

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1168

H. P. 930

House of Representatives, March 12, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Connolly of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Clarify the Education Law.

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

Whereas, Acts of previous Legislatures have resulted in certain technical errors, inconsistencies and ambiguities in Title 20; and

Whereas, it is vitally necessary such uncertainties and confusion be resolved to prevent any injustice or hardship on the citizens of Maine; 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 § 1-A, 4th sentence, as last amended by PL 1973, c. 169, § 1, is further amended to read:

The department shall include the following as heretofore or hereafter created and established: The Department of Educational and Cultural Services, the State Board of Education, the Maine Education Council, the Maine Commission for the Higher Education Facilities Act of 1965, ~~the Maine Advisory Council on Vocational Education~~ the Maine Representatives to the New England Board of Higher Education, the Maine School Building Authority, the Governor Baxter School for the Deaf, the Maine State Commission on the Arts and the Humanities, the State Museum, the Maine State Museum Commission, the State Historian, the Maine State Library and the Maine Historic Preservation Commission.

Sec. 2. 20 MRSA § 1055, 3rd sentence as enacted by PL 1969, c. 178, § 2, is further amended to read:

The school committee or school directors of an administrative unit shall on or before ~~September 1st~~ **November 1st** of each year furnish the commissioner satisfactory proof that books, accounts, financial documents and reports for the fiscal year preceding have been examined and found to be in a satisfactory and accurate condition with proper vouchers on file, said audit to be made by the State Department of Audit or by individuals or firms recognized as competent auditors by training and experience or by qualified public accountants.

Sec. 3. 20 MRSA § 1454, first sentence, as last amended by PL 1967, c. 463, § 3, is further amended to read:

Any youth whose parent or legal guardian maintains a home for his family in the unorganized territory of this State and who may be judged by the commissioner qualified to enter an approved secondary school may attend any such school ~~in the State~~ to which he may gain entrance by permission of those having charge thereof.

Sec. 4. 20 MRSA § 1460, as last amended by PL 1969, c. 433, § 40, is further amended to read:

§ 1460. Census before privileges provided

Before school privileges are provided in accordance with sections 1451 to 1457 for a child or children in any unorganized unit, it shall be the duty of the commissioner through his agents to procure returns showing the number of persons, including the names and ages of those between 5 and 20 years **who have not completed the 12th grade**, resident therein, together with such other information as he may deem necessary, and similar returns shall be required by him annually thereafter on the first day of April, or corrected to the first day of April, as long as school privileges are so provided.

Sec. 5. 20 MRSA § 2244, first sentence, as last amended by PL 1973, c. 571, § 72, is further amended to read:

Each student shall enter into an agreement with the Commissioner of Educational and Cultural Services that after the completion of his internship ~~or~~, residency, **obligated public health service or armed forces service** he will enter

upon the practice of osteopathic medicine in this State and continue in such practice for a period of one year for each \$2,000 of loan granted and utilized.

Sec. 6. 20 MRSA § 2273, sub-§ 2, as repealed and replaced by PL 1977, c. 703, § 3, is amended to read:

2. State capitation payment. For the purposes of this chapter, the state capitation payment is the ~~difference between the total amount agreed upon between the State and the institution for the purchase of the student space tuition plus state capitation, less the amount of tuition paid by the student.~~

Sec. 7. 20 MRSA § 3457, Table II 2nd and 3rd sentences, as repealed and replaced by PL 1973, c. 556, § 15, are amended to read:

The unit shall be reimbursed the ~~amount~~ **state allocation portion** of debt service which has been incurred on all approved school construction projects. ~~Construction~~ The reimbursements shall be scheduled so that payments may be made in accordance with the payment schedules established by the administrative units.

Sec. 8. 20 MRSA § 3471, sub-§ 2, ¶ E, 2nd sentence, as repealed and replaced by PL 1977, c. 690, § 12, is repealed and the following enacted in its place:

The article submitted to the legislative body of an administrative unit for approval of a school construction project shall indicate:

- (1) That the initial local share of the total cost of the project shall be 5% of the total cost or the equivalent of 1 mill multiplied by the unit's initial state valuation, whichever is less;**
- (2) That the entire additional operating costs of the new project during its first 2 years shall be borne by revenues raised by the administrative unit; and**
- (3) What the estimated amount of the additional operating costs is for each of the first 2 years.**

Sec. 9. 20 MRSA § 3472, sub-§ 1, ¶ C, as enacted by PL 1977, c. 563, § 7, is amended to read:

C. The State shall pay ~~its share~~ **the state allocation portion** of project costs to units as the bonds become due.

Sec. 10. 20 MRSA § 3472, sub-§ 5, as enacted by PL 1977, c. 563, § 7, is amended to read:

5. Payment of state allocation. The State shall pay ~~its share~~ **the state allocation portion** of project costs to the units according to the unit's debt retirement schedule.

