

# MAINE STATE LEGISLATURE

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(New Draft of S.P. 904, L.D. 2271)  
SECOND REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 2399

S.P. 957

In Senate, April 13, 1986

Reported by Senator Gauvreau of Androscoggin from the Committee on Education and printed under Joint Rule 2. Original bill sponsored by Senator Brown of Washington. Cosponsored by Representative Bost of Orono and Representative Matthews of Caribou.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

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

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

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

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

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

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

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1       The commissioner may adopt rules regarding tui-  
2 tion charges, accounting, audits, contracts and other  
3 aspects of schooling privileges between receiving  
4 schools approved for tuition purposes and sending  
5 school administrative units.

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; and for construction of school facil-  
13 ities and for vocational education.

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15 by PL 1981, c. 693, §§5 and 8, is repealed.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. Voter 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~~ 21-A, except that the duties  
11 of the Secretary of State shall be performed by  
12 the board. The absentee voting procedure of Ti-  
13 tle ~~21~~ 21-A shall be used, except the duties of  
14 the Secretary of State shall be performed by the  
15 board.

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

18 §2701. Authority to contract for school privileges

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

26 Sec. 18. 20-A MRSA §2703, sub-§1, ¶A, as enacted  
27 by PL 1981, c. 693, §§5 and 8 is amended to read:

28 A. Shall specify the duration of the contract  
29 from ~~one to 5~~ 2 to 10 years;

30 Sec. 19. 20-A MRSA §2703, sub-§2, as enacted by  
31 PL 1981, c. 693, §§5 and 8, is amended to read:

32 2. Tuition. Tuition shall be determined under  
33 chapter ~~209~~ 219.

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

36 1. Hygiene, health, safety. Meets the standards  
37 for hygiene, health and safety ~~under Titles 22 and 25~~  
38 established by applicable law and rule; and

1       Sec. 21. 20-A MRSA §2901, sub-§2, ¶B, as enacted  
2 by PL 1981, c. 693, §§5 and 8, is amended to read:

3       B. Meets applicable requirements of this Title  
4 pertaining to private schools and the depart-  
5 ment's requirements for approval for attendance  
6 purposes adopted under section 2902.

7       Sec. 22. 20-A MRSA §2902, sub-§3, as enacted by  
8 PL 1981, c. 693, §§5 and 8, is repealed and the fol-  
9 lowing enacted in its place:

10       3. Courses required by law. Provide instruction  
11 in elementary schools as specified in sections 4701,  
12 4706 and 4711 and in secondary schools as specified  
13 in sections 4701, 4706, 4722, 4723 and 4724.

14       Sec. 23. 20-A MRSA §2902, sub-§6, ¶E, as enacted  
15 by PL 1981, c. 693, §§5 and 8, is amended to read:

16       E. Maintain adequate, ~~safety~~ safely protected  
17 records; and

18       Sec. 24. 20-A MRSA §2902, sub-§7, as enacted by  
19 PL 1981, c. 693, §§5 and 8, is amended to read:

20       7. Approval rules. Meet the requirements appli-  
21 cable to the approval of private schools for attend-  
22 ance purposes established adopted jointly by the  
23 state board pursuant to section 405, subsection 3,  
24 paragraph E and the commissioner.

25       Sec. 25. 20-A MRSA §2951, sub-§3, as enacted by  
26 PL 1981, c. 693, §§5 and 8, is amended to read:

27       3. Incorporated. Is incorporated under the laws  
28 of the State of Maine or of the United States; ~~and~~

29       Sec. 26. 20-A MRSA §2951, sub-§5, as enacted by  
30 PL 1983, c. 859, Pt.A, §§9, 25, is amended to read:

31       5. Additional requirements. Complies with the  
32 reporting and auditing requirements in sections 2952  
33 and 2953 and the requirements adopted pursuant to  
34 section 2954-; and

35       Sec. 27. 20-A MRSA §2951, sub-§6 is enacted to  
36 read:

1       6. Student assessment. Any school which enrolls  
2       60% or more publicly-funded students, as determined  
3       by the previous year's October and April average en-  
4       rollment, shall participate in the statewide assess-  
5       ment program to measure and evaluate the academic  
6       achievements of students.

