

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 2271

6  
7 S.P. 904

In Senate, March 26, 1986

8 Submitted by the Department of Educational and Cultural Services  
9 pursuant to Joint Rule 24.

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Brown of Washington.

11 Cosponsored by Representative Bost of Orono and Representative  
Matthews of Caribou.

12 STATE OF MAINE  
13

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

17 AN ACT to Amend and Improve the Education  
18 Laws of Maine.  
19

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

22 Sec. 1. 5 MRSA §4602, sub-§1, ¶A, as enacted by  
23 PL 1983, c. 578, §3, is amended to read:

24 A. Exclude a person from participation in, deny  
25 a person the benefits of, or subject a person to,  
26 discrimination in any academic, extracurricular,  
27 research, occupational training or other program  
28 or activity;

29 Sec. 2. 5 MRSA §12004, sub-§8, ¶A, sub-¶(5-A) is  
30 enacted to read:

31 (5-A) Education Maine State Com- Expenses 27 MRSA §401  
32 mission on the Only  
33 Arts and the  
34 Humanities

1           Sec. 3. 5 MRSA §12004, sub-§10, ¶A, sub-¶(15) is  
2 repealed.

3           Sec. 4. 13 MRSA §3167, as amended by PL 1973, c.  
4 628, §5, is further amended to read:

5           § 3167. Income to support schools

6           All income derived from such ministerial and  
7 school lands, and from the rents and profits of real  
8 and personal estate held under section 3166, shall be  
9 annually applied to the support of public schools in  
10 the town or the schooling or resident students, and  
11 expended like other school ~~moneys~~ money.

12           Sec. 5. 13 MRSA §4001, sub-§5, as amended by PL  
13 1981, c. 698, §83, is further amended to read:

14           5. Institution. "Institution" means an incorpo-  
15 rated or unincorporated organization organized and  
16 operated exclusively for educational purposes and  
17 subject to Title 20, ~~sections 2202-A to 2204-A~~ 20-A,  
18 sections 10701 to 10710.

19           Sec. 6. 20 MRSA §§1755 and 1756, as enacted by  
20 PL 1983, c. 470, §4, are repealed.

21           Sec. 7. 20-A MRSA §202, sub-§1-A is enacted to  
22 read:

23           1-A. Commissioner of Educational and Cultural  
24 Services. The Commissioner of Educational and Cultur-  
25 al Services.

26           Sec. 8. 20-A MRSA §202, sub-§15, as enacted by  
27 PL 1981, c. 693, §§5 and 8, is amended to read:

28           15. Educational bureaus. The Bureau of Vocation-  
29 al Education, the Bureau of Instruction and the Bu-  
30 reau of School Management;

31           Sec. 9. 20-A MRSA §253, sub-§1, as amended by PL  
32 1983, c. 859, Pt. A, §§1 and 25, is further amended  
33 to read:

34           1. General duties. The commissioner shall exer-  
35 cise the powers and perform the duties granted to the

1 department and enforce the requirements ~~to~~ the  
2 department in this Title and shall devote full time  
3 to the duties of the office. The commissioner may  
4 adopt rules to carry out the responsibilities of the  
5 office under this Title.

6 Sec. 10. 20-A MRSA §405, sub-§3, ¶¶P and Q, as  
7 enacted by PL 1981, c. 693, §§5 and 8, is amended to  
8 read:

9 P. Establish a student loan insurance program;  
10 and

11 Q. Serve as state agency for administering fed-  
12 eral funds for construction of school facilities  
13 and for vocational education; and

14 Sec. 11. 20-A MRSA §405, sub-§3, ¶R, as enacted  
15 by PL 1981, c. 693, §§5 and 8, is repealed.

16 Sec. 12. 20-A MRSA §405, sub-§7 is enacted to  
17 read:

18 7. Federal vocational education aid. The state  
19 board shall administer any federal funds received for  
20 the benefit of vocational education programs in the  
21 State. As the designated state agency authorized to  
22 administer federal funds, the board shall develop a  
23 state plan, approve the State's application for voca-  
24 tional education funds and disburse federal money as  
25 authorized and required by applicable federal law.

26 Sec. 13. 20-A MRSA §1055, sub-§1, ¶D, as re-  
27 pealed and replaced by PL 1983, c. 422, §1 and c.  
28 485, §6, is repealed and the following enacted in its  
29 place:

30 D. Issue vouchers showing the correctness of  
31 bills contracted on account of school appropria-  
32 tions.

33 Sec. 14. 20-A MRSA §1258, sub-§2, as amended by  
34 PL 1983, c. 859, Pt. A, §§5 and 25, is repealed and  
35 the following enacted in its place:

36 2. Contracts for secondary school programs. In  
37 addition to the provisions for a secondary school fa-

1 cility set forth in subsection 1, a district may con-  
2 tract with a nearby school administrative unit or  
3 with a private school approved for tuition purposes  
4 for all or part of its secondary school pupils. The  
5 contract may run from a period of 2 to 10 years. The  
6 contract shall also comply with section 2703 and may  
7 provide for the formation of a joint committee in ac-  
8 cordance with section 2704.

9       Sec. 15. 20-A MRSA §1311, sub-§2, as enacted by  
10 PL 1981, c. 693, §§5 and 8, is amended to read:

11       2. Voters approval. Bonds or notes for school  
12 construction purposes shall first be approved by a  
13 majority of voters of the district voting at an elec-  
14 tion called by the board of directors and held as  
15 provided in sections ~~1251 to 1254~~ 1351 to 1354, ex-  
16 cept as is otherwise provided in this section.

17       A. Each bond or note shall have inscribed upon  
18 its face the name of the district, the date it  
19 was issued, the amount of the bond or note and  
20 the annual interest rate, payable semiannually.  
21 Each bond or note shall be in the form and be  
22 sold in the manner, at public or private sale, as  
23 the board of directors shall determine in accord-  
24 ance with state law. Bonds may not be sold for  
25 less than par.

26       B. Notes or bonds issued by a district shall be  
27 signed by the treasurer or assistant superintend-  
28 ent and countersigned by the chairman of the  
29 board of directors of the district. If coupon  
30 bonds are issued, each coupon shall be attested  
31 by a facsimile signature of the treasurer.

32       C. Each issue of bonds shall mature in substan-  
33 tially equal annual installments so that the  
34 first installment shall be payable not later than  
35 2 years and the last installment not later than  
36 25 years after the date of issue.

37       Sec. 16. 20-A MRSA §1353, sub-§2, ¶A, as amended  
38 by PL 1983, c. 422, §10, is further amended to read:

39       A. The voting at referendum held in towns shall  
40 be held and conducted in accordance with Title

1 30, sections 2054, 2061 to 2065, even though the  
2 town has not accepted the provisions of Title 30,  
3 sections 2061 and 2062. The facsimile signature  
4 of the clerk under Title 30, section 2061, sub-  
5 section 5, paragraph F, shall be that of the  
6 chairman of the board of directors. If a dis-  
7 trict referendum is called to be held simulta-  
8 neously with any statewide election, the voting  
9 in towns shall be held and conducted in accord-  
10 ance with Title 21, except that the duties of the  
11 Secretary of State shall be performed by the  
12 board. The absentee voting procedure of Title 21  
13 shall be used, except the duties of the Secretary  
14 of State shall be performed by the board.

15 Sec. 17. 20-A MRSA §2701, as enacted by PL 1981,  
16 c. 693, §§5 and 8, is amended to read:

17 §2701. Authority to contract for school privileges

18 The legislative body of a school administrative  
19 unit, other than a school administrative district,  
20 which does not maintain any of the grades between  
21 kindergarten to grade 12, may authorize its school  
22 board to contract with another school for school  
23 privileges for all or a part of its resident students  
24 in those grades for a term of from 2 to 10 years.

