

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1544, L.D. 2034)

2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 2467

7
8 H.P. 1862

House of Representatives, April 12, 1984

9 Reported by Representative Locke of Sebec from the Committee on
10 Education and printed under Joint Rule 2.

11 Original bill presented by Representative Locke of Sebec. Cosponsored by
12 Representative Brown of Gorham, Representative Matthews of Caribou and
13 Representative Randall of East Machias.

EDWIN H. PERT, Clerk

14 STATE OF MAINE

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FOUR
17

18 AN ACT to Clarify Certain Laws Relating
19 to Education.
20

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

23 Sec. 1. 20-A MRSA §255, sub-§4, as enacted by PL
24 1981, c. 693, §§5 and 8, is amended to read:

25 4. Maintaining records. The commissioner shall
26 preserve all school reports of this State and of other
27 states which ~~he~~ the commission may receive, the
28 returns from the various municipalities and institu-
29 tions of learning and books, apparatus, maps, charts,
30 works on education, plans for school buildings, mod-
31 els and other articles of interest to school officers
32 and teachers as may be obtained without expense to
33 the State.

34 Sec. 2. 20-A MRSA §255, sub-§5, ¶D, as enacted
35 by PL 1981, c. 693, §§5 and 8, is amended to read:

1 D. Do all in his the commissioner's power to
2 awaken and sustain an interest in education among
3 the people and to stimulate teachers to well di-
4 rected efforts in their work.

5 Sec. 3. 20-A MRSA §256, sub-§1, as enacted by PL
6 1981, c. 693, §§5 and 8, is amended to read:

7 1. Report to Governor. The commissioner, annu-
8 ally, shall report to the Governor the result of his
9 the commissioner's inquiries and investigations and
10 the facts obtained from the school returns, with any
11 suggestions and recommendations to improve public
12 schools.

13 Sec. 4. 20-A MRSA §256, sub-§2, as enacted by PL
14 1981, c. 693, §§5 and 8, is amended to read:

15 2. Joining educational organizations. The com-
16 missioner may authorize the department to join educa-
17 tional organizations and associations, both within
18 and outside the State, when he judges that the mem-
19 bership will increase the efficiency or progress of
20 education within the State.

21 Sec. 5. 20-A MRSA §257, sub-§1, ¶B, as repealed
22 and replaced by PL 1983, c. 151, is amended to read:

23 B. Are 17 years of age and have:

24 (1) A documented, immediate need; and

25 (2) Written approval from the local super-
26 intendent or his the superintendent's desig-
27 nee;

28 Sec. 6. 20-A MRSA §258, sub-§1, as enacted by Pl
29 1981, c. 693, §§5 and 8, is amended to read:

30 1. Request. The commissioner shall inspect the
31 schools in a school administrative unit and report
32 his findings and recommendations to the school board
33 when:

34 A. Petitioned by 60% of the parents of the chil-
35 dren of one school;

1 B. Requested by the school board or the superin-
2 tendent of schools; or

3 C. Petitioned by 20% of the legal voters of the
4 unit.

5 Sec. 7. 20-A MRSA §405, sub-§4, as enacted by PL
6 1981, c. 693, §§5 and 8, is amended to read:

7 4. Review of department decisions. On the writ-
8 ten request of an interested party, the state board
9 shall review decisions made by the department acting
10 through the commissioner ~~or his duly authorized~~
11 ~~representative~~ under sections 1401 to 1407, section
12 8351 and chapters 203, 205 and 505 and Title 20, sec-
13 tion 3458. The written request shall be filed within
14 30 days from the date of the department's decision.

15 Sec. 8. 20-A MRSA §608, sub-§3, as enacted by PL
16 1981, c. 693, §§5 and 8, is amended to read:

17 3. Adoption of compact. Adoption of the compact
18 may be either by enactment thereof or by adherence
19 thereto by the Governor; provided that in the absence
20 of enactment, adherence by the Governor shall be suf-
21 ficient to make this State a party only until Decem-
22 ber 31, 1969. During any period when a state is par-
23 ticipating in this compact through gubernatorial ac-
24 tion, the Governor shall appoint those persons who,
25 in addition to himself or herself, shall serve as the
26 members of the commission from his or her state, and
27 shall provide to the commission an equitable share of
28 the financial support of the commission from any
29 source available to him or her.

30 Sec. 9. 20-A MRSA §652, as enacted by PL 1981,
31 c. 693, §§5 and 8, is amended to read:

32 §652. Members of Legislature, selection and tenure

33 The 2 members of the Legislature on the Education
34 Commission of the States shall be appointed by the
35 presiding officer of the respective House and shall
36 serve on the commission during such time each is a
37 member of his or her respective House.

1 Sec. 10. 20-A MRSA §1001, sub-§§9 and 11, as en-
2 acted by PL 1981, c. 693, §§5 and 8, are amended to
3 read:

4 9. Students expelled or suspended. They shall
5 expell any student who is deliberately disobedient or
6 deliberately disorderly or for infractions of vio-
7 lence or possession, furnishing or trafficking of any
8 scheduled drug as defined in Title 17-A, chapter 45,
9 after a proper investigation of the student's behav-
10 ior, and due process, if found necessary for the
11 peace and usefulness of the school; and readmit ~~him~~
12 the student on satisfactory evidence that the behav-
13 ior which was the cause of the student being expelled
14 will not likely recur. The school committee may au-
15 thorize the principal to suspend students up to a
16 maximum of 10 days for infractions of school rules.

17 11. Persons not immunized excluded. They shall
18 exclude, when requested to do so by the Director of
19 the Bureau of Health or if they deem it expedient,
20 any person not having evidence of current
21 immunization against smallpox, or diphtheria,
22 tetanus, pertussis (whooping cough), poliomyelitus,
23 rubeola (measles), rubella (German measles) or any
24 other communicable illness for which immunization is
25 available, unless the parent of the person shall
26 present a signed statement that the parent is opposed
27 to the immunization or a statement signed by a li-
28 censed physician indicating that the immunization is
29 not medically advisable for the person. Should ei-
30 ther of these statements be submitted, the person
31 shall be excluded from school at the request of the
32 Director of the Bureau of Health when in ~~his~~ the
33 director's opinion epidemic occurrence of the partic-
34 ular illness makes the exclusion necessary for the
35 protection of the public health.

36 Sec. 11. 20-A MRSA §1002, sub-§3, as enacted by
37 PL 1981, c. 693, §§5 and 8, is amended to read:

38 3. Appointment to civil office and other employ-
39 ment. No school board member may, during the term
40 for which ~~he~~ the member has been elected and for one
41 year thereafter, be appointed to any civil office of
42 profit or employment position, which shall have been
43 created or the compensation of which shall have been

1 increased by the action of the school board during
2 such term.

3 Sec. 12. 20-A MRSA §1055, sub-§8, as enacted by
4 PL 1981, c. 693, §§5 and 8, is amended to read:

5 8. Full-time employment. The superintendent
6 shall devote his entire time entire time of the su-
7 perintendent shall be devoted to superintendence in
8 the school supervisory unit which employs him the
9 superintendent. The superintendent may perform edu-
10 cational service outside of the supervisory unit with
11 the approval of the commissioner and with the consent
12 of the school board.

13 Sec. 13. 20-A MRSA §1251, sub-§2, as enacted by
14 PL 1981, c. 693, §§5 and 8, is amended to read:

15 2. Term of office. In municipalities with annu-
16 al elections, directors shall serve a 3-year term.
17 In municipalities with biennial elections, directors
18 shall serve a 4-year term. A director shall serve
19 until his a successor is elected and qualified.

20 Sec. 14. 20-A MRSA §1251, sub-§6, ¶A, as enacted
21 by PL 1981, c. 693, §§5 and 8, is amended to read:

22 A. A director shall make a certificate
23 documenting that he has taken take the oath or
24 affirmation and return it a certificate
25 documenting that the oath has been taken to the
26 secretary of the district to place in the dis-
27 trict records.