7       Sec. 28. 20-A MRSA §2954, as amended by PL 1983,  
8       c. 859, Pt. A, §§10 and 25, is further amended to  
9       read:

10      §2954. Rules of commissioner

11       The commissioner may adopt rules regarding tui-  
12       tion charges, accounting, audits, contracts and other  
13       aspects of schooling privileges arranged between a  
14       private ~~secondary~~ school and school administrative  
15       unit ~~relationships~~ units.

16       Sec. 29. 20-A MRSA §3273, sub-§3, as enacted by  
17       PL 1985, c. 490, §8, is amended to read:

18       3. Process. Warrants and legal process issued  
19       by a court to enforce this section may be directed to  
20       and executed by the any attendance officer of the  
21       school administrative unit where the offense is al-  
22       leged to have been committed appointed by the  
23       commissioner.

24       Sec. 30. 20-A MRSA §3273, sub-§4, ¶B, as en-  
25       acted by PL 1985, c. 490, §8, is amended to read:

26       B. All forfeitures in paragraph A shall be paid  
27       to the ~~treasurer of the school administrative~~  
28       unit in which the offense was committed ~~for the~~  
29       support of its public schools Treasurer of State  
30       to be deposited in the Unorganized Territory  
31       School Fund for the support of schools in the un-  
32       organized territory.

33       Sec. 31. 20-A MRSA §4501, as enacted by PL 1983,  
34       c. 859, Pt. A, §§20, 25 is amended to read:

35      §4501. Duty of school units



1 In accordance with the policy expressed in sec-  
2 tion 2, every school administrative unit shall raise  
3 and support annually sufficient funds to maintain or  
4 support elementary and secondary schools to provide  
5 free education for its resident students at all grade  
6 levels. These schools shall meet the requirements of  
7 ~~the~~ basic school approval.

8 Sec. 32. 20-A MRSA §5204, sub-§4, as enacted by  
9 PL 1981, c. 693, §§5 and 8, is amended to read:

10 4. No secondary school. Secondary students  
11 whose parents reside in a unit which neither main-  
12 tains a secondary school nor contracts for secondary  
13 school privileges may attend a private school ap-  
14 proved for tuition purposes, a public school in an  
15 adjoining unit which accepts tuition students, or a  
16 school approved for tuition purposes in another state  
17 or country upon permission of officials of the re-  
18 ceiving school. The school administrative unit where  
19 the students' parents reside shall pay tuition in the  
20 amount up to the legal tuition rate as defined in  
21 chapter 219.

22 Sec. 33. 20-A MRSA §5205, sub-§2, as enacted by  
23 PL 1981, c. 693, §§5 and 8, is amended to read:

24 2. Other students not living at home. A student  
25 other than a state ward, residing with another person  
26 who is not the student's parent, shall be considered  
27 a resident of the school administrative unit where  
28 the student resides if the superintendent of the unit  
29 determines that it is in the best interest of the  
30 student because of the following:

31 A. It is undesirable and impractical for that  
32 student to reside with the student's parent, or  
33 that other extenuating circumstances exist which  
34 justify residence in the unit; and

35 B. That person is residing in the school admin-  
36 istrative unit for other than just education pur-  
37 poses.

38 The commissioner shall review the superintendent's  
39 ~~findings under paragraph B,~~ determination on the re-  
40 ~~quest of that the~~ request of the student's parent. The commission-  
41 er's decision shall be final and binding.

1       Sec. 34. 20-A MRSA §5601, sub-§3, as amended by  
2 PL 1985, c. 490, §17, is repealed and the following  
3 enacted in its place:

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

7       Sec. 35. 20-A MRSA §5803, as enacted by PL 1981,  
8 c. 693, §§5 and 8, is amended to read:

9       §5803. Two years' notice

10       A school administrative unit which receives tui-  
11 tion students shall give at least 2 years' notice to  
12 a sending school administrative unit before discon-  
13 tinuing the acceptance of tuition students. The re-  
14 ceiving unit shall file a copy of the notice with the  
15 commissioner. If the school board of a receiving  
16 unit fails to give a proper 2-year notice, the com-  
17 missioner may ~~authorize withholding school construc-~~  
18 ~~tion aid until that receiving unit complies take en-~~  
19 ~~forcement action as authorized by section 6801-A.~~