25 Sec. 18. 20-A MRSA §2901, sub-§1, as enacted by  
26 PL 1981, c. 693, §§5 and 8, is amended to read:

27 1. Hygiene, health, safety. Meets the standards  
28 for hygiene, health and safety under Titles 22 and 25  
29 established by applicable law and rule; and

30 Sec. 19. 20-A MRSA §2901, sub-§2, ¶B, as enacted  
31 by PL 1981, c. 693, §§5 and 8, is amended to read:

32 B. Meets all requirements of this Title pertain-  
33 ing to private schools and the department's re-  
34 quirements for approval for attendance purposes  
35 adopted under section 2902.

36 Sec. 20. 20-A MRSA §2902, sub-§3, as enacted by  
37 PL 1981, c. 693, §§5 and 8, is repealed and the fol-  
38 lowing enacted in its place:

1           3. Courses required by law. Provide instruction  
2 in elementary schools as specified in section 4711  
3 and in secondary schools as specified in sections  
4 4722, 4723 and 4724.

5           Sec. 21. 20-A MRSA §2902, sub-§6, ¶E, as enacted  
6 by PL 1981, c. 693, §§5 and 8, is amended to read:

7           E. Maintain adequate, ~~safety~~ safely protected  
8 records; and

9           Sec. 22. 20-A MRSA §2902, sub-§7, as enacted by  
10 PL 1981, c. 693, §§5 and 8, is amended to read:

11           7. Approval rules. Meet the requirements appli-  
12 cable to the approval of private schools for attend-  
13 ance purposes ~~established~~ adopted jointly by the  
14 state board ~~pursuant to section 405, subsection 3,~~  
15 ~~paragraph E~~ and the commissioner.

16           Sec. 23. 20-A MRSA §2954, as amended by PL 1983,  
17 c. 859, Pt. A, §§10 and 25, is further amended to  
18 read:

19 §2954. Rules of commissioner

20           The commissioner may adopt rules regarding tui-  
21 tion charges, accounting, audits, contracts and other  
22 aspects of ~~seheeling~~ seheeling ~~privileges~~ privileges ~~arranged~~  
23 relationships between a private secondary ~~seheel~~  
24 schools and school administrative ~~unit~~ relationships  
25 units.

26           Sec. 24. 20-A MRSA §3003, is enacted to read:

27 §3003. Rules of commissioner

28           The commissioner may adopt rules regarding tui-  
29 tion charges, accounting, audits, contracts and other  
30 aspects of relationships between private schools and  
31 school administrative units.

32           Sec. 25. 20-A MRSA §3273, sub-§3, as enacted by  
33 PL 1985, c. 490, §8, is amended to read:

34           3. Process. Warrants and legal process issued  
35 by a court to enforce this section may be directed to

1 and executed by the any attendance officer of the  
2 school administrative unit where the offense is al-  
3 leged to have been committed appointed by the  
4 commissioner.

5 Sec. 26. 20-A MRSA §3273, sub-§4, ¶B, as en-  
6 acted by PL 1985, c. 490, §8, is amended to read:

7 B. All forfeitures in paragraph A shall be paid  
8 to the treasurer of the school administrative  
9 unit in which the offense was committed for the  
10 support of its public schools Treasurer of State  
11 to be deposited in the Unorganized Territory  
12 School Fund for the support of schools in the un-  
13 organized territory.

14 Sec. 27. 20-A MRSA §4501, as enacted by PL 1983,  
15 c. 859, Pt. A, §§20, 25 is amended to read:

16 §4501. Duty of school units

17 In accordance with the policy expressed in sec-  
18 tion 2, every school administrative unit shall raise  
19 and support annually sufficient funds to maintain or  
20 support elementary and secondary schools to provide  
21 free education for its resident students at all grade  
22 levels. These schools shall meet the requirements of  
23 the basic school approval.

24 Sec. 28. Effective date. Section 27 of this Act  
25 shall take effect August 1, 1988.

26 Sec. 29. 20-A MRSA §5204, sub-§4, as enacted by  
27 PL 1981, c. 693, §§5 and 8, is amended to read:

28 4. No secondary school. Secondary students  
29 whose parents reside in a unit which neither main-  
30 tains a secondary school nor contracts for secondary  
31 school privileges may attend a private school ap-  
32 proved for tuition purposes, a public school in an  
33 adjoining unit which accepts tuition students, or a  
34 school approved for tuition purposes in another state  
35 or country to which the student may gain entrance by  
36 permission of responsible school officials. The  
37 school administrative unit where the students' par-  
38 ents reside shall pay tuition in the amount up to the  
39 legal tuition rate as defined in chapter 219.



1           Sec. 30. 20-A MRSA §5205, sub-§2, as enacted by  
2 PL 1981, c. 693, §§5 and 8, is amended to read:

3           2. Other students not living at home. A student  
4 other than a state ward, residing with another person  
5 who is not the student's parent, shall be considered  
6 a resident of the school administrative unit where  
7 the student resides if the superintendent of the unit  
8 determines that it is in the best interest of the  
9 student because of the following:

10           A. It is undesirable and impractical for that  
11 student to reside with the student's parent, or  
12 that other extenuating circumstances exist which  
13 justify residence in the unit; and

14           B. That person is residing in the school admin-  
15 istrative unit for other than just education pur-  
16 poses.

17 The commissioner shall review the superintendent's  
18 ~~findings under paragraph B,~~ determination on the re-  
19 quest of ~~that the~~ student's parent. The commissioner's  
20 decision shall be final and binding.

21           Sec. 31. 20-A MRSA §5601, sub-§3, as amended by  
22 PL 1985, c. 490, §17, is repealed and the following  
23 enacted in its place:

24           3. Unorganized territory. The commissioner may  
25 pay the board of students from the unorganized terri-  
26 tory as provided in sections 3252 and 3253-A.

27           Sec. 32. 20-A MRSA §5803, as enacted by PL 1981,  
28 c. 693, §§5 and 8, is amended to read:

29           §5803. Two years' notice

30           A school administrative unit which receives tuition  
31 students shall give at least 2 years' notice to  
32 a sending school administrative unit before discontinuing  
33 the acceptance of tuition students. The receiving unit  
34 shall file a copy of the notice with the commissioner.  
35 If the school board of a receiving unit fails to give a  
36 proper 2-year notice, the commissioner may authorize  
37 withholding school construction aid until that receiving  
38 unit complies take enforcement action as authorized by  
39 section 6801-A.

1           Sec. 33. 20-A MRSA §6051, as enacted by PL  
2 1981, c. 693, §5 and 8, is repealed and the following  
3 enacted in its place:

4           §6051. School administrative units

5           1. Audit. A school board shall provide for an  
6 annual audit of the school administrative unit. The  
7 audit shall include the following:

8           A. Accountability of all revenues and expendi-  
9 tures;

10          B. A determination of whether or not proper bud-  
11 getary controls are in place;

12          C. A determination of whether or not the annual  
13 financial report submitted to the department is  
14 correct;

15          D. An audit of all federal programs in accord-  
16 ance with applicable federal law;

17          E. A determination as to whether the school ad-  
18 ministrative unit has complied with applicable  
19 provisions of the Maine School Finance Act; and

20          F. Any other information which the commission  
21 may require.

22          2. Fiscal year. The fiscal year of an audit  
23 shall be from July 1st to June 30th, except that au-  
24 dits of federal programs shall conform to federal re-  
25 quirements.

26          3. Auditors. Audits shall be conducted by ei-  
27 ther the Department of Audit or qualified certified  
28 public accountants or public accountants registered  
29 by the Board of Accountancy.

30          4. Report to the commissioner. On or before De-  
31 cember 1st, the audit firm shall provide the commis-  
32 sioner with:

33          A. A copy of the audit; and

1           B. Written assurance that the audit has been  
2           conducted in accordance with applicable state and  
3           federal law relating to financial and compliance  
4           audits.

5           5. Records. Financial records and accounts  
6           shall be kept for 7 years after the end of the fiscal  
7           year and shall be available to the auditors and any  
8           other upon request.