28 Sec. 15. 20-A MRSA §1252, sub-§2, ¶C, as enacted
29 by PL 1981, c. 693, §§5 and 8, is amended to read:

30 C. A plan may not permit the voting power of any
31 director to exceed by more than 2% the percentage
32 of voting power he the director would have if all
33 1,000 votes were apportioned equally among the
34 directors.

35 Sec. 16. 20-A MRSA §1254, sub-§3, ¶A, as enacted
36 by PL 1981, c. 693, §§5 and 8, is amended to read:

1 A. The municipal officers of the municipality in
2 which the director resided shall select an inter-
3 im director for the municipality or subdistrict
4 to serve until the next annual municipal elec-
5 tion. The interim director shall serve until ~~his~~
6 a successor is elected and qualified.

7 Sec. 17. 20-A MRSA §1255, sub-§10, ¶C, as en-
8 acted by PL 1981, c. 693, §§5 and 8, is amended to
9 read:

10 C. If the approved plan requires that additional
11 directors be elected in a municipality, the mu-
12 nicipal officers shall fill the vacancies by ap-
13 pointment. A new director shall serve until ~~his~~
14 a successor is elected and qualified at the next
15 annual municipal election.

16 Sec. 18. 20-A MRSA §1256, sub-§7, ¶¶A and B, as
17 enacted by PL 1981, c. 693, §§5 and 8, are amended to
18 read:

19 A. If the board receives written notice from a
20 prospective donor or ~~his~~ a representative of the
21 donor, of a proposed gift, they shall submit the
22 matter to the next regular meeting of the board
23 or shall call a special meeting. The board
24 shall, within 10 days after the meeting, send
25 written notice of its acceptance or rejection.

26 B. If the gift is in trust, the board shall de-
27 posit or invest those trust funds according to
28 Title 30, section 5051.

29 (1) Unless prohibited by a trust instru-
30 ment, the district may treat any 2 or more
31 trust funds as a single fund for the pur-
32 poses of investment.

33 (2) After deduction for management ex-
34 penses, any interest earned or capital gains
35 realized shall be prorated among the various
36 trust funds.

37 (3) Property or securities included in the
38 corpus of a trust fund shall be retained
39 where the trust instrument so provides.

1 (4) Unless otherwise specified in the trust
2 instrument, only the annual income from the
3 trust fund may be spent.

4 (5) If the district fails to comply with
5 the terms of the trust instrument, the trust
6 fund reverts to the donor or ~~his~~ the donor's
7 heirs.

8 Sec. 19. 20-A MRSA §1309, as enacted by PL 1981,
9 c. 693, §§5 and 8, is amended to read:

10 §1309. Special budget meeting

11 The school board may call a special budget meet-
12 ing when they declare an emergency to exist. The
13 voters of the district may authorize the directors at
14 a special district budget meeting to pledge the cred-
15 it of the district to obtain additional moneys for
16 the operation of schools. The special budget meeting
17 shall be held in accordance with sections 1302 to
18 1307.

19 Sec. 20. 20-A MRSA §1314, sub-§3, as enacted by
20 PL 1981, c. 693, §§5 and 8, is amended to read:

21 3. Public opening. At the time and place stated
22 in the public notice, and open to the public, all
23 bids shall be opened by the superintendent or, in ~~his~~
24 the superintendent's absence or disability, by any
25 director designated for the purpose by the chairman
26 of the board of directors.

27 Sec. 21. 20-A MRSA §1653, sub-§1, ¶¶A and B, as
28 repealed and replaced by PL 1983, c. 422, §12, are
29 amended to read:

30 A. In a district which does not include grades
31 one to 12, the school committee of each member
32 town shall choose from its membership the repre-
33 sentation on the community school district's
34 school committee to which that town is entitled.
35 Membership on the district's committee shall be
36 coterminous with the member's term of office on
37 the school committee of the town which ~~he~~ the
38 member represents.

1 B. In a district which includes grades one to
2 12, the member towns shall elect their represen-
3 tatives directly to the district's school commit-
4 tee as follows.

5 (1) For the purpose of nominations, the
6 members of the school committee shall be
7 considered municipal officers and shall be
8 nominated in accordance with Title 30, chap-
9 ter 207, or in accordance with a municipal
10 charter, whichever is applicable.

11 (2) Upon the election of the members to the
12 school committee, the clerks of the several
13 municipalities within the district shall
14 forward the names of the members of the com-
15 mittee elected by each municipality to the
16 secretary of the district's school commit-
17 tee.

18 (3) The terms of office shall be determined
19 by lot as follows: One-third of the members
20 of the school committee shall serve one-year
21 terms; $1/3$ shall serve 2-year terms; and
22 $1/3$ shall serve 3-year terms. In the event
23 the number of members is not evenly divisi-
24 ble by 3, the terms of the members repre-
25 sented by the integer obtained by dividing
26 the number of members by 3 shall be deter-
27 mined by the preceding sentence; if one mem-
28 ber remains, he that member shall serve a
29 3-year term; if 2 members remain, one shall
30 serve a 3-year term; and one shall serve a
31 2-year term, to be determined by lot. The
32 members of the school committee shall serve
33 their terms as determined and an additional
34 period until the next regular election of
35 the municipalities. Thereafter, their terms
36 of office shall date from the time of each
37 municipality's regular election. In a city
38 where elections are held biennially, the
39 term of each member shall be for 4 years,
40 dating from the time of the regular city
41 election and, following the initial elec-
42 tion, the members shall choose by lot to see
43 who will serve for 4 years and who will
44 serve for 2 years. Thereafter, each member
45 shall be elected to serve for 4 years.

1 Sec. 22. 20-A MRSA §1653, sub-§2, ¶¶A and B, as
2 repealed and replaced by PL 1983, c. 422, §12, are
3 amended to read:

4 A. A vacancy on a school committee of a district
5 which does not include grades one to 12, whether
6 caused by death, by resignation or by a member
7 having changed his residence from the town which
8 he represents the member was elected to
9 represent, shall be filled by the school commit-
10 tee of the town in which the vacancy occurs. A
11 similar vacancy on a school committee of a dis-
12 trict which includes grades one to 12 shall be
13 filled by the municipal officers of the municipi-
14 pality in which the member resided. The municipi-
15 pal officers shall select a new member from the
16 municipality in which the old member resided to
17 serve until the next annual municipal election.
18 Evidence that an individual is registered to vote
19 in a municipality is prima facie evidence of that
20 individual's residency.

21 B. If any representative on the school committee
22 in a community school district which does not in-
23 clude grades one to 12 is absent from 3 consecu-
24 tive regular committee meetings, the committee
25 may declare that a vacancy exists and the school
26 committee in the representative's town may choose
27 from among its members another representative to
28 the community school committee. He The new
29 member shall be chosen on the basis of seniority.

30 Sec. 23. 20-A MRSA §1705, sub-§1, ¶A, as enacted
31 by PL 1981, c. 693, §§5 and 8, is amended to read:

32 A. When the district school committee receives
33 written notice from a prospective donor or his a
34 representative of the donor of a proposed gift,
35 outright or in trust, it shall submit the matter
36 to the next regular meeting of the committee, and
37 shall, within 10 days after the meeting, send
38 written notice of its acceptance or rejection.

39 Sec. 24. 20-A MRSA §1705, sub-§2, as enacted by
40 PL 1981, c. 693, §§5 and 8, is amended to read:

1 2. Conditional. A community school district may
2 accept and receive money or other property as a con-
3 ditional gift for any specified benevolent or educa-
4 tional purpose. When the district school committee
5 receives written notice from a prospective donor or
6 his a representative of the donor of a proposed gift,
7 they shall submit the matter to the next regular
8 meeting of the legislative body or shall call a spe-
9 cial meeting for that purpose and shall, within 10
10 days after the meeting, send written notice of its
11 acceptance or rejection.

