

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 364

S.P. 128

In Senate, February 5, 2009

An Act To Eliminate Schools' Responsibility for Transportation of Preschool Students

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator WESTON of Waldo.
Cosponsored by Representative PIOTTI of Unity and
Senator: MARRACHÉ of Kennebec, Representative: FITTS of Pittsfield.

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

2 **Sec. 1. 20-A MRSA §5401, sub-§1**, as amended by PL 2007, c. 572, Pt. A, §2, is
3 further amended to read:

4 **1. Municipal school units.** The superintendent of schools in a municipal school unit
5 shall, with the approval of the school board, provide transportation for elementary school
6 students ~~and public preschool students~~ a part of or the whole distance to and from the
7 nearest suitable elementary school. The municipality may provide transportation for
8 secondary level students.

9 **Sec. 2. 20-A MRSA §5401, sub-§2, ¶A**, as amended by PL 2007, c. 572, Pt. A,
10 §3, is further amended to read:

11 A. Elementary school students ~~and public preschool students~~ a part of or the whole
12 distance to and from the nearest suitable school; and

13 **Sec. 3. 20-A MRSA §5401, sub-§3, ¶A**, as amended by PL 2007, c. 572, Pt. A,
14 §4, is further amended to read:

15 A. Instruct the superintendent of schools to provide transportation for elementary
16 and secondary school students ~~and public preschool students~~ all or a part of the way
17 to and from the nearest suitable school; or

18 **Sec. 4. 20-A MRSA §5401, sub-§17**, as enacted by PL 2007, c. 572, Pt. A, §5, is
19 amended to read:

20 **17. Rules.** The department may adopt rules to implement the provisions of this
21 section. ~~A rule authorized or provisionally adopted by the department pursuant to this~~
22 ~~subsection or Title 29-A, section 2311 after January 1, 2008 that concerns the~~
23 ~~transportation of public preschool students is a major substantive rule and subject to~~
24 ~~legislative review in accordance with Title 5, chapter 375, subchapter 2-A. An~~
25 ~~amendment to a rule adopted pursuant to this subsection or Title 29-A, section 2311 prior~~
26 ~~to January 1, 2008 is considered a major substantive rule when the amendment concerns~~
27 ~~the transportation of public preschool students, and it is subject to legislative review in~~
28 ~~accordance with Title 5, chapter 375, subchapter 2-A.~~

29 **Sec. 5. 29-A MRSA §2311**, as amended by PL 2007, c. 572, Pt. A, §17, is further
30 amended to read:

31 **§2311. Rules**

32 The Commissioner of Education may adopt or amend rules consistent with this Title
33 and in accordance with the Maine Administrative Procedure Act, concerning school bus
34 construction, equipment, operation and identification. ~~Rules adopted pursuant to this~~
35 ~~section that concern the transportation of public preschool students are major substantive~~
36 ~~rules as defined in Title 5, chapter 375, subchapter 2-A.~~

SUMMARY

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This bill removes the requirement that municipal school units, school administrative districts and community school districts provide transportation for public preschool students.