9           Sec. 34. 20-A MRSA §6401, sub-§2, ¶D, as enacted  
10          by PL 1981, c. 693, §§5 and 8, is amended to read:

11          D. To clarify legal issues, define liability and  
12          interpret new legislation to disseminate informa-  
13          tion concerning the legal responsibilities of  
14          school nursing personnel;

15          Sec. 35. 20-A MRSA §6801-A, sub-§5, as enacted  
16          by PL 1983, c. 859, Pt. A, §§24 and 25, is amended to  
17          read:

18          5. Complaint process. A complaint, that alleges  
19          that a school administrative unit is not in compli-  
20          ance with the requirements of this Title or of rules  
21          adopted by the department, shall be filed pursuant to  
22          the requirements for a petition under section 258  
23          258-A.

24          Sec. 36. 20-A MRSA §6803, as enacted by PL 1981,  
25          c. 693, §§5 and 8, is repealed and the following en-  
26          acted in its place:

27          §6803. Fraud; false certification

28          Any school officer, employee or agent who makes a  
29          written false statement on a report or document sub-  
30          mitted to the department pursuant to this Title  
31          shall, upon conviction in a criminal proceeding, be  
32          subject to the applicable penalties in Title 17-A.

33          Sec. 37. 20-A MRSA §7207-B, sub-§4, as enacted  
34          by PL 1985, c. 318, §3, is amended to read:

35          4. Hearing officers, immunity. The State shall  
36          train impartial hearing officers. For purposes of  
37          the Maine Tort Claims Act only, Title 14, chapter

1 741, hearing officers, while they are carrying out  
2 their official duties as hearing officers, shall be  
3 considered state employees and shall be entitled to  
4 the immunity provided state employees under the Maine  
5 Tort Claims Act.

6 Sec. 38. 20-A MRSA §§8302, 8303 and 8304, as en-  
7 acted by PL 1981, c. 693, §§5 and 8, are repealed.

8 Sec. 39. 20-A MRSA §8457, sub-§1, as enacted by  
9 PL 1981, c. 693, §§5 and 8, is amended to read:

10 1. Duties. A cooperative board shall have all  
11 the rights and duties of a school board as provided  
12 in section 1001, subsections 1 to 8, ~~§§ 11-A~~ and 12;  
13 section 1002; section 1256, subsections 1, 2 and 4 to  
14 7; section 1257; sections 1313 to 1315; section 2501;  
15 section 4801; section 13201; and section 13202.

16 Sec. 40. 20-A MRSA §8461, sub-§2, ¶C, as enacted  
17 by PL 1981, c. 693, §§5 and 8, is amended to read:

18 C. The chairman shall add these votes and the  
19 cooperative board shall make a finding of fact  
20 and enter in its records the total vote in the  
21 affirmative and in the negative.

22 (1) If the total affirmative votes exceed  
23 the total negative votes, the cooperative  
24 board shall declare that the budget has been  
25 approved.

26 (2) If any article within the budget fails  
27 to pass, or if a special budget meeting is  
28 called to pledge the credit of the district  
29 after the board has declared an emergency  
30 exists, the board may prepare a new budget  
31 or special budget and submit the necessary  
32 articles to a budget meeting of the voca-  
33 tional region called in the manner set forth  
34 in section 8462.

35 Sec. 41. 20-A MRSA c. 316 is enacted to read:

36 CHAPTER 316

37 DRIVER EDUCATION

1     §8701. Driver education

2             Approved secondary schools may offer courses in  
3 driver education.

4     §8702. Curriculum

5             A driver education course offered to meet the re-  
6 quirements of Title 29, section 583, shall meet the  
7 curriculum requirements prescribed by the commissioner,  
8 include both classroom instruction and practice  
9 driving and be approved by the commissioner.

10    §8703. Instructors

11            Instructors shall hold certification to teach  
12 driver education.

13            1. Regular certification. Only persons certi-  
14 fied by the commissioner as a driver education teach-  
15 er may be employed by a school unit or private school  
16 to teach driver education.

17            2. Temporary certification. If a certified in-  
18 structor is not available to teach driver education  
19 and the school board or private school so requests,  
20 the commissioner may grant a temporary certificate to  
21 any person who holds a Class A license issued by the  
22 Board of Commercial Driver Education pursuant to Ti-  
23 tle 32, section 9601, subsection 2 and section 9603.

24            3. Contracts. A school unit or private school  
25 may contract with a commercial driver education  
26 school to provide driver education as part of the  
27 secondary school curriculum provided that any in-  
28 structor must be properly certified.

29    §8704. Fee charged

30            A public secondary school may provide driver edu-  
31 cation after the regular school day during the school  
32 year as part of its secondary course of study and may  
33 charge a fee based upon per pupil costs, but may not  
34 allow credit toward a high school diploma for that  
35 paid instruction.

36    §8705. Departmental personnel

1       The commissioner shall employ necessary person-  
2 nel, subject to the terms of the Personnel Law, to  
3 implement this chapter.

4       §8706. Rules

5       The commissioner shall adopt rules to implement  
6 this chapter.

7       Sec. 42. 20-A MRSA §8801, as amended by PL 1983,  
8 c. 806, §73, is further amended to read:

9       §8801. Summer schools; standards; approval

10       Standards for summer schools shall be as follows.

11       1. Standards. The state board and the  
12 commissioner shall jointly adopt or amend rules to  
13 establish standards consistent with section 4401 ba-  
14 sic school approval requirements for summer schools  
15 offering credit toward graduation from a Maine ele-  
16 mentary or secondary school.

17       2. Approval. The state board shall direct an  
18 inspector commissioner may inspect any summer school  
19 after which they he may approve and grant a certifi-  
20 cate to a school that maintains these approval stan-  
21 dards. The expense of inspection shall be paid by  
22 the department.

23       Sec. 43. 20-A MRSA §9001, as amended by PL 1983,  
24 c. 68, is repealed and the following enacted in its  
25 place:

26       §9001. Program

27       The commissioner may conduct a program to provide  
28 fire training and education for members of municipal  
29 fire departments, incorporated volunteer fire depart-  
30 ments, industrial fire brigades, institutional fire  
31 brigades and the general public, to be known as Maine  
32 Fire Training and Education.

33       1. Voluntary participation. The commissioner  
34 may not require participation in these programs by a  
35 member of a municipal fire department, incorporated  
36 volunteer fire department, industrial fire brigades,

1 institutional fire brigades and the general public.  
2 The commissioner shall not use participation and edu-  
3 cation Maine Fire Service and Education as a condi-  
4 tion of eligibility to receive funds for training and  
5 education programs.

6 2. Fees. The commissioner may charge a fee for  
7 the training and education of private industrial fire  
8 brigades. The amount of the fee shall reflect, but  
9 not be limited to, instructional material and admin-  
10 istrative costs.

11 Sec. 44. 20-A MRSA §9002, as amended by PL 1983,  
12 c. 812, §§106 and 107, is further amended to read:

13 §9002. Advisory committee

14 An advisory committee, established by Title 5,  
15 section 12004, subsection 10, shall advise the com-  
16 missioner in the administration of ~~section 9001~~ Maine  
17 Fire Service Training and Education programs.

18 1. Establishment. The commissioner shall ap-  
19 point a ~~13-member~~ 17-member advisory committee as  
20 follows:

21 A. One municipal chief, one call chief and one  
22 volunteer chief recommended by the Maine Fire  
23 Chiefs' Association, Inc.;

24 B. One municipal firefighter, one call  
25 firefighter and one volunteer firefighter recom-  
26 mended by the Maine Federation of Firefighters,  
27 Inc.;

28 C. One city or town manager and one selectman  
29 recommended by the Maine Municipal Association,  
30 Inc.;

31 D. One member of an industrial or institutional  
32 fire brigade recommended by the Maine Safety  
33 Council;

34 E. One representative from the field of insur-  
35 ance recommended by the Maine Insurance Associa-  
36 tion, Inc.;

1 F. Two members recommended by the Maine Council  
2 of Firefighters, Inc.; and

3 G. One member from the general public;

4 H. Two members recommended by the Southern Maine  
5 Vocational-Technical Institute Fire Science Craft  
6 Committee; and

7 I. Two members recommended by the Eastern Maine  
8 Vocational-Technical Institute Fire Science Craft  
9 Committee.

10 2. Term of office. Members shall be appointed  
11 for a term of 3 years.

