

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

Chapter 366

AN ACT to Correct Errors and Inconsistencies in the Education Laws.

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

Sec. 1. R. S., c. 41, § 14, amended. Section 14 of chapter 41 of the Revised Statutes is amended by adding a new paragraph to read as follows:

'When a superintending school committee suspends or the voters of an administrative unit authorize the closing of all elementary schools within an administrative unit under this section, the superintending school committee shall make provision for the education of the children at a nearby administrative unit and the sending administrative unit shall pay the tuition charge to the receiving administrative unit.'

Sec. 1-A. R. S., c. 41, § 80, amended. Section 80 of chapter 41 of the Revised Statutes, as amended, is further amended by adding a new sentence at the end to read as follows:

'Whenever any person, while employed as a superintendent of schools, completes courses providing additional professional training which are approved by the commissioner, the commissioner, at intervals of not more than twice a year, may recommend to the Governor and Council that assistance be furnished such superintendents, and upon approval of these recommendations by the Governor and Council, the State Controller may draw a warrant for payment out of the appropriation for superintendence of such payments as are recommended.'

Sec. 2. R. S., c. 41, § 92, amended. The 6th sentence of section 92 of chapter 41 of the Revised Statutes is amended to read as follows:

'All persons having children under their control shall cause them to attend school as provided in this section, ~~and for every neglect of such duty~~ and any person having control of a child who is an habitual truant as defined in section 95 and being in any way responsible for such truancy, and any person who induces a child to absent himself from school, or harbors or conceals such child when he is absent, shall be punished by a fine of not more than \$25 or by imprisonment for not more than 30 days for each offense.'

Sec. 3. R. S., c. 41, § 95, amended. Section 95 of chapter 41 of the Revised Statutes, as amended by section 51 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'Sec. 95. Habitual truant; complaint. If a child without sufficient excuse is habitually and willfully absent from school or fails without such excuse to attend school for 5 day sessions or for 10 half-day sessions within any period of 6 months, or failing to attend school, without regular and lawful occupation, and growing up in ignorance, he shall be deemed an habitual truant and subject to the penalties provided in chapter 152-A; ~~and the superintendent of schools, the superintending school committee or the school directors shall notify him and any person under whose control he may be that, unless he conforms to section 92, the provisions of sections 96 and 97 will be enforced against them. If thereafter such child continues irregular in attendance, the attendance officers or any of them shall, when so directed by the superintending school~~

committee, the school directors or superintendent, in writing, enforce said provisions by complaint.'

Sec. 4. R. S., c. 41, § 96, repealed. Section 96 of chapter 41 of the Revised Statutes is repealed.

Sec. 5. R. S., c. 41, § 97, amended. Section 97 of chapter 41 of the Revised Statutes, as last amended by section 14 of chapter 342 of the public laws of 1959, is further amended to read as follows:

'Sec. 97. Habitual truants committed to state institutions; warrants. Municipal courts and trial justices shall have jurisdiction of the offenses described in sections 92 and 94 ~~and 96~~. All warrants issued by said courts or trial justices for an offense committed under said sections, and all legal processes issued by said courts or trial justices for the purpose of carrying into effect this section and said sections 92 and 94 ~~and 96~~, may be directed to and executed by the attendance officer or either of the attendance officers of the administrative unit where the offense is committed. All fines collected under sections ~~94 and 96~~ 92 and 94 shall be paid to the treasurer of the administrative unit in which the offense is committed, for the support of the public schools therein.'

Sec. 6. R. S., c. 41, § 101, amended. The first sentence of section 101 of chapter 41 of the Revised Statutes, as amended by section 55 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'Any administrative unit ~~except school administrative districts~~ may establish and maintain ~~not exceeding 2~~ free high schools, and in such case shall receive the same state aid as if the expenditure for both schools had been made for one.'

Sec. 6-A. R. S., c. 41, § III-T, sub-§ II, ¶ A, amended. Paragraph A of subsection II of section III-T of chapter 41 of the Revised Statutes, as enacted by section 2 of chapter 443 of the public laws of 1957 is amended to read as follows:

'A. It shall specify that the municipal officers of the municipalities within the School Administrative District shall call a meeting or city election within ~~30~~ 45 days of the date of the warrant.'

