

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 469, L.D. 1252, Bill, "An Act to Amend and Improve the Laws Relating to Education"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 20-A MRSA §257, as amended by PL 1989, c. 525, §1, is repealed and the following enacted in its place:

§257. High school equivalency diploma

1. Issuance of diploma. The commissioner shall issue a high school equivalency diploma to any person who:

A. Is at least 18 years of age, if that person:

(1) Has completed a formal training program approved by the commissioner; and

(2) Has demonstrated through procedures prescribed by the commissioner attainment of a general educational development comparable to that of a secondary school graduate; or

B. Is 17 years of age, if that person:

(1) Has not been in attendance for one year or more at a public school or a private school approved by the department pursuant to chapter 117 or has documented an immediate need for a high school equivalency diploma to the superintendent of schools for the school administrative unit in which that person resides and to

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the commissioner and received written approval for the issuance of a high school equivalency diploma from the superintendent and the commissioner;

(2) Has completed a formal training program approved by the commissioner; and

(3) Has demonstrated through procedures prescribed by the commissioner attainment of a general educational development comparable to that of a secondary school graduate.

The commissioner shall issue a diploma authorized by this subsection upon compliance with the requirements of this subsection or as soon thereafter as possible.

2. Equivalency diploma status. Equivalency diplomas have the legal status of high school diplomas.

3. Fees. A fee may not be charged for the issuance of any high school equivalency diploma to residents of this State.

Sec. 2. 20-A MRSA §1051, sub-§1, as repealed and replaced by PL 1983, c. 816, Pt. A, §10, is amended to read:

1. Eligibility requirements. Only those persons who hold a state certificate of superintendence grade, issued in accordance with chapter 501 or chapter 502, may be eligible to become superintendents. Members of the school board may not be eligible to become superintendent in the school administrative unit which they represent. Superintendents' certificates may be revoked in accordance with section ~~12001~~ 13020. Grounds for revocation shall include, but are not be limited to, the employment or retention of uncertified personnel in a school administrative unit in violation of this Title or of any rules adopted pursuant to this Title.

Sec. 3. 20-A MRSA §1251, sub-§6, as amended by PL 1987, c. 736, §40, is further amended to read:

6. Oath of office. Before their first meeting, newly elected directors shall must take the following oath or affirmation before a dedimus justice or notary public.

"I ..... do swear that I will faithfully discharge to the best of my abilities the duties incumbent on me as a school director of School Administrative District No..... according to the Constitution and laws of this State. So help me God."

A. A director shall take the oath or affirmation and return a certificate documenting that the oath has been taken to

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the secretary of the district to place in the district records.

B. If a director is conscientiously scrupulous of taking an oath, the word "affirm" shall may be used instead of "swear" and the words "this I do under the pains and penalty of perjury" instead of the words "so help me God."

Sec. 4. 20-A MRSA §1653, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§1653. Election; vacancies

1. Representation on school committees in districts that do not include kindergarten and grades one to 12; districts that include kindergarten and grades one to 12; starting date for term of office. Each member town's representation on the district's school committee, as determined pursuant to section 1651, subsection 2, paragraph C, shall must be chosen as follows.

A. In a district which that does not include kindergarten and grades one to 12, the school committee of each member town shall choose from its membership the representation on the community school district's school committee to which that town is entitled. Membership on the district's committee shall-be is coterminous with the member's term of office on the school committee of the town which that the member represents.

B. In a district which that includes kindergarten and grades one to 12, the member towns shall elect their representatives directly to the district's school committee as follows.

(1) For the purpose of nominations, the members of the school committee shall--be are considered municipal officers and shall must be nominated in accordance with Title 30-A, chapter 121, or in accordance with a municipal charter, whichever is applicable.

(2) Upon the election of the members to the school committee, the clerks of the several municipalities within the district shall forward the names of the members of the committee elected by each municipality to the secretary of the district's school committee.

(3) The terms of office shall-be are determined by lot as follows: ~~One-third~~ One third of the members of the school committee shall serve one-year terms; 1/3 shall serve 2-year terms; and 1/3 shall serve 3-year terms. In the event the number of members is not evenly divisible by 3, the terms of the members represented by

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2 the integer obtained by dividing the number of members  
3 by 3 shall-be are determined by the preceding sentence;  
4 if one member remains, that member shall-serve serves a  
5 3-year term; if 2 members remain, one shall--serve  
6 serves a 3-year term; and one shall--serve serves a  
7 2-year term, to be determined by lot. The members of  
8 the school committee shall serve their terms as  
9 determined and an additional period until the next  
10 regular election of the municipalities. Thereafter,  
11 their terms of office shall date from the time of each  
12 municipality's regular election. In a city where  
13 elections are held biennially, the term of each member  
14 shall-be is for 4 years, dating from the time of the  
15 regular city election and, following the initial  
16 election, the members shall choose by lot to see who  
17 will serve for 4 years and who will serve for 2 years.  
18 Thereafter, each member shall-be is elected to serve  
19 for 4 years.

