

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

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POWER

But upon any default in the performance or the observance of the foregoing or other condition, the mortgagee or his executors, administrators, successors or assigns, his or their agent or attorney, may sell the mortgaged premises or such portion thereof as may remain subject to the mortgage in case of any partial release thereof, either as a whole or in parcels, together with all improvements that may be thereon, by a public sale on or near the premises then subject to the mortgage, or, if more than one parcel is then subject thereto, then on or near one of said parcels, or at such place as may be designated for the purpose in the mortgage, first complying with the terms of the mortgage and the statutes relating to the foreclosure of mortgage by the exercise of a power of sale, and he or they may convey the same by proper deed or deeds to the purchaser or purchasers absolutely and in fee simple; and such sale shall forever bar the mortgagor and all persons claiming under it from all right and interest in the mortgaged premises, whether at law or in equity.

Effective October 7, 1967

Chapter 425

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., T. 20, § 212, amended. The 3rd paragraph of section 212 of Title 20 of the Revised Statutes, as enacted by chapter 400 of the public laws of 1965, is repealed as follows:

~~The board shall, after a master plan for school administrative district organization is presented to the 103rd Legislature, as ordered in Senate Paper 453 of the 102nd Legislature and accepted by the 103rd Legislature as presented or with modifications, approve the formation of School Administrative Districts only in accordance with the plan as adopted. It further is the intent of the Legislature that all municipalities with fewer than 500 resident high school pupils and not in School Administrative Districts shall, within a reasonable time after adoption of the master plan for school administrative district organization, join into School Administrative Districts in accordance with that master plan.~~

Sec. 2. R. S., T. 20, § 220, amended. The 3rd sentence of section 220 of Title 20 of the Revised Statutes is amended to read as follows:

Contracts for said conveyance may be made for a period not to exceed 3 5 years.

Sec. 3. R. S., T. 20, § 222, amended. The 2nd, 3rd and 4th paragraphs of section 222 of Title 20 of the Revised Statutes are amended to read as follows:

Article : ~~To see if~~ Shall the municipality ~~will~~ vote to join School Administrative District No. as a participating municipality of the district under the following terms and conditions: ~~(Set forth agreement recommended by the State Board of Education.)~~ subject to the terms and conditions of the

agreement prepared by the State Board of Education dated, 19...
Yes. No. (A copy of the agreement must be posted with each war-
rant which directs the citizens to vote upon the question.)

The town clerk of the municipality desiring admission shall send a certified copy of the results of the vote to the secretary of the School Administrative District. If the board of directors finds that the vote was in the affirmative the directors shall call a district meeting **within 45 days** in accordance with section 225 to vote upon the following article:

Article : ~~To see if~~ Shall the district ~~will~~ vote to admit the municipality of into School Administrative District No. as a participating municipality of the district ~~under the following terms and conditions: (Set forth agreement recommended by the State Board of Education.)~~ subject to the terms and conditions of the agreement prepared by the State Board of Education dated, 19... Yes. No. (A copy of the agreement must be posted with each warrant which directs the citizens to vote upon the question.)

Sec. 4. R. S., T. 20, § 222, amended. The 4th paragraph from the end of section 222 of Title 20 of the Revised Statutes is amended to read as follows:

The average of the 2 preceding years' resident pupil count, as hereinafter defined, of the member town shall be multiplied by the applicable dollar allowance set forth in Table 1, section 3722. Resident pupil count shall be the average April 1st pupil count of the 2 school years next preceding the convening of the Legislature. This computation shall be made for elementary and secondary pupils ~~except that any member town, which prior to entrance into the School Administrative District did not operate elementary or secondary schools, but operated on a tuition basis with other towns, shall be considered for the purpose of this computation as having paid the average tuition rate of the School Administrative District for the 2 preceding years.~~

Sec. 5. R. S., T. 20, § 222, amended. The 2nd paragraph from the end of section 222 of Title 20 of the Revised Statutes is amended to read as follows:

~~The average net operating cost of the School Administrative District for the 2 preceding years as computed for the district shall be apportioned to the member town in the same proportion as the resident pupil count of the member town bears to the total resident pupil count of the School Administrative District. The subsidy to individual member towns shall then be computed in accordance with section 3723.~~

Sec. 6. R. S., T. 20, § 226, sub-§ 3, amended. Subsection 3 of section 226 of Title 20 of the Revised Statutes is amended to read as follows:

3. School budget. The warrant shall set forth the school budget in the following form:

School Budget for Year 19	to 19
Operating School Budget	\$.
Reserve Fund for Capital Outlay Purposes	\$.
Capital Outlay Appropriation	\$.