20       Sec. 36. 20-A MRSA §6051, as enacted by PL  
21 1981, c. 693, §5 and 8, is repealed and the following  
22 enacted in its place:

23       §6051. School administrative units

24       1. Audit. A school board shall provide for an  
25 annual audit of the school administrative unit. The  
26 audit shall include the following:

27       A. Accountability of all revenues and expendi-  
28 tures;

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

31       C. A determination of whether or not the annual  
32 financial report submitted to the department is  
33 correct;

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

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

4        F. Any other information which the commissioner  
5        may require.

6        2. Fiscal year. The fiscal year of an audit  
7        shall be from July 1st to June 30th, except that au-  
8        dits of federal programs shall conform to federal re-  
9        quirements.

10       3. Auditors. Audits shall be conducted by ei-  
11       ther the Department of Audit or qualified certified  
12       public accountants or public accountants registered  
13       by the Board of Accountancy.

14       4. Report to the commissioner. On or before De-  
15       cember 1st, the school board shall provide the com-  
16       missioner with:

17       A. A copy of the audit; and

18       B. Written assurance that the audit has been  
19       conducted in accordance with applicable state and  
20       federal law relating to financial and compliance  
21       audits.

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

26       Sec. 37. 20-A MRS §6202, first ¶, as enacted by  
27       PL 1983, c. 859, Pt. D, §§3 and 4, is amended to  
28       read:

29       The commissioner shall establish a statewide as-  
30       essment program to measure and evaluate on a contin-  
31       uing basis the academic achievements of students at  
32       grades 4, 8 and 11 in the public elementary and sec-  
33       ondary schools and in all private schools approved  
34       for tuition purposes whose school enrollments include  
35       at least 60% publicly-funded students, as determined  
36       by the previous school year's October and April aver-  
37       age enrollment. The assessment program shall be  
38       adapted to meet the needs of exceptional students as

1 defined in section 7001, subsection 2 or other stu-  
2 dents as defined under rules by the commissioner.  
3 The program shall include the following components.

4 Sec. 38. 20-A MRSA §6401, sub-§2, ¶D, as enacted  
5 by PL 1981, c. 693, §§5 and 8, is amended to read:

6 D. To elarify legal issues, define liability and  
7 interpret new legislation to assist local school  
8 nursing personnel in understanding new legisla-  
9 tion and to refer to appropriate department legal  
10 staff questions of legal liability and other le-  
11 gal issues;

12 Sec. 39. 20-A MRSA §6801-A, sub-§5, as enacted  
13 by PL 1983, c. 859, Pt. A, §§24 and 25, is amended to  
14 read:

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

21 Sec. 40. 20-A MRSA §6803, as enacted by PL 1981,  
22 c. 693, §§5 and 8, is repealed and the following en-  
23 acted in its place:

24 §6803. Fraud; false certification

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

30 Sec. 41. 20-A MRSA §7207-B, sub-§4, as enacted  
31 by PL 1985, c. 318, §3, is amended to read:

32 4. Hearing officers, immunity. The State shall  
33 train impartial hearing officers. For purposes of  
34 the Maine Tort Claims Act only, Title 14, chapter  
35 741, hearing officers, while they are carrying out  
36 their official duties as hearing officers, shall be  
37 considered state employees and shall be entitled to  
38 the immunity provided state employees under the Maine  
39 Tort Claims Act.

1       Sec. 42. 20-A MRSA §§8302, 8303 and 8304, as en-  
2       acted by PL 1981, c. 693, §§5 and 8, are repealed.

3       Sec. 43. 20-A MRSA §8457, sub-§1, as enacted by  
4       PL 1981, c. 693, §§5 and 8, is amended to read:

5       1. Duties. A cooperative board shall have all  
6       the rights and duties of a school board as provided  
7       in section 1001, subsections 1 to 8, ~~11~~ 11-A and 12;  
8       section 1002; section 1256, subsections 1, 2 and 4 to  
9       7; section 1257; sections 1313 to 1315; section 2501;  
10      section 4801; section 13201; and section 13202.

