

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

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inclusive, may, within 15 days after notice thereof, appeal from such order or act to the Board which shall hold a hearing thereon, and said Board shall, after such hearing, issue an appropriate order either approving or disapproving said order or act.

Any such order of said Board or any rule or regulation formulated by said Board shall be subject to review by a Justice of the Superior Court in term time or vacation by an appeal taken within 30 days after the date of such order to the Superior Court held in and for the county in which the operation is located at the instance of any party in interest and aggrieved by said order or decision. Such appeal shall be prosecuted by petition to which such party shall annex the order of the Board and in which the appellant shall set out the substance of and the reasons for the appeal. Upon the filing thereof the court in term time or a Justice thereof in vacation shall order notice thereof. Upon the evidence and after hearing which shall be held not less than 7 days after notice thereof, the court or a Justice thereof may modify, affirm or reverse the order of the Board and the rule or regulation on which it is based in whole or in part in accordance with law and the weight of the evidence. The court or a Justice thereof shall, upon hearing, determine whether the filing of the appeal shall operate as a stay of any order pending the final determination of the appeal, and may impose such terms and conditions as may be deemed proper.

Sec. 88-E. Exceptions. The provisions relating to safety in the construction industry shall not apply to construction for self use providing not more than 5 persons are employed for wages in such construction or that such construction is not performed by a party for hire under a verbal or written contract.'

Effective August 20, 1955

Chapter 467

AN ACT Relating to Education of Physically Handicapped or Exceptional Children.

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

Sec. 1. R. S., c. 41, §§ 207-A - 207-I, additional. Chapter 41 of the revised statutes is hereby amended by adding thereto 9 new sections to be numbered 207-A to 207-I, to read as follows:

'Education of Physically Handicapped or Exceptional Children.

Sec. 207-A. Purpose. It is hereby declared to be the policy of the State to provide, within practical limits, equal educational opportunities for all educable children in Maine. The purpose of sections 207-A to 207-I, inclusive, is to provide educational facilities, services and equipment for all handicapped or exceptional children below 21 years of age who cannot be adequately taught with safety and benefit in the regular public school classes of normal children or who can attend regular classes beneficially if special services are provided.

Sec. 207-B. Definitions. The term "handicapped or exceptional child" shall mean any educable child under 21 years of age whose parents, guardian or person acting in loco parentis resides within the State, and whose educational needs

cannot be adequately provided for through the usual facilities and services of the public schools and community school districts, because of the physical or mental deviations of such child.

“Special services” shall be transportation; tutoring; corrective teaching, such as speech reading, speech correction, sight conservation and similar forms of instruction; and provision of special seats, books and teaching supplies and equipment required for the instruction of handicapped or exceptional children.

Sec. 207-C. Administration. The general supervision of the education of all children of school age in the State, including handicapped or exceptional children, is the responsibility of the Commissioner of Education. He shall employ a Director and such qualified personnel as may be needed for consultant service and to develop, inspect, approve and supervise a program of special education for handicapped or exceptional children. The Commissioner, with the approval of the State Board of Education, shall make necessary rules and regulations for the proper administration of sections 207-A to 207-I, inclusive. The State Department of Education is authorized to receive contributions and donations to be used in conjunction with appropriations made to carry out the provisions and requirements of sections 207-A to 207-I, inclusive. The State Department of Education is hereby designated as the agency for cooperation with the Federal Government in any program for the education of handicapped or exceptional children.

Sec. 207-D. Instruction. The Commissioner may approve the attendance of handicapped or exceptional children at special schools such as the Maine School for the Deaf, Pownal State School and Perkins Institute for the Blind in Watertown, Massachusetts, or at such other schools or institutions as he may designate. He may also approve education at either the elementary or secondary level for handicapped or exceptional children through home instruction, hospital instruction or special services.

Sec. 207-E. Appropriation. Appropriations made under the provisions of sections 208 to 216, inclusive, and subsequent appropriations made for this service are to be used to pay cities, towns, plantations, community school districts or institutions designated by the Commissioner, for the cost of such special education over and above the average per capita cost for the preceding fiscal year of educating normal children in the respective cities, towns, plantations or community school districts. This subsidy shall be paid according to regulations formulated by the Commissioner to permit adequate instruction and to prevent unnecessary use of state funds. These appropriations may also be used for administrative costs, to conduct centers for study and guidance of children and for counselling with their parents and teachers, to engage specialists, to train teachers and for any other purposes approved by the State Board of Education as being necessary to carry out the purpose of sections 207-A to 207-I, inclusive.

Sec. 207-F. Responsibility of municipalities. Every municipality is responsible for appropriating sufficient funds to provide at least the same per capita expenditure for the education of handicapped or exceptional children as is provided for the education of normal children. This appropriation is to be expended for programs of special education at either the elementary or secondary level under the supervision of the superintending school committee or for other programs approved by the Commissioner.

Sec. 207-G. Procedures. A class for 8 or more handicapped or exceptional children may be established in any public school, or under any other plan, provided it is approved as to requirements for admission, teacher preparation, plan

of instruction, necessary facilities and supervision. In municipalities where there are too few handicapped or exceptional children to make the organization of a special class feasible, such children may be entered in a special class in another municipality. Other programs consistent with the purpose of sections 207-A to 207-I, inclusive, may be developed with the approval of the Commissioner.

Sec. 207-H. Reports. The superintendent of schools and the director of any institution eligible to receive subsidy under the provisions of sections 207-A to 207-I, inclusive, shall keep an accurate account of all moneys paid out for the maintenance of special classes, for special instruction and for special transportation, and shall report the same on forms provided for the purpose.

The superintendents of schools and directors of institutions shall report annually on forms provided by the State Department of Education all children who are physically or mentally handicapped, whether they are attending school or have been excused or excluded from school.

Sec. 207-I. Preparation of teachers. It shall be the duty of the Commissioner to see to it that suitable provision is made for the education of teachers and school administrators to meet the educational needs of handicapped or exceptional children. As funds may be made available for the purpose, he shall provide in one or more of the teachers' colleges courses of instruction and such special services for handicapped or exceptional children as will provide the necessary practical training and the demonstrations necessary for this professional training.'

Sec. 2. R. S., c. 41, §§ 208 - 216, repealed. Sections 208 to 216, inclusive, of chapter 41 of the revised statutes, which relates to the education of physically handicapped children, are hereby repealed.

Sec. 3. Appropriation. In addition to the sum appropriated to carry out the provisions of sections 208 to 216, inclusive, of chapter 41 of the revised statutes, there is hereby appropriated from the general fund the sum of \$19,000 for the fiscal year ending June 30, 1956, and \$40,000 for the fiscal year ending June 30, 1957, to carry out the purpose of this act.

Sec. 4. Intent. It is the intent of the Legislature that Sections 207-A to 207-I, inclusive, shall not supplant services available to handicapped children by any other department of the State.

Effective August 20, 1955

Chapter 468

AN ACT Relating to Compensation for Members of Mediation Panel.

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

R. S., c. 30, § 11, amended. The 4th sentence of section 11 of chapter 30 of the revised statutes is hereby amended to read as follows:

'Members of the panel shall each receive ~~\$20~~ \$25 a day for their services, for the time actually employed in the discharge of their official duties and shall also receive their traveling and all other necessary expenses.'

Effective August 20, 1955