Contingency Fund	\$.....
Total Expenditures	\$.....

Capital Budget Expenditure

Assumed Indebtedness (Principal and Interest)	\$.....
Capital Outlay Bonds or Notes (Principal and Interest)	\$.....
Rentals to Maine School Building Authority	
(a) Assumed by District	\$.....
(b) District Leases	\$.....
Total Capital Expenditures	\$.....

Total Proposed Expenditures (Operating and Capital)	\$.....
Subtract District Balances	\$.....
Subtract Anticipated State Subsidies	\$.....
Subtract from Reserve Fund for Capital Outlay Purposes	<u>\$.....</u>
Subtract Other Anticipated Income	<u>\$.....</u>
District Appropriation to be Assessed to Member Municipalities	\$.....

Sec. 6-A. R. S., T. 20, § 306, amended. The last paragraph of section 306 of Title 20 of the Revised Statutes is amended by adding at the end, a new sentence, as follows :

The board of directors is authorized to transfer or lease unused school property to nonprofit organizations for educational or cultural purposes.

Sec. 6-B. R. S., T. 20, § 306, amended. Section 306 of Title 20 of the Revised Statutes is amended by adding at the end a new sentence, to read as follows :

The school directors are authorized to lease any unused school buildings for educational or cultural purposes.

Sec. 6-C. R. S., T. 20, § 302, amended. The 2nd paragraph from the end of section 302 of Title 20 of the Revised Statutes is amended to read as follows :

No member of the board of school directors or spouse shall be employed as a teacher or in any other capacity in any public school that comes within the jurisdiction of the board of directors of which he is a member.

Sec. 6-D. R. S., T. 20, § 472, amended. The 4th sentence of section 472 of Title 20 of the Revised Statutes is amended to read as follows :

No member of the superintending school committee of any such town or spouse shall be employed as a teacher in any public school or contract high school or academy located within a supervisory union of which he is a member of the joint committee.

Sec. 6-E. Effective date. Sections 6-C and 6-D shall be effective in each municipality 7 days after the next regular municipal election in each such municipality.

Sec. 7. R. S., T. 20, § 473, sub-§ 11, amended. Subsection 11 of section 473 of Title 20 of the Revised Statutes, as enacted by chapter 315 of the public laws of 1965, is amended to read as follows:

11. **Insurance premiums.** They may at their discretion pay the premiums on life, health, accident, hospitalization ~~and~~, major medical insurance in behalf of their employees and liability insurance for employees and school officials.

Sec. 8. R. S., T. 20, § 855, amended. Section 855 of Title 20 of the Revised Statutes is amended to read as follows:

§ 855. Equal school privileges for all pupils

The school moneys of every administrative unit shall be so expended as to give as nearly as practicable the same aggregate annual length of terms in all its schools, and every administrative unit shall make provision for the maintenance of all of its schools for not less than ~~36 weeks~~ 180 days annually of which not less than 175 shall be actual school days and no more than 5 may be devoted to in-service education of teachers. The State Board of Education shall have the right to reduce or waive the minimum number of days required upon application from any school committee or board of directors in the State, such application to be supported in writing with a statement of the reasons for such request. Any administrative unit failing to maintain its schools as provided in this section shall be debarred from drawing its state school moneys until it shall have made suitable provisions for so maintaining them thereafter.

~~Five days constitutes the school week and 4 weeks a school month.~~

Sec. 9. R. S., T. 20, § 856, amended. The 2nd paragraph of section 856 of Title 20 of the Revised Statutes is amended to read as follows:

Administrative units shall pay for the necessary repairs of school buildings and the improvement and maintenance of school yards and playgrounds out of a sum or sums of money raised and appropriated for that purpose, which shall be assessed like other money and shall be ~~in addition to and independent a part~~ of the amount which administrative units are required by law to raise, assess and expend for the support of schools as provided in section 3721, subsection 2.