12 3. Chairman. The committee shall elect a member  
13 as chairman.

14 4. Expenses. The members shall be compensated  
15 according to the provisions of Title 5, chapter 379.

16 5. Nonvoting representative. ~~The department's~~  
17 ~~consultant for the fire service training program~~  
18 Southern Maine Vocational-Technical Institute's Ad-  
19 ministrators of Fire Training and Education shall be a  
20 nonvoting representative of the department.

21 Sec. 45. 20-A MRS §9003, as enacted by PL 1981,  
22 c. 693, §§5 and 8, is repealed and the following en-  
23 acted in its place:

24 §9003. State agents for federal programs

25 The following provisions shall apply to federal  
26 fire programs in the State.

27 1. State agent. The commissioner shall be the  
28 state agent to be contacted by the United States Fire  
29 Prevention and Control Administration on matters re-  
30 lating to the United States Fire Prevention and Con-  
31 trol Act of 1974, Public Law 93-498.

32 2. State testing agency. Maine Fire Training  
33 and Education shall be the state testing agency for  
34 the National Professional Qualification Board of the  
35 Joint Council of Fire Services Organizations.



1           3. Fire department certificates. Maine Fire  
2 Training and Education shall be the state agency to  
3 award certificates to personnel of municipal and in-  
4 corporated volunteer fire departments. The perform-  
5 ance competency standards to be used by this agency  
6 in awarding certificates shall be those established  
7 by the Joint Council of Fire Service Organizations.

8           Sec. 46. 20-A MRSA §12004, sub-§1, as enacted by  
9 PL 1981, c. 693, §§5 and 8, is amended to read:

10           1. Agreement. A student commencing professional  
11 education between September 1, ~~1977~~ 1971 and June 30,  
12 1981, as a condition of receiving a loan, shall enter  
13 into an agreement with the State that the student,  
14 after the completion of an internship, residency, ob-  
15 ligated public health service or Armed Forces' ser-  
16 vice, shall enter in the practice of osteopathic med-  
17 icine in this State and continue in that practice for  
18 a period of one year for each \$2,000 of the loan uti-  
19 lized.

20           Sec. 47. 20-A MRSA §13201, as amended by PL  
21 1983, c. 806, §93, is repealed and the following en-  
22 acted in its place:

23           §13201. Nomination and election of teachers; teacher  
24 contracts

25           1. Nomination; election, renewal of contracts.  
26 The superintendent shall nominate all teachers, sub-  
27 ject to the rules governing salaries and the qualifi-  
28 cations of teachers as the school board makes. Upon  
29 the approval of nominations, by the school board, the  
30 superintendent may employ certified teachers so nomi-  
31 nated and approved for such terms as the superintend-  
32 ent may deem proper, subject to the approval of the  
33 school board. In case the superintendent of schools  
34 and the school board fails to legally elect a teach-  
35 er, the commissioner shall have the authority to ap-  
36 point a substitute teacher who shall serve until the  
37 election is made.

38           After a probationary period not to exceed 2 years,  
39 subsequent contracts of duly certified teachers shall  
40 be for not less than 2 years. Unless a duly certi-  
41 fied teacher receives written notice to the contrary

1 at least 6 months before the terminal date of the  
2 contract, the contract shall be extended automatical-  
3 ly for one year and similarly in subsequent years.  
4 The right to an extension for a longer period of time  
5 through a new contract is specifically reserved to  
6 the contracting parties.

7 Just cause for dismissal or nonrenewal shall be a ne-  
8 gotiable item in accordance with the procedure set  
9 forth in Title 26, chapter 9-A, for teachers who have  
10 served beyond the probationary period.

11 After a probationary period of 2 years, any teacher,  
12 who receives notice in accordance with this section  
13 that his contract is not going to be renewed, may,  
14 during the 15 days following that notification, re-  
15 quest a hearing with the school board. The teacher  
16 may request reasons. The hearing shall be private  
17 except by mutual consent and except that either or  
18 both parties may be represented by counsel. That  
19 hearing must be granted within 30 days of the receipt  
20 of the teacher's request.

21 The right to terminate a contract, after due notice  
22 of 90 days, is reserved to the school board when  
23 changes in local conditions warrant the elimination  
24 of the teaching position for which the contract was  
25 made. The order of layoff and recall shall be a nego-  
26 tiable item in accordance with Title 26, chapter 9-A,  
27 provided that in any negotiated agreement, the crite-  
28 ria negotiated by the school board and the bargaining  
29 agent to establish the order of layoff and recall may  
30 include, but shall not be limited to, seniority.

31       Sec. 48. 20-A MRSA §15002, as enacted by PL  
32 1981, c. 693, §§5 and 8, is repealed.

33       Sec. 49. 20-A MRSA §15002-A is enacted to read:  
34 §15002-A. Permanent school fund

35       The Treasurer of State shall keep a separate ac-  
36 count of all money received from sales of lands ap-  
37 propriated for the support of schools or from notes  
38 taken for the support of schools and of any other  
39 money appropriated for the same purpose. The sum  
40 shall constitute a Permanent School Fund, which shall

1 be invested in such securities as are legal invest-  
2 ments for savings banks under Title 9. The income  
3 from these investments shall accrue to the fund to be  
4 used as follows:

5 1. Allocations to school units. Allocations to  
6 school administrative units for the purpose of sur-  
7 veying school systems and developing school plans.  
8 The allocations shall not in any case exceed 1/2 of  
9 the cost of the surveys or plans; and

10 2. Fees for equivalency certificates. Payment  
11 of the cost of fees established for high school  
12 equivalency certificates for honorably discharged or  
13 released veterans of the Armed Forces of the United  
14 States or for those persons determined by the commis-  
15 sioner to be economically disadvantaged.

16 Sec. 50. 20-A M RSA §§15006 and 15007 are enacted  
17 to read:

18 §15006. School money; finance committees

19 1. Municipal schools. No money appropriated for  
20 public schools for educational purposes may be paid  
21 from the treasury of any municipality except upon  
22 written order of its municipal officers. No such or-  
23 der may be drawn by the municipal officers except  
24 upon presentation of a properly avouched bill of  
25 items which has first been certified by the superin-  
26 tendent of schools and approved by a majority of the  
27 school board or by a financial committee appointed or  
28 otherwise duly elected by the school board.

29 2. Quasi-municipal corporations. No money ap-  
30 propriated for public schools or educational purposes  
31 may be paid out by a school administrative unit other  
32 than a municipality, except upon written order of its  
33 treasurer. No such order may be drawn by the trea-  
34 surer, except upon presentation of a properly  
35 avouched bill of items which has first been certified  
36 as to correctness by the superintendent of schools  
37 and approved by a majority of the school board or by  
38 a financial committee appointed or otherwise duly  
39 elected by the school board.

40 §15007. Ministerial and school lands

1           All income derived from ministerial and school  
2 lands within a municipality and from rents and prof-  
3 its of real and personal estate held under Title 13,  
4 section 3166, shall be annually applied to the sup-  
5 port of public schools in the municipality or the  
6 schooling of resident students and expended like oth-  
7 er school money.

8           Sec. 51. 20-A MRSA c. 603, as enacted by PL  
9 1981, c. 693, §§5 and 8 is repealed.

10           Sec. 52. 20-A MRSA c. 603-A is enacted to read:

11                           CHAPTER 603-A

12                                   FEDERAL AID

13           §15401. Administration of federal aid

14           1. Authorization to administer funds. The de-  
15 partment may administer all allotments of federal  
16 funds pertaining to schools, educational programs and  
17 institutions of higher education. The commissioner  
18 shall act for the department except where otherwise  
19 specified in the law.

