

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1277

H.P. 873

House of Representatives, April 9, 2015

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**An Act To Establish a Magnet School for Marine Science,  
Technology, Transportation and Engineering**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GILLWAY of Searsport.  
Cosponsored by Senator LANGLEY of Hancock and  
Representatives: BEAVERS of South Berwick, HERBIG of Belfast, HIGGINS of Dover-  
Foxcroft, HUBBELL of Bar Harbor, McCLELLAN of Raymond, STEARNS of Guilford,  
WARD of Dedham, Senator: President THIBODEAU of Waldo.

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

2 **Sec. 1. 5 MRSA §285, sub-§1, ¶F-11** is enacted to read:

3 F-11. Any employee of the Maine School for Marine Science, Technology,  
4 Transportation and Engineering;

5 **Sec. 2. 5 MRSA §12004-C, sub-§9** is enacted to read:

6 **9.**

7 Board of Trustees, Maine                      Expenses Only                      20-A MRSA §8234  
8 School for Marine Science,  
9 Technology, Transportation  
10 and Engineering

11 **Sec. 3. 20-A MRSA §5205, sub-§11** is enacted to read:

12 **11. Students attending the Maine School for Marine Science, Technology,**  
13 **Transportation and Engineering.** For purposes of subsidy calculation only, students  
14 attending the Maine School for Marine Science, Technology, Transportation and  
15 Engineering are not considered residents of the sending school administrative unit.

16 **Sec. 4. 20-A MRSA c. 312-A** is enacted to read:

17 **CHAPTER 312-A**

18 **MAINE SCHOOL FOR MARINE SCIENCE, TECHNOLOGY,**  
19 **TRANSPORTATION AND ENGINEERING**

20 **§8231. School established**

21 The Maine School for Marine Science, Technology, Transportation and Engineering  
22 is established as a public magnet school pursuant to this chapter for the purpose of  
23 providing certain high-achieving high school students with a challenging educational  
24 experience focused on marine-related science, technology, engineering and mathematics.  
25 The school is a body politic and corporate and is an instrumentality and agency of the  
26 State. The exercise by the school of the powers conferred by this chapter is the  
27 performance of an essential public function by and on behalf of the State.

28 **§8232. Intent; funding**

29 The school is established as a public, residential school located in the Town of  
30 Searsport and the following provisions apply.

31 **1. Curriculum.** The school shall provide a curriculum designed to exceed existing  
32 state educational standards in the content areas of the system of learning results  
33 established in section 6209.

1           **2. Tuition; room and board; funding.** Students from this State may attend the  
2 school free of tuition charges. Additional funding for students from this State may be  
3 provided within amounts appropriated for that purpose as follows.

4           A. The amount must be paid in 4 equal quarterly payments during the year of  
5 attendance. The first payment must be made by July 31st. The amount of tuition and  
6 other costs paid for all students is limited to the amount appropriated for this purpose.  
7 To be eligible for state funding under this paragraph, a student must have resided in  
8 Maine with a parent, other relative or guardian for at least 6 months immediately  
9 preceding application to the school.

10           B. Except as otherwise provided in this paragraph, effective July 1, 2018, the student  
11 or the student's parent or guardian shall pay to the school the cost of room and board  
12 for the school year. In the case of financial need, the State shall pay to the school the  
13 difference between the cost of room and board and the student's or the student's  
14 family's ability to pay that cost. The board of trustees shall establish rules governing  
15 the determination of financial need and the cost and schedule of payment of room and  
16 board under this paragraph. The determination of financial need must be based on a  
17 nationally recognized public or private school financial needs assessment system. A  
18 student may use scholarship funds in place of payment for all or part of the cost of  
19 room and board and any other fees or expenses incurred as a result of that student's  
20 enrollment at the school.

21           **3. Out-of-state tuition.** Students from other states and countries and students  
22 pursuing a postgraduate high school year of education may attend the school on a space-  
23 available basis by paying the cost of tuition, fees and room and board as established by  
24 the board of trustees.

25           **4. Scholarship fund.** The school must demonstrate its ability to raise private funds  
26 to support a scholarship fund. Based on this ability, the Legislature may provide General  
27 Fund appropriations to the scholarship fund. Funds available in the scholarship fund may  
28 not be used to offset, reduce or eliminate the appropriation of state funds described in  
29 subsection 2. The existence of the scholarship fund may not reduce or eliminate the  
30 State's funding obligations described in subsection 2.

