

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1677

H.P. 1152

House of Representatives, April 24, 1991

Submitted by the Department of Education pursuant to Joint Rule 24.  
Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative WHITCOMB of Waldo.

Cosponsored by Representative NORTON of Winthrop, Representative CROWLEY of Stockton Springs and Senator CAHILL of Sagadahoc.

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STATE OF MAINE

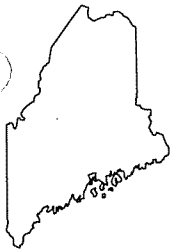
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Recodify the Adult and Secondary Vocational Education Laws.**

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

2  
4        Sec. 1. 20-A MRSA §257, as amended by PL 1989, c. 525, §1, is repealed and the following enacted in its place:

6        §257. High school equivalency certificates

8        1. Issuance of diplomas. The commissioner shall issue a state high school equivalency diploma to any resident of the State who:

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

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

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

22        B. Is 17 years of age, if the person:

24                (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 such a diploma to, and received written approval for the receipt of such a diploma from, the commissioner and the superintendent of schools for the school administrative unit in which that person resides;

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

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

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

42        2. Diploma status. A state high school equivalency diploma has the legal status of a high school diploma.

44        3. Fees. A fee may not be charged for the issuance of any state high school equivalency diploma.

46        Sec. 2. 20-A MRSA §8301, as amended by PL 1987, c. 98, §2, is repealed.

2           **Sec.3. 20-A MRSA §8301-A** is enacted to read:

4           **§8301-A. Definitions**

6           As used in this chapter, unless the context otherwise  
8           indicates, the following terms have the following meanings.

10           1. **Affiliated unit.** "Affiliated unit" means a school  
12           administrative unit that is affiliated with another school  
14           administrative unit that operates a vocational center. An  
16           affiliated school administrative unit may have its secondary  
              students served by a vocational center operated by a school  
              administrative unit with which it is affiliated. An affiliated  
              school administrative unit may also operate vocational satellite  
              programs.

18           2. **Budget failure.** "Budget failure" means the failure of a  
20           vocational region, by August 1st of any fiscal year, to approve a  
22           budget for the vocational region that is at least equal to the  
              sum of the total allocations for vocational education of the  
              member school administrative units in the vocational region.

24           3. **Center.** "Center" means an administrative entity  
26           established pursuant to this chapter that provides vocational  
28           education to secondary students. Unless otherwise specifically  
30           provided for by this chapter, a vocational center is governed,  
32           operated and administered by a single school administrative  
34           unit. A vocational center may serve secondary students from  
              school administrative units with which it is affiliated. A  
              vocational center may include within its administrative structure  
              vocational satellite programs operated by school administrative  
              units with which it is affiliated.

36           4. **Municipality.** "Municipality" has the same meaning as in  
              section 15603, subsection 19.

38           5. **Parent.** "Parent" means a parent, as defined in section  
40           1, subsection 20, with legal custody of a minor child.

42           6. **Region.** "Region" means a quasi-municipal corporation  
44           established by the Legislature to provide vocational education to  
46           secondary students that is comprised of all of the school  
              administrative units within the geographical boundaries set forth  
              for each vocational region in section 8451. A vocational region  
              is governed by a cooperative board formed and operating in  
              accordance with this chapter.

48           7. **Residence.** "Residence" means, with reference to a  
50           person's eligibility to receive vocational education, the school  
52           administrative unit in which is located the legal residence of  
              the person's parent if the person has not reached 18 years of

2 age, the legal residence of the person after the person reaches  
3 18 years of age or the legal residence of the person after the  
4 person becomes an emancipated minor. A federal reservation is  
5 considered part of the school administrative unit in which it is  
6 located.

7 8. Satellite program. "Satellite program" means a program  
8 providing vocational education to secondary students that is  
9 operated, under section 8403, by a school administrative unit  
10 affiliated with a vocational center.

11 9. State subsidy. "State subsidy" has the same meaning as  
12 in section 15603, subsection 26.

13 10. Unit. "Unit" means a school administrative unit.

14 11. Vocational education. "Vocational education" means a  
15 course or program of education designed to create or improve  
16 job-related skills that is part of a secondary school curriculum  
17 and approved by the commissioner according to this chapter.

18 Sec. 4. 20-A MRSA §8305, as enacted by PL 1981, c. 693, §§5  
19 and 8, is repealed.

20 Sec. 5. 20-A MRSA §8305-A is enacted to read:

21 §8305-A. Eligibility

22 1. General right. A person eligible to receive free public  
23 secondary education may, consistent with this section and  
24 department rules:

25 A. Receive vocational education from a center, satellite  
26 program or region that serves the person's residence; or

27 B. Receive vocational education from a center, satellite  
28 program or region outside of the geographical area that  
29 serves the person's residence, subject to the approval of  
30 the commissioner and the governing bodies of the sending  
31 unit and receiving center, satellite program or region.

32 2. Admission standards. A region, center or satellite  
33 program shall determine, in accordance with its published  
34 admission standards, whether to admit a person to such a region,  
35 center or satellite program. Unless otherwise specifically  
36 provided for in this chapter, priority to enroll in any  
37 vocational education course of study offered by a region, center  
38 or satellite program, must be given first to persons eligible to  
39 receive a free public secondary education who are residents of  
40 municipalities served by that region, center or satellite program.

2           3. Adult participation in vocational education courses.  
3 Persons who are 20 years of age or older and who otherwise comply  
4 with the requirements of this section may receive vocational  
5 education in a vocational education course if, after all other  
6 eligible persons have been enrolled in that course, space exists  
7 to accommodate participation by persons who are 20 years of age  
8 or older.

9           Sec. 6. 20-A MRSA §8306, as enacted by PL 1981, c. 693, §§5  
10 and 8, is amended to read:

11 **§8306. Powers and duties of State Board of Education**

12           1. State plan. ~~The State Board of Education~~ state board  
13 shall approve or disapprove the state plans and update as it  
14 determines necessary a state plan for vocational education, in  
15 compliance with the requirements of applicable state and federal  
16 laws, rules and regulations. The state plan must be prepared by  
17 the commissioner.

18           2. Center and region plans. ~~The state board shall approve~~  
19 center and region plans for a plan for the provision of  
20 vocational education by each center or region. The plans shall  
21 must be prepared by each center or region at the time of its  
22 organization or reorganization, approved by the school board or  
23 cooperative board governing each center or region respectively,  
24 and include:

25           A. A survey of the educational vocational education needs  
26 nationally, statewide and in the geographic area served by  
27 the center or region;

28           B. A survey of employment opportunities nationally,  
29 statewide and in the geographic area served by the center or  
30 region;

31           C. A description of the programs to be offered by the  
32 center or region; and

33           C-1. A description of the manner in which academic courses  
34 will be used to augment trade-oriented skill courses for  
35 vocational education students at the center or region;

36           D. A description of the areas each geographic area served  
37 by the center or region and locations to be served, the  
38 location of each vocational education program to serve those  
39 areas; and

40           E. A description of the manner in which the vocational  
41 education programs offered by the center or region address  
42 the vocational education needs in the geographic area served  
43 by the center or region and employment opportunities

2 nationally, statewide and in the geographic area served by  
3 the center or region.

4 ~~3. Plans for vocational satellite programs. The state~~  
5 ~~board may approve plans for a vocational satellite program if:~~

6 A. ~~A vocational center requests a vocational satellite~~  
7 ~~program;~~

8 B. ~~The school board operating the vocational center~~  
9 ~~approves the plan and supplies information documenting the~~  
10 ~~need for a vocational satellite program; and~~

11 C. ~~The request includes the commissioner's approval.~~

12 4. ~~Boundaries of centers and regions. The board:~~

13 A. ~~Shall have the final authority to define the boundaries~~  
14 ~~of vocational regions and centers; and~~

15 B. ~~May, in accordance with the procedures established in~~  
16 ~~section 8307, approve:~~

17 (1) ~~Changes in existing boundaries;~~

18 (2) ~~Changes in the status of a center to a region or a~~  
19 ~~region to a center;~~

20 (3) ~~Dissolution of existing regions and centers;~~

21 (4) ~~Creation of new regions or centers; or~~

22 (5) ~~Creation of alternative methods of delivering~~  
23 ~~vocational education.~~

24 5. Reorganizing centers and regions. The state board may,  
25 in compliance with section 8307:

26 A. Change existing boundaries of centers and regions;

27 B. Change the status of a center to a region or a region to  
28 a center;

29 C. Dissolve existing regions or centers;

30 D. Create new regions or centers; or

31 E. Create alternative organizational methods of delivering  
32 vocational education.

33 Sec. 7. 20-A MRS §8306-A is enacted to read:

34

2           **§8306-A. Rules; approval of vocational education programs and**  
3                                   **courses**

4           The commissioner may adopt rules to establish requirements  
5           for vocational education programs and courses, to establish  
6           procedures for approving vocational education programs and  
7           courses and to otherwise carry out the purposes of this chapter.

8           A program or course of vocational education may not be  
9           offered by a region, center or affiliated unit unless approved by  
10           the commissioner in compliance with rules adopted pursuant to  
11           this chapter.

12           Sec. 8. 20-A MRSA §8307, as amended by PL 1989, c. 104, Pt.  
13           C, §§8 and 10, is repealed.

14           Sec. 9. 20-A MRSA §8307-A is enacted to read:

15           **§8307-A. Reorganization procedures**

16           The governing body of one or more units, or the  
17           commissioner, may prepare a plan for reorganizing the provision  
18           of vocational education in or among existing regions or  
19           geographic areas served by existing centers and present the  
20           reorganization plan to the state board for its approval. A unit  
21           may prepare a reorganization plan only for a region or center  
22           that serves or is proposed to serve the unit.

23           1. Contents of reorganization plan. The reorganization plan  
24           must:

25           A. Describe the deficiencies in the current method of  
26           providing vocational education in a region or geographic  
27           area served by a center that require reorganizing the  
28           provision of vocational education in that region or  
29           geographic area;

30           B. Present an alternative organizational method of  
31           providing vocational education in a region or geographic  
32           area served by a center;

33           C. Present a method for assigning title to and obligations  
34           for property and indebtedness respectively of any region or  
35           center affected by a reorganization plan;

36           D. Contain the applicable plan required by section 8306; and

37           E. Present any other information requested by the state  
38           board.

39           2. Assessment by the commissioner. The commissioner shall:



2 A. Assess the impact of the reorganization plan on the  
4 provision of vocational education in any region or  
geographic area served by a center that is affected by the  
reorganization plan;

6 B. Assess the fiscal impact of the reorganization plan on  
8 the State; and

10 C. Submit a written report of findings to the state board.  
12 In the report, the commissioner may suggest revisions to the  
14 reorganization plan as submitted or the commissioner may  
16 propose an alternative reorganization plan. In the report,  
the commissioner shall specifically recommend approval or  
disapproval by the state board of the reorganization plan as  
submitted, as revised or in alternative form.

