

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and Fourth Legislature

OF THE

# STATE OF MAINE

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
**One Hundred and Third Legislature**  
AT THE  
SPECIAL SESSIONS

October 2-3, 1967  
January 9-26, 1968  
September 18, 1968

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**Sec. 2. R. S., T. 5, § 678, repealed and replaced.** Section 678 of Title 5 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 678. Dismissal and disciplinary action**

An appointing authority may dismiss, suspend or otherwise discipline an employee for cause. This right is subject to the right of appeal and arbitration of grievances set forth in sections 751 to 753.

**Sec. 3. Appropriation.** There is appropriated from the General Fund to the State Employees Appeals Board the sum of \$1,800 for the fiscal year ending June 30, 1968 and the sum of \$3,000 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act. The breakdown shall be as follows:

	1967-68	1968-69
STATE EMPLOYEES APPEALS BOARD		
All Other	\$1,800	\$3,000

Effective April 26, 1968

## Chapter 540

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

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, errors and inconsistencies in the education laws have resulted in confusions and misunderstandings in interpreting the education laws; and

Whereas, the following legislation is vitally necessary to prevent undue hardship on those Maine citizens who are vitally interested in educating the youth of our State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., T. 20, § 154, amended.** The 3rd sentence of section 154 of Title 20 of the Revised Statutes, as repealed and replaced by section 1 of Section C of chapter 191 of the private and special laws of 1967, is amended to read as follows:

Upon approval of said certificate, the superintendent so employed shall, on presentation of proper vouchers, receive ~~monthly~~ **at intervals to be determined by the commissioner** out of the sum appropriated for general purpose aid for the unit an amount in accordance with section 3723.

**Sec. 2. Effective date.** Section 1 of this Act shall become effective July 2, 1968.

**Sec. 2-A. R. S., T. 20, § 302, amended.** The next to the last paragraph of section 302 of Title 20 of the Revised Statutes, as amended by section 6-C of chapter 425 of the public laws of 1967, is further 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. 3. R. S., T. 20, § 305, amended.** The 6th paragraph of section 305 of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 483 of the public laws of 1967, is amended to read as follows:

Said ~~directors~~ assessors shall commit the assessment to the constable or collector of said municipality who shall have all the authority and powers to collect said taxes as is in him vested by law to collect state, county and municipal taxes.

**Sec. 3-A. R. S., T. 20, § 472, amended.** The 4th sentence of section 472 of Title 20 of the Revised Statutes, as amended by sections 6-D and 19 of chapter 425 of the public laws of 1967, is further amended to read as follows:

No member of the 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. 3-B. Effective date.** Sections 2-A and 3-A of this Act shall become effective March 1, 1968.

**Sec. 4. R. S., T. 20, § 1172, repealed and replaced.** Section 1172 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is repealed and the following enacted in place thereof:

#### § 1172. Construction requirements

All school buildings or buildings used for school purposes shall be provided with toilet facilities of the flush water closet type connected with sewer, filter bed or septic tank, with separate compartments for the sexes, accessible only by separate passage ways from school rooms or corridors, and shall be installed in such manner and location as to insure privacy, cleanliness and supervision by teachers. The state board shall have the right to make such reasonable regulations in enforcing this section as local conditions warrant.

**Sec. 5. R. S., T. 20, § 1173, repealed.** Section 1173 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is repealed.

**Sec. 5-A. R. S., T. 20, § 1281, sub-§ 3, amended.** Subsection 3 of section 1281 of Title 20 of the Revised Statutes, as amended by chapter 156 of the public laws of 1965, is further amended to read as follows:

3. **Minimum school year.** It has a minimum school year of 175 actual school days, except that 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, board of directors or board of trustees of any academy in the State, such application to be supported in writing with a statement of the reasons for such request.

**Sec. 6. R. S., T. 20, § 2452, sub-§ 2, repealed and replaced.** Subsection 2 of section 2452 of Title 20 of the Revised Statutes, as last amended by chapter 289 and by section 1 of chapter 456, both of the public laws of 1967, is repealed and the following enacted in place thereof:

2. **Special subsidy.** Special subsidy shall be paid to the administrative units that have conducted driver education courses meeting standards established by the state board according to the following plan: \$15 for each pupil completing the driver education course during the preceding year; said aid to be distributed as provided for in section 3723. Notwithstanding sections 1289 and 1291, when a student who has school privileges in an administrative unit not maintaining an approved secondary school completes an approved driver education course in an approved academy, special subsidy of \$15 will be paid to the administrative unit, which shall pay such subsidy to the trustees or officers in charge of the said academy.

**Sec. 7. R. S., T. 20, § 3115, amended.** The 2nd sentence of section 3115 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 317 of the public laws of 1965, is amended to read as follows:

Subsidies for special education programs shall ~~not exceed~~ be no less than \$300 for each student enrolled for a full school year and a prorated amount when the enrollment is less than a full school year.