20           2. Award of subgrants. The department may award  
21 subgrants to school administrative units, private  
22 schools, nonprofit corporations, institutions of  
23 higher learning or other persons for purposes related  
24 to education out of federal grant funds when those  
25 subgrants are permitted by the terms under which the  
26 federal funds are available. Those subgrants shall  
27 be made in conformity with applicable federal re-  
28 quirements and with appropriate state accounting re-  
29 quirements and in accordance with rules of the de-  
30 partment.

31           3. Rulemaking. The department may adopt rules  
32 to implement this section.

33           Sec. 53. 20-A MRSA §15603, sub-§2, ¶A, as en-  
34 acted by PL 1983, c. 859, Pt. G, §§2 and 4, is  
35 amended to read:

36           A. Program costs for special education costs in  
37 subsection 22, vocational education costs in sub-

1 section 30, transportation operating costs in  
2 subsection 29 ~~and~~, bus purchase costs in subsec-  
3 tion 7 and early childhood costs in subsection  
4 10;

5 Sec. 54. 20-A MRSA §15603, sub-§26, as enacted  
6 by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to  
7 read:

8 26. State subsidy. "State subsidy" means the to-  
9 tal of the state share of the foundation allocation,  
10 and the state share of the debt service allocation,  
11 if any, and the state share of the bus purchase alle-  
12 cation, if any.

13 Sec. 55. 20-A MRSA §15605, sub-§1, as enacted by  
14 PL 1983, c. 859, Pt. G, §§2 and 4, is amended to  
15 read:

16 1. Annual certification. Prior to December 15th  
17 of each year, the commissioner, with the approval of  
18 the state board, shall certify to the Governor and  
19 the Bureau of the Budget the funding levels which the  
20 commissioner recommends for sections 15604 and ~~15613~~  
21 15612.

22 Sec. 56. 20-A MRSA §15608, sub-§2, ¶E is enacted  
23 to read:

24 E. The early childhood portion of the program  
25 costs allocation shall be the actual expenditures  
26 for early childhood in section 15603, subsection  
27 10, as adjusted.

28 Sec. 57. 20-A MRSA §15612, first ¶, as enacted  
29 by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to  
30 read:

31 Adjustments to the state share of the foundation  
32 allocation shall be made as allowed in subsections 1  
33 to 4 for each school administrative unit that has  
34 raised the maximum amount of its local share of the  
35 foundation allocation ~~for operating costs.~~

36 Sec. 58. 20-A MRSA §15612, sub-§5, ¶¶B and C, as  
37 enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are  
38 amended to read:

1 B. The state share of the foundation allocation  
2 to that school administrative unit shall be ad-  
3 justed by subtracting the receipts under the  
4 United States laws of September 30, 1950, Chapter  
5 1124, United States Code, Section 236, et seq.,  
6 Public Law 81-874, Section 3(c)(1), in the same  
7 proportion that total local revenues under the  
8 state equalization program are to total local  
9 revenues for education

10 C. The amount subtracted under paragraph B may  
11 not exceed 90% of the school administrative  
12 unit's Section 3(c)(1) entitlement for the year  
13 prior to the year of allocation or the base year  
14 of allocation, whichever is less. In adjusting  
15 the allocation, the amounts subtracted for pupils  
16 residing on land under control of the Federal  
17 Government or a federal agency, or on a federal  
18 military reservation shall not exceed 1/2 of the  
19 national average expenditure per pupil, as com-  
20 puted by the Federal Government, multiplied by  
21 the number of students in the school administra-  
22 tive unit.

23 Sec. 59. 20-A MRSA §15613, sub-§9, as enacted by  
24 PL 1983, c. 859, Pt. G, §§2 and 4, is amended to  
25 read:

26 9. Balance of allocations. Notwithstanding any  
27 other public or private statute, general operating  
28 fund balances of allocations at the end of a school  
29 administrative unit's fiscal year shall be carried  
30 forward to meet the next year's school needs. Unal-  
31 located balances in excess of 3% of the previous  
32 year's school budget shall be used to reduce the  
33 state and local allocations for the purpose of com-  
34 puting state subsidy.

35 Sec. 60. 20-A MRSA §15915 is enacted to read:

36 §15915. Federal construction aid

37 The state board shall be the designated agency to  
38 administer any federal funds made available to assist  
39 in the construction of facilities for schools, educa-  
40 tional programs or institutions of higher education.

1           Sec. 61. 25 MRSa §2399, 2nd ¶, as amended by PL  
2 1983, c. 43, is further amended to read:

3           Every fire insurance company or association which  
4 does business or collects premiums or assessments in  
5 the State shall pay to the State Tax Assessor, in ad-  
6 dition to the taxes now imposed by law to be paid by  
7 those companies or associations, .95 of 1% of the  
8 gross direct premiums for fire risks written in the  
9 State, less the amount of all direct return premiums  
10 thereon and all dividends paid to policyholders on  
11 direct fire premiums. That tax shall be paid as pro-  
12 vided for insurance premium taxes as specified in Ti-  
13 tle 36, section 2521-A, except that the tax pre-  
14 scribed by this section shall be paid on an estimated  
15 basis at the end of each quarter starting with the  
16 first quarter of 1983, with each installment equal to  
17 at least 25% of the estimated total tax to be paid  
18 for the current calendar year. The State Tax Assessor  
19 shall pay over all receipts from that tax to the  
20 Treasurer of State daily. These funds shall be used  
21 to defray the expenses incurred by the Commissioner  
22 of Public Safety in administering all fire preventive  
23 and investigative laws, rules and regulations and in  
24 educating the public in fire safety and are appropri-  
25 ated for those purposes and to carry out the adminis-  
26 tration and duties of the Office of State Fire Mar-  
27 shal. In addition, 10.5% of these funds shall also  
28 be used to defray the expenses of the fire service  
29 training and education program as established in Ti-  
30 tle 20 20-A, chapter 315 319.

31           Sec. 62. 29 MRSa §583, as amended by PL 1983, c.  
32 455, §21, is further amended to read:

33 § 583. Driver education required for minors

34           No operator's license, except to operate a moped  
35 only, shall may be issued to any person under 17  
36 years of age unless such person shall present a cer-  
37 tificate of successful completion of a driver educa-  
38 tion course and examination given by the a public  
39 secondary schools and academies receiving tuition  
40 students as described in Title 20, section 1291  
41 school or an approved private secondary school; or  
42 certificate of successful completion of a driver edu-  
43 cation course and examination given by some person or

1 persons licensed by the Department of Business, Occu-  
2 pational and Professional Regulation, Board of Com-  
3 mercial Driver Education. No license shall may be re-  
4 quired of certified teachers conducting a driver edu-  
5 cation course in a public secondary schools or acad-  
6 emies receiving tuition students as described in Title  
7 20, section 1291 school or an approved private sec-  
8 ondary school. All licenses expire on December 31st  
9 of the year of issue.

10 Successful course completion certificates may be  
11 issued to any person permitted by law to have a li-  
12 cense provided such course, given by the a public  
13 secondary schools and academies receiving tuition  
14 students as described in Title 20, section 1291,  
15 shall meet school or an approved private secondary  
16 school meets teacher qualification, course content  
17 and standards approved adopted by the State Board of  
18 Education Department of Educational and Cultural  
19 Services. Successful course completion certificates  
20 shall not be issued to any person who was not at  
21 least 15 years of age at the commencement of the  
22 driver education course.

23 After September 1, 1977, no motorcycle or motor  
24 driven cycle learner's permit or permission or re-  
25 striction to operate a motorcycle or motor driven cy-  
26 cle shall may be issued to any person under 17 years  
27 of age, unless such person shall present a certifi-  
28 cate of successful completion of a motorcycle driver  
29 education course and examination given by the a pub-  
30 lic secondary schools and academies receiving tuition  
31 students as described in Title 20, section 1291  
32 school or an approved private secondary school; or  
33 certificate of successful completion of a driver edu-  
34 cation course and examination, which includes demon-  
35 stration of the ability to operate a motorcycle safe-  
36 ly, given by a public secondary school or academy in-  
37 cluding a demonstration of ability to safely operate  
38 a motorcycle approved private secondary school; or  
39 certificate of successful completion of a driver edu-  
40 cation course and examination given by some person or  
41 persons licensed by the Secretary of State. No li-  
42 cense shall may be required of certified teachers  
43 conducting a motorcycle driver education course in a  
44 public secondary schools or academies receiving tui-  
45 tion students as described in Title 20, section 1291



1 school or approved private secondary school. All li-  
2 censes expire on December 31st of the year of issue.