18 3. Affected entities. For purposes of this section, the  
following entities are deemed affected by a reorganization plan:

20 A. A unit that is served, or is proposed to be served, by a  
22 region or center that is reorganized under a reorganization  
plan; and

24 B. A region or center that is reorganized under a  
26 reorganization plan.

28 For purposes of this subsection a "region or center that is  
30 reorganized under a reorganization plan" means a region or center  
that, as a result of a reorganization plan, undergoes a change in  
the units served by it or a change in the organizational  
structure by which it serves those units.

32 4. Additional information requested by state board. As part  
34 of the commissioner's assessment of a reorganization plan, or as  
36 part of its own consideration of such a plan, the state board may  
request additional information from any region, center, unit or  
affiliated unit affected by such a plan.

38 5. State board approval. The state board may approve or  
40 disapprove the reorganization plan, based on the reorganization  
42 plan submitted to the state board, the assessment undertaken by  
44 the commissioner, any additional information requested by the  
state board and any public comments received by the state board  
in connection with that reorganization plan.

46 6. Local public hearings. If the reorganization plan is  
48 approved by the state board, the unit or units that prepared the  
50 reorganization plan shall hold at least one public hearing in  
52 each such unit or units and at least one public hearing in  
another unit affected by the reorganization plan and selected by  
the governing body of each center or region affected by the  
reorganization plan to present the plan to the voters residing in

2 those units affected by the plan. If the reorganization plan is  
3 prepared by the commissioner and approved by the state board, the  
4 commissioner shall hold at least one public hearing in a unit  
5 affected by the reorganization plan and selected by the  
6 commissioner and at least one public hearing in another unit  
7 affected by the reorganization plan and selected by the governing  
8 body of each center or region affected by the reorganization plan  
9 to present the plan to the voters residing in units affected by  
10 the plan. The vocational director and the cooperative board of  
11 any region affected by a reorganization plan, and the vocational  
12 director, advisory committee and governing body of any center  
13 affected by a reorganization plan, must be invited to participate  
14 at the public hearings.

15  
16 7. Local referendum. After the public hearings required by  
17 subsection 6, the school board of the unit or units that prepared  
18 the reorganization plan, or the commissioner if the commissioner  
19 prepared the reorganization plan, shall submit the proposal  
20 contained in that plan to the voters of each unit affected by the  
21 reorganization plan in accordance with the provisions for holding  
22 referendum elections under sections 1351 to 1354 and in Title  
23 21-A and Title 30-A. The state board must approve the form of  
24 the question to be presented to the voters prior to its  
25 submission.

26 8. Local voter approval; issuance of certificate of  
27 approval by state board. If the referendum required by  
28 subsection 7 is approved by 2/3 or greater of the votes cast in a  
29 majority of the units affected by the reorganization plan, the  
30 state board shall issue a certificate of approval making  
31 effective the provisions of the reorganization plan. A  
32 reorganization plan that proposes creation of a new center or  
33 region must also comply with the requirements of subchapters III  
34 and IV respectively prior to receiving a certificate of approval  
35 from the state board.

36 Sec. 10. 20-A MRSA §§8351 to 8353, as enacted by PL 1981, c.  
37 693, §§5 and 8, are amended to read:

38  
39 **§8351. State aid for centers and regions**

40  
41 State aid for vocational centers and vocational regions  
42 shall must be administered in accordance with ~~chapter--605~~  
43 chapters 606 and 609 and Title 20, section 3457.

44  
45 **§8352. Department budget recommendations**

46  
47 1. Budget recommendation. Before--each--regular--session--of  
48 the--Legislature,--the--state--board--shall--estimate--the--amounts  
49 necessary Prior to December 15th of each year, the commissioner,  
50 with the approval of the state board, shall certify to the  
51 Governor and to the Bureau of the Budget the funding levels the  
52 the

2 commissioner recommends to carry out the purposes of sections  
3 8351,--8354 this subchapter and 8401--to--8405 subchapters III and  
4 IV. It The commissioner shall include these amounts funding  
5 levels in its the department's request to the Legislature for  
6 appropriations from the General Fund to carry out the purposes of  
7 this chapter.

8 2. Budget limitation. This section shall does not apply to  
9 construction grants made under chapter 609 and Title 20, section  
10 3460.

12 **§8353. Tuition for students sent out of state**

14 If a ~~school--administrative~~ unit that serves a student's  
15 residence determines that a that student would be better served  
16 by attending receiving vocational education, on a tuition basis,  
17 at an out-of-state secondary level vocational school which that  
18 is located closer to that student's residence than a Maine  
19 veational center, satellite program or region program--available  
20 to serving that student student's residence, the State shall  
21 reimburse--that--school--administrative subsidize the unit the same  
22 amount for each that student as would have been incurred by such  
23 a veational center, satellite program or veational region  
24 providing the same or similar vocational education to the student.

26 Sec. 11. 20-A MRSA §8354, as amended by PL 1983, c. 806, §67,  
27 is further amended to read:

28 **§8354. Tuition computation for out-of-state students**

30 The tuition charge for each nonresident out-of-state student  
31 shall--be receiving vocational education at a center, satellite  
32 program or region is determined as follows.

34 1. Primary method. The per student ~~cost--shall--be~~ tuition  
35 charge is determined by:

38 A. Adding the amounts paid by the center, satellite program  
39 or region during the previous fiscal year for:

- 40 (1) Teacher's Teachers' salaries;
  - 42 (2) Fuel;
  - 44 (3) Janitorial services;
  - 46 (4) Textbooks;
  - 48 (5) Reference books;
  - 50 (6) School supplies for desk and laboratory use;
- 52

- 2 (7) Public utility services;
- 4 (8) Replacement of instructional equipment;
- 6 (9) ~~Fire-insurance~~ Insurance; and
- 8 (10) Compensation for the vocational director and the vocational director's assistants; and
- 10 (11) Employee fringe benefits;

12 B. Adjusting the amounts in paragraph A by the allowable  
 14 percentages set forth in section 5805, subsection 1,  
 paragraph D; and

16 C. Dividing this sum by the average daily-attendance number  
 18 of all regularly enrolled students in at the vocational  
center, satellite program or vocational region on October  
1st and April 1st of the previous fiscal year.

20 2. **Alternate method.** When the cost of fuel, janitorial  
 22 services, public utility services or insurance for the ~~vocational~~  
 24 education facilities cannot used to provide vocational education  
 26 can not be separated from similar costs for other facilities not  
used to provide vocational education, these the costs shall-be  
 28 prorated-on-the-basis of facilities used to provide vocational  
education are determined by prorating the square footage of floor  
space in-the-vocational-education-sections-in-relation used to  
 30 provide vocational education to the total amount of floor space  
to-which-these-expenditures-apply at the facilities.

32 **Sec. 12. 20-A MRSA §8401**, as amended by PL 1989, c. 540, §1,  
 34 is further amended to read:

36 **§8401. Vocational centers**

38 ~~The-vocational-centers~~ Centers shall operate at Augusta~~,~~  
 40 Bath~~,~~ Biddeford~~,~~ School Administrative District No. 61~~,~~  
 42 (Bridgton)~~,~~ Caribou~~,~~ School Administrative District No. 46~~,~~  
 44 (Dexter)~~,~~ Ellsworth, School Administrative District No. 9~~,~~  
 46 (Farmington)~~,~~ School Administrative District No. 27 (Fort  
 48 Kent)~~,~~ Lewiston~~,~~ Madawaska~~,~~ Portland~~,~~ School Administrative  
 50 District No. 1~~,~~ (Presque Isle)~~,~~ Sanford, School Administrative  
 District No. 54~~,~~ (Skowhegan)~~,~~ School Administrative District No.  
 24~~,~~ (Van Buren)~~,~~ Waterville~~,~~ and Westbrook. School  
 Administrative District No. 27, School Administrative District  
 No. 33 and Madawaska School Department are authorized to enter  
 into a cooperative agreement which-provides to provide for the  
 construction and operation of a ~~vocational~~ center in School  
 Administrative District No. 33.

2           Sec. 13. 20-A M RSA §8402, as enacted by PL 1981, c. 693, §§5  
and 8, is amended to read:

4       **§8402. Programs**

6           A vocational center shall provide programs of vocational  
7 education and ~~training in trade, industrial, agricultural,~~  
8 ~~business, distributive and service occupations.~~ Programs of  
9 vocational education are eligible to receive state subsidy  
10 pursuant to chapters 606 and 609. All programs of vocational  
11 education offered by a center must be approved by the  
12 commissioner pursuant to section 8306-A. The programs must offer  
13 a sequence of courses that are directly related to the  
14 preparation of individuals for employment in current or emerging  
15 occupations and may include training and education in academic  
16 and business skills preparing students to further their education  
17 at the technical college or other college level or allowing  
18 students to use trade and occupational skills on other than an  
19 employee basis. Programs of vocational education may also  
20 include training and education in music, athletics, art and other  
21 activities approved by the commissioner pursuant to section  
22 8306-A.

24           Sec. 14. 20-A M RSA §8403, as amended by PL 1983, c. 485, §§27  
and 28, is repealed.

26           Sec. 15. 20-A M RSA §8403-A is enacted to read:

28       **§8403-A. Satellite programs**

30           1. Authority for vocational satellite programs. An  
31 affiliated unit may operate a vocational satellite program with  
32 the approval of the commissioner pursuant to subsection 2.

34           2. Procedure for authorizing vocational satellite  
35 programs. Any affiliated unit that wishes to operate a  
36 vocational satellite program shall submit a written request to  
37 operate such a satellite program to the governing body of the  
38 center with which the unit is affiliated. The request must fully  
39 document the perceived need for the operation of a satellite  
40 program. The governing body of the center with which the unit is  
41 affiliated shall consider the request and forward its  
42 recommendation to the commissioner concerning whether that  
43 request should be approved. The commissioner shall act on the  
44 request pursuant to section 8306-A.

46           3. Financial responsibility for satellite programs. A unit  
47 operating a satellite program shall assume full financial  
48 responsibility for paying the operating costs of that program and  
49 the unit is entitled to receive the state subsidy and tuition  
50 income for the program.

52

2 4. Facilities and equipment; school construction aid. A  
3 unit that operates a satellite program:

4 A. Shall furnish the necessary facilities and equipment for  
5 the satellite program; and

6 B. Is eligible for school construction aid if new  
7 facilities for the satellite program are required and  
8 approved.