Sec. 11. 20 MRSA § 3472, sub-§ 6, as last amended by PL 1977, c. 690, § 12-B, is further amended to read:

6. Local funds nonreimbursable, chapter 515. Notwithstanding any other statute to the contrary, the **initial** local share of school construction projects shall not be considered education costs for purposes of reimbursement in any way under chapter 515. Expenditures for the state and local share of school construction projects including gifts shall be considered as outside any limit on expenditures by local units under chapter 515.

Sec. 12. 20 MRSA § 3473, 2nd paragraph, first sentence, as enacted by PL 1977, c. 563, § 7, is amended to read:

No unit shall sign a contract for construction or begin construction until the final plans and specifications have been approved by the commissioner, the Bureau of Public Improvements, the Department of Human Services **and the State Fire Marshal** ~~and the Department of Environmental Protection.~~

Sec. 13. 20 MRSA § 3483, sub-§ 1, 2nd sentence, as enacted by PL 1977, c. 447, § 1, is amended to read:

The plans and specifications shall be approved by the Department of Finance and Administration, Bureau of Public Improvements; Department of Educational and Cultural Services; Department of Human Services; ~~Department of Public Safety and the Department of Environmental Protection~~ **and the State Fire Marshal when required by statute** before they may be accepted by the administrative unit's governing body.

Sec. 14. 20 MRSA § 4743, sub-§ 14, first sentence, as enacted by PL 1977, c. 625, § 8, is amended to read:

"Minor capital costs" shall include all costs which are related to maintenance of plant and minor remodeling **and site development not in conjunction with a construction project** and shall be part of operating costs.

Sec. 15. 20 MRSA § 4743, sub-§ 16-A is enacted to read:

16-A. Reimbursement rate. Reimbursement rate for all programs contained in the basic education allocation shall be defined as the state allocation divided by the state-local allocation expressed as a percentage. A state-local allocation shall include each unit's share of vocational region debt service, if any.

Sec. 16. 20 MRSA § 4744, sub-§ 1 ¶K, as enacted by PL 1977, c. 625, § 8, is amended to read:

K. Costs of reimbursement for private school ~~transportation services~~;

Sec. 17. 20 MRSA § 4744, sub-§ 1, ¶L, as enacted by PL 1977, c. 625, § 8, is repealed as follows:

~~L. State expenditures for each of paragraphs C through K;~~

Sec. 18. 20 MRSA § 4748, sub-§ 4, ¶C, as enacted by PL 1977, c. 625, § 8, is amended to read:

C. An administrative unit's state subsidy for special education tuition and board, in the state's fiscal year ~~1979~~ 1980, shall be based on the amount of money which it expended for special education tuition and board in the fiscal year 1978 or the amount of money it ~~will expend~~ expended for special education tuition and board in the fiscal year 1979, whichever is less.

Sec. 19. 20 MRSA § 4748, sub-§ 7, ¶ D is enacted to read:

D. State allocations for vocational region debt service shall be computed as follows:

(1) Each member unit's prorated share of the region's debt service payment shall be determined by the region's cost sharing agreement and shall be included in the member unit's state-local allocation;

(2) The reimbursement rate, as defined in section 4743, subsection 16-A, for each member unit shall be multiplied times the unit's prorated share of the region's debt service payments to establish the state allocation for vocational region debt service for that member unit; and

(3) The sum of the member unit's state allocations for vocational region debt service shall be the region's state allocation for debt service.

Sec. 20. 20 MRSA § 4748-A, as amended by PL 1977, c. 690, § 14-A, is repealed.

Sec. 21. 20 MRSA § 4750, sub-§ 7, as enacted by PL 1977, c. 625, § 8, is repealed.

Sec. 22. 29 MRSA § 2019, sub-§§ 1-4, as repealed and replaced by PL 1977, c. 78, § 168, are amended to read:

1. **Receiving or discharging passengers.** All school bus operators shall activate the system of flashing red lights at least 100 feet before any stop is made to receive or discharge its passengers and these lights shall be continually displayed until after the bus has received or discharged its passengers.

2. **Stopping.** The operator of a vehicle on a way, upon meeting or overtaking a school bus from either direction which has stopped, with its red lights flashing, on the way to receive or discharge school children, shall stop that vehicle before reaching that school bus and that operator shall not proceed until that school bus resumes motion or until signaled by the school bus operator to proceed.

3. **Separated roadways.** The operator of a vehicle on a way with roadways separated by curbing or other similar physical barrier need not stop upon meeting or passing a school bus which is stopped, with its red lights flashing, traveling in a lane separated by the barrier from the lane that operator is traveling in, or when upon a limited access highway and the school bus is stopped in a loading zone, which is part of or adjacent to that highway and where pedestrians are not permitted to cross the roadway.

4. Use of flashing lights restricted. A school bus operator shall not use the system of red flashing lights on a school bus for any purpose other than controlling traffic in connection with the stopping of that bus for the purpose of receiving or discharging school children.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect immediately, except that sections 15, 16, 18 and 19 shall take effect on July 1, 1979.

STATEMENT OF FACT

The purpose of this bill is to correct errors and inconsistencies and provide clear definitions for items in the education laws.