

# MAINE STATE LEGISLATURE

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L.D. 2042  
(Filing No. S-453)

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STATE OF MAINE  
SENATE  
110TH LEGISLATURE  
SECOND REGULAR SESSION

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SENATE AMENDMENT "A" to S.P. 897, L.D.2042, Bill, "AN  
7 ACT to Revise the Education Laws."

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Amend the bill by striking out all of the Emergency  
9 Preamble.

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Further amend the bill in section 5 in that part design-  
11 nated "§1." in subsection 4, 2nd line (page 3, line 8 in  
12 L.D.) by striking out the underlined word "his" and insert-  
13 ing in its place the underlined words 'the commissioner's'

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Further amend the bill in section 5 in that part design-  
15 nated "§1." in subsection 42, 2nd line, (page 6, line 12 in  
16 L.D.) by striking out the underlined word and figure "sub-  
17 section 1" and inserting in their place the underlined word  
18 and figure 'subsection 3'

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Further amend the bill in section 5 in that part design-  
20 nated "§1." in subsection 43, 2nd line (page 6, line 14 in  
21 L.D.) by striking out the underlined word and figure "sub-  
22 section 2" and inserting in their place the underlined word  
23 and figure 'subsection 4'

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Further amend the bill in section 5 in that part design-  
25 nated "§1." in subsection 44, 2nd line (page 6, line 16 in  
26 L.D.) by striking out the underlined word and figure "sub-  
27 section 3" and inserting in their place the underlined word  
28 and figure 'subsection 5'

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Further amend the bill in section 5 in that part design-  
30 nated "§405." in subsection 4, 5th line (page 19, line 3 in  
31 L.D.) by striking out the underlined figure "1403" and  
32 inserting in its place the underlined figure '1401'

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Further amend the bill in section 5 in that part design-  
34 nated "§405." in subsection 4, 5th line (page 19, line 3  
35 in L.D.) by inserting after the underlined figure "505" the

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2 following 'and Title 20, section 3458'

3 Further amend the bill in section 5 in that part desig-  
4 nated "§1001." in subsection 10, 2nd and 3rd lines (page 32,  
5 lines 33 and 34 in L.D.) by striking out the underlined  
6 words "or approved private schools"

7 Further amend the bill in section 5 in that part desig-  
8 nated "§1351." in subsection 1, first line (page 73, line 33  
9 in L.D.) by striking out the underlined word "May" and  
10 inserting in its place the underlined word 'Shall'

11 Further amend the bill in section 5 in that part desig-  
12 nated "§1901." in subsection 6, 4th line (Page 110, line 1  
13 in L.D.) by striking out the underlined word "within" and  
14 inserting in its place the underlined word 'with'

15 Further amend the bill in section 5 in that part desig-  
16 nated "§1903." in the 5th line (page 112, line 5 in L.D.) by  
17 striking out the underlined words "committee to" and insert-  
18 ing in their place the underlined words and punctuation  
19 'committee, to'

20 Further amend the bill in section 5 in that part desig-  
21 nated "§2902." in the headnote (page 118, line 28 in L.D.)  
22 by striking out the underlined words "Department require-  
23 ments" and inserting in their place the underlined words  
24 'State requirements'

25 Further amend the bill in section 5 in that part desig-  
26 nated "§2902." in subsection 5 in the 2nd line (page 119,  
27 line 8 in L.D.) by striking out the underlined word "and"

28 Further amend the bill in section 5 in that part desig-  
29 nated "§2902." in subsection 6, paragraph D by adding at the  
30 end the underlined word 'and'

31 Further amend the bill in section 5 in that part desig-  
32 nated "§2902." in subsection 6 by striking out all of para-  
33 graph F and inserting in its place the following:

34 '7. State board rules. Meet the requirements applica-  
35 ble to the approval of private schools for attendance pur-  
36 poses established by the state board pursuant to section  
37 405, subsection 3, paragraph E.