9  
10 5. Employment of teachers. The superintendent of a unit  
11 operating a satellite program shall, in consultation with the  
12 vocational director of the center with which the unit is  
13 affiliated, employ teachers for that satellite program in  
14 accordance with the procedures established by section 13201.

15  
16 6. Supervision. The superintendent of a unit operating a  
17 satellite program shall, in consultation with the vocational  
18 director of the center with which the unit is affiliated,  
19 supervise personnel working for that satellite program.

20  
21 7. Part-time instructors. A unit operating a satellite  
22 program may employ part-time instructors for such a program. A  
23 part-time instructor may be employed at separate satellite  
24 programs operated by different units. Such a part-time  
25 instructor employed at separate satellite programs operated by  
26 different units may be employed separately by each unit or  
27 employed solely by one unit under a reimbursement arrangement,  
28 approved by the commissioner, involving all units where that  
29 instructor is employed.

30  
31 Sec. 16. 20-A MRSA §8404, as amended by PL 1989, c. 878, Pt.  
32 A, §45, is further amended to read:

33 **§8404. Center advisory committee**

34  
35 ~~There shall be~~ Each center must have an advisory committee  
36 responsible for ~~coordinating~~ advising the vocational director  
37 concerning the provision of vocational education ~~in each~~  
38 in ~~each~~ vocational education by the center.

39  
40  
41 1. Membership. Membership on the advisory committee shall  
42 consist ~~consists~~ of:

43  
44 A. The superintendents ~~of the participating secondary~~  
45 schools ~~or the superintendents' representatives~~  
46 superintendent of each unit governing or affiliated with the  
47 center or the superintendent's designee; and

48  
49 B. ~~One board~~ A member chosen from each participating of the  
50 school board by ~~its membership,~~ for each unit governing or  
51 affiliated with the center, chosen by that school board; and

2 C. If approved by the school board of each unit governing  
4 or affiliated with the center, representatives, on either a  
6 voting or nonvoting basis, of private secondary schools  
8 approved for tuition purposes and served by the center.

2. Meetings. The advisory committee shall meet at least  
quarterly 6 times per calendar year.

3. Duties. The advisory committee:

12 A. Shall ~~prepare and submit~~ advise and assist the center  
14 and its satellite programs in the preparation and submission  
16 of an annual report on the vocational center and vocational  
18 satellite programs, to the state-board commissioner and to  
20 each municipality served by the center or satellite programs;

22 B. May ~~Shall~~ develop a cooperative agreement which shall  
24 delineate delineating the duties and powers of the advisory  
26 committee and ~~devise a formula for sharing costs.~~ The  
28 agreement is subject to ratification by all of the school  
30 boards of the participating administrative units. A  
32 cooperative agreement or any amendment to the agreement must  
34 be ratified by the school board of each unit or affiliated  
36 unit served by the center. This A cooperative agreement  
38 shall must be reviewed annually, with a copy being by the  
40 advisory committee and submitted by the center and its  
42 affiliated units to the commissioner; and

44 C. In ~~Shall~~, in the event that the school boards of School  
46 Administrative District No. 27, School Administrative  
48 District No. 33, and Madawaska School Department enter into  
50 a cooperative agreement pursuant to section 8401 and a new  
52 vocational center in Maine School Administrative District  
No. 33 becomes operational, the ~~devise a~~ cost sharing  
formula for the new vocational center established thereby  
shall ~~pertain~~ pertaining to the cost of vocational  
educational programs which exceed expenditures made for  
those programs in the base year as adjusted pursuant to  
section 15603, section subsection 5 and to the local share  
of debt service costs attributable to construction of the  
vocational center in School Administrative District No. 33;  
and

D. May ~~devise a formula for sharing costs of the center~~  
among the units served by that center. Such a formula or  
any amendment to the formula must be ratified by the school  
board of each unit or affiliated unit served by the center.  
Any such unit may withdraw, subject to obligations incurred  
by the unit for any debt issued previously by or for the  
benefit of the center, from such a cost-sharing formula at  
the end of any fiscal year following one year's written

2 notice to all other units served by the center. Following  
3 withdrawal by such a unit, the center may continue to serve  
4 that unit under any financial arrangement approved by the  
5 center and the unit.

6 **Sec. 17. 20-A MRSA §8405**, as enacted by PL 1981, c. 693, §§5  
7 and 8, is amended to read:

8 **§8405. Director**

9 A ~~school-administrative~~ unit operating a vocational center  
10 shall employ ~~on--the--staff--of--the--center~~ a local certified  
11 vocational director ~~of-vocational-education~~.

12 **1. Qualifications.** The vocational director shall must meet  
13 the qualifications prescribed by the state board.

14 **2. Administrative status.** The vocational director shall  
15 serve as chief administrative officer of the center and--its  
16 satellites and have--all has the authority and--obligations of a  
17 secondary--school principal in the ~~school--administrative~~ unit  
18 operating the center.

19 **Sec. 18. 20-A MRSA §8451**, as amended by PL 1989, c. 700, Pt.  
20 A, §57, is further amended to read:

21 **§8451. Vocational regions**

22 **1. Legislative intent.** It is the intent of the Legislature  
23 that the each vocational regions region shall ~~deliver~~ provide  
24 vocational education ~~to--their--respective--areas~~ in accordance with  
25 this chapter, and they shall function as ~~extensions~~ an extension  
26 of the secondary schools located within ~~their--region~~ the region's  
27 boundaries.

28 **2. Boundaries.** The vocational regions shall have  
29 boundaries as follows.

30 B. Region 2. SOUTHERN AROOSTOOK COUNTY. Units located in  
31 this area--shall region include: Bancroft; Benedicta;  
32 Crystal; Dyer Brook; Hersey; Island Falls; Linneus; Ludlow;  
33 Merrill; Moro Plantation; New Limerick; Oakfield; Orient;  
34 Smyrna; School Administrative District No. 14--~~Danforth~~ 14  
35 (Danforth and Weston); School Administrative District No. 25  
36 ~~Mt.~~ 25 (Mt. Chase Plantation, Patten, Sherman and  
37 Stacyville); School Administrative District No. 29--~~Hammond~~  
38 29 (Hammond Plantation, Houlton, Littleton and Monticello);  
39 and School Administrative District No. 70--~~Amity~~ 70 (Amity,  
40 Cary Plantation, Haynesville and Hodgdon).

41 C. Region 3. NORTHERN PENOBSCOT COUNTY. Units located in  
42 this area--shall region include: Carroll Plantation;  
43



2 Codyville; Drew Plantation; East Millinocket; Glenwood  
3 Plantation; Lakeville Plantation; Macwahoc Plantation;  
4 Medway; Millinocket; Reed Plantation; Topsfield; Vanceboro;  
5 Woodville; School Administrative District No. 30--Lee 30  
6 (Lee, Prentiss Plantation, Springfield, Webster Plantation  
7 and Winn); School Administrative District No. 31--Burlington  
8 31 (Burlington, Edinburg, Enfield, Howland, Lowell,  
9 Maxfield, Passadumkeag and Seboeis Plantation); and School  
10 Administrative District No. 67--Chester 67 (Chester, Lincoln  
11 and Mattawamkeag).

12 D. Region 4. SOUTHERN PENOBSCOT COUNTY. Units located in  
13 this area--shall region include: Alton; Amherst; Aurora;  
14 Bangor; Bradley; Brewer; Dedham; Glenburn; Great Pond  
15 Plantation; Greenbush; Greenfield; Hermon; Milford; Old  
16 Town; Orono; Orrington; Osborn Plantation; Veazie; School  
17 Administrative District No. 22--Hampden 22 (Hampden, Newburgh  
18 and Winterport); School Administrative District No.  
19 23--Carmel 23 (Carmel and Levant); School Administrative  
20 District No. 38--Dixmont 38 (Dixmont and Etna); School  
21 Administrative District No. 63--Clifton 63 (Clifton,  
22 Eddington and Holden); and School Administrative District  
23 No. 64--Bradford 64 (Bradford, Corinth, Hudson, Kenduskeag  
24 and Stetson).

26 F. Region 7. WALDO COUNTY. Units located in this area  
27 shall region include: School Administrative District No.  
28 3--Brooks 3 (Brooks, Freedom, Jackson, Knox, Liberty, Monroe,  
29 Montville, Thorndike, Troy, Unity and Waldo); School  
30 Administrative District No. 34--Belfast 34 (Belfast, Belmont,  
31 Morrill, Northport, Searsmont and Swanville); and School  
32 Administrative District No. 56--Frankfort 56 (Frankfort,  
33 Searsport and Stockton Springs).

34 G. Region 8. KNOX COUNTY. Units located in this area  
35 shall region include: Appleton; Hope; Islesboro;  
36 Lincolnville; School Administrative District No. 5--Owls 5  
37 (Owls Head, Rockland and South Thomaston); School  
38 Administrative District No. 7--North 7 (North Haven); School  
39 Administrative District No. 8--Vinalhaven 8 (Vinalhaven);  
40 School Administrative District No. 28--Camden 28 (Camden and  
41 Rockport); School Administrative District No. 40--Friendship  
42 40 (Friendship, Union, Waldoboro, Warren and Washington);  
43 and School Administrative District No. 50--Cushing 50  
44 (Cushing, St. George and Thomaston).

46 H. Region 9. NORTHERN OXFORD COUNTY. Units located in  
47 this area--shall region include: Gilead; Hanover; Peru;  
48 Rumford; Upton, so long as it sends its secondary students  
49 to schools operated by administrative units within the  
50 region; School Administrative District No. 21--Canton 21  
51 (Canton, Carthage and Dixfield); School Administrative

2 District No. 43-Byron 43 (Byron, Mexico and Roxbury); and  
School Administrative District No. 44-Andover 44 (Andover,  
Bethel, Greenwood, Newry and Woodstock).

4  
6 I. Region 10. EASTERN CUMBERLAND-SAGADAHOE COUNTY. Units  
located in this area--shall region include: Brunswick;  
Freeport; and School Administrative District No. 75-Bowdoin  
8 75 (Bowdoin, Bowdoinham, Harpswell and Topsham). This  
~~region-and-the-vocational-center-at-Bath-shall-coordinate~~  
10 ~~programs-and-activities.~~

12 J. Region 11. SOUTHERN OXFORD COUNTY. Units located in  
this area--shall region include: School Administrative  
14 District No. 17-Harrison 17 (Harrison, Hebron, Norway,  
Otisfield, Oxford, Paris, Waterford and West Paris); and  
16 School Administrative District No. 39-Buckfield 39  
(Buckfield, Hartford and Sumner). This--region--and--the  
18 ~~vocational-center-at-School-Administrative-District-No.-61~~  
(Bridgton)--shall-coordinate-programs-and-activities.