3 Any person between the ages of 15 and 17, who  
4 satisfies the Secretary of State that no readily  
5 available means of transportation exists to and from  
6 a public or approved private secondary school or  
7 academy which he is attending, may be issued, upon  
8 passing the regular driver's examination as provided  
9 in section 581, a special permit authorizing such  
10 person to drive to and from such school ~~or academy~~.

11 Sec. 63. 30 MRSA §5104, sub-§1, as amended by PL  
12 1967, c. 425, §20, is further amended to read:

13 1. Public schools. Providing for public schools  
14 and libraries, including construction, extensions,  
15 enlargements, repairs, improvements or maintenance to  
16 buildings for which a municipality has a contract,  
17 lease or agreement with the Maine School Building Au-  
18 thority pursuant to Title 20, ~~sections 3501 to 3517~~  
19 20-A, sections 15702 to 15718.

20 Sec. 64. 30 MRSA §5104, sub-§4 is amended to  
21 read:

22 4. Maintenance. Providing for the construction,  
23 repairs and maintenance of buildings and equipment  
24 for educational institutions with which a municipali-  
25 ty has a contract as provided in Title 20, ~~section~~  
26 289 20-A, chapter 607.

27 Sec. 65. 32 MRSA §9502, sub-§3, as enacted by PL  
28 1981, c. 456, Pt. A, §113, is amended to read:

29 3. Commercial driver education school. "Commer-  
30 cial driver education school" means any person or  
31 persons engaged in teaching driver education for re-  
32 munerated, except a public or private school ap-  
33 proved by the State Board of Education Commissioner  
34 of Educational and Cultural Services.

1

## STATEMENT OF FACT

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This bill includes a number of provisions intended to amend, improve and clarify sections of the Maine Revised Statutes, Title 20-A, the education law, to change references in other Titles to conform to the Maine Revised Statutes, Title 20-A and to correct errors, omissions and inconsistencies in the law.

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Section 1 adds a comma for a grammatical clarification of the education provision in the Maine Human Rights Act.

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Sections 2 and 3 of this bill properly relocate the Maine State Commission of the Arts and the Humanities from its listing as an advisory board under the Maine Revised Statutes, Title 5, section 12004, subsection 10, and places it under the policy-making listing found in subsection 8. The Maine State Commission on the Arts and the Humanities acts as a policy-making board with authority to enter into contracts, to accept gifts, to make arrangements and to carry out specific duties under the Percent for Art Act.

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Section 4 updates the Maine Revised Statutes, Title 13, section 3167 to clarify that ministerial and school lot funds may be used for any legitimate school purpose. See section 49 of this bill and the corresponding statement of fact.

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Section 5 amends provisions of the Maine Revised Statutes, Title 13 to change outdated references to the Maine Revised Statutes, Title 20 to new sections in the recodified Maine Revised Statutes, Title 20-A.

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Section 6 repeals a section on the revocation and suspension of teacher certificates, originally enacted as emergency legislation and now superseded by the Maine Revised Statutes, Title 20-A.

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Sections 7 and 8 correct an oversight in the law in which the Commissioner of Educational and Cultural Services is not included in a list of department personnel and 2 operating bureaus are omitted although

1 the associate commissioners are designated in the  
2 Maine Revised Statutes, Title 20-A, section 203, sub-  
3 section 1.

4 Section 9 corrects a grammatical error and gives  
5 the Commissioner of Educational and Cultural Services  
6 general rule-making authority to carry out the duties  
7 of the office, similar to the general authority of  
8 the state board in the Maine Revised Statutes, Title  
9 20-A, section 406.

10 Section 10 clarifies the state board's role in  
11 administering federal funds. It refers to the 2 ex-  
12 isting types of federal grants under the board's su-  
13 pervision: School construction funds and vocational  
14 education funds. This does not change existing law  
15 or practice.

16 Section 11 resolves an inconsistency created by  
17 the enactment of Public Law 1985, chapter 497, "AN  
18 ACT Relating to Administration of Vocational Educa-  
19 tion." The state board acted as an "appeals board" in  
20 years past for unclassified personnel at the voca-  
21 tional-technical institutes. The board's role of  
22 "employer" of vocational-technical institute person-  
23 nel has been changed by Public Law 1985, chapter 497  
24 to a new board of trustees. Also, the board of ap-  
25 peals role had been superseded by more recent legis-  
26 lation on grievance arbitration and the State Employ-  
27 ees Appeals Board arbitration procedure.

28 Section 12 enacts general authorizing language to  
29 describe the authority of the State Board of Educa-  
30 tion to administer federal vocational education  
31 grants. This language replaces the language of the  
32 Maine Revised Statutes, Title 20-A, sections 8302 to  
33 8304, which are repealed by section 38 of this bill.  
34 The repeal of the existing language is prompted by  
35 several problems. First, the existing statutory lan-  
36 guage is so specific in naming several Congressional  
37 Acts that it has been superseded by an entirely new  
38 federal vocational education law which is not men-  
39 tioned in Maine law; naming the federal laws specifi-  
40 cally requires constant amendments to the state law  
41 and could result in questions concerning the State's  
42 acceptance of funds under new Congressional Acts.  
43 The new language proposed follows the general autho-

1 rizing language in other titles of Maine law. Sec-  
2 ond, the current authorizing language is now placed  
3 under the subchapter on secondary vocational educa-  
4 tion when these federal laws actually govern both  
5 secondary and post-secondary grants and money has  
6 been accepted by the state for post-secondary insti-  
7 tutions. Federal law requires that there be one  
8 state board designated for vocational education to  
9 plan for and administer federal vocational education-  
10 al grants.

11 Section 13 specifies that the superintendent must  
12 assure that all bills are properly verified before  
13 they are allowed for payment by the authorized person  
14 or persons. It particularly replaces 2 inconsistent  
15 provisions enacted by Public Law 1983, chapter 422,  
16 section 1 and chapter 485, section 6. Section 54 of  
17 this bill is related.

18 Section 14 clarifies that any school administra-  
19 tive unit contracting for secondary school privileges  
20 will be required to meet a uniform set of standards.  
21 The provision clarifies that rules adopted by the  
22 Commissioner of Educational and Cultural Services  
23 relative to contracts for school privileges will be  
24 uniformly applied to all school administrative units.

25 Section 15 merely corrects a citation. The Maine  
26 Revised Statutes, Title 20-A, sections 1251 to 1254,  
27 do not deal with referendum voting contemplated under  
28 the Maine Revised Statutes, Title 20-A, section 1311,  
29 subsection 2; rather the Maine Revised Statutes, Ti-  
30 tle 20-A, sections 1351 to 1354, specify the steps  
31 for conducting a district referendum.

32 Section 16 picks up the addition of the Maine Re-  
33 vised Statutes, Title 30, section 2054, to the voting  
34 procedure. This section 2054 provides for the elec-  
35 tion of a moderator and states the qualifications for  
36 a person to be able to vote in the town.

37 Section 17 clarifies some ambiguous language  
38 found in the Maine Revised Statutes, Title 20-A, sec-  
39 tion 2701, by adding necessary punctuation and by es-  
40 tablishing that an administrative unit has authority  
41 to contract for the schooling of students only in  
42 those grades which the unit does not maintain. Also,

1 it establishes the length of time for which the con-  
2 tract may run. Under the predecessor to this sec-  
3 tion, the Maine Revised Statutes, Title 20, section  
4 1289, the contract could only run from one to 5  
5 years. This time limitation was inadvertently omit-  
6 ted when the education laws were recodified in the  
7 Maine Revised Statutes, Title 20-A. A time period of  
8 2 to 10 years is being inserted rather than the one  
9 to 5 years so that this authority concurs with the  
10 2-year to 10-year authorization held by school admin-  
11 istrative districts under the Maine Revised Statutes,  
12 Title 20-A, section 1258, subsection 2.