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2 Further amend the bill in section 5 in that part desig-  
3 nated "\$4601." in subsection 1, paragraph A, 6th line (page  
4 168, line 13 in L.D.) by inserting at the end before the  
5 period the underlined words 'both public and private'

6 Further amend the bill in section 5, in that part des-  
7 igned "\$4805." by striking out all of subsection 1 and  
8 inserting in its place the following:

9 '1. Flag. It shall be the duty of instructors to  
10 impress upon the youth by suitable references and  
11 observances the significance of the flag, to teach them the  
12 cost, the object and principal of our government, the ines-  
13 timable sacrifices made by the founders of our Nation, the  
14 important contribution made by all who have served in the  
15 armed services of our country since its inception and to  
16 teach them to love, honor and respect the flag of our coun-  
17 try that costs so much and is so dear to every true American  
18 citizen.'

19 Further amend the bill in section 5, in that part des-  
20 igned "\$5001." in subsection 2 by striking out all of  
21 paragraphs D and E and inserting in their place the follow-  
22 ing:

23 'D. Equivalent instruction is as follows:

24 (1) A child shall be excused from attending a  
25 public day school if he obtains equivalent  
26 instruction in a private school or in any other  
27 manner arranged for by the school committee or the  
28 board of directors and if the equivalent instruc-  
29 tion is approved by the commissioner; and

30 (2) If any request to be excused is denied by a  
31 local school committee or board of directors, an  
32 appeal may be filed with the commissioner. The  
33 commissioner shall review the request to be  
34 excused to determine whether the local school com-  
35 mittee or board of directors has been correct in  
36 its finding that no equivalent instruction is  
37 available. If the commissioner finds that equiva-  
38 lent instruction is available to the child, he  
39 shall approve the request to be excused; or

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2 E. Children shall be credited with attendance at a  
3 private school only if a certificate showing their  
4 names, residence and attendance at the school, signed  
5 by the person or persons in charge of the school, has  
6 been filed with the school officials of the administra-  
7 tive unit in which the children reside.'

8 Further amend the bill in section 5 in that part desig-  
9 nated "§5052." in subsection 5, paragraph A, by adding at  
10 the end the following sentence:

11 'All fines shall be paid to the treasurer of the school  
12 administrative unit in which the offense was committed for  
13 the support of its public schools.'

14 Further amend the bill in section 5 in that part desig-  
15 nated "§5053." in subsection 4 by inserting after paragraph  
16 A the following:

17 'B. All forfeitures in paragraph A shall be paid to  
18 the treasurer of the school administrative unit in  
19 which the offense was committed for the support of its  
20 public schools.'

21 Further amend the bill in section 5 in that part desig-  
22 nated "§5053." in subsection 4 by relettering paragraph B to  
23 be paragraph C.

24 Further amend the bill in section 5, in that part desig-  
25 nated "§5401." in subsection 1, in the 2nd line (page 189,  
26 line 15 in L.D.) by inserting after the underlined word  
27 "shall" the underlined words and punctuation 'with the  
28 approval of the school board,'

29 Further amend the bill in section 5, in that part desig-  
30 nated "§5401." in subsection 3, paragraph A, in the 2nd  
31 and 3rd lines (page 189, lines 36 and 37 in L.D) by insert-  
32 ing after the underlined word "students" the underlined  
33 words 'all or a part of the way'

34 Further amend the bill in section 5, in that part desig-  
35 nated "§5401." in subsection 3, paragraph B, in the 2nd  
36 line (page 190, line 2 in L.D.) by striking out the under-  
37 lined word "unit" and inserting in its place the underlined

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2 word 'units'

3 Further amend the bill in section 5, in that part des-  
4 igned "§5805." in subsection 2, in the 3rd line (page 196,  
5 line 10 in L.D.) by inserting after the underlined word  
6 "per" the underlined word 'public'

7 Further amend the bill in section 5, in that part des-  
8 igned "§5806." in subsection 2, in the 4th line (page 196,  
9 line 23 in L.D.) by striking out the underlined words "aver-  
10 age secondary school cost" and inserting in their place the  
11 underlined words 'average per public secondary student cost'

12 Further amend the bill in section 5, in that part des-  
13 igned "§5806." in subsection 2, in the 7th line (page 196,  
14 line 26 in L.D.) by striking out the underlined words "that  
15 school's" and inserting in their place the underlined word  
16 'school'