20  
22 3. Central Aroostook County. Central Aroostook County  
shall is also be a vocational region.

24 A. Public secondary schools located at: Ashland; Caribou;  
Easton; Fort Fairfield; Limestone; Mars Hill; Presque Isle;  
26 and Washburn shall--be are served by regional--vocational  
centers located in Presque Isle and Caribou.

28  
30 B. Notwithstanding provisions of sections 8452 to 8459,  
these regional centers shall--be are governed by their  
32 respective the school boards of the units operating such  
centers, but shall have an advisory committee, as defined in  
34 section 8404, responsible for coordinating vocational  
education for the Central Aroostook County area--as-defined  
36 ~~in-section-8404~~ region.

38 4. Validation. Each vocational region authorized and  
organized under Public Law 1973, chapter 605, is hereby  
40 validated, confirmed, approved and declared legal in all  
42 respects, notwithstanding any defect or irregularity which may  
have occurred in the organization of the region or in the  
selection of the cooperative board of that region.

44 5. Northern Aroostook County. Northern Aroostook County  
shall is also be a vocational region and--shall-be-organized-in  
46 the-following-manner.

48 A. Public secondary schools located at Van Buren,  
Madawaska, St. Agatha, Fort Kent and Allagash shall--be are  
50 served by regional--vocational centers located in Van Buren,  
Madawaska and Fort Kent, provided that in the event that the  
52 school boards of School Administrative District No. 27 (Fort

2 Kent), School Administrative District No. 33 (St. Agatha)  
3 and Madawaska enter into a cooperative agreement pursuant to  
4 section 8401, the agreement shall must provide that if a new  
5 vocational center located in Maine School Administrative  
6 District No. 33 becomes operational, vocational students  
7 from Maine School Administrative District No. 10 (Allagash)  
8 shall must be allocated slots in the vocational programs at  
9 the center as tuition students on the same basis as students  
10 from the 3 participating units and that vocational students  
11 from School Administrative District No. 24 (Van Buren) shall  
12 must be permitted to attend that vocational center on a  
13 tuition basis to the extent that there are unused slots  
14 available in the vocational programs at the center.

15 B. Notwithstanding sections 8452 to 8459, these regional  
16 centers shall ~~be~~ are governed by ~~their respective~~ the school  
17 boards of the units operating the centers, but shall have an  
18 advisory committee, as defined in section 8404, for the  
19 ~~northern~~ Northern Aroostook County area region, provided  
20 that in the event that the school boards of School  
21 Administrative District No. 27, School Administrative  
22 District No. 33 and Madawaska School Department enter into a  
23 cooperative agreement pursuant to section 8401, the ~~northern~~  
24 Northern Aroostook County advisory committee shall must be  
25 made up of representatives of those 3 administrative units  
26 and the advisory committee shall ~~have~~ has authority to  
27 review applications for employment and personnel records  
28 relating to the vocational director and teachers in the  
29 vocational ~~program~~ programs of the center in order for the  
30 advisory committee to make employment recommendations to the  
31 Superintendent of Schools of Maine School Administrative  
32 District No. 33.

33 C. In the event that School Administrative District No. 27,  
34 School Administrative District No. 33 and Madawaska School  
35 Department enter into a cooperative agreement pursuant to  
36 section 8401, not later than June 30, 1989, the school  
37 boards of the 3 participating units shall, in conjunction  
38 with the advisory committee, develop and submit a plan to  
39 the ~~Commissioner of Education~~ commissioner for ~~delivery of~~  
40 providing secondary vocational ~~services~~ education within the  
41 3 participating units. The plan shall must include:

42 (1) A proposal for the construction of a new  
43 vocational center in School Administrative District No.  
44 33;

45 (2) Provisions for assignment without loss of salary  
46 of all continuing contract vocational teachers employed  
47 by School Administrative District No. 27 and Madawaska  
48 School Department to School Administrative District No.  
49  
50

2 33 if a new vocational center in School Administrative  
District No. 33 becomes operational; and

4 (3) Assurances that all 3 participating administrative  
6 units and School Administrative District No. 10 on a  
8 tuition basis, shall have access to programs at the new  
vocational center in proportion to the number of high  
school ~~juniors---and---seniors~~ students in each  
administrative unit.

10 D. The plan developed under paragraph C shall must be  
12 submitted to the ~~Commissioner of Education~~ commissioner for  
14 approval. The commissioner may make necessary  
16 recommendations to the participating units to assist in the  
implementation of the plan for the school year 1991-92. ~~The  
18 plan shall be approved by the commissioner by August 30,  
1989.~~

20 E. If the school boards of School Administrative District  
22 No. 27, School Administrative District No. 33 and Madawaska  
24 enter into a cooperative agreement pursuant to section 8401  
and if a plan developed under paragraph C is approved by the  
26 commissioner, School Administrative District No. 33 shall  
28 have has the authority to undertake school construction  
projects for vocational education in accordance with the  
provisions of chapter 609 and to borrow money and issue  
bonds and notes of the district for school construction  
30 projects in accordance with section 1311 and sections 1351  
to 1354.

32 F. Section ~~8301~~ 8301-A, subsection 5 6 and sections 8452 to  
34 8467 shall do not apply to the vocational region established  
for ~~northern~~ Northern Aroostook County under this section.

36 **Sec. 19. 20-A MRSA §8451-A is enacted to read:**

38 **§8451-A. Programs**

40 A region shall provide programs of vocational education.  
42 Programs of vocational education are eligible to receive state  
44 subsidy pursuant to chapters 606 and 609. All programs of  
46 vocational education offered by a region must be approved by the  
48 commissioner pursuant to section 8306-A. The programs must offer  
a sequence of courses that are directly related to the  
preparation of individuals for employment in current or emerging  
occupations and may include training and education in academic  
and business skills preparing students to further their education  
at the technical college or college level or allowing students to  
use trade and occupational skills on other than an employee  
basis. Programs of vocational education may also include  
training and education in music, athletics, art and other

2 activities approved by the commissioner pursuant to section  
3 8306-A.

4 Sec. 20. 20-A MRSA §8452, as enacted by PL 1981, c. 693, §§5  
5 and 8, is amended to read:

6 §8452. Cooperative board; formation

7 The ~~Each~~ vocational ~~regions-shall-be~~ region is administered  
8 by a cooperative board organized as follows.

9 1. Structure of cooperative board. The school boards of  
10 the ~~school-administrative units located in a region,~~ at a joint  
11 meeting called by the commissioner, shall ~~determine~~ decide for  
12 the region by majority vote:

13 A. The size of the cooperative board;

14 B. The number of members of the cooperative board to serve  
15 ~~from~~ represent each unit or group of units;

16 C. The method of selecting ~~representatives-from~~ members of  
17 the cooperative board to represent each unit or group of  
18 units; and

19 D. The method of sharing costs, ~~and~~ of vocational education  
20 among the units in the region.

21 E. ~~The number of units to be jointly represented by a~~  
22 ~~cooperative board member.~~

23 2. Role of municipal officers. The municipal officers of  
24 each ~~school-administrative unit within~~ in the region shall ~~must~~  
25 be invited to the joint meeting to present testimony on  
26 cooperative board membership and on the methods of sharing costs  
27 among the units in the region.

28 3. Voting. Each ~~The~~ school board of each unit shall caucus  
29 with the municipal officers within of that unit. ~~In~~ Thereafter,  
30 in the joint meeting, the each school board shall cast ~~their~~ its  
31 votes on the issues identified in subsection 1 in accordance with  
32 the majority vote of the caucus of ~~their~~ the school board and  
33 municipal officers. Each school board has one vote on each of  
34 the issues identified in subsection 1.

35 4. Process of appeal. A Within 30 days of the date of the  
36 joint meeting, a school board may appeal ~~decisions on the method~~  
37 ~~of sharing cost and the method of apportioning representatives on~~  
38 ~~the cooperative board~~ to the state board any decision reached at  
39 the joint meeting on an issue identified in subsection 1. The  
40 state board decision shall ~~be~~ is final and binding on the school  
41 administrative units within the region.  
42  
43  
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52

2           5. Appointment of cooperative board members. When After  
3 the member-school-administrative school boards of the units of a  
4 cooperative--board in a region have determined decided the  
5 representation and the method of sharing costs issues identified  
6 in subsection 1, the superintendents superintendent of each unit  
7 in the region shall call meetings a meeting of the school boards  
8 board for the unit. The At that meeting the school boards board  
9 shall appoint their its authorized number of representatives  
10 members to the cooperative board.

12           6. Organization of the cooperative board. The organization  
13 of the cooperative board shall occur is organized as follows.

14           A. The superintendents of the units within the region shall  
15 call a meeting of the cooperative board members to organize  
16 appointed pursuant to subsection 5.

17           B. The cooperative board members shall:

18                   (1) Elect a chairman chair and vice-chairman  
19 vice-chair;

20                   (2) Elect a secretary, who does need not have to be a  
21 member of the cooperative board;

22                   (3) Adopt a constitution or bylaws for the calling of  
23 and conducting of board meetings; and

24                   (4) Elect a treasurer, who need not be a member of the  
25 cooperative board. The treasurer shall give a bond to  
26 the cooperative board with the sum and sureties  
27 established by the cooperative board. This bond shall  
28 must be deposited with the chairman chair. The  
29 expenses expense of the bonds shall bond must be paid  
30 by the cooperative board. The treasurer does not have  
31 to be a member of the cooperative board.

32           7. Filing return with state board. The secretary of the  
33 cooperative board shall immediately file a return with the state  
34 board listing identifying the names of the members and officers  
35 of the cooperative board and certifying that the cooperative  
36 board has been properly organized.

37           8. Issuance of certificate of approval. The In response to  
38 a return filed pursuant to subsection 7, the state board may  
39 shall issue a certificate of approval for the organization of  
40 reorganization for each vocational of the region. The issuance  
41 of the certificate shall be is conclusive evidence of the lawful  
42 organization of the region. The original certificate shall must  
43 be kept on file by with the secretary of each the region, and  
44

2 copies shall must be placed on file in the office of the  
commissioner.

4 **Sec. 21. 20-A MRSA §8453**, as enacted by PL 1981, c. 693, §§5  
and 8, is repealed.