13 Section 18 clarifies that approved private  
14 schools must meet all applicable requirements estab-  
15 lished by state law and regulation. The present  
16 reference to the Maine Revised Statutes, Titles 22  
17 and 25 is incorrectly limited. For example, it would  
18 not include safety requirements found in the Maine  
19 Revised Statutes, Title 26.

20 Section 19 corrects an inconsistency in the  
21 present language. Private schools approved for at-  
22 tendance purposes must meet all applicable statutory  
23 requirements of the Maine Revised Statutes, Title  
24 20-A, as well as those requirements which are estab-  
25 lished by regulation of the Department of Educational  
26 and Cultural Services. By limiting the reference to  
27 requirements of "the department," the present lan-  
28 guage ignores legislative requirements for attendance  
29 reporting and tuberculosis testing, as well as other  
30 requirements which may be established by the Legisla-  
31 ture in the future.

32 Section 20 repeals a provision which refers to  
33 the Maine Revised Statutes, Title 20-A, section 4601,  
34 which was repealed, effective August 1, 1985, by the  
35 education reform law enacted in 1984 and replaces it  
36 with references to new sections in the education re-  
37 form law enacted in 1984.

38 Section 21 corrects a misspelled word.

39 Section 22 establishes that the State Board of  
40 Education and the Commissioner of Educational and  
41 Cultural Services jointly adopt school approval rules  
42 for private schools to be consistent with provisions

1 of the Education Act of 1984, enacting the Maine Re-  
2 vised Statutes, Title 20-A, section 4502.

3 Section 23 corrects grammatical problems.

4 Section 24 gives the Commissioner of Educational  
5 and Cultural Services authority to adopt rules per-  
6 taining to the fiscal accountability of private  
7 schools which receive public funds. Presently, that  
8 authority is limited to requirements for secondary  
9 private schools and ignores elementary or "alterna-  
10 tive" schools which receive public tuition money.

11 Sections 25 and 26 correct provisions in the un-  
12 organized territory school law which incorrectly re-  
13 fer to school administrative units rather than to the  
14 Commissioner of Educational and Cultural Services and  
15 the General Fund for schooling in the unorganized  
16 territories.

17 Section 27 makes a grammatical correction.

18 Sections 28 and 29 replace language which has  
19 previously existed in the Maine Revised Statutes, Ti-  
20 tle 20, section 1291, prior to recodification. Re-  
21 placing this language clarifies the circumstances un-  
22 der which a school administrative unit is required to  
23 pay tuition costs for a student in a private or pub-  
24 lic school outside the unit.

25 In section 30 the Maine Revised Statutes, Title  
26 20-A, section 5205, subsection 2, was originally cod-  
27 ified in the Maine Revised Statutes, Title 20, sec-  
28 tion 859, subsection 3, paragraph B. In its original  
29 codification, the Commissioner of Educational and  
30 Cultural Services reviewed the whole of the  
31 superintendent's determination, not just the question  
32 of whether the "person is residing in the school ad-  
33 ministrative unit for other than just education pur-  
34 poses." Apparently, the reference to paragraph B was  
35 erroneously carried forward from the prior codifica-  
36 tion which contained all of this material in a sepa-  
37 rate paragraph B. This section merely conforms the  
38 Maine Revised Statutes, Title 20-A to provisions for-  
39 merly set forth in the Maine Revised Statutes, Title  
40 20, thereby clarifying the role of the commissioner  
41 on questions of appeal under the provisions of sec-  
42 tion 5205, subsection 2.

1 Section 31 reinstates the language of former  
2 Maine Revised Statutes, Title 20, relating to the  
3 discretion of the Commissioner of Educational and  
4 Cultural Services to pay the board of students from  
5 the unorganized territory; it is not a requirement  
6 that he do so in all cases. An appropriate statutory  
7 reference is also added.

8 Section 32 updates the law to be consistent with  
9 the Education Reform Act of 1984 and the compliance  
10 actions available to the Commissioner of Educational  
11 and Cultural Services.

12 Section 33 reinforces various other federal and  
13 state requirements already in existence and clarifies  
14 some audit requirement elements which are necessary  
15 due to recent enactment of federal legislation.

16 Section 34 clarifies that the duty of the school  
17 nurse coordinator is to disseminate information on  
18 the legal responsibilities of school nurses, not to  
19 act in a legal capacity.

20 Section 35 corrects an inconsistency. The Maine  
21 Revised Statutes, Title 20-A, section 258 was re-  
22 pealed and replaced by the Maine Revised Statutes,  
23 Title 20-A, section 258-A in the education reform law  
24 enacted in 1984.

25 Section 36 repeals an existing section which  
26 makes it a crime for "school officers and teachers"  
27 to falsify the annual report set to the department.  
28 This new provision broadens the prohibition and makes  
29 it consistent with existing criminal law.

30 Section 37 states that normally persons acting in  
31 a judicial capacity enjoy a judicial immunity while  
32 fulfilling their judicial responsibilities. Since  
33 special education hearing officers serve under con-  
34 tract, it is uncertain whether they will enjoy the  
35 immunity which other administrative hearing officers  
36 receive. This section clarifies the immunity issue  
37 for them and will make it easier for the State to be  
38 able to attract qualified people to serve as hearing  
39 officers.

1           Section 38 repeals the Maine Revised Statutes,  
2 Title 20-A, sections 8302 to 8304. This language is  
3 replaced by more general language in section 12 of  
4 this bill, as a new subsection, the Maine Revised  
5 Statutes, Title 20-A, section 405, subsection 6, un-  
6 der duties of the State Board of Education. The ra-  
7 tionale is stated under section 12 of the statement  
8 of fact.

9           Section 39 states although the vocational direc-  
10 tor of a vocational region "may nominate teachers,"  
11 the Maine Revised Statutes, Title 20-A, section 8458,  
12 subsection 2, there is no explicit provision in the  
13 vocational region laws for the cooperative board to  
14 go ahead and approve the nomination, nor does the co-  
15 operative board have the explicit authority to issue  
16 contracts for probationary teachers or teachers on  
17 continuing contract or to terminate a contract after  
18 due notice of 90 days under any other provisions of  
19 the Maine Revised Statutes, Title 20-A. As a matter  
20 of practice, the vocational regions utilize the lan-  
21 guage found in the Maine Revised Statutes, Title  
22 20-A, section 13201 and act as the "public employer"  
23 in collective bargaining. This section clarifies the  
24 role of the cooperative board, vis-a-vis the employ-  
25 ment of teachers.

26           Section 40 authorizes the cooperative board to  
27 pledge the credit of a vocational region if approved  
28 at a special budget meeting. Current language autho-  
29 rizes the calling of a special budget meeting, but it  
30 is unclear as to whether the cooperative board has  
31 the authority to pledge the credit of the district in  
32 the amount approved at the special budget meeting.  
33 This section brings vocational regions in line with  
34 similar credit pledging authorization held by other  
35 school administrative units.

36           Section 41 replaces language on driver education  
37 which was inadvertently deleted by the education re-  
38 form law enacted in 1984. Reference is made to the  
39 Maine Revised Statutes, Title 20-A, chapter 316, but  
40 this newly designated chapter was inadvertently omit-  
41 ted from a final draft of the bill. The new chapter  
42 316 replaces language on driver education which pre-  
43 viously existed. Because driver education is offered  
44 both in public and private schools, it is placed in a



1 new separate chapter, rather than under the public  
2 school secondary school curriculum. Driver education  
3 is specialized education which allows a young person  
4 to obtain a driving permit earlier than usual, under  
5 provisions of the Maine Revised Statutes, Title 29,  
6 section 583, and because of that, is specially regu-  
7 lated by the Department of Educational and Cultural  
8 Services. Instructors must be certified teachers,  
9 but in some cases, licensed commercial driving in-  
10 structors may be used. This provision requires that  
11 the commercial driving instructor be licensed in both  
12 classroom and road instruction, both components which  
13 are required for any school driver education course.  
14 The provision continues the authorization to charge  
15 fees, but does not allow schools to award credit for  
16 the fee-based courses. This is consistent with the  
17 requirement that elementary and secondary education  
18 be provided free of charge to resident students.