Sec. 10. R. S., T. 20, § 912, amended. The first sentence of section 912 of Title 20 of the Revised Statutes is amended to read as follows:

Children living remote from any public school in an administrative unit in which they reside may be allowed to attend the public schools ~~other than a high school approved as provided in section 1291~~ in an adjoining administrative unit, under such regulations and on such terms as the school committees or school directors

of said administrative units agree upon and prescribe, and the school committee or school directors of the administrative unit in which such children reside shall pay the sum agreed upon out of the appropriations of money raised in said administrative unit for school purposes.

Sec. 10-A. R. S., T. 20, § 1052, amended. Section 1052 of Title 20 of the Revised Statutes is amended to read as follows :

§ 1052. Acceptance of Child Nutrition Act of 1966

The State having accepted the provisions and benefits of the ~~Special Milk Program for Children Act of Congress~~ **Act of Congress entitled "The Child Nutrition Act"**, approved October 11, 1966, will observe and comply with ~~this legislation~~ said Act.

Sec. 10-B. R. S., T. 20, § 1053, amended. Section 1053 of Title 20 of the Revised Statutes, as amended by section 2 of chapter 51 of the public laws of 1965, is further amended to read as follows :

§ 1053. Administration

The superintending school committee or school directors of any administrative unit may establish, maintain, operate and expand a school-lunch, **school breakfast**, and special milk ~~program~~ **programs** for the pupils in any school building under its jurisdiction, ~~may shall~~ make all contracts ~~necessary~~ to provide material, personnel and equipment necessary to carry out the National School Lunch Act and the ~~Special Milk Program for Children~~ **Child Nutrition Act of 1966**, and may use therefor funds disbursed to them under this subchapter, appropriations, moneys received from the State for educational programs, gifts and other moneys received from sale of ~~school lunches and milk food~~ under these programs. The commissioner may give technical advice and assistance to any school committee or board of school directors in connection with the establishment and operation of ~~any school lunch and milk program~~ **school food service programs** and may assist in training personnel engaged in the operation of any ~~school lunch food service~~ program.

Sec. 10-C. R. S., T. 20, § 1054, amended. Section 1054 of Title 20 of the Revised Statutes is amended to read as follows :

§ 1054. Treasurer of State as custodian

The Treasurer of State is designated custodian of all moneys received by the State from the Federal Government for establishment, maintenance, operation and expansion of ~~school lunch and milk food service~~ programs and he shall receive and provide for the proper custody of such moneys and disburse such money on requisition of the commissioner.

Sec. 10-D. R. S., T. 20, § 1055, amended. Section 1055 of Title 20 of the Revised Statutes is amended to read as follows :

§ 1055. Accounts, records, reports and operation

The commissioner shall prescribe regulations for the keeping of accounts and records and the making of reports by the superintending school committees or school directors. Such accounts and records shall at all times be available for

inspection and audit by authorized officials and shall be preserved for ~~such period of time, not in excess of 5 years, as the commissioner may prescribe~~ a period of 3 years after the end of the fiscal year to which they pertain.

Sec. 11. R. S., T. 20, § 2218, amended. The first paragraph of section 2218 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 443 of the public laws of 1965, is amended to read as follows:

There shall be created a State Scholarship Board, hereinafter in this chapter called the "board," consisting of the Commissioner of Education, the President of the University of Maine, the chairman of the State Board of Education, one member to be appointed by the Governor from among the presidents of the several state ~~teachers~~ colleges, the President of the Maine Teachers Association and the chairman of the Governor's Advisory Committee on Education.

Sec. 11-A. R. S., T. 20, § 2356-D, amended. Section 2356-D of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 440 of the public laws of 1965, is amended to read as follows:

§ 2356-D. Tuition charges paid by an administrative unit credited on foundation program allowance

Any administrative unit which is required to pay and has paid, or which is a member of a secondary community school district which is required to pay and has paid, tuition charges to another unit for technical and vocational classes through grade 12 in an approved regional technical and vocational center serving the area of which the paying unit is a part shall receive in its foundation program allowance computed under section 3722 a credit for ~~110%~~ ~~of~~ the tuition so paid.