6 **Sec. 22. 20-A MRSA §8453-A** is enacted to read:

8 **§8453-A. Membership on cooperative board**

10 **1. Requirements.** Each member of a cooperative board must:

12 **A. Represent a unit within the region;**

14 **B. Represent a unit in which the member resides; and**

16 **C. Represent approximately the same number of persons**  
18 **residing within the region as each other member of the**  
20 **cooperative board.**

22 **2. School board member requirement; unit with multiple**  
**representatives.** If a unit is authorized by section 8452 to  
24 **appoint more than one member of a cooperative board, one of those**  
**members must be a member of the school board of the unit.**

26 **3. Conflicts of interest.** A member of a cooperative board  
may not:

28 **A. Hold any office the duties of which are incompatible**  
30 **with those of a member of the cooperative board;**

32 **B. During the term for which that member serves on the**  
**cooperative board and for one year thereafter, be appointed**  
34 **to any civil office of profit or employment position that is**  
**created or the compensation of which is increased by the**  
36 **action of the cooperative board during that term; or**

38 **D. Be employed as a full-time employee of the region**  
**governed by the cooperative board to which the member has**  
40 **been appointed, nor may the spouse of a member be so**  
**employed. For purposes of this subsection, "full-time**  
42 **employee" means a person regularly employed on a weekly**  
44 **basis regardless of remuneration or the number of hours**  
**worked.**

46 **A contract made by a cooperative board must comply with the**  
**requirements of Title 30-A, section 2605.**

48 **Sec. 23. 20-A MRSA §8454**, as enacted by PL 1981, c. 693, §§5  
50 and 8, is repealed and the following enacted in its place:

52 **§8454. Oath of office**

2           1. Oath. Before taking any official action, a newly  
4           appointed member of a cooperative board shall take the following  
          oath or affirmation before a dedimus justice or notary public.

6           "I (name) do swear that I will faithfully discharge to  
8           the best of my abilities the duties incumbent on me as a  
          member of the cooperative board of Vocational Education  
10           Region No. according to the Constitution of Maine and laws  
          of this State, so help me God."

12           2. Certificate. A member of a cooperative board shall make  
14           a certificate documenting that the member has taken the oath or  
          affirmation and return it to the secretary of the cooperative  
16           board who shall keep it on file at the office of the cooperative  
          board.

18           3. Alternative language. If a member is conscientiously  
20           scrupulous of taking an oath, the word "affirm" must be used  
          instead of the word "swear" and the words "this I do under the  
22           pains and penalty of perjury" must be used instead of the words  
          "so help me God."

24           Sec. 24. 20-A MRSA §8455, as amended by PL 1989, c. 104, Pt.  
26           C, §§8 and 10, is further amended to read:

28           **§8455. Vocational region considered a political subdivision**

30           A vocational region shall ~~be~~ is a political subdivision  
32           within the meaning of Title 5, section ~~1222~~ 19002, subsection 6,  
34           and a quasi-municipal corporation within the meaning of Title  
          30-A, section 5701, and all the provisions of that ~~section shall~~  
          be applicable those sections apply to them it.

36           Sec. 25. 20-A MRSA §8456, as enacted by PL 1981, c. 693, §§5  
          and 8, is amended to read:

38           **§8456. Voter approval of cooperative board articles**

40           ~~Vocational regions may~~ A region shall vote on articles  
42           submitted by the cooperative board using the procedures set forth  
          in sections 1351 to 1354. For such purposes, references in  
44           those sections to "school administrative district" or "district"  
          mean vocational region; references in those sections to "board of  
46           directors," "board," "school board," "school directors" or  
          "school director" mean cooperative board; and references in those  
48           sections to "they" mean either, as appropriate in the context,  
          cooperative board or members of the cooperative board.

50           Sec. 26. 20-A MRSA §8457, as amended by PL 1987, c. 98, §3,  
52           is further amended to read:



2 §8457. Cooperative board authority

4 1. General powers and duties. A cooperative board shall  
6 have has all of the rights powers and duties of a school board as  
8 provided in section 1001, subsections 1, 2, 4 to 7, 11-A and 12;  
10 section 1002; section 1256, subsections 1, 2 and 4 to 7; section  
12 1257; sections 1313 to 1315; section 2501; section 4801; section  
14 13201; and section 13202. For such purposes, references in those  
16 sections to "school administrative unit," "administrative unit,"  
18 "school unit," "unit," "school administrative district" or  
20 "district" mean vocational region; references in those sections  
22 to "school board," "school committee," "board," "board of  
24 directors" or "directors" mean cooperative board; references in  
26 those sections to "director" mean a member of a cooperative  
28 board; and references in those sections to "they" mean either, as  
30 appropriate in the context, cooperative board or members of the  
32 cooperative board.

34 2. Cooperative agreement. The cooperative board shall adopt  
36 a cooperative agreement incorporating at a minimum each of the  
38 items listed under section 8452, subsection 1. The cooperative  
40 board, with the superintendents' advisory committee, shall  
42 annually review the cooperative agreement. It ~~The cooperative~~  
44 board may amend the agreement with-respect-to-the-administration  
46 of--vocational--education--in--the--region,---A--revision--of--the  
48 agreement--shall-be, subject to approval by a majority vote of the  
50 school boards of the units served by the region in accordance  
with--the--one-man--vote--principle. A copy of the cooperative  
agreement and any amendments shall to the agreement must be filed  
with the commissioner.

32 3. Authority to borrow, expend and accept funds. A  
34 cooperative board may:

36 A. Borrow funds in anticipation of the a member unit's  
38 payment of its share of the vocational regional budget.  
40 ~~Leans~~ Such borrowing:

42 (1) ~~Shall~~ Must be repaid within one year; and

44 (2) May not at any time exceed 3/4 of the region's  
46 annual approved budget approved-by-the-member-units-of  
48 the-region;

50 B. ~~May-expend~~ Expend available revenue funds to meet pay  
debt service and security and maintenance of--property  
costs; and

C. Accept and expend special grants from state and federal  
sources.

2 4. Compensation. Cooperative A cooperative board members  
4 member may be paid up to \$10 \$25, plus reasonable expenses, for  
each meeting attended of the cooperative board or its  
subcommittees that the member attends.

6 5. Meetings. A cooperative board shall meet at least 6  
8 times per calendar year.

10 Sec. 27. 20-A MRSA §§8458 to 8460, as enacted by PL 1981, c.  
693, §§5 and 8, are amended to read:

12 **§8458. Vocational director; chief administrative officer**

14 1. Employment of vocational director. The cooperative  
16 board shall employ a certified vocational director who shall  
18 administer, in compliance with this section, the provision of  
vocational education in the region. ~~The board may appoint the  
director to serve as the~~

20 A. ~~Administrative officer of the region; and~~

22 B. ~~Treasurer and secretary to the board.~~

24 2. ~~Duties.~~ ~~The administrative officer may nominate~~  
26 ~~teachers and shall perform other duties as assigned by the board.~~

28 3. ~~Ex officio administrative officer.~~ ~~If the cooperative~~  
30 ~~board does not designate the vocational director to serve as~~  
32 ~~administrative officer, the board may enter into an agreement~~  
with a superintendent within the region to serve as ex officio  
administrative officer for the region with the duties under  
subsection 2.

34 4. Appointment of chief administrative officer. The  
36 cooperative board shall appoint a chief administrative officer  
who shall administer the region in compliance with policy set by  
38 the cooperative board, nominate teachers and other employees for  
employment by the region and perform such other duties as are  
40 assigned to the chief administrative officer by the cooperative  
board. The cooperative board shall appoint as the chief  
42 administrative officer either:

44 A. The vocational director; or

46 B. The superintendent of a unit in the region.

48 5. Appointment of treasurer and secretary. The cooperative  
board may appoint the vocational director or the chief  
50 administrative officer as treasurer or secretary, or both, of the  
cooperative board.

52 **§8459. Superintendents' advisory committee**

2 The superintendents of the units within each region shall  
3 serve as an advisory committee to the cooperative board. This  
4 committee shall:

6 1. Right to attend cooperative board meetings. ~~Be-invited~~  
7 ~~to-attend-and-receive~~ Must receive notice of and must be invited  
8 to attend all meetings held-by of the cooperative board; and

10 2. Meeting with vocational director. ~~Meet~~ Shall meet with  
11 the vocational director of the region at least 4 times each  
12 calendar year to review current and proposed programs, budgets  
13 and issues relating to vocational education in the region.

14 §8460. Budget

16 ~~The-vocational-region~~ Each region's budget shall must be  
17 prepared and approved as follows+.

20 1. Duties of the cooperative board. The cooperative board  
21 shall:

22 A. Prepare and approve a budget for the vocational region;

24 B. Hold 2 a public hearings hearing in each of 2 separate  
25 municipalities in the region, prior to submitting the budget  
26 for adoption approval by the region's voters in accordance  
27 with one of the methods of voting set forth in subsection 2;

30 C. Prepare 2 articles, or 2 orders for municipal council  
31 meetings, in substantially the following form set forth in  
32 subparagraphs (1) and (2):

34 (1) "Shall the regional vocational operating budget as  
35 approved by the cooperative board for the  
36 year \_\_\_\_\_ be approved in the amount of  
37 \$ \_\_\_\_\_?"; and

38 (2) "Shall the vocational region approve a budget for  
39 adult education in the amount of \$ \_\_\_\_\_ for the  
40 year \_\_\_\_\_?";

42 D. Select the method of submitting the articles or orders  
43 for budget adoption approval from those outlined set forth  
44 in subsection 2; and

46 E. Select the date of the budget vote, if the regional  
47 budget meeting method is used.

50 2. Methods of budget approval. The cooperative board shall  
51 submit the final budget for approval by the voters in a region as  
52 follows:

2 A. The articles, or orders, for the vocational education  
operating budget and adult education ~~portions of the budget~~  
4 shall for the region must be submitted for adeption approval  
by one of the following methods prior to July 1st:

6 (1) The school administrative unit method outlined  
8 described in section 8461;

10 (2) The referendum method outlined described in  
sections 1351 to 1354; and or

12 (3) The regional budget meeting method outlined  
14 described in section 8462; and

16 B. For the purpose of approving money to repay bonds issued  
by the region, each school administrative unit within a the  
18 region shall include as part of the debt service portion of  
its regular school budget an amount sufficient to ~~cover that~~  
20 pay such school administrative unit's share of the region's  
debt service.

22 **3. Budget reconsideration.** If the articles or orders are  
24 not adepted approved pursuant to subsection 2, the cooperative  
board shall:

26 A. Prepare a revised budget and budget articles; and

28 B. Submit the revised budget articles for voter approval  
30 under the regional budget meeting method before August 1st.

