

MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 1384

S. P. 479

In Senate, March 21, 1957

Referred to the Committee on State Government, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Low of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Powers of State Board of Education.

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

Sec. 1. R. S., c. 41, § 1, repealed and replaced. Section 1 of chapter 41 of the Revised Statutes is hereby repealed and the following enacted in place thereof:

“Sec. 1. Commissioner of Education; appointment; duties; salaries; employees. The Department of Education, as heretofore established, shall exercise such powers and perform such duties as are set forth in this chapter. The head of the Department shall be the Commissioner of Education, hereinafter in this chapter called the “Commissioner,” who shall be appointed by the Governor with the advice and consent of the Council, to serve a term of 3 years, or during the pleasure of the Governor and Council. Any vacancy in the said office shall be filled by appointment for a like term in the same manner as hereinbefore provided. The Commissioner shall organize the Department with the approval of the Governor and Council under such bureaus and divisions as he may deem necessary for the satisfactory performance of its functions. He may employ such bureau chiefs, with the approval of the Governor and Council, and such deputies, assistants and employees, subject to the provisions of the Personnel Law, as may be necessary. The bureau chiefs, deputies, assistants and employees of the Department shall be under the immediate supervision, direction and control of the Commissioner, and shall perform such duties as he may prescribe. The salaries of the Commissioner and his bureau chiefs shall be fixed by the Governor and Council.

In the event of a vacancy in the office of the Commissioner because of death,

resignation, removal or other cause, the various bureau chiefs, deputies and assistants in said Department shall continue in office and perform such duties as have been prescribed for or assigned to them, until said vacancy has been filled by the appointment and qualification of a new Commissioner.'

Sec. 2. R. S., c. 41, § 2, repealed and replaced. Section 2 of chapter 41 of the Revised Statutes is hereby repealed and the following enacted in place thereof:

'Sec. 2. Advisory Board. There shall be established an Advisory Board which shall consist of 12 members who shall be appointed by the Governor with the advice and consent of the Council for terms of 3 years. The members of the Advisory Board shall serve without compensation but may be reimbursed for their expenses incurred in the performance of their duties. They shall meet upon call of the Commissioner of Education, shall act in an advisory capacity in such areas of department activity as may be requested by the Commissioner, and may make such recommendations as to it may seem appropriate.'

Sec. 3. R. S., c. 41, § 77, amended. The 1st paragraph of section 77 of chapter 41 of the Revised Statutes is hereby amended to read as follows:

'It shall be the duty of the Commissioner and the committee of 3 hereinafter named ~~State Board of Education~~ to regroup all the towns in the State, except as otherwise herein provided, into unions for the purpose of employing superintendents of schools. Such supervisory unions as have been formed on June 30, 1946 may be dissolved by the Commissioner for the purpose of a more advantageous combination, provided that there has been obtained the approval of a majority vote of the members of the superintending school committees in the towns comprising such supervisory union. Such approval shall not be required if the superintendent receives a salary of less than \$4,500. Regroupings shall be made only upon the expiration of the current contract of the superintendent or under conditions which will safeguard the provisions of such contract. Whenever regroupings are made, the Commissioner and the ~~regrouping committee State Board of Education~~ shall have authority to reallocate any town or towns in the unions affected to unions already organized. In case of unions already regrouped or not subject to further regrouping, the term of the election of a superintendent may be made for a period not exceeding 5 years but in a union subject to regrouping such term of election shall not exceed 3 years. A committee of 3, who shall act with the Commissioner in the matter of regrouping, shall be appointed by the Governor and Council. The necessary travel expense of said committee shall be paid by the State from the regular appropriation provided for general office expenses in the Department of Education. ~~Provided, however, that any~~ Any superintending school committee of a town dissatisfied with the combination proposed by the Commissioner and the ~~committee State Board of Education~~ to include that town may appeal to the Governor and Council who shall make the final decision relative thereto. Whenever, upon the representation of the superintending school committee of any town, it shall appear to the Commissioner to be to the advantage of said town and of the State to change the combination of towns comprising the union of which said town is a part, the Commissioner shall have authority to direct the dissolution and organization of unions so that a more advantageous combination may be ef-

fect. ~~Provided, however, that any~~ Any superintending school committee of a town dissatisfied with the change in the combination proposed by the Commissioner to include that town may appeal to the Governor and Council, who shall make the final decision relative thereto.'

Sec. 4. R. S., c. 41, § 198, amended. Section 198 of chapter 41 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 198. Vocational Education Board.** The ~~Vocational Education State Board of Education~~, heretofore created, shall have all necessary power to cooperate with the Federal Board of Vocational Education in the administration of the provisions of the Act of Congress referred to in section 196. **Said Board shall consist of 5 members; the Commissioner of Education who shall serve as Chairman, the Commissioner of Health and Welfare, the Commissioner of Labor, the Commissioner of Agriculture and the head of the Department of Home Economics of the University of Maine.** The members of said Board shall serve without compensation.'

