

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 432

6  
7 S.P. 140

In Senate, February 1, 1983

8 Referred to the Committee on Education, sent down for concurrence and  
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Collins of Knox.  
11

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Amend the Education Statutes  
18 Regarding Truancy, Correspondence Schools and  
19 Courses in Physiology and Hygiene.  
20

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

23 Sec. 1. 20-A MRSA §1001, sub-§10, as enacted by  
24 PL 1981, c. 693, §§5 and 8, is amended to read:

25 10. Physiology and hygiene. They shall make  
26 provisions for the instruction of all pupils in  
27 public schools in physiology and hygiene, with spe-  
28 cial reference to the effects of alcoholic drinks,  
29 stimulants and narcotics upon the human system. If  
30 instruction on contraception is included, special  
31 reference shall be made to the medical side effects  
32 of contraceptive devices, methods and medicines.

33 Sec. 2. 20-A MRSA §1351, sub-§2, as enacted by  
34 PL 1981, c. 693, §§5 and 8, is amended to read:

1           2. Required district referendum. Shall initiate  
2 a district referendum when requested by a written  
3 petition of at least 10% of the number of voters  
4 voting for the gubernatorial candidates in the last  
5 gubernatorial election in the municipalities within  
6 the district. At that referendum, the school board  
7 shall place before the voters the specific ~~school~~  
8 ~~construction~~ article which has been requested by the  
9 petitioners.

10           Sec. 3. 20-A MRSA §5053, sub-§4, ¶C, as enacted  
11 by PL 1981, c. 693, §§5 and 8, is amended to read:

12           C. The court may, in lieu of the forfeiture as  
13 provided in paragraph A and with the consent of  
14 the offender, require that the offender undergo  
15 counseling by a professional selected by the  
16 offender, with the court's approval, or by the  
17 court. The counselor shall submit a written  
18 report to the court and to the offender.

19           Sec. 4. 20-A MRSA §§9201 to 9203, as enacted by  
20 PL 1981, c. 693, §§5 and 8, are amended to read:

21           §9201. Permit; exemptions

22           1. Requirement for certificate of approval. Any  
23 privately owned correspondence school located either  
24 within or outside the State shall obtain a certifi-  
25 cate of approval from the commissioner before solici-  
26 ting or selling in Maine any correspondence course  
27 or collecting any tuition, fee or other charge. In  
28 addition, each correspondence school shall supply a  
29 listing of solicitors authorized by it to recruit in  
30 Maine.

31           2. Exceptions. Public institutions which are  
32 exempt from property taxation under Maine laws,  
33 in-state trade and professional organizations, and  
34 courses or programs of instruction conducted under  
35 contract with an employer for employees exclusively,  
36 are exempt from the requirements of this chapter.

37           §9202. Application form; fee; bond

38           1. Application requirements; permit period;  
39 bonding and revocation of certificate. The applica-

1 tion for a ~~certificate of approval~~ permit required in  
2 section 9201 shall be made on forms furnished by the  
3 commissioner and shall be accompanied by a fee of \$50  
4 and a surety bond in the penal sum of \$1,000.

5 A. A ~~certificate~~ permit shall be valid for the  
6 calendar year in which it is issued.

7 B. The bond shall be continuous and shall provide  
8 indemnification to any student suffering  
9 loss as a result of any fraud or misrepresenta-  
10 tion by the school. The bond shall provide for  
11 written notification by the surety to the depart-  
12 ment in the event of cancellation. Cancellation  
13 of the bond by the surety shall result in the  
14 revocation of the certificate of approval.

15 2. Renewal. A fee of \$25 shall be charged for  
16 the renewal of a ~~certificate~~ permit.

17 3. General Fund. All fees collected for the  
18 issuance or renewal of a ~~certificate~~ permit shall be  
19 deposited in the State Treasury.

20 §9203. Penalty

21 Any firm, association or corporation, operating  
22 or conducting a private correspondence school within  
23 the State, except by authority of a valid ~~certificate~~  
24 ~~of approval~~ permit as required by this chapter, is  
25 guilty of a civil violation for which a forfeiture of  
26 not more than \$1,000 may be adjudged.

27 STATEMENT OF FACT

28 This bill insures that, if a school provides  
29 instruction on contraception, the instruction  
30 includes information on the possible medical side  
31 effects of use.

32 The referendum procedure can be used for a wide  
33 variety of issues. Removing the words "school con-  
34 structions" makes it clear that the petition proce-  
35 dure can apply to anyone of these, not just school  
36 construction.

1           The procedures of allowing the court to require  
2 an individual found responsible for the truancy of a  
3 child to undergo counseling would be difficult to  
4 enforce since it is a civil violation. Since coun-  
5 seling could be considered a form of medical treat-  
6 ment, an individual could be forced to undergo medi-  
7 cal treatment in contradiction to religious or other  
8 beliefs. For both of those reasons the suggested  
9 changes make sure that the counseling is entered into  
10 voluntarily.

11           The section dealing with correspondence schools  
12 does 3 things. First, by substituting "permit" for  
13 "certificate of approval," it removes the implication  
14 that the State has approved the quality of the pro-  
15 grams. Second, it adds trade and professional orga-  
16 nization courses to the list of exempt institutions.  
17 These associations often provide course materials to  
18 their members through the mails. Third, since it  
19 would be difficult to enforce the penalty on orga-  
20 nizations outside the State, it makes it clear that  
21 the penalty applies only to instate organizations.

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