32 **Sec. 28. 20-A MRSA §8461**, as amended by PL 1985, c. 797, §44,  
is further amended to read:

34 **§8461. School administrative unit method**

36 **1. Role of the school administrative unit.** The legislative  
38 body of each ~~school administrative unit~~ in the a region shall  
vote on the articles submitted by the cooperative board.

40 A. The vote ~~of on~~ the budget shall ~~be completed~~ articles by  
42 each unit must occur at the same time as the vote on the  
unit's regular school budget.

44 B. The vote ~~of the legislative body shall~~ on each budget  
46 article must be to accept or reject each such article as  
appearing in the budget warrant. No portion of a warrant  
48 may be amended.

50 C. Following the ~~annual budget meeting of a school~~  
administrative vote on the budget articles by a unit, the  
52 clerk of that the unit shall notify, in writing, the member

2 or members of the cooperative board which that represent  
that the unit of the results of the vote.

4 2. Role of the cooperative board. The role of the  
cooperative board is as follows+.

6 A. Within 5 days after the last unit in the region has  
acted voted on the budget, the chairman chair of the  
8 cooperative board shall call a meeting of the cooperative  
10 board to tally the results of the vote votes of the units in  
the region.

12 B. The Each cooperative board members member shall report  
14 in writing and ~~shall cast their ballots~~ the number of units  
represented by the member that voted on the budget articles  
16 in the affirmative or in the negative and shall cast a vote  
in accordance with the vote of the majority vote of the  
18 school administrative units represented by that member.

20 C. The chairman chair shall add tally these votes of the  
cooperative board members and the cooperative board shall  
22 make a finding of fact and enter in its records the total  
vote number of members that voted in the affirmative and the  
24 number of members that voted in the negative.

26 (1) If the total number of members that voted in the  
affirmative ~~votes exceed~~ exceeds the total number of  
28 members that voted in the negative votes, the  
cooperative board shall declare that the region's  
30 budget has been approved.

32 (2) If any article ~~within the budget~~ fails to pass be  
approved by a majority of the members on the  
34 cooperative board, or if a special budget meeting is  
called to pledge the credit of the district region  
36 after the cooperative board has declared that an  
emergency exists, the cooperative board may prepare a  
38 new budget or special budget and submit the necessary  
articles to a regional budget meeting ~~of the vocational~~  
40 region called in the manner ~~set forth~~ described in  
section 8462.

42 3. School administrative districts and community school  
44 districts. A municipality which that is a member of a secondary  
community school district or a school administrative district in  
46 a region shall appropriate the costs of vocational education  
allocable to the municipality under the approved budget for the  
48 region as part of the municipality's secondary school budget.

50 Sec. 29. 20-A MRS §8462, as amended by PL 1983. c. 862, §61,  
is further amended to read:

52

§8462. Regional budget meeting approval method

2  
4  
6  
1. **Method of notice.** A regional budget meeting shall must be called by a warrant. The warrant shall must be signed by a majority of the cooperative board membership. The following procedures shall apply to the warrant.

8  
10  
A. The warrant shall must specify the time and place of the regional budget meeting.

12  
14  
16  
B. The warrant shall must be directed by name to any resident living within the veational region by ~~name~~ ordering the resident to notify all voters within the region to assemble at the time and place appointed specified for the regional budget meeting.

18  
20  
C. The warrant shall must include the budget articles that the cooperative board considers necessary to place before the voters ~~and the authorization to expend funds of the region for the fiseal year~~.

22  
24  
26  
D. An attested copy of the warrant shall must be posted by the person to whom it is directed in some conspicuous public place in each ~~of the municipalities~~ municipality within the veational region at least 7 days before the regional budget meeting.

28  
30  
32  
E. The person who gives notice of the regional budget meeting by posting the warrant shall complete the return on the warrant stating the manner of notice, and location and time of posting in each ~~community~~ municipality within the region.

34  
36  
38  
40  
42  
F. A detailed supportive budget document shall must accompany the warrant and be made available in sufficient quantities to the legislative body ~~which has responsibility for final budget approval~~ of each municipality in the region and to the voters present at the regional budget meeting. The supportive document shall must contain a summary of anticipated estimated revenues and estimated expenditures for the fiscal year that is the subject of the budget.

44  
2. **Procedure.** The procedure at and immediately prior to a regional budget meeting shall must be as follows.

46  
48  
A. The cooperative board shall appoint a resident of a municipality within the region to act as the registration clerk for the regional budget meeting.

50  
B. The registration clerk shall make and keep a voting list of all residents in the region eligible to vote. The clerk

2 shall compile the voting list from the voting lists of all  
the municipalities within the region.

4 C. Each municipal clerk within the region shall deliver to  
the registration clerk, 5 business days prior to the  
6 regional budget meeting, a certified ~~corrected~~ copy of the  
voting list of the ~~member~~ municipality. Additions to or  
8 deletions from the list may not be made during the 5  
business days prior to the regional budget meeting. Only the  
10 ~~citizens~~ persons whose names appear on the voting list may  
vote at the regional budget meeting on the budget articles  
12 presented by the cooperative board.

14 D. The ~~chairman~~ chair of the cooperative board, or, if the  
chair is absent, the ~~chairman's~~ chair's designee, shall open  
16 the regional budget meeting by calling for the election of a  
moderator, by receiving and counting the votes for each  
18 person nominated to such position and by swearing in the  
~~nominee~~ person receiving a plurality of the votes cast.

20 E. The moderator shall preside over the regional budget  
22 meeting.

24 F. The A vocational education budget article may be adopted  
approved only by a majority vote of those present and  
26 voting. The vote on each budget article must be to accept  
or reject each such article as appearing in the budget  
28 warrant, or as amended by vote of the regional budget  
meeting.

30 G. The moderator shall appoint from those persons whose  
32 names appear on the certified voting lists as many ballot  
clerks as necessary for the efficient operation of the  
34 regional budget meeting. The ballot clerks shall must be  
sworn in by the moderator.

36 H. The secretary of the cooperative board, or, if the  
38 secretary is absent, the secretary's designee, shall record  
accurately all the votes of the regional budget meeting.

40 I. The cooperative board shall, immediately upon the  
42 adoption approval of a budget, compute the share to be paid  
by each municipality within the region and shall notify the  
44 ~~school-officials~~ each unit within the region to include  
their its share of the region's budget in the ~~school~~  
46 administrative unit's annual school budget. A region's  
budget shall must be adopted approved by the method  
48 described in this section on or before August 1st.

50 J. The school officials of each unit in the region shall  
place on the school warrant for payment the first of each

2 month a sum equal to 1/12 of the ~~school--administrative~~  
unit's share of the ~~vocational--school~~ region's budget.

4 **Sec. 30. 20-A MRSA §§8463 and 8464**, as enacted by PL 1981, c.  
693, §§5 and 8, are amended to read:

6 **§8463. Assessment and appropriation of municipal funds**

8 ~~Local~~ Municipal funds shall ~~must~~ be assessed and  
10 appropriated for a region's budget as follows.

12 1. **Operating, construction and debt service costs.** Each  
region shall, in accordance with the region's written agreement  
14 for sharing costs adopted pursuant to section 8457, appropriate  
~~the-necessary-local-funds-to-pay~~ assess each unit within the  
16 region that unit's share of the region's annual budget for the  
operating and construction costs for ~~vocational~~ region programs  
18 as may be required by this subsection and sections 8460 and 8465.

20 2. **Deduction of federal grants.** Anticipated grants from  
federal sources to be received by the ~~regional~~ cooperative board  
22 shall must be deducted from the gross region's annual budget  
before prior to making the assessments to the individual  
24 municipalities within the region pursuant to subsection 1.

26 3. **Raising and appropriating local municipal funds.** Each  
municipality within a region shall raise and appropriate  
28 sufficient funds to pay for its share of the region's annual  
budget assessed pursuant to subsection 1.

30 **§8464. Budget failure**

32 The following ~~provisions--apply~~ applies in the event of a  
34 budget failure as defined in section ~~8301~~ 8301-A.

36 1. **Submission of a contingency plan.** If a budget failure  
exists after August 1st of any fiscal year, the cooperative board  
38 shall submit to the state board a financial statement with an  
operational plan indicating how the ~~program-will-be-phased-out-or~~  
40 ~~reorganized~~ cooperative board intends to reorganize or terminate  
the region's vocational education programs.

42 2. **Payment of the state subsidy to the cooperative board.**  
44 When If a budget failure exists, the State shall pay directly to  
the cooperative board ~~the-sum-of each unit's state-share-of-the~~  
46 state subsidy for vocational education ~~allocation-of-the-units~~  
within the region.

48 3. **Expenditure of available funds.** If a budget failure  
50 exists after June 30th, the cooperative board may expend balances  
and available revenues until the region is reorganized or  
52 terminated or until a budget is approved pursuant to this chapter.



2           4. Anticipatory borrowing. The cooperative board may  
borrow funds not to exceed 50% of the state subsidy anticipated  
4 state-allocation to be received in the fiscal year by units in  
the region. Such borrowing shall must be repaid within the same  
6 fiscal year.

8           Sec. 31. 20-A MRSA §8465, as amended by PL 1987, c. 98, §4,  
is further amended to read:

10

§8465. Bonding authority

12

14           Bonds A region may issue bonds and notes for school  
construction purposes. The cooperative board shall decide  
16 whether the issuance of bonds or notes by the region for school  
construction purposes is necessary. The cooperative board shall  
18 administer the process of determining whether the issuance of  
bonds or notes is authorized, and, if so, it shall issue the  
20 bonds or notes and administer the proceeds of, and the payment of  
principal of and interest on, those bonds or notes after  
22 issuance. A region may issue bonds and notes for school  
construction purposes only be--issued under the following  
provisions.

24

26           1. Regional referendum. If the cooperative board decides  
to--issue that issuance of bonds or notes of by the region for  
school construction purposes is necessary:

28

30           A. The cooperative board shall call a regional referendum  
using the procedures set forth in sections 1351 to 1354 to  
32 authorize issuance of the bonds or notes. References For  
such purposes, references in this-section those sections to  
34 laws--pertaining--to "school administrative district" or  
"district" mean vocational region; and references in those  
36 sections to "board of directors," means--vocational--region  
and "board," "school board," "school directors," or "school  
38 director" mean cooperative board,---respectively and  
references in those sections to "they" mean either, as  
40 appropriate in the context, cooperative board or members of  
the cooperative board;

42

44           B. The results of the referendum vote in each municipality  
shall must be reported immediately to the secretary of the  
cooperative board; and

46

48           C. The cooperative board shall meet and make an-appropriate  
finding the determinations and declarations of fact as  
required in by section 1353, subsection 2 3.