Sec. 5. R. S., c. 41, § 199, amended. Section 199 of chapter 41 of the Revised Statutes, as repealed and replaced by section 1 of chapter 465 of the public laws of 1955, is hereby amended to read as follows:

'**Sec. 199. Vocational rehabilitation; policy; Vocational Education Board as State Agency.** It is hereby declared to be the policy of this State to provide rehabilitation services to eligible handicapped persons throughout the State to the end that they may engage in useful and remunerative occupations to the extent of their capabilities, thereby increasing their social and economic well-being and that of their families, and the productive capacity of this State and also thereby reducing the burden of dependency on families and taxpayers.

Pursuant to such policies, the ~~State Board of Education~~ **Vocational Education Board** is hereby designated and established as the sole State Agency to provide vocational rehabilitation services to all residents of the State under the provisions of Public Law 565, 83rd Congress, 2nd Session, except the blind as provided for under chapter 25. Subject to the approval of the ~~State Board of Education~~ **Vocational Education Board**, the executive officer of the State Board shall make such rules and regulations as he finds necessary or appropriate to efficient administration of a program of vocational rehabilitation as herein provided for, shall enter into agreements with local, state and federal agencies providing services relating to vocational rehabilitation and shall prepare and issue a state plan of vocational rehabilitation which, under the above condition, shall be amended from time to time as appears necessary or desirable.'

Sec. 6. R. S., c. 41, § 200, amended. The 2nd sentence of section 200 of chapter 41 of the Revised Statutes, as repealed and replaced by section 2 of chapter 465 of the public laws of 1955, is hereby amended to read as follows:

'The acceptance of federal and other funds made available for purposes of vocational rehabilitation is hereby authorized and the ~~State Board of Education~~ **Vocational Education Board**, is empowered to cooperate with the appropriate federal agencies in carrying out the provisions of Public Law 565, 83rd Congress, 2nd Session cited as the "Vocational Rehabilitation Amendments of 1954"

and such other federal programs as may concern vocational rehabilitation, and to contract with schools, hospitals and other agencies and with doctors, nurses, technicians and other persons, for training, physical restoration, transportation and other services required to carry on a program of vocational rehabilitation.'

Sec. 7. R. S., c. 41, § 201, amended. Section 201 of chapter 41 of the Revised Statutes, as repealed and replaced by section 3 of chapter 465 of the public laws of 1955, is hereby amended to read as follows:

'**Sec. 201. Cooperation with other agencies.** In accordance with the provisions of sections 199 to 202, inclusive, the ~~State Board of Education~~ **Vocational Education Board** shall cooperate with and utilize the services of state agencies interested in problems related to vocational rehabilitation; shall make use of the services and facilities of the Maine Employment Security Commission especially as they relate to job placement and employment counselling services; and shall, subject to such standards and regulations as may be established by the ~~State~~ Board, cooperate with other public and nonprofit organizations and agencies as far as possible in providing vocational rehabilitation services.'

Sec. 8. R. S., c. 41, § 202, amended. The 1st sentence of section 202 of chapter 41 of the Revised Statutes is hereby amended to read as follows:

'The ~~State Board of Education~~ **Vocational Education Board** is authorized and empowered to receive such gifts and donations, either from public or private sources as may be offered unconditionally, or under such conditions related to the vocational rehabilitation of persons injured in industry or otherwise as in their judgment are proper and consistent with the provisions of sections 199 to 202, inclusive.'

Sec. 9. R. S., c. 41, § 206, amended. Section 206 of chapter 41 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 206. Reimbursement from state and federal funds.** Whenever the superintendent of schools of any town or city, on or before the 1st day of July, shall report to the Commissioner that part-time or part-time continuation schools and classes have been maintained in accordance with the specified standards, and when such schools and classes shall be approved by the ~~State Board of Education~~ **Vocational Education Board**, the Commissioner shall recommend to the Governor and Council annually in December the payment of reimbursement from federal funds designated for part-time schools and from state funds provided for industrial education to the extent of $\frac{2}{3}$ the cost of instruction.'

Sec. 10. R. S., c. 41, § 227, amended. Section 227 of chapter 41 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 227. Supervision.** The state normal schools and teachers' colleges shall be under the direction of a ~~the State Board of Education~~ **to be known as the "State Normal School and Teachers' College Board," to be composed of 5 members, 4 of whom shall be appointed by the Governor with the advice and consent of the Council, for terms of 4 years, and not more than 2 of the 4 appointed members shall be of the same political party. The Commissioner shall be, by virtue of his office, a member of the said Board. Said Board shall have charge of the general interests of said schools; shall see that the affairs thereof are**

conducted as required by law and by such by-laws as the Board adopts; employ teachers and lecturers for the same; and shall have authority, by and with the consent of the Governor and Council, to dispose of and acquire property for the improvement of the plants and grounds; and biennially render to the Governor and Council an accurate account of the receipts and expenditures for the biennium preceding including same as a part of the Commissioner's report. The clerical and staff services for this Board shall be performed by the employees of the Department under the direction of the Commissioner. This Board shall have full authority to change the names of any or all of the state normal schools and to designate them as teachers' colleges when such institutions offer not less than 4 years of teacher-training work. The head of a teachers' college shall be designated as a president.'

Sec. 11. R. S., c. 41, §§ 3-9, repealed. Sections 3 to 9, inclusive, of chapter 41 of the Revised Statutes are hereby repealed.

Sec. 12. Amendatory clause. Whenever in the Revised Statutes or public laws the words "Board of Education" appear, they shall mean "Department of Education."