

MAINE STATE LEGISLATURE

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(Governor's Bill)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1883

H. P. 1758 House of Representatives, January 25, 1980
Referred to the Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk of the House
Presented by Mr. Connolly of Portland.

Cosponsors: Mrs. Gowen of Standish and Mrs. Locke of Sebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Clarify the Education Laws.

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

Sec. 1. 20 MRSA § 304, 2nd sentence, as amended by PL 1967, c. 224, § 2, is further amended to read:

To procure funds for capital outlay purposes, as defined in section 3457, **or for school construction projects, as defined in section 3471**, the school directors of said district are authorized to issue bonds and notes of the district.

Sec. 2. 20 MRSA § 805, as last repealed and replaced by PL 1975, c. 746, § 10-A, is amended to read:

§ 805. Dissemination of information

The dissemination of information on students shall be governed by the Family Education Rights and Privacy Act of 1974, P. L. 93-380, as amended by P. L. 93-568 **and by The Education of all Handicapped Children Act, P. L. 94-142.**

Sec. 3. 20 MRSA § 2277, sub-§ 2, first sentence, as enacted by PL 1977, c. 703, § 6, is amended to read:

This plan is to include the development of a coordinated mechanism for the

administration of the compact, the projected number of student spaces needed and projected costs ~~over the next 10 years~~ in all professional health fields, recommendations for the future need of the professional health program covered by this chapter, the development of sites for student clinical training, the percentage of the total amount expended for the purchase of the space at the contract schools that will return with the student undertaking clinical education in Maine, development of incentives to practice in primary care and underserved areas and recommendation for utilizing contract funds to provide assistance to Maine residency programs.

Sec. 4. 20 MRSA § 2351 is amended by adding at the end a new paragraph to read:

The State appoints the state board as the state agency responsible for the administration of the programs set forth in The Vocational Education Act of 1963, as amended by the education amendments of 1976, P. L. 94-482.

Sec. 5. 20 MRSA § 2553, as enacted by PL 1977, c. 229, is amended to read:
§ 2553. Federal contact agent

The commissioner shall be the state agent to be contacted by the ~~National Fire Prevention and Control Administration~~ **United States Fire Administration** relative to matters dealing with the Federal Fire Prevention and Control Act of 1974, P. L. 93-498.

Sec. 6. 20 MRSA § 3303 is enacted to read:
§ 3303. Available funds

Funds made available to the department from state, federal or other source shall not lapse at the end of a fiscal year but shall be carried forward to the next fiscal year for a period of 90 days to be used for the purposes set forth in this chapter.

Sec. 7. 20 MRSA § 3471, sub-§ 2, ¶ E, sub-¶ (1), as last repealed and replaced by PL 1979, c. 260, is amended to read:

(1) In a town or city where the responsibility for final adoption of the school budget is vested in a town or city council by municipal charter, or in a town meeting, the election shall be conducted in accordance with ~~Title 30, sections 2061 to 2065~~ **the appropriate provisions set forth in Title 21 and Title 30.**

Sec. 8. 20 MRSA § 4756, as enacted by PL 1977, c. 625, § 8, is repealed.

Sec. 9. 20 MRSA § 4756-A is enacted to read:

§ 4756-A. Actions on budget

1. Checklist required. **Prior to the articles dealing with school appropriations being voted upon, the moderator of each regular or special school budget meeting shall require the clerk or secretary to make a checklist of the registered voters**

present. The number of voters listed on the checklist shall be conclusive evidence of the number present at the meeting as referred to in subsection 3.

2. Reconsideration.

A. In administrative units where the school budget is finally approved by the voters, a special budget meeting to reconsider action taken on the budget may only be called in the manner set forth in this subsection notwithstanding any other law.

(1) Special budget meetings to reconsider action may only be held within 30 days of the regular budget meeting.

(2) A special budget meeting to reconsider action taken at the regular budget meeting in a School Administrative District or community school district may only be called by the board of directors, or the school committee, or as follows:

(a) Ten percent of the voters voting in the last gubernatorial election in member towns of a School Administrative District, or community school district, or 100 voters, whichever is less, shall present a signed petition within 15 days of the regular budget meeting to the board of directors, or school committee, specifying the article or articles to be reconsidered; and

(b) Upon receiving the petition, the board of directors, or the school committee, shall call the special reconsideration budget meeting to be held within 15 days of the date when the petition was received.

(3) A special budget meeting to reconsider action taken at the regular budget meeting shall be called by the municipal officers in a municipality:

(a) Within 15 days after receipt of a request from the school committee provided the request is received within 15 days of the budget meeting and it specifies the article or articles to be reconsidered; or

(b) Within 15 days after receipt of a petition presented in accordance with Title 30, section 2065 provided the petition is received within 15 days of the budget meeting and it specifies the article or articles to be reconsidered.

3. Invalidation of action of a special reconsideration budget meeting. Whenever a special budget meeting is called to reconsider action taken at a regular budget meeting, the actions of the meeting shall be invalid if the number of voters present at the special budget meeting is less than the number of voters present at the regular budget meeting.

4. Line item transfers. Meetings requested by school committees or school directors for the purpose of transferring funds from one category or line item to another shall be posted for voter or council action within 15 days of the date of the request.

STATEMENT OF FACT

The purposes of this bill are as follows:

Section 1. This section incorporates a needed section reference into section 304 of Title 20.

Section 2. This section includes under the dissemination of information section the confidentiality requirements of the Federal Special Education Law, P. L. 94-142.

Section 3. The elimination of the language proposed in this section will help clarify the time frames of the "plan" as being annual rather than a 10-year plan.

Section 4. This amendment clarifies the state board's authority to fulfill the requirements of the "Vocational Education Act of 1963" which is essential for the State to remain eligible for the benefits received from the Federal Government pursuant to that Act.

Section 5. This is to reflect a name change of the federal agency.

Section 6. This would allow any funds designated for gifted and talented programs to be carried forward and reallocated for a period of 90 days after the end of the fiscal year. The funds would have to be used for gifted and talented programs.

Section 7. This section incorporates a needed section reference into section 3471.

Sections 8 and 9. There has been considerable confusion in the past 2 years as to when a special budget meeting under this section may be called, what the exact steps are which must be adhered to before such a meeting may be called and who may call such meetings in municipalities. This bill clearly establishes the need for the use of a checklist at all the meetings, the time period within which a meeting may be called, the procedure for calling the meetings in community school districts and School Administrative Districts and requires the meetings in municipalities be called in the same manner as other meetings are called in municipalities.