Sec. 6-B. R. S., c. 41, § III-T, sub-§ III, ¶ A, amended. Paragraph A of subsection III of section III-T of chapter 41 of the Revised Statutes, as enacted by section 2 of chapter 443 of the public laws of 1957 and as amended by section 14 of chapter 353 of the public laws of 1959, is further amended to read as follows:

'A. When a meeting is called for the purpose of authorizing the issuance of bonds or notes for capital outlay purposes, the questions to be inserted in all warrants shall be substantially as follows:

The following question is to be used where a new school is to be constructed:

"Shall the school directors of School Administrative District No. be authorized to issue bonds or notes in the name of said district for capital

outlay purposes in an amount not to exceed \$....., to construct a to be located at (primary or secondary school) (specifically define lot?) where school is to be erected)

Yes

No

Question to be used where addition to or major alteration of an existing public school building is contemplated for the purpose of authorizing the issuance of bonds and notes for other capital outlay purposes shall be substantially as follows:

"Shall the school directors of School Administrative District No. be authorized to issue bonds or notes in the name of said district for capital outlay purposes in an amount not to exceed \$..... for the purpose of constructing an addition to or carrying on major alterations to the school?" (here state purpose of capital outlay)

Yes

No'

Sec. 6-C. R. S., c. 4I, § III-T, sub-§ III, ¶ E, additional. Subsection III of section III-T of chapter 4I of the Revised Statutes, as enacted by section 2 of chapter 443 of the public laws of 1957 and as amended, is further amended by adding a new paragraph E, to read as follows:

'E. When a meeting is called for the purpose of authorizing the school directors to dispose of real property, the article to be inserted in all warrants shall be as follows:

"Shall the school directors of School Administrative District No. be authorized to dispose of? (describe the property)

Yes

No

Sec. 6-D. R. S., c. 4I, § III-U, amended. Section III-U of chapter 4I of the Revised Statutes, as enacted by section 2 of chapter 443 of the public laws of 1957 and as amended by section 15 of chapter 353 of the public laws of 1959, is further amended by adding a new paragraph, to read as follows:

'No real property shall be disposed of by the school directors until authorized by the legal voters of the School Administrative District as required by section III-T.'

Sec. 6-E. R. S., c. 4I, § III-U-I, additional. Chapter 4I of the Revised Statutes is amended by adding a new section III-U-I, to read as follows:

'Sec. III-U-I. Bids in disposal of real property and personal property over \$1,000; procedure. In disposing of real property in any amount and personal property in an amount exceeding \$1,000, school directors shall advertise for sealed bids by publication at least 5 days prior to the date set for closing of bids in a newspaper having general circulation in the territory embracing the School Administrative District.'

All bids shall be in writing, sealed, with outside envelope or wrapper plainly marked "Bid, not to be opened until" (with appropriate date inserted), and mailed to or filed with the superintendent of the School Administrative District. No director or employee of the School Administrative District shall open such bid until the appointed time. At the time and place stated in the public notice, all bids shall be opened publicly by the superintendent of the School Administrative District or, in his absence or disability, by any director designated for the purpose by the chairman of the school directors, and such bid openings shall be open to the public. If any citizens who are not School Administrative District directors or employees, or if any representatives of the press are present, such bids shall at that time either be made available for examination by such citizens or press representatives, or shall be read aloud in a manner to be heard plainly by those in attendance.'

Sec. 7. R. S., c. 41, § 137, repealed and replaced. Section 137 of chapter 41 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 137. Purposes and distribution. In order to assist any person qualifying as an orphan of a veteran in accordance with the provisions of section 136 in securing higher education, the State Department of Education shall pay, for any person which it finds eligible for such assistance, a maximum of \$150 per year towards the cost of such higher education. Such assistance as is paid shall be used for the purpose of providing tuition, matriculation fees, board, room rent, books and supplies. In establishing eligibility for such assistance for children who make application for the benefits provided by said sections, the State Department of Education shall give due consideration in each case to the necessary expenses for attending school and the resources available to the applicant for meeting such expenses. The department shall provide such forms and make such rules and regulations as it considers necessary for carrying out said sections.'

Sec. 8. R. S., c. 41, § 138, amended. Section 138 of chapter 41 of the Revised Statutes is amended to read as follows:

'Sec. 138. Free tuition. All children qualifying as war orphans under ~~the provisions of~~ sections 136 to 139 shall be admitted to state supported post-secondary vocational schools, normal schools, or institutions of collegiate grade free of tuition.'

Sec. 9. R. S., c. 41, § 194, amended. The 4th sentence of section 194 of chapter 41 of the Revised Statutes, as amended by section 82 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'Whenever it shall be made to appear to the Governor and Council that any administrative unit has provided instruction in the trades and industries in a general industrial school maintained therein for a period of 36 weeks during the school year, and employing at least one teacher whose work is devoted exclusively to such instruction and having an average attendance of at least 20 pupils, the Governor and Council shall direct the Treasurer of State to pay to the treasurer of such administrative unit a sum equal to ~~2/3~~ $\frac{1}{2}$ the total amount spent for instruction in said school, provided that not more than \$2,000 shall be paid by the State to any one administrative unit in any year.'