12 Sec. 25. 20-A MRSA §2305, sub-§4, ¶B, as enacted
13 by PL 1981, c. 693, §§5 and 8, is amended to read:

14 B. Whenever the remaining members of the school
15 committee fail to appoint a person to fill a va-
16 cancy, by election at a town meeting called for
17 the purpose.

18 Sec. 26. 20-A MRSA §2352, as amended by PL 1983,
19 c. 422, §15, is repealed.

20 Sec. 27. 20-A MRSA §2704, first ¶, as enacted by
21 PL 1981, c. 693, §§5 and 8, is amended to read:

22 A joint committee if established pursuant to sec-
23 tion ~~2003~~ 2703:

24 Sec. 28. 20-A MRSA §2952, as enacted by PL 1981,
25 c. 693, §§5 and 8, is amended to read:

26 §2952. Report to commissioner

27 A private secondary school receiving state funds,
28 either directly or indirectly, and a private school
29 approved for tuition and attendance purposes shall
30 annually, on or before July 15th, report to the com-
31 missioner the information ~~he~~ the commissioner may re-
32 quire.

33 Sec. 29. 20-A MRSA §3305, sub-§6, as enacted by
34 PL 1981, c. 693, §§5 and 8, is amended to read:

35 6. Appeals. If the owner is aggrieved at the
36 location of the lot or the damages awarded, he that
37 owner may apply to the State Tax Assessor within 3

1 months. The State Tax Assessor may change the loca-
2 tion and assess the damages. If the damages are in-
3 creased or the location changed, the State shall pay
4 the damages and costs, otherwise the costs shall be
5 paid by the applicant.

6 Sec. 30. 20-A MRSA §3605, as enacted by PL 1981,
7 c. 693, §§5 and 8, is amended to read:

8 §3605. Creation of planning committee

9 The Maine and New Hampshire commissioners of edu-
10 cation shall have the power, acting jointly, to con-
11 stitute and discharge one or more interstate school
12 district planning committees. Each such planning
13 committee shall consist of at least 2 voters from
14 each of a group of 2 or more neighboring member dis-
15 tricts. One of the representatives from each member
16 district shall be a member of its school board, whose
17 term on the planning committee shall be concurrent
18 with his term as a school board member. The term of
19 each member of a planning committee who is not also a
20 school board member shall expire on June 30th of the
21 3rd year following his or her appointment. The exist-
22 ence of any planning committee may be terminated ei-
23 ther by vote of a majority of its members or by joint
24 action of the commissioners. In forming and appoint-
25 ing members to an interstate school district planning
26 board, the commissioners shall consider and take into
27 account recommendations and nominations made by
28 school boards of member districts. No member of a
29 planning committee ~~shall~~ may be disqualified because
30 he or she is at the same time a member of another
31 planning board or committee created under this com-
32 pact or under any other provisions of law. Any ex-
33 isting informal interstate school planning committee
34 may be reconstituted as a formal planning committee
35 in accordance with the provisions hereof, and its
36 previous deliberations adopted and ratified by the
37 reorganized formal planning committee. Vacancies on
38 a planning committee shall be filled by the commis-
39 sioners acting jointly.

40 Sec. 31. 20-A MRSA §3618, as enacted by PL 1981,
41 c. 693, §§5 and 8, is amended to read:

42 §3618. Return of warrant

1 The warrant with a certificate thereon, verified
2 by oath, stating the time and place when and where
3 copies of the warrant were posted and published,
4 shall be given to the clerk of the interstate school
5 district at or before the time of the meeting, and
6 shall be recorded by him or her in the records of the
7 interstate school district.

8 Sec. 32. 20-A MRSA §3619, first ¶, as enacted by
9 PL 1981, c. 693, §§5 and 8, is amended to read:

10 The commissioners, acting jointly, shall fix a
11 time and place for a special meeting of the qualified
12 voters within the interstate school district for the
13 purpose of organization, and shall prepare and issue
14 the warrant for the meeting after consultation with
15 the interstate school district planning board and the
16 members-elect, if any, of the interstate school board
17 of directors. Such meeting shall be held within 60
18 days after the date of issuance of the certificate of
19 formation, unless the time is further extended by the
20 joint action of the state boards. At the organiza-
21 tion meeting the commissioner of education of the
22 state where the meeting is held, or his or her desig-
23 nate, shall preside in the first instance, and the
24 following business shall be transacted:

25 Sec. 33. 20-A MRSA §3624, as enacted by PL 1981,
26 c. 693, §§5 and 8, is amended to read:

27 §3624. Officers; general

28 The officers of an interstate school district
29 shall be a board of school directors, a chairman of
30 the board, a vice-chairman of the board, a secretary
31 of the board, a moderator, a clerk, a treasurer and 3
32 auditors. Except as otherwise specifically provided,
33 they shall be eligible to take office immediately
34 following their election; they shall serve until the
35 next annual meeting of the interstate district and
36 until their successors are elected and qualified.
37 Each shall take oath for the faithful performance of
38 his or her duties before the moderator, or a notary
39 public or a justice of the peace of the state in
40 which the oath is administered. Their compensation
41 shall be fixed by vote of the district. No person
42 ~~shall~~ may be eligible to any district office unless

1 he or she is a voter in the district. A custodian,
2 school teacher, principal, superintendent or other
3 employee of an interstate district acting as such
4 shall not be eligible to hold office as a school di-
5 rector.

6 Sec. 34. 20-A MRSA §3625, sub-§1, as enacted by
7 PL 1981, c. 693, §§5 and 8, is amended to read:

8 1. How chosen. Each member district shall be
9 represented by at least one resident on the board of
10 school directors of an interstate school district. A
11 member district shall be entitled to such further
12 representation on the interstate board of school di-
13 rectors as provided in the articles of agreement as
14 amended from time to time. The articles of agreement
15 as amended from time to time may provide for school
16 directors at large, as set forth. No person ~~shall~~
17 may be disqualified to serve as a member of an inter-
18 state board because he or she is at the same time a
19 member of the school board of a member district.

20 Sec. 35. 20-A MRSA §3626, as enacted by PL 1981,
21 c. 693, §§5 and 8, is amended to read:

22 §3626. Chairman of the board

23 The chairman of the board of interstate school
24 directors shall be elected by the interstate board
25 from among its members at its first meeting following
26 the annual meeting. The chairman shall preside at
27 the meetings of the board and shall perform such oth-
28 er duties as the board may assign to him or her.

29 Sec. 36. 20-A MRSA §3627, as enacted by PL 1981,
30 c. 693, §§5 and 8, is amended to read:

31 §3627. Vice-chairman of the board of directors

32 The vice-chairman of the interstate board shall
33 be elected in the same manner as the chairman. He or
34 she shall represent a member district in a state oth-
35 er than that represented by the chairman. He or she
36 shall preside in the absence of the chairman and
37 shall perform such other duties as may be assigned to
38 him or her by the interstate board.

1 Sec. 37. 20-A MRSA §3628, as enacted by PL 1981,
2 c. 693, §5 and 8, is amended to read:

3 §3628. Secretary of the board

4 The secretary of the interstate board shall be
5 elected in the same manner as the chairman. Instead
6 of electing one of its members, the interstate board
7 may appoint the interstate district clerk to serve as
8 secretary of the board in addition to his or her other
9 duties. The secretary of the interstate board, or
10 the interstate district clerk, if so appointed, shall
11 keep the minutes of its meetings, shall certify its
12 records, and perform such other duties as may be as-
13 signed to him or her by the board.

14 Sec. 38. 20-A MRSA §3629, as enacted by PL 1981,
15 c. 693, §§5 and 8, is amended to read:

16 §3629. Moderator

17 The moderator shall preside at the district meet-
18 ings, regulate the business thereof, decide questions
19 of order, and make a public declaration of every vote
20 passed. He or she may prescribe rules of procedure;
21 but such rules may be altered by the district. He or
22 she may administer oaths to district officers in ei-
23 ther state.