17 Further amend the bill in section 5, in that part des-  
18 igned "§6101." in subsection 1, paragraph E, in the 1st  
19 and 2nd lines (page 202, lines 18 and 19 in L.D.) by strik-  
20 ing out the underlined words "at post-secondary educational  
21 institutions" and inserting in their place the underlined  
22 words 'recognized by the post-secondary institutions  
23 attended'

24 Further amend the bill in section 5, in that part des-  
25 igned "§6101." in subsection 2, paragraph A, in the 1st,  
26 2nd and 3rd lines (page 202, lines 23-25 in L.D.) by strik-  
27 ing out the underlined words "and any written decision by  
28 the school board involving disciplinary action"

29 Further amend the bill in section 5, in that part des-  
30 igned "§6101." in subsection 2 by adding a new paragraph C  
31 to read:

32 'C. Any written record of a decision involving disci-  
33 plinary action taken with respect to an employee by the  
34 governing body of the school administrative unit shall  
35 not be included within any category of confidential  
36 information set forth in paragraph B.'

37 Further amend the bill in section 5, in that part des-  
38 igned "§8301." in subsection 5, by striking out all of the

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2 2nd sentence and inserting in its place the following:

3 'A region shall be governed by a cooperative board formed in  
4 accordance with section 8452.'

5 Further amend the bill in section 5, in that part des-  
6 ignated "§8451." in subsection 1, in the 4th line (page 247,  
7 line 12 in L.D.) by striking out the underlined word "sub-  
8 chapter" and inserting in its place the underlined word  
9 'chapter'

10 Further amend the bill in section 5, in that part des-  
11 ignated "§8452." in subsection 6, paragraph A, in the 1st  
12 line (page 251, line 5 in L.D.) by striking out the under-  
13 lined word "superintendent" and inserting in its place the  
14 underlined word 'superintendents'

15 Further amend the bill in section 5, in that part des-  
16 ignated "§8456." by striking out in the headnote (page 252,  
17 line 16 in L.D.) the underlined words "agreement article"  
18 and inserting in their place the underlined words 'board  
19 articles'

20 Further amend the bill in section 5, in that part des-  
21 ignated "§8457." in subsection 1, by striking out all of the  
22 first sentence and inserting in its place the following:

23 'A cooperative board shall have all the rights and duties of  
24 a school board as provided in section 1001, subsections 1 to  
25 8, 11 and 12; section 1002; section 1256, subsections 1, 2  
26 and 4 to 7; section 1257; sections 1313 to 1315; section  
27 2501; section 4801; and section 13202.'

28 Further amend the bill in section 5, in that part des-  
29 ignated "§8457." in subsection 2, by striking out all of the  
30 3rd sentence and inserting in its place the following:

31 'A revision of the agreement shall be subject to approval by  
32 a majority vote of the school boards of the region in accor-  
33 dance with the one-man vote principle.'

34 Further amend the bill in section 5, in that part des-  
35 ignated "§8462." in subsection 1, by striking out all of  
36 paragraphs D to J and inserting in their place the follow-  
37 ing:

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2 'D. An attested copy of the warrant shall be posted by  
3 the person to whom it is directed in some conspicuous  
4 public place in each of the municipalities within the  
5 vocational region at least 7 days before the meeting.

6 E. The person who gives notice of the meeting by post-  
7 ing the warrant shall complete the return on the  
8 warrant stating the manner of notice, location and time  
9 of posting in each community.

10 F. A detailed supportive budget document shall be  
11 available to the legislative body which has responsi-  
12 bility for final budget approval. The supportive docu-  
13 ment shall contain a summary of anticipated revenues  
14 and estimated expenditures for the fiscal year.'

15 Further amend the bill in section 5 in that part desig-  
16 nated "§8462." by adding a new subsection 2 to read:

17 '2. Procedure. The procedure at a regional budget  
18 meeting shall be as follows.

19 A. The cooperative board shall appoint a resident of  
20 the region to act as the registration clerk.

21 B. The registration clerk shall make and keep a voting  
22 list of all residents in the region eligible to vote.  
23 The clerk shall compile the voting list from the voting  
24 lists of all the municipalities within the region.