11      Sec. 44. 20-A MRSA §8461, sub-§2, ~~11C~~, as enacted  
12      by PL 1981, c. 693, §§5 and 8, is amended to read:

13      C. The chairman shall add these votes and the  
14      cooperative board shall make a finding of fact  
15      and enter in its records the total vote in the  
16      affirmative and in the negative.

17           (1) If the total affirmative votes exceed  
18           the total negative votes, the cooperative  
19           board shall declare that the budget has been  
20           approved.

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

30      Sec. 45. 20-A MRSA c. 316 is enacted to read:

31                           CHAPTER 316

32                           DRIVER EDUCATION

33      §8701. Driver education

34      Approved secondary schools may offer courses in  
35      driver education.

1     §8702. Curriculum

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

7     §8703. Instructors

8           Instructors shall hold certification to teach  
9     driver education.

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

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

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

27     §8704. Fee charged

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

34     §8705. Departmental personnel

35           The commissioner shall employ necessary person-  
36     nel, subject to the terms of the Personnel Law, to  
37     implement this chapter.

1     §8706. Rules

2             The commissioner shall adopt rules to implement  
3     this chapter.

4             Sec. 46. 20-A MRSA §8801, as amended by PL 1983,  
5     c. 806, §73, is further amended to read:

6     §8801. Summer schools; standards; approval

7             Standards for summer schools shall be as follows.

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

14            2. Approval. The state board shall direct an  
15    inspection commissioner may inspect any summer school  
16    after which they the commissioner may approve and  
17    grant a certificate to a school that maintains these  
18    approval standards. The expense of inspection shall  
19    be paid by the department.

20            Sec. 47. 20-A MRSA §11401, as enacted by PL  
21    1981, c. 693, §§5 and 8, is amended to read:

22    §11401. Purpose

23            The purpose of this chapter is to enable the  
24    state board to establish a student loan insurance  
25    program, meeting certain federal requirements, in order  
26    to secure loans to Maine students attending in-  
27    stitutions of higher education, including vocational  
28    training institutions, and to parents of these stu-  
29    dents, in accordance with the direction in the Con-  
30    stitution of Maine, Article VIII, Part First, Section  
31    2.

32            Sec. 48. 20-A MRSA §12004, sub-§1, as enacted by  
33    PL 1981, c. 693, §§5 and 8, is amended to read:

34            1. Agreement. A student commencing professional  
35    education between September 1, 1977 1971 and June 30,  
36    1981, as a condition of receiving a loan, shall enter  
37    into an agreement with the State that the student,

1 after the completion of an internship, residency, ob-  
2 ligated public health service or Armed Forces' ser-  
3 vice, shall enter in the practice of osteopathic med-  
4 icine in this State and continue in that practice for  
5 a period of one year for each \$2,000 of the loan uti-  
6 lized.

7 Sec. 49. 20-A MRSA §13014, sub-§5, as enacted by  
8 PL 1983, c. 845, §4, is repealed and the following  
9 enacted in its place:

10 5. Effective date. Notwithstanding the July 1,  
11 1988, reference in section 13011, the state board  
12 shall establish as a target date, Septmeber 1, 1987,  
13 to adopt rules governing the issuance of master  
14 teacher certificates. Following the effective date of  
15 these rules, eligible teachers may apply to qualify  
16 for a master teacher certificate. Master teacher cer-  
17 tificates may be issued starting in July 1988.

18 Sec. 50. 20-A MRSA §13201, first ¶, as enacted  
19 by PL 1981, c. 693, §§5 and 8, is amended to read:

20 The superintendent shall nominate all teachers,  
21 subject to such regulations governing salaries and  
22 the qualifications of teachers as the school board  
23 shall make. Upon the approval of nominations, by  
24 the school board, the superintendent may employ  
25 teachers so nominated and approved for such terms as  
26 the superintendent may deem proper, subject to the  
27 approval of the school board. In case the superin-  
28 tendent of schools and the ~~school committee or school~~  
29 ~~directers~~ school board fail to legally elect a teach-  
30 er, the commissioner shall have the authority to ap-  
31 point a substitute teacher who shall serve until such  
32 election is made.