24 Sec. 39. 20-A MRSA §3631, as enacted by PL 1981,
25 c. 693, §§5 and 8, is amended to read:

26 §3631. Treasurer

27 The treasurer shall have custody of all of the
28 moneys belonging to the district and shall pay out
29 the same only upon the order of the interstate board.
30 He or she shall keep a fair and accurate account of
31 all sums received into and paid from the interstate
32 district treasury, and at the close of each fiscal
33 year he or she shall make a report to the interstate
34 district, giving a particular account of all receipts
35 and payments during the year. He or she shall fur-
36 nish to the interstate directors, statements from his
37 or her books and submit his or her books and vouchers
38 to them and to the district auditors for examination
39 whenever so requested. He or she shall make all re-

1 turns called for by laws relating to school dis-
2 tricts. Before entering on his or her duties, the
3 treasurer shall give a bond with sufficient sureties
4 and in such sum as the directors may require. The
5 treasurer's term of office is from July 1st to the
6 following June 30th.

7 Sec. 40. 20-A MRSA §3656, sub-§3, ¶¶B and C, as
8 enacted by PL 1981, c. 693, §§5 and 8, is amended to
9 read:

10 B. See that each teacher or professional staff
11 employee selects the retirement system of his or
12 her choice at the time his or her contract is
13 signed;

14 C. Provide the commissioners of education in New
15 Hampshire and in Maine with the names and other
16 pertinent information regarding each staff member
17 under his or her jurisdiction so that each may be
18 enrolled in the retirement system of his or her
19 preference.

20 Sec. 41. 20-A MRSA §3661, sub-§3, ¶B, as enacted
21 by PL 1981, c. 693, §§5 and 8, is amended to read:

22 B. See that each teacher or professional staff
23 employee selects the retirement system of his or
24 her choice at the time his or her contract is
25 signed;

26 Sec. 42. 20-A MRSA §4008, sub-§3, ¶B, as enacted
27 by PL 1981, c. 693, §§5 and 8, is amended to read:

28 B. To report to an appropriate authority or to
29 take appropriate emergency measure when:

30 (1) The client's condition requires others
31 to assume responsibility for ~~him~~ the client;
32 or

33 (2) There is clear and imminent danger to
34 the client or others.

35 Sec. 43. 20-A MRSA §4204, sub-§3, as enacted by
36 PL 1981, c. 693, §§5 and 8, is amended to read:

1 3. Advisory committee. The commissioner shall
2 appoint a committee of professional and lay people to
3 advise him give advice in the adoption of standards.

4 Sec. 44. 20-A MRSA §4402, sub-§1, as enacted by
5 PL 1981, c. 693, §§5 and 8, is amended to read:

6 1. Commissioner may remove basic approval. Not-
7 withstanding any other provisions of law, the commis-
8 sioner may remove basic approval from any private
9 school for failure to meet applicable approval re-
10 quirements.

11 Sec. 45. 20-A MRSA §4406, as enacted by PL 1981,
12 c. 693, §§5 and 8, is amended to read:

13 §4406. Junior high school defined

14 A junior high school means a school which main-
15 tains a diversified program of studies approved by
16 the commissioner, for grades or years as he pre-
17 scribes, throughout the school year. A combination
18 of 2 or more consecutive grades 6 to 9 may be in-
19 cluded in a junior high school throughout the school
20 year. A junior high school may be maintained in con-
21 nection with or as a part of an approved or accred-
22 ited secondary school.

23 Sec. 46. 20-A MRSA §4601, sub-§6, as enacted by
24 PL 1981, c. 693, §§5 and 8, is amended to read:

25 6. Exception. A student who has satisfactorily
26 completed the freshman year in a degree-granting in-
27 stitution may receive a secondary school diploma from
28 the school he last attended, even if he did. These
29 students do not need to meet these the graduation re-
30 quirements in subsection 1, paragraph A and subsec-
31 tion 2.

32 Sec. 47. 20-A MRSA §4602, sub-§4, ¶A, as enacted
33 by PL 1981, c. 693, §§5 and 8, is amended to read:

34 A. "Transitional instruction" means instruction
35 given to a limited English speaking student for
36 the purpose of enabling the student to be in-

1 structured in English within a reasonable length of
2 time. Transitional instruction shall not include
3 bilingual education programs, as defined in ~~(Pub-~~
4 ~~lic Law 90-247, Title VII, the~~ United States Code
5 Annotated, Title 20, Section ~~880b-1,~~ 3221, et
6 seq., that is, programs which do not include stu-
7 dents of limited English speaking ability.

8 Sec. 48. 20-A MRSA §5001, as amended by PL 1983,
9 c. 485, §22, is repealed:

10 Sec. 49. 20-A MRSA §5001-A is enacted to read:
11 §5001-A. Compulsory attendance

12 Attendance at school shall be required of persons
13 in the State as follows.

14 1. Requirement. Persons 7 years of age or older
15 and under 17 years shall attend a public day school
16 during the time it is in regular session.

17 2. Exceptions. Attendance at school shall not
18 be required of the following:

19 A. A person who graduates from high school be-
20 fore that person's 17th birthday;

21 B. A person who has:

22 (1) Reached the age of 15 years or com-
23 pleted the 9th grade;

24 (2) Permission to leave school from that
25 person's parent;

26 (3) Permission to leave school from the
27 school board or its designee; and

28 (4) Agreed in writing with that person's
29 parent and the school board or its designee
30 to meet annually until that person's 17th
31 birthday to review that person's educational
32 needs. When the request to be excused from
33 school has been denied pursuant to this par-
34 agraph, the student's parent may appeal to
35 the commissioner; or

1 C. A person whose absence is excused under sec-
2 tion 5051. The parent of an habitual truant who
3 has been denied a waiver of this paragraph, may
4 appeal to the commissioner in accordance with
5 section 5051, subsection 2, paragraph E.

6 3. Alternatives to attendance at public day
7 school. Alternatives to attendance at public day
8 school are as follows.

9 A. Equivalent instruction alternatives are as
10 follows.

11 (1) A person shall be excused from attend-
12 ing a public day school if the person ob-
13 tains equivalent instruction in a private
14 school or in any other manner arranged for
15 by the school board and if the equivalent
16 instruction is approved by the commissioner.

17 (2) If any request to be excused is denied
18 by a school board, an appeal may be filed
19 with the commissioner. The commissioner
20 shall review the request to be excused to
21 determine whether the school board has been
22 correct in its finding that no equivalent
23 instruction is available to the person. If
24 the commissioner finds that equivalent in-
25 struction is available to the person, the
26 commissioner shall approve the request to be
27 excused.

28 (3) A student shall be credited with at-
29 tendance at a private school only if a cer-
30 tificate showing the name, residence and at-
31 tendance of the person at the school, signed
32 by the person or persons in charge of the
33 school, has been filed with the school offi-
34 cial of the administrative unit in which
35 the student resides.

36 B. A person may be excused to attend an alter-
37 nate program under section 5002 or 5051 or an
38 adult education program under section 8605.

39 4. Excusable absence. A person's absence is ex-
40 cused when the absence is for the following reasons:

- 1 A. Personal illness;
- 2 B. An appointment with a health professional
3 that must be made during the regular school day;
- 4 C. Observance of a recognized religious holiday
5 when the observance is required during the regu-
6 lar school day;
- 7 D. A family emergency; or
- 8 E. A planned absence for a personal or educa-
9 tional purpose which has been approved.
- 10 5. Adult responsibility. Any adults having a
11 person of compulsory school age under their control
12 shall cause the person to attend school as provided
13 in this section.
- 14 6. Noncompliance. An absence of 1/2 day or more
15 shall be considered noncompliance with this section.
- 16 Sec. 50. 20-A MRSA §5002, as enacted by PL 1981,
17 c. 693, §§5 and 8, is repealed and the following en-
18 acted in its place:
- 19 §5002. Alternate programs
- 20 The following provisions govern suitable programs
21 of work, work-study or training for which students
22 may be excused from attendance in regular school pro-
23 grams.
- 24 1. Approval. Students of compulsory school age
25 may be excused from regular school programs if they:
- 26 A. Are 14 years of age or older;
- 27 B. Are participating in a suitable program of
28 work, work-study or training;
- 29 C. Have their parent's consent; and
- 30 D. Have obtained permission of the school prin-
31 cipal.