20 C. Notwithstanding paragraphs A and B, the voters of a  
21 district may vote on an appropriate article at meetings  
22 called by the municipal officers of the respective member  
23 towns, in accordance with section 1602, to establish a fixed  
24 common date for all newly-elected school committee members  
25 to assume their terms of office. The common date shall must  
26 be subsequent to the last annual municipal election within  
27 the district, but shall may be no later than July 1st of the  
28 next fiscal year. The adoption of such a common date shall  
29 be is conditional upon the favorable passage of this article  
30 at each of the meetings of the member towns.

31 2. Vacancies caused by death or resignation; declaration of  
32 vacancy; attendance as nonvoting member. Vacancies caused by  
33 death or resignation shall-be are filled as follows.

34 A. A vacancy on a school committee of a district which that  
35 does not include kindergarten and grades one to 12, whether  
36 caused by death, by resignation or by a member having  
37 changed his residence from the town which that the member  
38 was elected to represent, shall must be filled by the school  
39 committee of the town in which the vacancy occurs. A similar  
40 vacancy on a school committee of a district which that  
41 includes kindergarten and grades one to 12 shall must be  
42 filled by the municipal officers of the municipality in  
43 which the member resided. The municipal officers shall  
44 select a new member from the municipality in which the old  
45 member resided to serve until the next annual municipal  
46 election. Evidence that an individual is registered to vote  
47 in a municipality is prima facie evidence of that  
48 individual's residency.

49 B. If any representative on the school committee in a  
50 community school district which that does not include

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2 kindergarten and grades one to 12 is absent from 3  
consecutive regular committee meetings, the committee may  
4 declare that a vacancy exists and the school committee in  
the representative's town may choose from among its members  
6 another representative to the community school committee.  
The new member shall must be chosen on the basis of  
seniority.

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10 Except in municipalities having a municipal charter, if any  
representative on the school committee in a community school  
12 district which that includes kindergarten and grades one to  
12 is absent without excuse from 3 consecutive regular  
14 committee meetings, the committee may declare that a vacancy  
exists. The municipality shall elect another representative  
16 to the community school committee in the same manner as  
provided for original election under subsection 1, paragraph  
B. The successor shall serve for the remainder of the  
18 unexpired term.

20 C. If a member of the school committee in a community  
school district which that does not include kindergarten and  
22 grades one to 12 is absent from a meeting, the senior  
nonvoting member shall ~~be~~ is allowed all the rights and  
24 privileges of the absent member. This paragraph shall ~~apply~~  
applies only to a community with only one member on the  
26 community school committee.'

28 Further amend the bill by striking out all of section 3 and  
inserting in its place the following:

30 'Sec. 3. 20-A MRSA §4706, sub-§2, as enacted by PL 1983, c.  
32 859, Pt. C, §§5 and 7, is amended to read:

34 2. Maine studies. A course in the history, including the  
Constitution of Maine, Maine geography and environment and the  
36 natural, industrial and economic resources of Maine and Maine's  
cultural and ethnic heritage shall must be taught in at least one  
38 grade from grade 6 to grade 12 8, in all schools, both public and  
private. These concepts must be integrated into the curriculum  
40 in grades 9 to 12.

42 Sec. 4. 20-A MRSA §5004 is enacted to read:

44 §5004. Work permits  
46 Superintendents shall issue and revoke work permits for  
minor students as provided in Title 26, chapter 7.'

48 Further amend the bill by renumbering the sections to read  
50 consecutively.

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2 Further amend the bill by inserting before the statement of  
fact the following:

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FISCAL NOTE

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8 This bill reestablishes a provision to allow the Department  
of Education to carry forward unexpended balances in the  
Education in the Unorganized Territories account, which may  
10 reduce the amount of funds lapsing to the General Fund.'

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STATEMENT OF FACT

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16 This amendment makes several changes in the original bill to  
accomplish the following:

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1. Clarify the requirement for issuance of a high school  
equivalency diploma to persons 18 years of age;

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2. Permit charging a fee for issuance of a high school  
equivalency diploma to out-of-state residents;

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3. Make several technical changes to correct  
cross-references and other obsolete terms in the Maine Revised  
Statutes, Title 20-A;

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4. Authorize elected directors of school boards in school  
administrative districts to take the required oath of office  
before a notary public as well as a dedimus justice;

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5. Cross-reference the superintendent's responsibilities in  
issuing student work permits under Title 26;

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6. Remove the requirement that Maine studies be taught as a  
separate course in high school. Maine studies still must be  
taught once in grades 6 through 8 and the concepts must now be  
integrated into high school classes; and

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7. Add a fiscal note.

Reported by Senator McCormick for the Committee on Education.  
Reproduced and Distributed Pursuant to Senate Rule 12.  
(5/13/91) (Filing No. S-153)