sentence, as repealed and replaced by PL 1977, c. 205, § 11, is amended to read:

The cooperative board, in conjunction with the superintendents' advisory committee, shall annually review the ~~vocational education cooperative~~ agreement and may, with the advice of the superintendents' advisory committee, subject to ratification by a majority vote, which shall be cast in a manner consistent with the one-man, one-vote principle, of all of the school committees or boards of directors of the administrative units within the region, amend its agreement on how vocational education shall be administered in its region.

Sec. 12. 20 MRSA §3471, sub-§2, ¶E, last sentence, as enacted by PL 1977, c. 563, §7, is repealed and the following enacted in its place:

In an article submitted to the legislative body of an administrative unit seeking a favorable vote on a school construction project, it shall be clearly indicated that,

in addition to the 5 or 1 mill local share of the total cost of the project, the entire additional operating costs of the new project, the entire additional operating costs of the new project during its first 2 years shall be borne by revenues raised by the local administrative unit.

Sec. 13. 20 MRSA § 3483, sub-§1, 1st sentence, as enacted by PL 1977, c. 447, §1, is amended to read:

The plans and specifications of a school construction project or a minor capital outlay project with an estimated cost of \$25,000 prepared by a building committee shall include suitable provision for the health, welfare and safety of the persons who will utilize the project.

Sec. 14. 20 MRSA § 3561, first ¶, last sentence, as amended by PL 1969, c. 440, § 16-B, is further amended to read:

The school committee shall authorize the superintendent of schools to pay the board of any pupil or pupils in an amount not to exceed ~~\$25~~ \$40 per week at a suitable place near any established school instead of providing conveyance for said pupil or pupils, when in their judgment boarding is in the best interest of the child or children.

Sec. 15. 27 MRSA § 119, as enacted by PL 1977, c. 125, § 7 and c. 555, § 1 and as repealed and replaced by PL 1977, c. 564, § 100, is repealed and the following enacted in its place:

§ 119. Distribution of appropriations

The Commissioner of Educational and Cultural Services, with the advice of the Maine Library Commission, is authorized to apportion funds appropriated by the Legislature for the support of regional library systems.

STATEMENT OF FACT

The purpose of this bill is to correct errors and inconsistencies in the education laws.