1 2. Appeal. A parent or guardian may appeal to
2 the school board if the principal refuses to approve
3 under subsection 1.

4 3. Student involvement. A student requesting to
5 be excused under this section shall be consulted in
6 the selection and formulation of an alternative pro-
7 gram.

8 4. Special work permit. A student between the
9 ages of 15 and 17 years who is unable to be issued a
10 regular work permit may receive a work permit for em-
11 ployment in nonhazardous occupations. This special
12 work permit shall be issued jointly by the commis-
13 sioner and the Director of the Bureau of Labor Stan-
14 dards.

15 Sec. 51. 20-A MRSA §5003, sub-§1 and 2, as en-
16 acted PL 1981, c. 693, §§5 and 8, are amended to
17 read:

18 1. School board's responsibility. School boards
19 shall administer this ~~subchapter~~ chapter.

20 2. Rules. School boards shall adopt rules to
21 carry out this ~~subchapter~~. They chapter and shall
22 file a copy with the commissioner.

23 Sec. 52. 20-A MRSA §5051, sub-§1, as enacted by
24 PL 1981, c. 693, §§5 and 8, is amended to read:

25 1. Definition. A student is a an habitual truant
26 if ~~he~~ the student is:

27 A. Subject to section ~~5001 or 5002~~ 5001-A; and

28 B. Absent from school without excuse for the
29 equivalent of 10 full days, or for at least 1/2
30 day on 7 consecutive school days, within any
31 6-month period.

32 Sec. 53. 20-A MRSA §5051, sub-§2, as enacted by
33 PL 1981, c. 693, §§5 and 8, is amended to read:

34 2. Procedure. The following provisions apply to
35 govern the procedure to be followed when a student is
36 a an habitual truant.

- 1 A. If a principal of a public school determines
2 that a student is a an habitual truant, the prin-
3 cipal shall inform the superintendent. The su-
4 perintendent shall first try to correct the prob-
5 lem informally.
- 6 B. If unable to correct the problem informally,
7 the superintendent shall refer the matter to the
8 school board along with the principal's report
9 and any other useful information.
- 10 C. The school board shall call a hearing and
11 shall notify the student's parent ~~or guardian~~ of
12 the following in writing at least 7 days in ad-
13 vance:
- 14 (1) Date and time of the hearing;
 - 15 (2) ^x Purpose of the hearing;
 - 16 (3) ~~Their~~ The parent's right to inspect
17 student's attendance records and principal's
18 reports; and
 - 19 (4) The necessity of ~~their~~ the parent's and
20 student's presence at the hearing.
- 21 D. If the school board determines that the stu-
22 dent is a an habitual truant, it shall either:
- 23 (1) Instruct the student to ~~comply with~~
24 section 5001, subsection 1, attend school as
25 required by section 5001-A and advise the
26 ~~parent or guardian~~ parents of their respon-
27 sibility under section ~~5001~~ 5001-A, subsec-
28 tion 3 5 to assure the student's attendance;
29 or
 - 30 (2) Waive the requirements of section ~~5001,~~
31 subsection 1 5001-A, if the student is 14
32 years of age or older.
- 33 E. A parent ~~or guardian~~ may appeal to the
34 commissioner the decision of the school board ~~to~~
35 the commissioner which denies to an habitual tru-
36 ant at least 14 years old a waiver of section
37 5001-A.

1 (1) The commissioner shall appoint a fair
2 hearing officer to hear the appeal.

3 (2) The fair hearing officer shall report
4 to the commissioner on the testimony pre-
5 sented and shall recommend a disposition to
6 the commissioner.

7 (3) The commissioner shall review the re-
8 port and shall affirm, modify or reverse the
9 school board's decision on a waiver of sec-
10 tion 5001-A.

11 Sec. 54. 20-A MRSA §5053, sub-§1, as enacted by
12 PL 1981, c. 693, §§5 and 8, is amended to read:

13 1. Offenses. Each of the following acts shall
14 constitute a civil violation under this ~~subchapter~~
15 ~~and subchapter III~~ chapter:

16 A. Having control of a student who is a an hab-
17 itual truant and being primarily responsible for
18 that truancy;

19 B. Inducing a student to ~~violate section 5051,~~
20 ~~subsection 1~~ be absent from school; or

21 C. Harboring or concealing a student who is in
22 violation of section 5001 when the student is ab-
23 sent from school.

24 Sec. 55. 20-A MRSA §5201, sub-§§ 1 and 4, as en-
25 acted by PL 1981, c. 693, §§5 and 8, is amended to
26 read:

27 1. Eligibility to enroll. A person 5 years of
28 age or older and under 20 years of age may enroll as
29 a full-time student or, with the consent of the
30 school board, as a part-time student, in the public
31 elementary and secondary schools where the student
32 resides as defined in section 5202.

33 4. Rules. A school board may adopt rules to
34 carry out this ~~section~~ chapter.

35 Sec. 56. 20-A MRSA §5202, sub-§1, as enacted by
36 PL 1981, c. 693, §§5 and 8, is amended to read:

1 1. Definitions. For the purposes of this
2 ~~section~~ chapter, "parent" means the parent or guardi-
3 an with legal custody.

4 Sec. 57. 20-A MRSA §5202, sub-§2, as enacted by
5 PL 1981, c. 693, §§5 and 8, is amended to read:

6 2. General rule. A ~~person~~ Persons shall be con-
7 sidered a ~~resident~~ residents of the school adminis-
8 trative unit where ~~his parent resides~~ their parents
9 reside. A federal installation shall be considered
10 part of the school administrative unit in which it is
11 located.

12 Sec. 58. 20-A MRSA §5601, sub-§2, ¶D, as enacted
13 by PL 1981, c. 693, §§5 and 8, is amended to read:

14 D. The superintendent shall, before September
15 1st annually, make a return for the preceding
16 school year, under oath, to the commissioner on a
17 form provided ~~to him~~ by the commissioner showing:

- 18 (1) The name and residence of each student
19 for which board was paid;
- 20 (2) The amount paid; and
- 21 (3) The name and location of the school at-
22 tended.

23 Sec. 59. 20-A MRSA §6004, sub-§2, ¶A, as enacted
24 by PL 1981, c. 693, §§5 and 8, is amended to read:

25 A. A student residing in the school administra-
26 tive unit may be considered in attendance on
27 April 1st only if the student:

- 28 (1) Attended school at least 75% of the
29 time between October 1st and April 1st, if
30 enrolled by October 1st; or
- 31 (2) Attended school at least 75% of the
32 time between the date of ~~his~~ the students
33 first enrollment and April 1st, if not en-
34 rolled by October 1st.

1 Excused absences and absences due to illness
2 shall not be considered absences under this sub-
3 section.

4 Sec. 60. 20-A MRSA §6101, sub-§3, as enacted by
5 PL 1983, c. 470, §5, is amended to read:

6 3. Commissioner's review. The commissioner shall
7 have access to any of the records or documents desig-
8 nated as confidential in this section in carrying out
9 his the commissioner's duties pursuant to sections
10 13001 to 13003.

11 Sec. 61. 20-A MRSA §6351, sub-§3, ¶C, as enacted
12 by PL 1981, c. 693, §§5 and 8, is amended to read:

13 C. If a student is absent from school under this
14 subsection for more than 10 days, the superin-
15 tendent shall arrange to provide education for
16 the student until he the student can return to
17 school.