33 Sec. 51. 20-A MRSA §13201, last ¶, as amended by  
34 PL 1983, c. 147, §2, is further amended to read:

35 The right to terminate a contract, after due no-  
36 tice of 90 days, is reserved to the ~~school committee~~  
37 ~~or school directers~~ school board when changes in lo-  
38 cal conditions warrant the elimination of the teach-  
39 ing position for which the contract was made. The or-  
40 der of layoff and recall shall be a negotiable item  
41 in accordance with the procedures set forth in Title



1 26, chapter 9-A, provided that in any negotiated  
2 agreement, the criteria negotiated by the ~~school com-~~  
3 ~~mittee or school directors~~ school board and the bar-  
4 gaining agent to establish the order of layoff and  
5 recall may include, but shall not be limited to, se-  
6 niority.

7 Sec. 52. 20-A MRSA §13507-A is enacted to read:

8 §13507-A. State collective bargaining

9 1. Teacher recognition grants. The state-funded  
10 teacher recognition grants shall not be considered  
11 during collective bargaining for the purposes of set-  
12 ting teachers' salaries in state-operated schools.

13 2. Minimums. Notwithstanding any other provision  
14 of law, the State and the bargaining agent for teach-  
15 ers in state-operated schools and related classifica-  
16 tions shall at a minimum, in accordance with bargain-  
17 ing procedures set forth in Title 26, chapter 9-B,  
18 negotiate as to the impact of implementation of sec-  
19 tions 13403 and 13404. The negotiations shall be lim-  
20 ited to salaries.

21 Sec. 53. 20-A MRSA §§15006 and 15007 are enacted  
22 to read:

23 §15006. School money; finance committees

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

34 2. Quasi-municipal corporations. No money ap-  
35 propriated for public schools or educational purposes  
36 may be paid out by a school administrative unit other  
37 than a municipality, except upon written order of its  
38 treasurer. No such order may be drawn by the trea-  
39 surer, except upon presentation of a properly

1 avouched bill of items which has first been certified  
2 as to correctness by the superintendent of schools  
3 and approved by a majority of the school board or by  
4 a financial committee appointed or otherwise duly  
5 elected by the school board.

6 3. Finance committees. School boards which do  
7 not otherwise have authority to appoint a finance com-  
8 mittee under this Title may appoint 2 members of the  
9 board and the superintendent to act as the finance  
10 committee of the administrative unit.

11 §15007. Ministerial and school lands

12 All income derived from ministerial and school  
13 lands within a municipality and from rents and prof-  
14 its of real and personal estate held under Title 13,  
15 section 3166, shall be annually applied to the sup-  
16 port of public schools in the municipality or the  
17 schooling of resident students and expended like oth-  
18 er school money.

19 Sec. 54. 20-A MRSA c. 603, as enacted by PL  
20 1981, c. 693, §§5 and 8, is repealed.

21 Sec. 55. 20-A MRSA c. 603-A is enacted to read:

22 CHAPTER 603-A

23 FEDERAL AID

24 §15401. Administration of federal aid

25 1. Authorization to administer funds. The de-  
26 partment may administer all allotments of federal  
27 funds pertaining to schools, educational programs and  
28 institutions of higher education. The commissioner  
29 shall act for the department except where otherwise  
30 specified in the law.

31 2. Award of subgrants. The department may award  
32 subgrants to school administrative units, private  
33 schools, nonprofit corporations, institutions of  
34 higher learning or other persons for purposes related  
35 to education out of federal grant funds when those  
36 subgrants are permitted by the terms under which the  
37 federal funds are available. Those subgrants shall

1 be made in conformity with applicable federal re-  
2 quirements and with appropriate state accounting re-  
3 quirements and in accordance with rules of the de-  
4 partment.

5 3. Rulemaking. The department may adopt rules  
6 to implement this section.