31           **5. Educational enhancement fund.** The school may raise private funds to support  
32 an educational enhancement fund to enrich the educational experience of students  
33 enrolled at the school. The Legislature may provide General Fund appropriations to the  
34 educational enhancement fund. Funds available in the educational enhancement fund  
35 may not be used to offset, reduce or eliminate the appropriation of state funds described  
36 in subsection 2. The existence of the educational enhancement fund may not reduce or  
37 eliminate the State's funding obligations described in subsection 2.

38           **§8233. Definitions**

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

41           **1. Board of trustees.** "Board of trustees" means the Board of Trustees of the Maine  
42 School for Marine Science, Technology, Transportation and Engineering.

1           **2. School.** "School" means the Maine School for Marine Science, Technology,  
2 Transportation and Engineering.

3           **3. Sending school.** "Sending school" means any school administrative unit that has  
4 a student in attendance at the Maine School for Marine Science, Technology,  
5 Transportation and Engineering.

6           **4. Trustee.** "Trustee" means a member of the Board of Trustees of the Maine  
7 School for Marine Science, Technology, Transportation and Engineering.

8           **§8234. Board of trustees**

9           The board of trustees as established in Title 5, section 12004-C, subsection 9 is the  
10 policy-making authority and the governing body of the school.

11           **1. Membership.** In appointing members to the board of trustees, the Governor shall  
12 give proper consideration to achieving statewide geographical representation and gender  
13 equity. The board of trustees consists of 17 voting members and 2 nonvoting members as  
14 follows:

15           A. The Commissioner of Education or the commissioner's designee;

16           B. The Chancellor of the University of Maine System or the chancellor's designee;

17           C. A member of the regional school unit board of the regional school unit in which  
18 the school is located, who must be from the community in which the school is  
19 located, or the member's designee, selected by that board;

20           D. One member who is a citizen of the Town of Searsport and has an active interest  
21 in education, appointed by the Governor;

22           E. Three members who are teachers, one of whom is a full-time teacher at the school  
23 who is a nonvoting member and is annually elected by members of the school's  
24 faculty and 2 of whom are teachers in the State representing different geographic  
25 regions of the State, appointed by the Governor. Both full-time and part-time  
26 teachers at the school may vote in the election of a faculty member to serve on the  
27 board of trustees, and the election must be by secret ballot;

28           F. Ten members of the general public appointed by the Governor, at least 4 of whom  
29 must be scientists, engineers or mathematicians and be employed within the marine  
30 business or industrial marine community and one of whom must be a parent of a  
31 student. All appointments under this paragraph are subject to review by the joint  
32 standing committee of the Legislature having jurisdiction over education matters and  
33 subject to confirmation by the Legislature;

34           G. One student member who has been elected as the presiding officer of the student  
35 body of the school. The student member is a voting member, except that the student  
36 member may not participate as a board member in executive sessions and may not  
37 vote in a public proceeding on any matter that was discussed or considered during an  
38 executive session; and

39           H. The executive director of the school, who serves as the clerk of the board of  
40 trustees and is a nonvoting member.

1        2. Chair. The board of trustees shall choose annually one of its members to serve as  
2 chair.

3        3. Meetings. The board of trustees shall meet at least 4 times a year at regular  
4 intervals.

5        4. Quorum. A quorum for the transaction of business is constituted by the  
6 attendance of 5 voting members, and all official actions of the board of trustees require a  
7 majority vote of those members present and voting.

8        5. Compensation. Members are compensated pursuant to Title 5, section 12004-C,  
9 subsection 9.

10       6. Terms. The terms of the members of the board of trustees who are appointed by  
11 the Governor are for 4 years unless otherwise designated. The terms of the 2 teachers  
12 appointed by the Governor and the 10 members of the general public are staggered.  
13 Members may be appointed for consecutive terms.

14       7. Conflict of interest. A board of trustees member shall attempt to avoid conflicts  
15 of interest by disclosure or by abstention.