25 C. Each municipal clerk within the region shall  
26 deliver to the registration clerk, 5 business days  
27 prior to the budget meeting, a certified corrected copy  
28 of the voting list of the member municipality. Addi-  
29 tions or deletions may not be made during the 5 busi-  
30 ness days prior to the meeting. Only the citizens  
31 whose names appear on the voting list may vote on the  
32 budget presented by the cooperative board.

33 D. The chairman of the cooperative board, or if absent  
34 the chairman's designee, shall open the budget meeting  
35 by calling for the election of a moderator, by receiv-  
36 ing and counting the votes and by swearing in the nomi-  
37 nee receiving a plurality of the votes.



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2 E. The moderator shall preside over the meeting.

3 F. The vocational budget may be adopted only by a  
4 majority vote of those present and voting.

5 G. The moderator shall appoint from the certified  
6 lists as many ballot clerks as necessary for the effi-  
7 cient operation of the meeting. The ballot clerks  
8 shall be sworn in by the moderator.

9 H. The secretary of the cooperative board, or in his  
10 absence his designee, shall record accurately all the  
11 votes of the meeting.

12 I. The cooperative board shall, immediately upon the  
13 adoption of a budget, compute the share to be paid by  
14 each municipality within the region and shall notify  
15 the school officials to include their share in the  
16 school administrative unit's annual school budget. A  
17 budget shall be adopted on or before August 1st.

18 J. The school officials shall place on the school  
19 warrant for payment the first of each month a sum equal  
20 to 1/12 of the school administrative unit's share of  
21 the vocational school budget.

22 Further amend the bill in section 5 in that part desig-  
23 nated "§15502." in subsection 1, 3rd line (page 332, line 24  
24 in L.D.) by striking out the underlined word "educational"  
25 and inserting in its place the underlined word 'education'

26 Further amend the bill in section 5 in that part desig-  
27 nated "§15502." in subsection 2, 1st and 2nd lines (page  
28 332, lines 27 and 28 in L.D.) by striking out the underlined  
29 word "educational" in two places and inserting in its place  
30 the underlined word 'education'

31 Further amend the bill in section 5 in that part desig-  
32 nated "§15507." in subsection 5, 1st and 3rd lines (page  
33 340, lines 11 and 13 in L.D.) by striking out the underlined  
34 word "educational" in two places and inserting in its place  
35 the underlined word 'education'

36 Further amend the bill in section 5 in that part desig-

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2 nated "§15508." in subsection 7, paragraph D, subparagraph  
3 2, in the 1st line (page 344, line 1 in L.D.) by striking  
4 out the underlined words "reimbursement rate" and inserting  
5 in their place the underlined words "state allocation per-  
6 centage"

7 Further amend the bill in section 5 in that part desig-  
8 nated "§15508." in subsection 7, paragraph D, subparagraph  
9 2, in the 2nd line (page 344, line 2 in L.D.) by striking  
10 out the underlined word and figure "subsection 21" and  
11 inserting in their place the underlined word and figure  
12 "subsection 17"

13 Further amend the bill by inserting after section 7 the  
14 following:

15 'Sec. 8. Effective date. This Act shall take effect  
16 on July 1, 1983.'

17 Further amend the bill by striking out all of the emer-  
18 gency clause.

19 STATEMENT OF FACT

20 The amendment:

21 1. Removes the emergency preamble and the emergency  
22 clause;

23 2. Adds a new section 8 delaying the effective date of  
24 the Act until July 1, 1983; and

25 3. Corrects 37 errors and omissions including an  
26 amendment to the provisions concerning compulsory school  
27 attendance. The amendment concerning compulsory school  
28 attendance changes the language back to follow present law  
29 because of pending litigation. The Joint Standing Committee  
30 on Education does not intend to affect the consideration of  
31 issues involved in that litigation through the bill.

32 5522033182

1 SENATE AMENDMENT " A" to S.P. 897, L.D. 2042

2 (Sen. Trotzky)

3 NAME:

4 COUNTY: Penobscot

A large, stylized handwritten signature in black ink, appearing to read 'Trotzky', is written over the printed text for the name and county.

Reproduced and distributed pursuant to Senate Rule 11-A.

April 1, 1982

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