7 Sec. 56. 20-A MRSA §15603, sub-§2, ¶A, as en-  
8 acted by PL 1983, c. 859, Pt. G, §§2 and 4, is  
9 amended to read:

10 A. Program costs for special education costs in  
11 subsection 22, vocational education costs in sub-  
12 section 30, transportation operating costs in  
13 subsection 29 and, bus purchase costs in subsec-  
14 tion 7 and early childhood costs in subsection  
15 10;

16 Sec. 57. 20-A MRSA §15603, sub-§26, as enacted  
17 by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to  
18 read:

19 26. State subsidy. "State subsidy" means the to-  
20 tal of the state share of the foundation allocation,  
21 and the state share of the debt service allocation,  
22 if any, and the state share of the bus purchase alle-  
23 cation, if any.

24 Sec. 58. 20-A MRSA §15605, sub-§1, as enacted by  
25 PL 1983, c. 859, Pt. G, §§2 and 4, is amended to  
26 read:

27 1. Annual certification. Prior to December 15th  
28 of each year, the commissioner, with the approval of  
29 the state board, shall certify to the Governor and  
30 the Bureau of the Budget the funding levels which the  
31 commissioner recommends for sections 15604 and ~~15613~~  
32 15612.

33 Sec. 59. 20-A MRSA §15608, sub-§2, ¶E is enacted  
34 to read:

35 E. The early childhood portion of the program  
36 costs allocation shall be the actual expenditures  
37 for early childhood in section 15603, subsection  
38 10, as adjusted.

1       Sec. 60. 20-A MRSA §15612, first ¶, as enacted  
2 by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to  
3 read:

4       Adjustments to the state share of the foundation  
5 allocation shall be made as allowed in subsections 1  
6 to 4 for each school administrative unit that has  
7 raised the maximum amount of its local share of the  
8 foundation allocation ~~for operating costs~~.

9       Sec. 61. 20-A MRSA §15613, sub-§9, as enacted by  
10 PL 1983, c. 859, Pt. G, §§2 and 4, is amended to  
11 read:

12       9. Balance of allocations. Notwithstanding any  
13 other public or private statute, general operating  
14 fund balances of allocations at the end of a school  
15 administrative unit's fiscal year shall be carried  
16 forward to meet the next year's school needs. Unal-  
17 located balances in excess of 3% of the previous  
18 year's school budget shall be used to reduce the  
19 state and local allocations for the purpose of com-  
20 puting state subsidy.

21       Sec. 62. 20-A MRSA §15915 is enacted to read:

22       §15915. Federal construction aid

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

27       Sec. 63. 25 MRSA §2399, 2nd ¶, as amended by PL  
28 1983, c. 43, is further amended to read:

29       Every fire insurance company or association which  
30 does business or collects premiums or assessments in  
31 the State shall pay to the State Tax Assessor, in ad-  
32 dition to the taxes now imposed by law to be paid by  
33 those companies or associations, .95 of 1% of the  
34 gross direct premiums for fire risks written in the  
35 State, less the amount of all direct return premiums  
36 thereon and all dividends paid to policyholders on  
37 direct fire premiums. That tax shall be paid as pro-  
38 vided for insurance premium taxes as specified in Ti-  
39 tle 36, section 2521-A, except that the tax pre-

scribed by this section shall be paid on an estimated basis at the end of each quarter starting with the first quarter of 1983, with each installment equal to at least 25% of the estimated total tax to be paid for the current calendar year. The State Tax Assessor shall pay over all receipts from that tax to the Treasurer of State daily. These funds shall be used to defray the expenses incurred by the Commissioner of Public Safety in administering all fire preventive and investigative laws, rules and regulations and in educating the public in fire safety and are appropriated for those purposes and to carry out the administration and duties of the Office of State Fire Marshal. In addition, 10.5% of these funds shall also be used to defray the expenses of the fire service training and education program as established in Title ~~20~~ 20-A, chapter ~~315~~ 319.

Sec. 64. 29 MRSA §583, as amended by PL 1983, c. 455, §21, is further amended to read:

§ 583. Driver education required for minors

No operator's license, except to operate a moped only, ~~shall~~ may be issued to any person under 17 years of age unless such person shall present a certificate of successful completion of a driver education course and examination given by ~~the a public secondary schools and academies receiving tuition students as described in Title 20, section 1291~~ school or an approved private secondary school; or certificate of successful completion of a driver education course and examination given by some person or persons licensed by the Department of Business, Occupational and Professional Regulation, Board of Commercial Driver Education. No license shall may be required of certified teachers conducting a driver education course in a public secondary schools or academies receiving tuition students as described in Title 20, section 1291 school or an approved private secondary school. All licenses expire on December 31st of the year of issue.