19 Section 42 conforms existing language on approval  
20 of summer school programs to provisions enacted by  
21 the education reform law enacted in 1984, on school  
22 approval standards.

23 Sections 43 to 45 propose language to reorganize  
24 the Fire Service Training program currently in the  
25 Bureau of Vocational Education and merge it with  
26 Southern Maine Vocational-Technical Institute's Fire  
27 Science program. The new program would be called the  
28 Maine Fire Training and Education and the Commis-  
29 sioner's Advisory Committee would be expanded by 4 mem-  
30 bers. The 4-member expansion, 2 from Southern Maine  
31 Vocational-Technical Institute's Fire Science Craft  
32 Committee and 2 from Eastern Maine Vocational-Tech-  
33 nical Institute's Fire Science Craft Committee, will  
34 provide an Associate Degree program representation to  
35 the Advisory Board.

36 Section 46 states that during the recodification  
37 of the Maine Revised Statutes, Title 20, the date was  
38 inadvertently changed. This provision will correct  
39 the date as it originally appeared in the Maine Re-  
40 vised Statutes, Title 20.

41 Section 47 changes terminology to "school boards"  
42 to conform to the general style of the Maine Revised  
43 Statutes, Title 20-A.

1           Sections 48 and 49 correct a mistake made in the  
2 recodification of the Maine Revised Statutes, Title  
3 20. The Permanent School Fund referred to in the  
4 Maine Revised Statutes, Title 20, section 3451,  
5 pertained only to a state-level fund which originated  
6 from the sale and lease of public lots in the unorga-  
7 nized territory. The principal from those sales and  
8 leases still remains and the interest must be allo-  
9 cated to school administrative units for surveying  
10 schools and developing school plans or for high  
11 school equivalency certification. The recodification  
12 incorrectly confused this fund with the funds held by  
13 the various townships from the sale and lease of pub-  
14 lic lots within their boundaries. Those funds are  
15 kept in trust by local trustees for local school pur-  
16 poses. Extensive revisions to the public lots laws  
17 were made in 1973, as found in the Maine Revised  
18 Statutes, Title 30, sections 4151 to 4169, Public Law  
19 1973, chapter 628.

20           Section 50 replaces language in the Maine Revised  
21 Statutes, Title 20-A, section 15519, which was inad-  
22 vertently repealed by the education reform law en-  
23 acted in 1984. It reestablishes a long-standing re-  
24 quirement in Maine law that school expenditures are  
25 the final responsibility of municipal officials and  
26 replaces language in 2 conflicting provisions con-  
27 cerning finance committees of school boards.

28           Section 50 also corrects a mistake made during  
29 the recodification of the Maine Revised Statutes, Ti-  
30 tle 20. The Maine Revised Statutes, Title 20-A, sec-  
31 tion 15002 incorrectly and confusingly merges togeth-  
32 er prior provisions relating to the state Permanent  
33 School Fund, the Maine Revised Statutes, Title 20,  
34 section 3145, and municipally held funds deriving  
35 from the sale or lease of ministerial and school  
36 lots, references in the Maine Revised Statutes, Ti-  
37 tles 13 and 30 and Title 20, section 852. Also, sec-  
38 tion 15002 is inconsistent with provisions of the  
39 Maine Revised Statutes, Titles 13 and 30 pertaining  
40 to the management of public lots. This new provision  
41 restores part of the original intent, to require that  
42 the local funds be used for school purposes. It uses  
43 language now found in the Maine Revised Statutes, Ti-  
44 tle 13, section 3167. The provision adds the phrase  
45 "or the schooling of resident students" to clarify

1 that these local funds may be used to pay the  
2 municipality's share in a school administrative dis-  
3 trict, community school district of supervisory union  
4 or to pay tuition costs for eligible students sent to  
5 schools outside the school administrative unit.

6 Section 51 repeals language in a chapter entitled  
7 "Federal Aid" which actually pertains only to federal  
8 school construction aid. The existing language is  
9 transferred to the Maine Revised Statutes, Title  
10 20-A, section 15910 in the existing chapter on school  
11 construction.

12 Section 52 enacts a new chapter on Federal Aid  
13 which adds general language pertaining to the admin-  
14 istration of federal grant money by the Department of  
15 Educational and Cultural Services. This language is  
16 intended to be a general statement of authority and  
17 duty, so that any federal funds adopted by the State,  
18 pursuant to the Maine Revised Statutes, Title 5, sec-  
19 tion 1669 can be administered by the department. The  
20 Commissioner of Educational and Cultural Services is  
21 specified as the agent in charge of administering  
22 funds, except where other provisions of the Maine Re-  
23 vised Statutes, Title 20-A specify another agent,  
24 such as the State Board of Education. The cultural  
25 bureaus of the department have existing authority to  
26 administer funds awarded to their bureaus. This lan-  
27 guage does not change existing practice. The provi-  
28 sion adds language similar to that found in the Maine  
29 Revised Statutes, Title 22, section 11, authorizing  
30 the award of subgrants to eligible persons and enti-  
31 ties.

32 Sections 53 to 57 make corrections in the School  
33 Finance Act of 1985.

34 Section 58 clarifies the law as it pertains to  
35 federal "impact aid" funds. The Federal Government  
36 has refused to grant the Town of Limestone funds for  
37 which it is eligible because the language of the  
38 Maine Revised Statutes, Title 20-A, section 15612,  
39 subsection 5 does not make clear that the State will  
40 deduct only federal funds from its state subsidy to  
41 that school unit.

1 Section 59 is intended to establish a recoupment  
2 of state education subsidy money which has been  
3 inappropriately forwarded to school units because  
4 those units have raised unnecessarily large school  
5 budgets. This provision will prevent the State from  
6 overpaying on subsidies to schools and encourages lo-  
7 cal units to be more accurate in projecting their un-  
8 expended balances in preparing new budgets.

9 Section 60 transfers language pertaining to fed-  
10 eral school construction aid, originally in chapter  
11 603 to chapter 609 on school construction. This lan-  
12 guage does not change existing practice.

13 Section 61 changes a reference in the Maine Re-  
14 vised Statutes, Title 25 to refer to fire training  
15 and education programs, to be consistent with other  
16 changes in this bill.

17 Section 62 corrects provisions of the Maine Re-  
18 vised Statutes, Title 29, on driver education to con-  
19 form to the Maine Revised Statutes, Title 20-A provi-  
20 sions. As now written, the law allows driver educa-  
21 tion courses only in public schools and private  
22 schools approved for tuition purposes. This change  
23 allows private schools approve for attendance pur-  
24 poses, for example, secondary parochial schools, to  
25 offer such courses.

26 Sections 63 and 64 amend a reference to 2 sec-  
27 tions of the Maine Revised Statutes, Title 30, as  
28 they relate to improvements or maintenance to build-  
29 ings for which a municipality has a contract, lease  
30 or agreement with the Maine School Building Authority  
31 to the Maine Revised Statutes, Title 20-A, sections  
32 15702 to 15718 and the Maine Revised Statutes, Title  
33 20-A, chapter 607.

34 Section 65 corrects the Maine Revised Statutes,  
35 Title 32 on commercial driver education schools to  
36 reflect the fact that the Commissioner of Educational  
37 and Cultural Services, not the State Board of Educa-  
38 tion approves schools. The state board adopts, with  
39 the Commissioner of Educational and Cultural Ser-  
40 vices, the standards for school approval.

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