**Sec. 8. R. S., T. 20, § 3116, amended.** The first sentence of section 3116 of Title 20 of the Revised Statutes is amended to read as follows:

Every administrative unit 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.

**Sec. 9. Effective date.** Sections 6, 7 and 8 of this Act shall become effective January 2, 1969.

**Sec. 10. R. S., T. 20, § 3117, amended.** Section 3117 of Title 20 of the Revised Statutes is amended to read as follows:

### § 3117. 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 administrative units 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 administrative unit. The sending unit shall pay to the receiving unit or private school the actual

per pupil cost incurred in the operation of the program for handicapped or exceptional children during the preceding school year. The per pupil tuition charge shall be computed on the basis of financial reports filed by the administrative unit or private schools. Such financial reports shall be filed July 1st of each year in such form as the state board may require, and the allowable tuition charge may not exceed the per pupil operating cost as determined by the state board from the financial reports of the preceding school year. Other programs consistent with the purpose of this chapter may be developed with the approval of the commissioner.

Sec. 11. R. S., T. 20, § 3459, amended. The last sentence of the 3rd paragraph of section 3459 of Title 20 of the Revised Statutes, as enacted by section 11 of chapter 224 of the public laws of 1967, is amended to read as follows:

If bonds or notes of the district are issued pursuant to this paragraph, the district shall be reimbursed in each year during which such bonds or notes are outstanding out of moneys appropriated for this purpose, an amount equal to its annual payments of principal and interest on such bonds or notes, which amounts shall be the only state aid for school construction purposes paid or to be paid to the district for said school project or projects, except for any sums which may be paid or payable pursuant to the last 2 sentences of the first paragraph of section 3457 on account of sums contributed by the district for the project or projects.

Sec. 12. R. S., T. 20, § 3459, amended. Section 3459 of Title 20 of the Revised Statutes, as enacted by section 11 of chapter 224 of the public laws of 1967, is amended by adding at the end, a new paragraph, as follows:

The commissioner shall pay from funds appropriated for that purpose the State's share of the principal and interest on bonds that were sold in anticipation of state aid for projects authorized by local units between May 11, 1966 and April 27, 1967. Payments shall be made each month as needed to retire the principal and interest on bonds sold in anticipation of state aid. Any interest paid by a School Administrative District or a municipality when borrowing in anticipation of state aid shall be reimbursed by the State upon application to the commissioner following the sale of bonds for the State's share of the school construction project authorized between May 11, 1966 and April 27, 1967.

Sec. 13. R. S., T. 20, §§ 3672-3673, amended. Sections 3672 and 3673 of Title 20 of the Revised Statutes are amended to read as follows:

#### § 3672. State Education Board as state agency

The board is designated as the sole agency for administering the funds allotted under any federal Act providing for financial assistance in the construction of school facilities, and it is authorized to make such certifications to the United State's Commissioner of Education as are necessary to entitle the State to receive the benefits of such Act, including the authority to elect that any portion of such a federal allotment be in the form of a commitment by the Federal Government to make direct payments of interest and principal on debts of local agencies for the construction of school facilities or other purpose.

#### § 3673. State Treasurer as custodian of funds received

The Treasurer of State is designated as custodian for all moneys received by the State from appropriations allotted under the authority of such a federal Act providing for financial assistance for constructing school facilities or other purpose. Said treasurer is authorized to receive and to provide for the proper custody of such funds and to make disbursements therefrom upon the order of the board, its executive officer or other legal authority.

**Sec. 14. R. S., T. 20, § 3722, amended.** The 5th and 6th sentences of the 2nd paragraph of section 3722 of Title 20 of the Revised Statutes, as enacted by section 3 of Section C of chapter 191 of the private and special laws of 1967, are amended to read as follows :

A portion of the receipts from Public Law 874, 81st Congress, as amended, ~~or~~ and any penalties applied for illegal expenditures ~~or~~ and uncertified teachers shall be deducted from the foundation program allocation in the same proportion as the unit's local effort toward the foundation program was to the total sum of the foundation program in the previous biennium. The board may adjust the effect of ~~the penalties these deductions~~ if evidence is submitted that undue hardship or unusual gain would occur in the subsidy of any unit.

**Sec. 15. R. S., T. 20, § 3723, amended.** The first sentence of the 4th paragraph of section 3723 of Title 20 of the Revised Statutes, as repealed and replaced by section 5 of Section C of chapter 191 of the private and special laws of 1967, is amended to read as follows :

Whenever any administrative unit's fiscal reports show that the average expenditure for ~~foundation program items~~ elementary or secondary operating costs not including debt retirement, capital outlay items, transportation, tuition, board, superintendent's salary or community services during the 2 years preceding the convening of the Legislature was less than the foundation program requirements of the same 2-year period for either elementary or secondary education programs, the unit shall have a portion of the average amount by which it failed to meet the foundation program requirements deducted from its foundation program for the 2 years of the succeeding biennium.