Successful course completion certificates may be issued to any person permitted by law to have a license provided such course, given by ~~the a public secondary schools and academies receiving tuition~~

1 students as described in Title 20, section 1291,  
2 ~~shall meet~~ school or an approved private secondary  
3 ~~school meets~~ teacher qualification, course content  
4 and standards ~~approved~~ adopted by the State Board of  
5 Education Department of Educational and Cultural  
6 Services. Successful course completion certificates  
7 shall not be issued to any person who was not at  
8 least 15 years of age at the commencement of the  
9 driver education course.

10 After September 1, 1977, no motorcycle or motor  
11 driven cycle learner's permit or permission or re-  
12 striction to operate a motorcycle or motor driven cy-  
13 cle ~~shall~~ may be issued to any person under 17 years  
14 of age, unless such person shall present a certifi-  
15 cate of successful completion of a motorcycle driver  
16 education course and examination given by the a pub-  
17 lic secondary schools and academies receiving tuition  
18 students as described in Title 20, section 1291  
19 school or an approved private secondary school; or  
20 certificate of successful completion of a driver edu-  
21 cation course and examination, which includes demon-  
22 stration of the ability to operate a motorcycle safe-  
23 ly, given by a public secondary school or academy in-  
24 cluding a demonstration of ability to safely operate  
25 a ~~motereycle~~ approved private secondary school; or  
26 certificate of successful completion of a driver edu-  
27 cation course and examination given by some person or  
28 persons licensed by the Secretary of State. No li-  
29 cense ~~shall~~ may be required of certified teachers  
30 conducting a motorcycle driver education course in a  
31 public secondary schools or academies receiving tui-  
32 tion students as described in Title 20, section 1291  
33 school or approved private secondary school. All li-  
34 censes expire on December 31st of the year of issue.

35 Any person between the ages of 15 and 17, who  
36 satisfies the Secretary of State that no readily  
37 available means of transportation exists to and from  
38 a public or approved private secondary school or  
39 academy which he is attending, may be issued, upon  
40 passing the regular driver's examination as provided  
41 in section 581, a special permit authorizing such  
42 person to drive to and from such school or academy.

43 Sec. 65. 30 MRSA §5104, sub-§1, as amended by PL  
44 1967, c. 425, §20, is further amended to read:

1       1. Public schools. Providing for public schools  
2 and libraries, including construction, extensions,  
3 enlargements, repairs, improvements or maintenance to  
4 buildings for which a municipality has a contract,  
5 lease or agreement with the Maine School Building Au-  
6 thority pursuant to Title 20, ~~sections 3501 to 3517~~  
7 20-A, sections 15702 and 15718.

8       Sec. 66. 30 MRSA §5104, sub-§4 is amended to  
9 read:

10       4. Maintenance. Providing for the construction,  
11 repairs and maintenance of buildings and equipment  
12 for educational institutions with which a municipali-  
13 ty has a contract as provided in Title 20, ~~section~~  
14 ~~1289~~ 20-A, section 2703.

15       Sec. 67. 32 MRSA §303-A, first ¶, as enacted by  
16 PL 1985, c. 389, §10, is amended to read:

17       No person may be engaged to instruct in any of  
18 the branches of barbering unless that person has a  
19 certificate to practice barbering issued under this  
20 chapter and a certificate of registration as instruc-  
21 tor of barbering issued under the chapter.

22       Sec. 68. 32 MRSA §9502, sub-§3, as enacted by PL  
23 1981, c. 456, Pt. A, §113, is amended to read:

24       3. Commercial driver education school. "Commer-  
25 cial driver education school" means any person or  
26 persons engaged in teaching driver education for re-  
27 munerated, except a public or private school ap-  
28 proved by the ~~State Board of Education~~ Commissioner  
29 of Educational and Cultural Services.