18 Sec. 62. 20-A MRSA §6807, as enacted by PL 1981,
19 c. 693, §§5 and 8, is amended to read:

20 §6807. Liability for injury to books or appliances

21 If a public school student loses, destroys or un-
22 necessarily injures a schoolbook or appliance fur-
23 nished to him the student at the expense of the
24 school administrative unit, his the student's parent
25 shall be notified. If the loss or damage is not made
26 good to the satisfaction of the school board within a
27 reasonable time, they shall report the case to the
28 assessors of the municipality in which the student
29 resides. The municipal assessors shall include in
30 the next municipal tax of the delinquent parent the
31 value of the book or appliance, to be assessed and
32 collected as other municipal taxes.

33 Sec. 63. 20-A MRSA §7202, sub-§6, as enacted by
34 PL 1981, c. 693, §§5 and 8, is amended to read:

35 6. Compliance. Provide the commissioner with
36 the information he the commissioner may require to
37 determine compliance with this chapter;

1 Sec. 64. 20-A MRSA §7204, sub-§3, as enacted by
2 PL 1981, c. 693, §§ 5 and 8, is amended to read:

3 3. School year. May approve special education
4 programs for:

5 A. The usual public school year as defined in
6 section 4801, subsection 1;

7 B. An extended school year; or

8 C. Other periods ~~he~~ the commissioner determines
9 appropriate;

10 Sec. 65. 20-A MRSA §7206, sub-§3, ¶D, as re-
11 pealed and replaced by PL 1983, c. 130, §2, is
12 amended to read:

13 D. If the written findings of the hearing held
14 pursuant to subsection 3, paragraph C, are that
15 the unit is in violation of this chapter, the
16 commissioner shall, within 60 days after the com-
17 plaint was filed with ~~him~~ the commissioner, issue
18 a written order specifying the steps which the
19 unit shall take to comply with the requirements
20 of this chapter and specify the exact date on
21 which the corrective steps shall be completed.

22 Sec. 66. 20-A MRSA §7206, sub-§5, ¶A, as enacted
23 by PL 1981, c. 693, §§5 and 8, is amended to read:

24 A. May withhold financial aid from the school
25 administrative unit until it complies ~~with his~~
26 order; and

27 Sec. 67. 20-A MRSA §8354, sub-§1, ¶A, as enacted
28 by PL 1981, c. 693, §§5 and 8, is amended to read:

29 A. Adding the amounts paid for:

30 (1) Teacher's salaries;

31 (2) Fuel;

32 (3) Janitorial services;

33 (4) Textbooks;

- 1 (5) Reference books;
- 2 (6) School supplies for desk and laboratory
3 use;
- 4 (7) Public utility services;
- 5 (8) Replacement of instructional equipment;
- 6 (9) Fire insurance; and
- 7 (10) Compensation for the director and ~~his~~
8 the director's assistants;

9 Sec. 68. 20-A MRSA §8462, sub-§1, ¶B, as enacted
10 by PL 1981, c. 693, §§5 and 8, is amended to read:

11 B. The warrant shall be directed to any resident
12 living within the vocational region by name or
13 ordering him the resident to notify all voters
14 within the region to assemble at the time and
15 place appointed.

16 Sec. 69. 20-A MRSA §8462, sub-§2, ¶H, as enacted
17 by PL 1981, c. 693, §§5 and 8, is amended to read:

18 H. The secretary of the cooperative board, or ~~in~~
19 his absence his if absent the secretary's desig-
20 nee, shall record accurately all the votes of the
21 meeting.

22 Sec. 70. 20-A MRSA §8605, sub-§2, ¶A, as enacted
23 by PL 1981, c. 693, §§5 and 8, is amended to read:

24 A. A student between the 16th and 20th anniver-
25 saries of his birth age 16 through 20 years, who
26 enrolls in a semester adult evening school
27 course, shall be counted as .1 of a student.

28 Sec. 71. 20-A MRSA §8608, as enacted by PL 1981,
29 c. 693, §§5 and 8, is amended to read:

30 §8608. Teacher education reimbursement

31 The commissioner shall add to ~~his~~ the
32 commissioner's budget request a sum not to exceed 5%
33 of the sum recommended for reimbursement to school

1 administrative units for preservice and in-service
2 education activities for teachers in adult education.

3 Sec. 72. 20-A MRSA §8610, sub-§6, as enacted by
4 PL 1981, c. 693, §§5 and 8, is amended to read:

5 6. State reimbursement. State reimbursement
6 shall be made to a school administrative unit in ac-
7 cordance with section 8607. If the request to oper-
8 ate a reimbursable adult vocational education course
9 is disapproved by the cooperative board of the voca-
10 tional region or by the governing body of the voca-
11 tional center, the school administrative unit may ap-
12 peal to the commissioner for authority to offer the
13 course. ~~His~~ The commissioner's decision is final and
14 binding.

15 Sec. 73. 20-A MRSA §8801, sub-§2, as enacted by
16 PL 1981, c. 693, §§5 and 8, is amended to read:

17 2. Approval. The state board shall direct an
18 inspection after which ~~he~~ they may approve and grant
19 a certificate to a school that maintains those stan-
20 dards. The expense of inspection shall be paid by
21 the department.

22 Sec. 74. 20-A MRSA §10001, as enacted by PL
23 1981, c. 693, §§5 and 8, is amended to read:

24 §10001. Hemophiliacs

25 1. Participation in physical activity. A post-
26 secondary institution may not require a hemophiliac
27 to participate in physical activity hazardous to his
28 or her physical health, as a condition or requirement
29 for a degree, unless the physical activity is ap-
30 proved by the state board as an essential prerequi-
31 site to that degree.

32 2. Admission. A post-secondary institution may
33 not refuse admission to a hemophiliac solely because
34 of his or her condition as a hemophiliac, unless that
35 condition would prevent participation in required
36 courses of study of physical activity.

37 Sec. 75. 20-A MRSA §10101, sub-§2, ~~¶¶D and E~~, as
38 enacted by PL 1981, c. 693, §§5 and 8, are amended to
39 read:

1 D. Provide supplementary educational programs to
2 upgrade those persons already employed or retrain
3 persons for new employment opportunities; and

4 E. Provide special programs for disadvantaged
5 and handicapped persons to permit them to take
6 maximum advantage of their aptitudes and inter-
7 ests-; and

8 Sec. 76. 20-A MRSA §10101, sub-§2, ¶F is enacted
9 to read:

10 F. Develop programs with the goal of enabling
11 recipients of Aid to Families with Dependent
12 Children to achieve educational and skill levels
13 that will allow them to compete for employment
14 which can eliminate their dependency on public
15 assistance.

16 Sec. 77. 20-A MRSA §10110, sub-§3, ¶A, as en-
17 acted by PL 1983, c. 468, §1, is amended to read:

18 A. Who has satisfactorily completed one academic
19 year of instruction in plumbing at a Maine
20 vocational-technical institute may take the
21 journeyman's examination and after passage of the
22 examination shall receive a journeyman-in-train-
23 ing license. After a minimum of 2,000 hours of
24 work in the field of plumbing installation as a
25 journeyman-in-training under the supervision of a
26 master plumber, that person shall receive a
27 journeyman's license, provided that the work ex-
28 perience is obtained within 4 years of the date
29 upon which he the individual was issued his a
30 journeyman-in-training license; or

31 Sec. 78. 20-A MRSA §10112 is enacted to read:

32 §10112. Educational opportunities for recipients of
33 Aid to Families with Dependent Children

34 In conjunction with the Maine Aid to Families
35 with Dependent Children Coordinating Committee estab-
36 lished pursuant to Title 22, section 3773, the
37 vocational-technical institute shall:

1 1. Placement. Promote opportunities for educa-
2 tional placement or recipients of Aid to Families
3 with Dependent Children who meet admissions require-
4 ments; and

5 2. Supportive services. Within available funds
6 for supportive services, make available to Aid to
7 Families with Dependent Children recipients admitted
8 to the institute opportunities for supportive ser-
9 vices which may include, but are not limited to, re-
10 medial courses and other prevocational preparation,
11 day care services, counseling services and other pro-
12 grams and services consistent with the policy and in-
13 tent of Title 22, chapter 1054.