Sec. 12. R. S., T. 20, § 2357, amended. Section 2357 of Title 20 of the Revised Statutes is amended to read as follows:

§ 2357. State scholarships Maine Vocational Technical Institutes

The state board shall develop and administer a plan for awarding scholarships to selected students enrolled at ~~each of the Maine Vocational Technical Institute Institutes~~, 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., T. 20, § 2402, amended. Section 2402 of Title 20 of the Revised Statutes, as amended by section 30 of chapter 513 of the public laws of 1965, is further amended to read as follows:

§ 2402. Courses in state colleges

~~The state board shall cause to be introduced into all of the state colleges such courses in manual arts, domestic science and agriculture as will enable their graduates to teach elementary courses in those subjects in the rural and grade schools. In~~ The state board shall cause to be introduced in not more than

one of said colleges state college, ~~the a~~ a course in ~~manual training shall be so~~ extended as industrial arts to offer opportunity to persons desiring to qualify as ~~special~~ teachers of that branch, and in not more than one, ~~the a~~ a course in ~~domestic science shall be so extended as~~ home economics to offer similar opportunity to persons desiring to qualify as ~~special~~ teachers thereof. For the 2 special courses thus offered, the said board is authorized to expend annually such sums as may be available in appropriations for the support of said colleges.

Sec. 14. R. S., T. 20, § 3452, amended. The first paragraph of section 3452 of Title 20 of the Revised Statutes is amended to read as follows :

For the purposes of this chapter, chapters 117, 207, 209, 211 and 511, and sections 522, 1292 and ~~357~~ 3457, the following terms are defined :

Sec. 15. R. S., T. 20, § 3456, sub-§ 2, amended. Subsection 2 of section 3456 of Title 20 of the Revised Statutes, as amended by chapter 37 of the public laws of 1965, is further amended to read as follows :

2. **Secondary facility.** Whenever a district enrolls more than 700 pupils in grades 9 through 12, said district may operate more than one 4-year school. Whenever a district enrolls fewer than 700 pupils in grades 9 through 12, it must house the pupils in grades 10 through 12 in one facility within 4 years from the date of the district's formation. A district may meet the requirement of providing a secondary facility by contracting with another unit or with a private academy for a term of from 5 to 20 years. Said facilities may be constituted as 4-year schools, or combined with grades 7 and 8 to form a 6-year school or 2 or more 3-year schools, except for children living remote from a public school as provided in section 912.

Sec. 15-A. R. S., T. 20, § 3457, amended. The first 3 lines under Table II of section 3457 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 475 of the public laws of 1965, are amended to read as follows :

Class	State Valuation per Resident Pupil	Percentage of State Support of Foundation Program Construction Projects
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Sec. 16. R. S., T. 20, § 3721, sub-§ 2, amended. The first paragraph of subsection 2 of section 3721 of Title 20 of the Revised Statutes, as amended by section 4 of chapter 186 of the public laws of 1965, is further amended to read as follows :

The cost of the foundation program shall include expenditures for teachers' salaries and board, including any money paid by a school administrative unit under an annuity contract for the benefit of an employee, conveyance of pupils, school bus purchases, fuel, janitors' services, tuition, board of pupils, textbooks, reference books, school supplies for desk or laboratory use, public utility services, flags, replacement of instructional equipment, fire insurance, compensation for superintendent and his assistants, school committee, community school committee or school directors, office, attendance officers and, medical inspection and school repairs and maintenance ;

Sec. 17. R. S., T. 20, § 3722, amended. The 3rd and 4th sentences of the first paragraph under Table I of section 3722 of Title 20 of the Revised Statutes, as

last repealed and replaced by section 4 of chapter 429 of the public laws of 1965, are amended to read as follows:

The average daily membership in grades ~~subprimary kindergarten~~ through 6 shall be multiplied by 1; the average daily membership in grades 7 and 8 shall be multiplied by 1.2. The adjusted average daily memberships in grades ~~subprimary kindergarten~~ through 8 shall be added together before multiplying by the per pupil allowance.