50

2. Bond resolutions. If the cooperative board determines  
from the regional referendum vote that bonds or notes shall are

2 authorized to be issued for school construction purposes, then  
the following shall apply applies.

4 A. The cooperative board shall pass a resolution to that  
effect setting forth stating that bonds or notes for school  
6 construction purposes have been authorized and stating the  
dollar amount and purposes of the proposal and the purposes  
8 for which the proceeds were authorized bonds or notes  
authorized.

10 B. Bonds or notes shall must be issued in the manner  
12 described in section 1311, except that any reference therein  
14 to "school administrative district" or "~~board of school~~  
~~directors~~" shall mean vocational region or "district" means  
vocational region, and reference therein to "board of  
16 directors" or "board" means cooperative board, respectively  
18 and any reference therein to "assistant superintendent"  
means secretary of the cooperative board.

20 C. Indebtedness shall of a region for school construction  
purposes may not exceed 4% of the total state valuation of  
22 all the municipalities comprising in the region. That  
indebtedness shall be is outside the debt limitations of the  
24 individual municipalities of in the region.

26 3. **Prior bonds and notes.** All actions taken in connection  
28 with bonds and notes for school construction purposes by  
vocational regions and their officers prior to October 1, 1975  
shall continue to be valid.

30 **Sec. 32. 20-A MRSA §§8466 and 8467,** as enacted by PL 1981, c.  
32 693, §§5 and 8, are amended to read:

34 **§8466. Transfer or lease of school property to a vocational region**

36 ~~The following shall apply to transfer of school property to~~  
~~a vocational region.~~

38 1. **Authority.** ~~A school board of a school administrative~~  
40 ~~unit within a vocational region may transfer or lease unused~~  
~~school property owned by~~ of the unit to the vocational region for  
42 vocational education purposes.

44 2. **Definitions.** For the purposes of this section, a  
46 special school district ~~shall be is~~ considered ~~to be~~ a school  
administrative unit.

48 **§8467. Sale of vocational region capital assets**

50 ~~The following provisions apply to the sale of vocational~~  
~~region capital assets.~~

52

1. ~~Vocational regions~~ A region may, ~~in case of a shutdown,~~ sell any of its buildings and equipment owned by the vocational regions when or other capital assets if the sale is in compliance with the conditions of any indebtedness issued to finance such assets and if the sale is approved by the state board.

2. ~~Funds raised by the~~ proceeds of a sale in authorized by subsection 1 shall must be used as follows:

A. The proceeds of the sale shall must first be used to ~~reduce any pay or assure payment of~~ outstanding indebtedness on the capital asset;

B. Any remaining ~~receipts shall~~ proceeds must then be used to meet outstanding obligations of the region; and

C. Any remaining surplus ~~shall~~ proceeds must then be returned paid to the department.

Sec. 33. 20-A MRSA §8468, as enacted by PL 1989, c. 132, §4, is amended to read:

**§8468. Reserve fund**

~~Vocational regions may establish a reserve fund as follows.~~

1. **Establishment.** A vocational region may establish a reserve fund for a school construction ~~projects~~ project, ~~financing the acquisition or reconstruction of a specific item or~~ type of capital improvement or ~~financing the acquisition of a specific item or type of capital equipment by including a request~~ establishing such a reserve fund in the region budget and receiving approval pursuant to this chapter. The cooperative board shall ~~be~~ is the trustee of the such a reserve fund. The ~~reserve fund shall be deposited or invested by the treasurer~~ under the direction of the cooperative board.

2. **Deposit or investment.** All region funds, including reserve funds and trust funds to the extent that the terms of the instrument or vote creating the fund do not prohibit, shall must be deposited or invested by the treasurer of the cooperative board under the direction of the cooperative board according to the requirements for the deposit or investment of municipal funds contained in Title 30-A, section 5706.

3. **Expending money from a reserve fund.** The cooperative board may expend the a sum in the a reserve fund as a result of a ~~request~~ if permitted by the conditions of any indebtedness secured by the reserve fund and if approved in the region budget

2 which-is-approved. A separate article for that purpose must be  
3 set-out included in the region budget proposal.

4 **Sec. 34. 20-A MRSA §8601-A** is enacted to read:

6 **§8601-A. Definitions**

8 As used in this chapter, unless the context otherwise  
9 indicates, the following terms have the following meanings.

10 1. Adult education. "Adult education" has the same meaning  
11 as in section 1, subsection 1 and also means courses of  
12 instruction approved in accordance with this chapter in the  
13 following categories: general adult courses; adult vocational  
14 education courses; handicapped adult courses; high school  
15 completion courses; and basic literacy courses.

16 2. Adult education program costs. "Adult education program  
17 costs" means those costs identified in section 8607-A.

18 3. Center. "Center" has the same meaning as in section  
19 8301-A, subsection 3.

20 4. Foundation year. "Foundation year" means the fiscal  
21 year 2 years prior to the fiscal year in which funds are  
22 allocated.

23 5. Maximum allowable expenditures. "Maximum allowable  
24 expenditures" means, for state subsidy purposes, an amount not to  
25 exceed the sum of funds appropriated through taxation and  
26 expended in accordance with section 8607-A in the foundation  
27 year, plus the amount of subsidy paid by the State during the  
28 foundation year.

29 6. Municipality. "Municipality" has the same meaning as in  
30 section 15603, subsection 19.

31 7. Parent. "Parent" means a parent, as defined in section  
32 1, subsection 20, with legal custody of a minor child.

33 8. Region. "Region" has the same meaning as in section  
34 8301-A, subsection 6.

35 9. Residence. "Residence" means, with reference to a  
36 person's eligibility to receive adult education, the school  
37 administrative unit in which is located the legal residence of  
38 the person's parent if the person has not reached 18 years of  
39 age, the legal residence of the person after the person reaches  
40 18 years of age, or the legal residence of the person after the  
41 person becomes an emancipated minor. A federal reservation is  
42 considered part of the school administrative unit in which it is  
43 located.

2           **10. Unit.** "Unit" means a school administrative unit.

4           **11. Vocational education.** "Vocational education" has the  
6 same meaning as in section 8301-A, subsection 11.

8           **Sec. 35.** 20-A MRSA §§8602 to 8604, as enacted by PL 1981, c.  
693, §§5 and 8, are amended to read:

10       **§8602. Rules**

12           The commissioner shall ~~may~~ adopt ~~or~~ amend rules to establish  
14 ~~program definitions requirements~~ for adult ~~vocational courses,~~  
~~general adult courses,~~ ~~handicapped adult courses,~~ ~~high school~~  
16 ~~completion courses and basic literacy~~ education courses, to  
18 establish procedures for approving adult education courses  
offered by units and to otherwise carry out the purposes of this  
chapter.

20       **§8603. Authority to raise, appropriate, receive and expend money**

22           A school-administrative unit may:

24           1. **Fund adult education and educational activities.** Raise,  
26 appropriate, receive and appropriate expend money for the support  
of adult education classes and educational activities. These  
28 classes Adult education and educational activities shall be are  
under the direction and supervision of the school board; and

30           2. **Fund tuition costs.** Raise, appropriate, receive and  
32 expend money to ~~cover the pay~~ tuition costs ~~resulting from its~~  
~~residents attending~~ charged to any resident of a municipality  
34 served by the unit who attends an adult education course in  
course offered by another school-administrative unit, if the  
36 course is not offered by the unit of  
that serves the person's residence.

38       **§8604. Authority to operate programs not receiving state subsidy**

40           A school-board unit may make available facilities for adults  
42 for day and evening educational and recreational activities not  
~~reimbursed~~ reimbursable by the State. These courses and  
44 activities may be financed by tuition fees, by funds ~~voted~~ made  
available by the school-administrative unit, by funds from other  
46 sources or by a combination of these.

48           **Sec. 36.** 20-A MRSA §8605, as amended by PL 1989, c. 415, §32,  
is further amended to read:

50       **§8605. Eligibility**

2 1. ~~General right. A person who is 17 years of age or older~~  
and ~~who is not attending public schools~~ The following persons may  
4 attend local adult education courses offered by a unit, region or  
center in accordance with local that entity's published program  
6 criteria, and admission standards:

8 A. ~~The commissioner shall grant exceptions under this~~  
subsection ~~in admitting students to adult education programs~~  
10 at the local level to a student A person who is not yet 17  
years of age who has withdrawn from school under the  
12 provisions of section 5001-A, subsection 2, paragraph B, on  
the recommendations of the school board;

14 A-1. A person who is 17 years of age or older and who is  
not attending a public school; or

16 ~~B. Prior to requesting an exception, the school board shall~~  
18 ~~seek and consider the recommendations of the dropout~~  
~~prevention committee.~~

20 C. ~~Students~~ A secondary school student enrolled in a public  
22 day school programs may participate in adult education  
programs or adult vocational programs program, if that  
24 student's attendance at an adult education course is  
designed to supplement the student's regular day school  
26 program on an exception basis and if attendance is in  
28 accordance with rules adopted or amended by the commissioner.

30 Notwithstanding paragraphs A and A-1, a person who is not yet 18  
years of age may be issued a state high school equivalency  
32 diploma only in compliance with the requirements established for  
such persons by section 257.

34 2. Secondary school age person count; subsidy; tuition.  
~~School age students may enroll in adult evening school courses~~ A  
36 secondary school age person who is not attending a public school  
and who is enrolled in an adult education course must be treated  
38 for state subsidy and tuition purposes as follows.

40 A. ~~A student age 16 through 20 years,~~ Such a person who  
42 enrolls in a semester adult evening school education course,  
shall be is counted as .1 of a student for each such  
44 semester course completed.

46 B. ~~The school administrative unit in which such a student~~  
person resides shall must be reimbursed in accordance with  
48 chapter 605 606.

50 C. If a unit in which a person resides does not offer an  
appropriate adult evening school education course  
52 appropriate for such a person, the student person may enroll  
in a neighboring school administrative an adult education

2 course offered by another unit or private school, subject to  
the approval of the sending unit's superintendent. The  
4 sending unit shall pay tuition to the receiving unit in an  
amount no greater than .1 of the present per student subsidy  
6 allocation for secondary students in the sending unit.