14 Sec. 79. 20-A MRSA §10902, sub-§§16 and 17, as
15 enacted by Pl 1983, c. 97, §2, are amended to read:

16 16. Uniform course numbering. To provide for a
17 uniform system of the numbering of courses for equiv-
18 alent courses between the various units of the Uni-
19 versity of Maine; and

20 17. Uniform course descriptions. To provide for
21 a uniform system of course descriptions for equiva-
22 alent courses between the various units of the Univer-
23 sity of Maine; and

24 Sec. 80. 20-A MRSA §10902, sub-§18 is enacted to
25 read:

26 18. Aid to Families with Dependent Children re-
27 cipients. To develop programs with the goal of en-
28 abling recipients of Aid to Families with Dependent
29 Children to achieve educational and skill levels that
30 will assist them to compete for employment which can
31 eliminate their dependency on public assistance.

32 Sec. 81. 20-A MRSA §10905, as enacted by PL
33 1981, c. 693, §§5 and 8, is amended to read:

34 §10905. Treasurer; compensation

35 The trustees shall appoint a full-time treasurer
36 of the university. The treasurer shall give bond for
37 the faithful performance of his duties in an amount
38 and with such conditions and sureties as the trustees

1 may determine. The compensation of the treasurer
2 shall be set by the trustees.

3 Sec. 82. 20-A MRSA §10908 is enacted to read:

4 §10908. Educational opportunities for recipients of
5 Aid to Families with Dependent Children

6 In conjunction with the Maine Aid to Families
7 with Dependent Children Coordinating Committee oper-
8 ating pursuant to Title 22, chapter 1054, the Univer-
9 sity of Maine:

10 1. Placement. Shall promote opportunities for
11 educational placement for recipients of Aid to Fami-
12 lies with Dependent Children who meet applicable ad-
13 missions requirements; and

14 2. Supportive services. Within the limits of
15 available funds for supportive services, shall make
16 available to Aid to Families with Dependent Children
17 recipients admitted as students opportunities for
18 supportive services which may include, but are not
19 limited to, remedial educational courses, day care
20 services, counseling services and other programs and
21 services consistent with the policy and intent of Ti-
22 tle 22, chapter 1054.

23 Sec. 83. 20-A MRSA §11406, as enacted by PL
24 1981, c. 693, §§5 and 8, is amended to read;

25 §11406. Loans to minors

26 Notwithstanding any other law, if the borrower on
27 a loan insured under this program is a minor, an oth-
28 erwise valid note or other written agreement executed
29 by ~~him~~ the borrower for the purpose of the loan shall
30 create a binding obligation.

31 Sec. 84. 20-A MRSA §11601, sub-§3, as enacted by
32 PL 1981, c. 693, §§5 and 8, is amended to read:

33 3. Expected family contribution. The "expected
34 family contribution" means the amount which the fami-
35 ly of a student may be reasonably expected to con-
36 tribute toward his or her post-secondary education
37 for the academic year for which the student is seek-

1 ing a state student incentive scholarship. The meth-
2 od of determining "expected family contribution"
3 shall be uniformly applied to all students. It shall
4 be established by rules of the department. In estab-
5 lishing the method, the department shall consider
6 using the system as promulgated by the Secretary for
7 the Basic Educational Opportunity Grant Program pur-
8 suant to Section 411 of the United States Higher Edu-
9 cation Act of 1965, as amended, (20 United States
10 Code 1070a) or methods commonly used by colleges and
11 universities, such as those of the College Scholar-
12 ship Service or American College Testing Service.

13 Sec. 85. 20-A MRSA §11803, sub-§1, ¶B, as en-
14 acted by PL 1981, c. 693, §§5 and 8, is amended to
15 read:

16 B. That, on the conclusion of his or her profes-
17 sional education, including internship, residency
18 and obligated public health service and Armed
19 Forces' service, he or she shall pay the State an
20 amount of money equal to the state capitation
21 payment for the student position which he or she
22 occupied. The commissioner may adopt or amend
23 rules to define the conclusion of professional
24 education; and

25 Sec. 86. 20-A MRSA §11803, sub-§2, as enacted by
26 PL 1981, c. 693, §§5 and 8, is amended to read:

27 2. Forgiveness of indebtedness. The agreement
28 shall provide that 1/4 of the indebtedness shall be
29 forgiven for each year in which the state contract
30 student practices his or her profession within the
31 State in primary care or other specialized areas as
32 determined by the commissioner, with the advice of
33 the Advisory Committee on Medical Education. For
34 other state contract students returning to practice
35 their profession in Maine, 1/4 of their indebtedness
36 shall be forgiven for each of the first 2 years of
37 practice.

38 Sec. 87. 20-A MRSA §11804, sub-§3, as enacted by
39 PL 1983, c. 422, §22, is amended to read:

1 3. Forgiveness. Any student who, upon the con-
2 clusion of his or her professional education, includ-
3 ing, if applicable, internship, residency and obli-
4 gated public health service, elects to serve as a
5 general, family, pediatric or veterinary practitioner
6 in an underserved rural geographic area in the State
7 shall be forgiven 20% of the indebtedness, as deter-
8 mined in subsection 2, for each of the first 5 years
9 of that service.

10 Sec. 88. 20-A MRSA §12002, sub-§2, as enacted by
11 PL 1981, c. 693, §§5 and 8, is amended to read:

12 2. Continuity. The program shall be a continu-
13 ing one. The commissioner shall include in ~~his~~ the
14 commissioner's biennial budget an appropriate request
15 adequate to fund the loan program.

16 Sec. 89. 20-A MRSA §12004, sub-§2, as enacted by
17 PL 1981, c. 693, §§5 and 8, is amended to read:

18 2. Initial interest. The loan shall be granted
19 to the applicant with no interest or principal pay-
20 ments until one year after he or she has ended his or
21 her attendance at that osteopathic college or univer-
22 sity.

23 Sec. 90. 20-A MRSA §12404, as enacted by PL
24 1981, c. 693, §§5 and 8, is amended to read:

25 §12404. Application

26 A student meeting the requirements of properly
27 accredited institutions may apply for a grant, not
28 exceeding \$3,000 a year, for the purpose of paying
29 his or her tuition, room, board, books and other
30 costs of attending that institution.

31 Sec. 91. 20-A MRSA §13003, sub-§2, as repealed
32 and replaced by PL 1983, c. 39, §2, is amended to
33 read:

34 2. Penalty. A person not certified under sec-
35 tion 13001 is barred from receiving any salary or
36 fringe benefits if he or she teaches or performs any
37 other professional function in a public school and:

1 A. He or she has never held the required certifi-
2 cate; or

3 B. He or she knew or should have known that his
4 or her certificate had expired. Prima facie evi-
5 dence of that knowledge would be records on file
6 in either the department or the employing school
7 administrative unit that he or she was notified
8 that his or her certificate had lapsed or that it
9 would be lapsing on a given date.

10 The person shall forfeit to the employing school ad-
11 ministrative unit any salary or fringe benefits re-
12 ceived in violation of this subsection.

13 Sec. 92. 20-A MRSA §13004, sub-§2, as enacted by
14 PL 1981, c. 693, §§5 and 8, is amended to read:

15 2. Records confidential. Transcripts, recommen-
16 dations and other documents submitted in support of
17 an application for certification or collected by the
18 department for verification of certification records
19 and maintained in the office of the commissioner
20 shall be confidential. They may only be made availa-
21 ble to the following:

22 A. School boards and superintendents;

23 B. Authorized personnel of the department in
24 fulfilling assigned duties; and

25 C. Individuals and their representatives who re-
26 quest to examine their own records.

27 Sec. 93. 20-A MRSA §13201, 4th ¶, as enacted by
28 PL 1981, c. 693, §§5 and 8, is amended to read:

29 After a probationary period of 2 years, any
30 teacher, who receives notice in accordance with this
31 section that his or her contract is not going to be
32 renewed, may during the 15 days following such noti-
33 fication request a hearing with the school board.
34 The teacher may request reasons. The hearing shall
35 be private except by mutual consent and except that
36 either or both parties may be represented by counsel.
37 That hearing must be granted within 30 days of the
38 receipt of the teacher's request.