16       **§8235. Powers and duties of the board of trustees**

17       The powers and duties of the board of trustees include the following:

18       1. Policies and bylaws. To develop and establish policies and rules, including  
19 bylaws, necessary or useful for the operation of the school;

20       2. Administration. To oversee the administration of the school, including the hiring  
21 of teachers and administrative support staff;

22       3. Financial management. To appoint a treasurer, who need not be a member of the  
23 board of trustees, and to accept donations, bequests or other forms of financial assistance  
24 for any educational purpose from a public or private person or agency and to comply with  
25 rules and regulations governing grants from the Federal Government or from any other  
26 person or agency;

27       4. Budget development. To prepare and adopt an annual budget for the operation of  
28 the school and to exercise budgetary responsibility and allocate for expenditure by the  
29 school and programs under its jurisdiction all the resources available for the operation of  
30 the school and its programs;

31       5. Indemnification. To indemnify the trustees, officers, teaching staff and  
32 employees affiliated with the school and to purchase and maintain insurance to indemnify  
33 any such person to the extent provided in Title 13-B, section 714;

34       6. Bonds. To require security for the faithful performance of duties by the officers,  
35 trustees, employees and other agents of the school who are entrusted with the custody of  
36 the school securities or authorized to disburse the funds of the school. The security must  
37 consist of a bond, either a blanket bond or individual bond with a surety bond, or bonds

1 having a minimum limitation of \$100,000 coverage for each insured person. The expense  
2 of a bond is assumed by the school;

3 **7. Property management.** To lease and to acquire by purchase any property, lands,  
4 buildings, structures, facilities or equipment and make improvements to facilities  
5 necessary to fulfill the purposes of this chapter. Any lease or lease-purchase agreement  
6 must have a term not to exceed 10 years and must be subject to annual appropriation of  
7 funds. The regional school unit that includes the Town of Searsport retains ownership of  
8 the Searsport high school and shares those facilities with the school;

9 **8. Certificates and diplomas.** To offer courses of study and grant diplomas and  
10 certificates on completion of courses of study. This may be done in cooperation with the  
11 sending school;

12 **9. Contracts and agreements.** To enter into any contracts and agreements, to the  
13 extent that funds are available, in the execution of its powers under this chapter;

14 **10. Delegation.** To delegate duties and responsibilities as necessary for the efficient  
15 operation of this chapter;

16 **11. Criteria for enrollment.** To establish criteria to be used in determining  
17 eligibility of applicants for enrollment. The criteria must include methods of ensuring  
18 gender equity for students selected;

19 **12. Student conduct.** To prepare and adopt procedures and rules to ensure the  
20 smooth operation of student conduct standards;

21 **13. Geographical basis.** To develop and adopt an admissions policy to ensure that  
22 students from all over the State have an equal opportunity to attend the school;

23 **14. Fees and charges.** To establish and collect necessary fees and to set policies  
24 relating to other appropriate charges for students;

25 **15. Benchmarks and assessments.** To establish benchmarks and methods of  
26 assessing progress in the levels of academic achievement in marine science, technology,  
27 transportation and engineering for students who participate in school programs and to  
28 establish benchmarks and methods of assessing progress in the professional development  
29 of teachers who participate in school programs;

30 **16. Report.** To report annually to the Governor, the joint standing committee of the  
31 Legislature having jurisdiction over education matters and the joint standing committee  
32 of the Legislature having jurisdiction over appropriations and financial affairs on the  
33 results of the assessment in subsection 15 and the general status of the school and to  
34 provide a financial audit of the school conducted by an independent auditor;

35 **17. Quarterly financial statements.** To submit quarterly financial statements to the  
36 Governor, the joint standing committee of the Legislature having jurisdiction over  
37 education matters and the joint standing committee of the Legislature having jurisdiction  
38 over appropriations and financial affairs;

1           **18. Sue or be sued.** To sue or be sued in the name of the school; and

2           **19. Other.** To do any other act necessary or useful for carrying out its powers,  
3           duties or purposes.

4           Notwithstanding any other provision of this Title, rules established by the board  
5           pursuant to this section may differ from rules adopted by the department.

6           **§8236. Programs and operations**

7           The programs and operations of the school must include:

8           **1. School year.** Operating on a calendar year that meets or exceeds the minimum  
9           number of statewide student instructional days;

10           **2. Courses of study; programs; plan.** A plan that outlines the statewide education  
11           programs provided by the school and guarantees opportunities and access to students and  
12           educators not residing full time at the school. The plan must include, but is not limited to,  
13           offering short courses, workshops, seminars, weekend instructional programs, distance  
14           learning and various other programs of short duration for teachers and students. The plan  
15           may include other innovative programs that meet the purpose of the school and assist in  
16           the professional development of the State's marine science, technology, transportation and  
17           engineering teachers;

18           **3. School admission.** Admittance of high school students and students pursuing a  
19           postgraduate high school year of education based on the enrollment criteria established by  
20           the board of trustees as provided in section 8235, subsection 11. Students who apply and  
21           are accepted by the school are allowed to attend as provided in section 5205, subsection  
22           6;

23           **4. Extracurricular activities.** Participation in all extracurricular activities offered at  
24           the middle school and high school serving the Town of Searsport; and

25           **5. Telecommunications.** Utilization of distance learning technologies to allow  
26           transmission of certain specialty courses conducted at the school for the benefit of high-  
27           achieving students attending school units throughout the State.