Sec. 10. R. S., c. 41, § 196, amended. Section 196 of chapter 41 of the Revised Statutes is amended to read as follows:

'Sec. 196. Vocational education. The State, having accepted ~~the provisions of the Act of Congress entitled "An Act to Provide for the Promotion of Vocational Education; to Provide for Cooperation with the States in the Promotion of such Education in Agriculture and the Trades and Industries; to Provide for Cooperation with the States in the Preparation of Teachers of Vocational Subjects; and to Appropriate Money and Regulate Its Expenditure," approved February 23, 1917, will observe and comply with all the provisions of said act~~ which act may be cited as the Smith-Hughes Vocational Education Act of 1917, also accepts the Vocational Education Act of 1946, approved August 1, 1946, for the further development of vocational education, which may be cited as Title I of the George-Barden Act; and of Title III of the Health Amendments Act of 1956, approved August 2, 1956, providing for vocational education in practical nurse training as Title II of the George-Barden Act, will observe and comply with all of said acts and of any acts amendatory thereof or supplementary thereto.'

Sec. 11. R. S., c. 41, § 197, amended. Section 197 of chapter 41 of the Revised Statutes is amended to read as follows:

'Sec. 197. Treasurer of State custodian of funds. The Treasurer of State is designated as custodian for all moneys received by the State from appropriations under ~~the provisions of the act~~ Acts of Congress of the United States referred to in section 196; for all moneys received by the State from the appropriations made by the Congress of the United States for the vocational rehabilitation of persons disabled in industry or otherwise; and for all moneys received by the State from the Federal Government for vocational training, and the said Treasurer of State is authorized to receive and provide for the proper custody of the same and to make disbursements therefrom upon the order of the state board ~~of education, its executive officer or other legal authority.'~~

Sec. 12. R. S., c. 41, § 204-A, additional. Chapter 41 of the Revised Statutes is amended by adding a new section to be numbered 204-A, to read as follows:

'Sec. 204-A. State scholarships Maine Vocational Technical Institute. The State Board of Education shall develop and administer a plan for awarding scholarships to selected students enrolled at the Maine Vocational Technical Institute, whose records provide evidence of the possession of such qualifications as are necessary to successfully complete the course and become competent craftsmen in a trade or industrial pursuit, and who have demonstrated ability and willingness to support the expenses of their training, but who may be in need of partial financial assistance to pay the costs of attendance at the institute. No scholarship shall exceed \$300 in any one year. Awards shall be based on evidence of individual need and worth.'

Sec. 13. R. S., c. 41, § 206, amended. Section 206 of chapter 41 of the Revised Statutes is amended to read as follows:

'Sec. 206. Reimbursement from state and federal funds. Whenever the superintendent of schools of any ~~town or city~~ administrative unit, on or before the first 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~~, 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 $\frac{2}{3}$ $\frac{1}{2}$ the cost of instruction.'

Sec. 14. R. S., c. 41, § 237-C, sub-§ II, amended. Subsection II of section 237-C of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 364 and as repealed and replaced by section 1 of chapter 443, both of the public laws of 1957, is amended by adding at the end a new sentence to read as follows:

'Expenditures made for the purposes listed in this subsection, as reduced by tuition collections and other school maintenance incidental receipts as prescribed in section 237-D, shall constitute the net operating cost for the purposes of section 237-E.'

Sec. 15. R. S., c. 41, § 240, amended. Section 240 of chapter 41 of the Revised Statutes, as repealed and replaced by section 97 of chapter 364 of the public laws of 1957, is amended to read as follows:

'Sec. 240. Unexpended balances. The unexpended balance of all moneys raised by administrative units ~~or~~, received from the State for general-purpose aid or for other educational programs; from the Federal Government directly or from the Federal Government through the State; from tuition payments made by other units, the State, or by individuals, and all other receipts for school purposes shall be ~~forwarded~~ carried forward and credited to the ~~same~~ school resources for the ensuing year.'

Sec. 16. R. S., c. 41, § 248, sub-§ V, amended. Subsection V of section 248 of chapter 41 of the Revised Statutes, as amended by section 101 of chapter 364 and section 34 of chapter 443, both of the public laws of 1957, is further amended to read as follows:

'V. Construct, repair, etc., school projects. To construct or acquire, extend, enlarge, repair or improve school projects at such locations within the State as may be determined by the authority, when ~~the superintending school committee of any town or the community school committee of a community school district or~~ the school directors of any school administrative district ~~has~~ have certified the need therefor to the authority, or the superintending school committee of any administrative unit or the community school committee of a community school district has certified the need therefor to the municipal officers of such ~~town~~ administrative unit or the trustees of such community school district ~~or to the authority~~, respectively, together with their recommendation for the procurement of new, additional or different public school buildings, and such recommendation has been approved by such municipal officers or trustees ~~or authority~~, respectively, and by the State Board of Education;'

Effective September 16, 1961

Chapter 367

AN ACT Establishing a Medical Care and Services Program.

Emergency preamble. Whereas, acts and resolves do not become effective until 90 days after the Legislature adjourns unless passed as emergencies; and

Whereas, there is a state-wide need for medical care legislation that will more adequately reimburse hospital and nursing homes for care administered to pub-