8 **Sec. 37. 20-A MRSA §8606-A**, as repealed and replaced by PL  
1987, c. 769, Pt. A, §62, is amended to read:

10 **§8606-A. Reimbursement procedures**

12 **1. Definitions.** ~~As used in this chapter, unless the~~  
~~context otherwise indicates, the following terms have the~~  
14 ~~following meanings.~~

16 **A. "Adult education program costs"** ~~includes expenditures~~  
~~for salaries and supplies as identified in section 8607.~~

18 **B. "Foundation year"** ~~means the 2nd school year prior to~~  
20 ~~the year of allocation of funds.~~

22 **C. "Maximum allowable expenditures,"** ~~for state subsidy~~  
~~purposes, means an amount not to exceed the sum of funds~~  
24 ~~raised through taxation and expended in accordance with~~  
~~section 8607 in the foundation year, plus the amount of~~  
26 ~~subsidy paid by the State during the foundation year.~~

28 **2. Budget recommendation.** Prior to December 15th of each  
year, the commissioner shall prepare and certify to the  
30 Legislature Governor and to the Bureau of the Budget a  
recommendation for the funding level levels for the various  
32 program categories in adult education for payment in the next  
fiscal year. The commissioner shall include these funding levels  
34 in the department's request to the Legislature for appropriations  
from the General Fund to carry out the purposes of this chapter.

36 **A.** The requested recommended funding level shall must be  
38 for the authorized reimbursement rates established in  
section 8607 8607-A and may not exceed the maximum allowable  
40 expenditures in the foundation year, adjusted pursuant to  
paragraph C.

42 **B.** A ~~school~~ administrative unit shall provide the  
44 commissioner with information which requested by the  
commissioner shall request to carry out the purpose of this  
46 chapter according to time schedules which the commissioner  
shall establish. The commissioner may withhold state  
48 subsidy payment or a portion of the state subsidy payment  
from a ~~school~~ administrative unit when if the unit does not  
50 provide requested information ~~is not~~ filed to the  
commissioner in compliance with the specified format and

2 content and ~~within the specified~~ time schedule established  
3 by the commissioner.

4 C. The recommendation in ~~this certificate shall~~ the  
5 commissioner's funding level certification must include  
6 local program cost adjustment to the equivalent of the year  
7 prior to the year of allocation. This adjustment is  
8 calculated according to the same guidelines established, for  
9 purposes of chapter 606, by section 15605, subsection 3.

10 3. State reimbursement. State reimbursement for  
11 expenditures on adult education programs ~~shall be~~ is based on  
12 each administrative unit's actual adult education program costs  
13 in the foundation year.

14 A. The state reimbursement ~~shall be~~ is based on the unit's  
15 expenditures for the foundation year in accordance with the  
16 maximum allowable expenditures and the local program cost  
17 adjustment ~~as in subsection 2~~ to the equivalent of the year  
18 prior to the year of allocation.

19 B. State reimbursement ~~shall~~ must be paid to each eligible  
20 ~~school administrative~~ unit during the 2nd quarter of the  
21 State's fiscal year.

22 4. Action by Legislature. The Legislature shall  
23 appropriate the necessary funds to meet the state State's  
24 obligation for reimbursement of adult education program costs as  
25 defined ~~provided~~ in subsections 1 and 2 this section.

26 ~~5. Rule-making authority. The commissioner shall have the~~  
27 ~~authority to promulgate rules to administer this section. Upon~~  
28 ~~the effective date of this provision, the commissioner shall~~  
29 ~~begin to promulgate rules which ensure that the maximum allowable~~  
30 ~~expenditures for the initial foundation year accurately reflect~~  
31 ~~the total costs of adult education for that year.~~

32 6. State administration. The commissioner shall add to the  
33 budget ~~request~~ funding level certification an amount sufficient  
34 to provide for the administration of this section.

35 Sec. 38. 20-A MRSA §8607-A, as enacted by PL 1987, c. 496,  
36 §4, is amended to read:

37 **§8607-A. Reimbursement rates**

38 Reimbursement rates ~~shall be~~ are as follows.

39 1. Administrative costs. ~~School administrative units shall~~  
40 be Units are reimbursed 70% of the administrative costs for  
41 ~~evening and day school classes~~ adult education and educational  
42 activities for adults in the year following the expenditure for



2 those costs. Administrative costs shall include administrative,  
4 supervisory and clerical salaries, the costs of maintaining and  
6 operating citizens' advisory committees, administrative fringe  
benefits as required for salaried positions and administrative  
travel to state meetings related to ~~the support of the~~  
administrative function administering adult education courses and  
educational activities.

8  
10 2. **Adult vocational education courses.** Adult vocational  
12 education courses shall ~~be~~ offered in compliance with section  
14 8610 are reimbursed at the rate of 75% of the cost of required  
instructional salaries and fringe benefits ~~required~~ for salaried  
costs those courses and 50% of the cost of consumable supplies  
and textbooks used in those courses.

16 3. **Handicapped adult courses.** Handicapped adult courses  
18 shall ~~be~~ are reimbursed at the rate of 75% of the cost of  
required instructional salaries and fringe benefits ~~required~~ for  
20 salaried ~~costs~~ those courses and 50% of the cost of consumable  
supplies and textbooks used in those courses.

22 4. **High school completion courses.** High school completion  
24 courses shall ~~be~~ are reimbursed at the rate of 75% of the cost of  
required instructional salaries and fringe benefits ~~required~~ for  
26 salaried ~~costs~~ those courses and 50% of the cost of consumable  
supplies and textbooks used in those courses.

28 5. **Basic literacy courses.** Basic literacy courses shall ~~be~~  
are reimbursed at the rate of 75% of the cost of required  
30 instructional salaries and fringe benefits ~~required~~ for salaried  
costs those courses and 50% of the cost of consumable supplies  
32 and textbooks used in those courses.

34 6. **General adult courses.** Courses provided for the general  
36 public in vocational, leisure and life skill programs shall ~~be~~  
are reimbursed at the rate of 50% of the cost of required  
instructional salaries and fringe benefits ~~required~~ for salaried  
38 costs those courses.

40 7. **Other administrative costs.** Other administrative costs,  
42 including program promotion and related publicity, mailing and  
postage and telephone expenses ~~related to program development,~~  
~~promotion and implementation~~ for courses and programs described  
44 in subsections 2 to 6, shall ~~be~~ are reimbursed at the rate of 50%  
of these costs.

46  
48 **Sec. 39. 20-A MRSA §8608,** as amended by PL 1983, c. 806, §71,  
is further amended to read:

50 **§8608. Teacher education reimbursement**

2 The commissioner shall add to the commissioner's budget  
3 request funding level certification a sum not to exceed 5% of the  
4 sum recommended in the certification for reimbursement to school  
5 administrative units for preservice and in-service education  
6 activities for teachers in of adult education.

7 **Sec. 40. 20-A MRSA §8609**, as enacted by PL 1981, c. 693, §§5  
8 and 8, is amended to read:

9 **§8609. Fees for adult education**

10 Fees for adult education shall ~~be~~ are as follows.

11 **1. Registration fee.** A ~~school-administrative~~ unit, with  
12 the approval of the commissioner, shall establish a registration  
13 fee schedule for adult education courses and determine the use of  
14 those registration fees.

15 **2. Materials fee.** A ~~school-administrative~~ unit may charge  
16 a student person attending a an adult education course a fee to  
17 cover the actual cost of materials used in such a course.

18 **Sec. 41. 20-A MRSA §8610**, as amended by PL 1983, c. 806, §72,  
19 is further amended to read:

20 **§8610. Adult vocational education authority**

21 Adult vocational education ~~programs~~ courses may be offered  
22 under the following provisions.

23 **1. Basic authority.** A ~~veeatienal region or~~-vocational,  
24 center or affiliated unit may offer adult vocational education  
25 programs or courses within its the geographic area served by the  
26 region, center or affiliated unit pursuant to section 8306-A.  
27 Any adult vocational education program or course offered by a  
28 region, center or affiliated unit must be open to any person who  
29 meets the eligibility criteria of section 8605. Priority to  
30 enroll in such programs or courses must be given to residents of  
31 municipalities served by the region, center or affiliated unit.

32 **2. Request by unit for program approval.** A ~~school~~  
33 administrative unit in served by a ~~veeatienal region or a~~-unit  
34 ~~served--by--a--vocational~~ center may ~~make--a~~ request ~~to~~  
35 the cooperative board of the ~~veeatienal~~ region or the governing body  
36 of the ~~veeatienal~~ center that to permit adult vocational  
37 education courses to be offered in by that ~~school-administrative~~  
38 unit.

39 **3. Board approval.** The cooperative board of ~~the-veeatienal~~  
40 a region or the governing body of ~~the-vocational~~ a center may  
41 ~~approve~~ permit a unit served by the center or region to offer

adult vocational education courses in--the--requesting--school  
administrative-unit.

4. Adequate funding. The offering of any adult vocational education courses--shall-be course by a unit is dependent upon school--administrative--units the unit appropriating sufficient funds to pay for the courses course.

5. Persons entitled to attend. Adult Any adult vocational education courses course offered in by a school--administrative unit shall must be open to any adult person who needs--retraining or--upgrading meets the eligibility criteria of section 8605. If space is limited, priority shall to enroll in such a course must be given to the residents of municipalities served by the unit offering--the--program.

6. State reimbursement. State reimbursement shall must be made to a school--administrative unit in accordance with section 8607 8607-A. If the a request by a unit to operate offer a reimbursable adult vocational education course is disapproved by the cooperative board of the vocational region or by the governing body of the vocational center servicing the unit, the school--administrative unit may appeal to the commissioner for authority to offer the course. The commissioner's decision on such an appeal is final and-binding.

Sec. 42. 20-A MRSA §8611, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**§8611. Transportation**

A school--administrative unit may provide transportation for adults to and from adult education ~~programs~~ courses.

**STATEMENT OF FACT**

This bill is a general recodification of the laws relating to adult and secondary vocational education administered under the jurisdiction of the Department of Education and the State Board of Education.

The bill provides a technical correction clarifying that a person who is 17 years of age may be issued a state high school equivalency diploma only with the approval of the Commissioner of Education and the person's local superintendent of schools.

This bill eliminates numerous errors, ambiguities, undefined terms, inconsistent terms, voids and references to repealed laws from the current versions of the Maine Revised Statutes, Title 20-A, chapters 313 and 315. This bill also:

- 2           1. Clarifies eligibility requirements for adult and  
secondary vocational education;
- 4           2. Clarifies the planning and program approval process for  
adult and secondary vocational education;
- 6           3. Clarifies the procedures for reorganizing vocational  
8 regions and vocational centers;
- 10          4. Clarifies and updates the financial procedures for adult  
and secondary vocational education; and
- 12          5. Clarifies administrative and budgetary provisions for  
14 vocational regions, centers and satellite programs.
- 16          This bill also permits the current system of vocational  
18 regions and vocational centers to offer, subject to the approval  
of the Commissioner of Education, a broader range of courses and  
20 educational activities to vocational students similar to those  
offered by so-called comprehensive vocational high schools.