**Sec. 16. R. S., T. 20, § 3723, amended.** The first sentence of the 7th paragraph of section 3723 of Title 20 of the Revised Statutes, as repealed and replaced by section 6 of Section C of chapter 191 of the private and special laws of 1967, is amended to read as follows :

Any administrative unit in which the average elementary operating expenditure or average secondary operating expenditure, not including debt retirement, capital outlay items, transportation, tuition, board, superintendent's salary or community services, exceeded the amount of the foundation program per pupil allowance multiplied by the adjusted pupil count of the previous biennium shall be entitled to an additional subsidy allocation on that part of its average elementary or secondary operational expenditure which exceeded the elementary or secondary foundation program amount of the previous biennium.

**Sec. 17. R. S., T. 20, § 3723, amended.** The last paragraph of section 3723 of Title 20 of the Revised Statutes, as enacted by section 7 of Section C of chapter 191 of the private and special laws of 1967, is amended to read as follows :

The total salary paid to a superintendent of schools including state and local portions shall be used when computing the general purpose aid of a unit. ~~From~~ To the subsidy allocation of each unit shall be ~~deducted~~ added that portion of



the subsidy that was earned because of the salary of a superintendent of schools. The amount thus ~~deducted~~ added shall be paid to the superintendent of schools under section 154. Every unit in the State shall receive a subsidy allocation in 1968 which is no less than the amount originally allocated for the unit in 1968 by the budget document which was recommended for legislative consideration.

**Sec. 18. R. S., T. 20, § 3723, amended.** Section 3723 of Title 20 of the Revised Statutes, as amended, is further amended by adding at the end, a new paragraph, as follows:

All moneys expended for the operation of vocational educational programs, which are subsidized at either 50% of the cost or 2/3 of the cost, shall be deducted before computing the average expenditure of the unit in determining whether or not the unit expended a greater or lesser amount than the foundation program requirement at the secondary level.

**Sec. 19. Effective date.** Section 14 of this Act shall become effective July 2, 1968, and sections 15, 16, 17 and 18 shall become effective January 2, 1969.

**Sec. 20. R. S., T. 20, § 2356-B, sub-§ 1, amended.** The first and 2nd sentences of the 2nd paragraph of subsection 1 of section 2356-B of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 440 and amended by section 29-F of chapter 513, both of the public laws of 1965, are further amended to read as follows:

As used in this section, cost of construction shall consist of the same items as are eligible for construction assistance to School Administrative Districts in accordance with ~~section~~ sections 3457, 3458, 3459 and the grants provided in this section shall be paid at such times and in such installments as are provided for in ~~section~~ sections 3457, 3458 and 3459. Grants for construction assistance provided by this section, including grants for equipping or for the completing of the equipping of a facility already available, shall be in lieu of any construction assistance for the same facility made or authorized under ~~section~~ sections 3457, 3458 and 3459, and shall be made only on the basis of information available in the office of the commissioner on November 1st of each year covering expenditures made by the administrative unit in its preceding fiscal year as reported by its superintendent of schools to the commissioner on forms which he shall provide for the purpose.

**Sec. 21. R. S., T. 20, § 3724, additional.** Title 20 of the Revised Statutes is amended by adding a new section 3724, to read as follows:

#### § 3724. Closing of private or parochial schools

Notwithstanding any other provision of law, whenever a private or parochial school closes and the pupils become the responsibility of an administrative unit they shall be counted for the purposes of computing the subsidies allotted such a unit as if they had been attending school in the administrative unit during the full period of the applicable subsidy years.

For the purpose of computing subsidies allotted to such a unit, the allowable elementary per pupil expenditure amount shall be the lesser of the elementary per pupil expenditures of the unit, or the state average elementary per pupil expenditures for the applicable subsidy periods.

The additional subsidy shall be paid to the unit in the same calendar year that the private or parochial school closes and the pupils become the responsibility of the administrative unit.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective January 26, 1968 (Except as otherwise noted)

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## Chapter 541

### AN ACT Relating to County Estimates and Finances.

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

Sec. 1. R. S., T. 30, § 252, repealed and replaced. Section 252 of Title 30 of the Revised Statutes, as amended by chapters 299 and 426, both of the public laws of 1967, is repealed and the following enacted in place thereof:

#### § 252. Annual estimates for county taxes; penalty

In order to assess a county tax, county commissioners, at their regular session next before the first of each January in which the Legislature meets in regular session, 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 appropriations 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, debt service 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.

Copies of such forms shall be transmitted to the county commissioners of each county by the office of the Secretary of State no later than November 10th of each biennium.

Whenever any specific appropriation of a department or agency of county government shall prove insufficient to pay the required expenditures for the statutory purposes for which such appropriation was made, the county commissioners may, upon written request of such department or agency, transfer