Sec. 18. R. S., T. 29, § 583, amended. The 2nd sentence of the 2nd paragraph of section 583 of Title 29 of the Revised Statutes is amended to read as follows:

Successful course completion certificates shall not be issued to any person who was not at least 15 years of age at the commencement of the ~~road instruction phase of the driver education course.~~

Sec. 19. Amendatory clause. Wherever in the Revised Statutes or public laws the words "superintending school committee" or "superintending school committees" appear, they shall mean "school committee" or "school committees".

Sec. 20. R. S., T. 30, § 5104, sub-§ 1, amended. Subsection 1 of section 5104 of Title 30 of the Revised Statutes is amended to read as follows:

1. **Public schools.** Providing for public schools and libraries, including construction, extensions, enlargements, repairs, improvements or maintenance to buildings for which a municipality has a contract, lease or agreement with the Maine School Building Authority pursuant to Title 20, sections 3501 to 3517.

Sec. 21. Proceedings validated. All proceedings taken by the voters or municipal officers of any municipality in connection with the authorization, issuance, sale, execution and delivery of bonds or notes for the purpose of constructing an addition to an existing school which the municipality originally constructed under a contract, lease or agreement with the Maine School Building Authority, and all such bonds or notes heretofore issued therefor, are validated, confirmed, approved and declared legal in all respects notwithstanding any defect or irregularity therein.

Sec. 22. P. & S. L., 1965, c. 42, amended. Chapter 42 of the private and special laws of 1965 is amended by adding at the end the following new paragraphs:

The school directors of School Administrative District #34 are authorized and empowered to borrow the sum of \$212,500 in the aggregate and to issue said district bonds or notes in payment thereof, for the purposes of completing the capital construction program adopted by said school directors by their resolution dated February 8, 1967, notwithstanding the limitations contained in the Revised Statutes of 1964, Title 20, section 304, as amended, and without the necessity of further proceedings required by said section 304 and also notwithstanding any limitations contained in said resolution of the school directors dated February 8, 1967.

The said School Administrative District #34 is also entitled to all the provisions of chapter 224 of the public laws of 1967 as though expressly included therein.

All proceedings taken by the school directors or officers of School Administrative District #34 in connection with the authorization, issuance, sale, execution and delivery of said bonds or notes for capital outlay purposes or notes in anticipation of state aid for school construction pursuant to the Revised Statutes then in effect and all such bonds or notes heretofore or hereafter issued thereunder by School Administrative District #34 are hereby validated, confirmed, approved and declared legal in all respects notwithstanding any defect or irregularity therein.

Effective October 7, 1967

Chapter 426

AN ACT Relating to Annual Estimates for County Taxes.

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

R. S., T. 30, § 252, amended. Section 252 of Title 30 of the Revised Statutes is amended to read as follows:

§ 252. Annual estimates for county taxes

In order to assess a county tax, county commissioners, at their regular session next before the first day of each January in which the Legislature meets, shall prepare estimates of the sums necessary to defray the expenses which have accrued or may probably accrue for one year from said day, including the building and repairing of jails, courthouses and appurtenances, with the debts owed by their counties and like estimates for the succeeding year, and after newspaper notice, written notices of which shall be transmitted by registered or certified mail with return receipt requested to the clerk of each municipality in said county and to each member of the Legislature of said county, hold a public hearing thereon in the county, and the county tax for both said years shall be granted by the Legislature separately at the same session.

Such estimates shall be drawn so as to authorize the appropriation to be made to each department or agency of the county government for each year of the biennium. Such estimates shall provide specific amounts for personal services, contractual services, commodities and capital expenditures. **Said estimates shall be made on such forms and in such manner as shall be approved by the State Department of Audit.** Whenever any specific appropriation of a department or agency of the county government shall prove insufficient to pay the expenditures required for the statutory purposes for which such appropriation was made, the county commissioners, at the request of such department or agency, may transfer from any other specific appropriation of such department or agency such amount as may be deemed necessary to meet such expenditure. ~~This paragraph shall apply to Androscoggin County and York County only.~~

Effective October 7, 1967