28           **§8237. Financing authority**

29           The board of trustees may borrow funds, issue bonds and negotiate notes and other  
30           evidences of indebtedness or obligations of the school for renovation and construction  
31           purposes to pay for costs as defined in Title 22, section 2053, subsection 3 and may issue  
32           temporary notes and renewal notes to pay for those costs. Bonds, notes or other  
33           evidences of indebtedness or obligations of the school are legal obligations of the school  
34           on behalf of the State and are payable solely from the school's revenues and other sources  
35           of funds, including funds obtained pursuant to Title 22, section 2053, subsection 4-B,  
36           paragraph C, and these borrowings by the school do not constitute debts or liabilities of,  
37           and are not includable in, any debt limitation of the State or any municipality or political  
38           subdivision of the State. The board of trustees has the discretion to fix the date,  
39           maturities, denomination, interest rate, place of payment, form and other details of the

1 bonds or notes of the school. Unless otherwise provided in the vote authorizing their  
2 issuance, bonds or notes of the school are signed by the treasurer and countersigned by  
3 the chair of the board of trustees. The aggregate principal amount of outstanding bonds,  
4 notes or other evidences of indebtedness of the school may not exceed \$3,000,000 at any  
5 one time, excluding temporary notes and renewal notes. The board of trustees may  
6 pledge or assign its revenues, including any funds that have been or may be appropriated  
7 to the school by the Town of Searsport, and the proceeds of those revenues and its other  
8 property as security toward its bonds, notes, other evidences of indebtedness or other  
9 obligations of the school. The proceeds of bonds, notes or other evidences of  
10 indebtedness may be invested in accordance with Title 30-A, sections 5706 and 5712.  
11 Bonds, notes and other evidences of indebtedness issued under this section are not debts  
12 of the State, nor a pledge of the credit of the State, but are payable solely from the funds  
13 of the school. The board of trustees may also borrow funds in anticipation of revenues  
14 for current operating expenses for a term not exceeding 13 months. Indebtedness  
15 incurred and evidences of indebtedness issued under this chapter are deemed to constitute  
16 a proper public purpose, and all income derived is exempt from taxation in the State. The  
17 net earnings of the school may not inure to the benefit of any private person. If the  
18 school is dissolved, the distribution of all property owned by the school must be  
19 determined by the Legislature in accordance with this chapter and may not inure to the  
20 benefit of any private person.

21 **Sec. 5. 20-A MRSA §15689-A, sub-§25** is enacted to read:

22 **25. Maine School for Marine Science, Technology, Transportation and**  
23 **Engineering.** The commissioner may expend and disburse funds for the Maine School  
24 for Marine Science, Technology, Transportation and Engineering in accordance with the  
25 provisions of chapter 312-A.

26 **Sec. 6. 22 MRSA §2053, sub-§4-B,** as amended by PL 2003, c. 20, Pt. DDD, §1  
27 and Pt. OO, §2 and affected by Pt. OO, §4, is further amended to read:

28 **4-B. Institution for higher education.** "Institution for higher education" means:

29 A. Any private, nonprofit, governmental or charitable institution or organization  
30 engaged in the operation of, or formed for the purpose of operating, an educational  
31 institution within this State, including the Maine Community College System and the  
32 University of Maine System, that, by virtue of law or charter, is an educational  
33 institution empowered to provide a program of education beyond the high school  
34 level; ~~and~~

35 B. The Maine School of Science and Mathematics, as established in Title 20-A,  
36 chapter 312. ~~To repay any necessary outstanding construction bonds, the adjusted~~  
37 ~~tuition and insured value factor amount defined in Title 20-A, section 5805,~~  
38 ~~subsection 3, may be increased as specified in that definition. The adjustment may be~~  
39 ~~used solely to repay bonds from the authority and expires when the bond is retired.;~~  
40 and

41 C. The Maine School for Marine Science, Technology, Transportation and  
42 Engineering, as established in Title 20-A, chapter 312-A.