1

## STATEMENT OF FACT

2

The purposes of this new draft are as follows.

3

4

Section 4 is amended to replace an "or" with "of" and to remove a comma.

5

6

7

8

Section 9 gives the commissioner general authority to adopt rules regarding the relationship between private schools approved for tuition purposes and sending school administrative units.

9

Section 10 is amended to correct punctuation.

10

Section 15 changes a plural to a singular.

11

Section 16 corrects title references.

12

13

14

Section 17 corrects punctuation and makes it clear it includes "grades from kindergarten to grade 12".

15

16

Section 18 changes the number of years for which a contract may be made to 2 to 10 years.

17

Section 19 corrects a cross reference.

18

19

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Section 21. Title 20-A, section 2901, subsection 2, paragraph B, changes "all requirements" to "applicable requirements" to make it clear that secular schools approved for attendance purposes do not need to meet the requirements for receipt of publicly-funded tuition.

24

25

26

27

Section 22 is amended to add the cross references to the Maine Revised Statutes, Title 20-A, sections 4701 and 4706 to the requirements that must be met by private elementary and secondary schools.

28

29

30

31

Section 27 clarifies that only private schools that have 60% or more publicly-funded tuition students must participate in the department's student assessment program.

32

33

Section 28 restores the existing language of "schooling privileges arranged." It also removes an



1 unnecessary word.

2 Section 24 of the bill is deleted because the  
3 provision is placed in the wrong location in the law.

4 Section 31 is amended to remove an unnecessary  
5 word.

6 Section 29 of the bill is deleted as unnecessary.

7 Section 32 is amended to clarify that the receiv-  
8 ing school has the right to accept or not to accept  
9 tuition students and that the tuition charge shall be  
10 set in accordance with present laws.

11 Section 36 is amended in the Maine Revised Stat-  
12 utes, Title 20-A, section 6051, subsection 1, para-  
13 graph F, by changing the word "commission" to "com-  
14 missioner." It is also amended in subsection 4 by  
15 making it clear that the school board and not the au-  
16 dit firm shall be responsible for providing an audit  
17 report to the commissioner.

18 Section 37 is added. The section limits the pri-  
19 vate schools for which the commissioner shall include  
20 in the statewide student assessment program to those  
21 private schools where 60% or more of their students  
22 are publicly funded.

23 Section 38 is replaced by new language which more  
24 clearly specifies that the nurse coordinator's role  
25 is not to offer legal interpretations.

26 Section 45 is amended in the Maine Revised Stat-  
27 utes, Title 20-A, section 8703, subsection 2, by  
28 changing the word "may" to "shall." This conforms to  
29 the intent of legislation passed by a previous Legis-  
30 lature.

31 Section 46 is amended in the Maine Revised Stat-  
32 utes, Title 20-A, section 8801, subsection 2 to  
33 change the word "he" to "the commissioner."

34 Sections 44, 45 and 46 of the bill are deleted  
35 because it is covered in another bill before the Leg-  
36 islature.

1           Section 47 makes it clear that parents can loan  
2 money for their children's post-secondary school edu-  
3 cation.

4           Section 49 delays the implementation of the rules  
5 governing the master teacher certificate until Sep-  
6 tember 1, 1987, and delays implementation of the  
7 rules until July 1, 1988.

8           Sections 50 and 51 are replaced to make clear  
9 that the only changes made are to change "school com-  
10 mittee or school directors" to "school board."

11          Section 52 clarifies that the provisions govern-  
12 ing the teacher recognition grants and minimum sala-  
13 ries also apply to teachers working in the unorga-  
14 nized territory and in state-operated schools.

15          Sections 49 and 50 of the bill are deleted be-  
16 cause it is covered in another bill before the Legis-  
17 lature.

18          Section 53 is amended by adding a new subsection  
19 to allow municipal school units to appoint a finance  
20 committee.

21          Section 59 of the bill is deleted because it is  
22 covered in another bill before the Legislature.

23          Section 66 is amended to correct a cross refer-  
24 ence.

25          Section 67 clarifies the law regarding instruc-  
26 tors of barbering to specify that instructors have a  
27 certificate of registration.

28 7313041286