1 Sec. 94. 20-A MRSA §13601, sub-§2, ¶B, as en-
2 acted by PL 1981, c. 693, §§5 and 8, is amended to
3 read:

4 B. The teacher was eligible to receive sick
5 leave in his or her previous position at the time
6 of his or her termination of employment.

7 Sec. 95. 20-A MRSA §13902, sub-§2, as enacted by
8 PL 1981, c. 693, §§5 and 8, is amended to read:

9 2. Designated state official. "Designated state
10 official" means the education official of a state se-
11 lected by that state to negotiate and enter into, on
12 behalf of his or her state, contracts pursuant to
13 this agreement.

14 Sec. 96. 20-A MRSA §15503, sub-§3, ¶B, as en-
15 acted by PL 1981, c. 693, §§5 and 8, is amended to
16 read:

17 B. A student graduating from grade 12 during the
18 base year prior to April 1st shall be counted as
19 though he the student were in attendance on April
20 1st of that year.

21 Sec. 97. 20-A MRSA §15510, sub-§6, ¶A, as en-
22 acted by PL 1981, c. 693, §§5 and 8, is amended to
23 read:

24 A. Notwithstanding any other provision of this
25 chapter, if students attend nonpublic schools
26 that are not operated for profit in whole or in
27 part, the commissioner shall reimburse 50% of the
28 expenditures of the base year for providing ser-
29 vices to these nonpublic school students as au-
30 thorized by Title 30, section 5104, subsections 5
31 to 8. Municipal officers shall report these ex-
32 penditures to the commissioner on forms provided
33 by ~~him~~ the commissioner.

34 Sec. 98. 20-A MRSA §15519 is enacted to read:

35 §15519. Approval to expend school funds by municipi-
36 palities

1 No money appropriated by law for public schools
2 may be paid from the treasury of any municipality ex-
3 cept upon written order of its municipal officers.
4 No such order shall be drawn by the officers except
5 upon presentation of a properly avouched bill of
6 items, that bill of items having first been approved
7 by a majority of the members of the school committee
8 and certified by the superintendent of schools.

9 Sec. 99. 20-A MRSA §15704, sub-§2, ¶B, as en-
10 acted by PL 1981, c. 693, §§5 and 8, is amended to
11 read:

12 B. The Treasurer of State or his or her deputy,
13 ex officio, as a nonvoting member; and

14 Sec. 100. 20-A MRSA §15707, sub-§3, as enacted
15 by PL 1981, c. 693, §§5 and 8, is amended to read:

16 3. Form. The authority shall determine the form
17 of the bonds, including interest coupons to be at-
18 tached, the denomination of the bonds and the places
19 of payment of principal and interest. The authority
20 may designate a bank or trust company within or with-
21 out the State for these payments. The bonds and at-
22 tached coupons shall be signed by the chairman of the
23 authority or shall bear his or her facsimile signa-
24 ture. The official seal of the authority shall be
25 impressed on the bonds and attested by the secretary
26 and treasurer. If any officer whose signature or a
27 facsimile of whose signature appears on bonds or cou-
28 pons shall cease to be an officer before the delivery
29 of the bonds, the signature or facsimile shall never-
30 theless be valid and sufficient for all purposes.

31 Sec. 101. 20-A MRSA §15714, as enacted by PL
32 1981, c. 693, §§5 and 8, is amended to read:

33 §15714. Remedies

34 A holder of bonds or coupons and the trustee un-
35 der a trust agreement, except to the extent the
36 rights may be restricted by that trust agreement,
37 may, by civil action, protect and enforce all his or
38 her applicable rights and may enforce and complete
39 the performance of all duties required by this chap-
40 ter.

1 Sec. 102. 20-A MRSA §16104, first ¶, as enacted
2 by PL 1981, c. 693, §§5 and 8, is amended to read:

3 If the owner is aggrieved at the damages awarded
4 him or her under this chapter, he or she may appeal
5 to the Superior Court of the county in which the land
6 or any part of it lies.

7 STATEMENT OF FACT

8 The purposes of this new draft are as follows:

9 Sections 1 to 18 correct gender designations to
10 conform with the Revised Statutes, Title 20-A, sec-
11 tion 4;

12 Section 19, in the Revised Statutes, Title 20,
13 the reference to a special budget meeting was con-
14 tained within the same section as the language autho-
15 rizing the holding of a regular budget meeting.
16 There is no cross reference in the Revised States,
17 Title 20-A, as to what type of meeting should be
18 held. This change clarifies that the meeting is to
19 be held in accordance with the procedures set forth
20 in the Revised Statutes, Title 20-A, sections 1302 to
21 1307 and not in accordance with the alternative vot-
22 ing procedures of the Revised Statutes, Title 20-A,
23 section 1305;

24 Sections 20 to 24 correct gender designations to
25 conform with Title 20-A, section 4;

26 Section 25 clarifies that it is the school board
27 member who could appoint a person to fill a vacancy;

28 Section 26 repeals a section which is reenacted
29 in a more logical place by section 98;

30 Section 27 corrects a section cross reference;

31 Sections 28 to 43 correct gender designations to
32 conform with Title 20-A, section 4;

33 Section 44 clarifies that the section refers to
34 the approval of public not private schools;

1 Sections 45 and 46 correct gender designations to
2 conform with Title 20-A, section 4;

3 Section 47 corrects references to federal stat-
4 utes;

5 Sections 48 to 55 make necessary corrections in
6 the compulsory school attendance law and related pro-
7 visions concerning truants, habitual truants and
8 dropouts, and equivalent and alternative instruction
9 programs. The changes are necessary because of inad-
10 vertent omissions and errors made in the recodifica-
11 tion of the Revised Statutes, Title 20. The present
12 language has limited the enforcement of the truancy
13 law formerly held by school administrative units un-
14 der Title 20. These amendments are limited to the
15 restoration of the language and legislative intent
16 found in the repealed section of the Revised Statutes
17 Title 20, and do not attempt to deal with any recog-
18 nized or suggested need for substantive changes;

19 Sections 56 and 57 clarify that a student is eli-
20 gible to enroll in school in the community in which
21 the student resides, that residence is based on the
22 parents' place of residence, and that the school
23 board can make rules implementing these provisions;

24 Sections 58 to 74 corrects gender designations to
25 conform with the Revised Statutes, Title 20-A, sec-
26 tion 4;

27 Sections 75 and 76 add a section dealing with Aid
28 to Families with Dependent Children recipients which
29 was omitted when the laws passed in the first session
30 of the 110th Legislature were incorporated into the
31 Revised Statutes Title 20-A;

32 Section 77 corrects gender designations to con-
33 form with the Revised Statutes, Title 20-A, section
34 4;

35 Sections 78 to 80 add a section dealing with Aid
36 to Families with Dependent recipients which was omit-
37 ted when the laws passed in the first session of the
38 110th Legislature were incorporated into the Revised
39 Statutes Title 20-A;

1 Section 81 corrects a gender designation to conform with Title 20-A, section 4;
2

3 Section 82 adds a section dealing with Aid to
4 Families with Dependent Children recipients which was
5 omitted when the laws passed in the first session of
6 the 110th Legislature were incorporated in the Revised Statutes, Title 20-A;
7

8 Sections 83 to 91 correct gender designations to conform with the Revised Statutes, Title 20-A, section 4;
9
10

11 Section 92 clarifies that records to verify that
12 a teacher holds a valid certificate are also confidential records;
13

14 Sections 93 to 97 correct gender designations to conform with the Revised Statutes, Title 20-A, section 4;
15
16

17 Section 98 reenacts language repealed in section
18 24, but in a more logical place in the title; and

19 Sections 99 to 102 correct gender designations to conform with the Revised Statutes, Title 20-A, section 4.
20
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