

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 FOURTH LEGISLATURE
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with such conditions as he shall deem necessary to protect the public safety.

Upon a 3rd conviction of a violation of paragraph B of this subsection, such person shall not be licensed again or permitted to operate a motor vehicle in this State for 5 years from the date of suspension, except that after 3 years from the date of such last suspension, he may petition the Secretary of State for a license or permit, and the Secretary of State, after hearing, may issue a license or permit with such conditions attached as he shall deem necessary to protect the public safety.

Upon any subsequent conviction of a violation of paragraph B of this subsection, the license or permit shall terminate and no subsequent license or permit shall be granted to such person, except that a person who has had 4 convictions under paragraph B of this subsection may petition the Secretary of State for a special license and the Secretary of State, after being satisfied beyond a reasonable doubt that the said petitioner has refrained from all use of intoxicating liquor for a period of 5 years next preceding the day of hearing on said petition, may issue a special permit or license conditioned upon continued nonuse of intoxicating liquor and such other conditions as he may deem proper.

C. In allegations charging 2nd or subsequent offenses under either paragraphs A or B of this subsection, a certified copy of the records of prior convictions from the office of the Secretary of State shall be admitted in evidence as proof of the prior conviction or convictions.

Sec. 2. R. S., T. 29, § 1312-A, repealed. Section 1312-A of Title 29 of the Revised Statutes, as enacted by chapter 546 of the public laws of 1967, is repealed.

Effective October 1, 1969

Chapter 440

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 of the Legislature unless enacted as emergencies; and

Whereas, there is a need for new school construction in several administrative units; and

Whereas, the voters have authorized the construction of such projects; and

Whereas, the statutory limitation on interest is preventing the sale of

bonds on such projects and there is an immediate need for changing the statutory limitation; 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 7th sentence of section 154 of Title 20 of the Revised Statutes is amended to read as follows:

The amount so paid for the benefit of a single supervisory unit shall not exceed \$350 annually and shall be in addition to other payments made to said superintendent as provided in this section ~~and the amount so available for the equalization of such expenses shall not exceed 1/5 of the appropriation for superintendence.~~

Sec. 2. R. S., T. 20, § 155, amended. The last paragraph of section 155 of Title 20 of the Revised Statutes is amended to read as follows:

When a ~~town~~ unit having more than 75 teachers under its care and custody shall remove itself from an existing school union or supervisory combination composed of not more than 2 ~~towns~~ units, the remaining ~~town~~ unit shall, with the consent of its school committee members and the State Board of Education, be treated as though said remaining ~~town~~ unit had more than 75 teachers under its care and custody, provided that said remaining ~~town~~ unit has more than 40 teachers under its care and custody.

Sec. 2-A. R. S., T. 20, § 215, sub-§ 3, amended. Subsection 3 of section 215 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 295 of the public laws of 1967, is further amended by inserting after the 2nd sentence the following new sentence:

If the school committee or municipal officers representing a municipality exceed 3 in number, the school committee or municipal officers shall choose 3 from their respective membership to represent the municipality for the purposes set forth in this section.

Sec. 2-B. R. S., T. 20, § 225, amended. The first paragraph of section 225 of Title 20 of the Revised Statutes, as amended, is further amended to read as follows:

When it is necessary to hold a district meeting to approve the issuance of bonds or notes for capital outlay purposes, to approve a change in the selection of a school building site, **to approve a change in the method of sharing costs among the member municipalities,** to approve an agreement to add another municipality or municipalities to the School Administrative District, to approve an agreement to merge with another School Administrative District, or to approve a proposed lease agreement with the Maine School Building Authority, or to authorize the school directors to contract for the schooling of secondary pupils, or to authorize the school directors to dispose of

real property, the school directors shall be authorized to call such meeting as follows:

Sec. 2-C. R. S., T. 20, § 225, sub-§ 3, ¶ F, additional. Subsection 3 of section 225 of Title 20 of the Revised Statutes, as amended, is further amended by adding a new paragraph F, to read as follows:

F. When a meeting is called for the purpose of authorizing a change in the method of sharing costs in a School Administrative District, the article to be inserted in all warrants shall be as follows:

Shall the method of sharing costs in School Administrative District No. be changed from the present method (describe) to the following method: Yes No (describe)

Sec. 2-D. R. S., T. 20, § 302, amended. The 2nd paragraph of section 302 of Title 20 of the Revised Statutes is amended by adding at the end a new sentence to read as follows:

Except that in any city where elections are held biennially, the term of each director shall be 4 years dating from the time of the regular city election.

Sec. 2-E. R. S., T. 20, § 304, amended. The 4th sentence of section 304 of Title 20 of the Revised Statutes is amended to read as follows:

Each bond or note shall have inscribed upon its face the official name of the School Administrative District and shall be dated at such time or times, shall be in such denomination, shall bear such rate of interest, not exceeding ~~6%~~ 7½% per year, payable semi-annually, be in such form subject to this chapter, and be sold in such manner, at public or private sale as the school directors shall determine, provided that in no event shall bonds be sold for less than par.

Sec. 2-F. R. S., T. 20, § 305, amended. Section 305 of Title 20 of the Revised Statutes, as amended, is further amended by adding after the 2nd paragraph, a new paragraph, to read as follows:

Procedure for changing the method of sharing costs among the member municipalities in a School Administrative District:

When requested by 10% of the number of voters voting for the gubernatorial candidates at the last state-wide election in the municipalities comprising the district, the board of school directors of the School Administrative District shall give at least 15 days' notice to each municipality comprising the School Administrative District of a meeting to determine the necessity of reconsidering the method of sharing costs. Each member municipality of the district shall be represented at the meeting to determine the necessity of reconsidering the method of sharing costs by its municipal officers, school director or directors, and 2 representatives from each municipality chosen at large by its municipal officers. Any change in the method of sharing costs must first be approved by a vote of 2/3 of those present and voting and shall become effective when approved by a majority vote of the district at a meeting called and held for this purpose in accordance with section 225. All assessments made by the board of directors thereafter shall be made in

accordance with the method of sharing costs which was approved by the voters of the district. The secretary of the School Administrative District shall notify the State Board of Education whenever the district has voted to change its method of sharing costs, and the state board shall issue an amended Certificate of Organization showing the new method of sharing costs for the district.

Sec. 2-G. R. S., T. 20, § 802, amended. Section 802 of Title 20 of the Revised Statutes is amended by adding at the end the following new paragraph:

The state flag, as defined in Title 1, section 206, shall be displayed along with the national flag at every school when that school is open for instructional purposes.

Sec. 2-H. R. S., T. 20, § 855, amended. Section 855 of Title 20 of the Revised Statutes, as amended by section 8 of chapter 425 of the public laws of 1967, is further amended by inserting after the first sentence the following new sentence:

School attendance and average daily membership records shall be kept for those days during which students and teachers are present.

Sec. 3. R. S., T. 20, § 856, amended. The last paragraph of section 856 of Title 20 of the Revised Statutes, as amended by section 9 of chapter 425 of the public laws of 1967, is further 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 a part of the amount which administrative units are required by law to raise, assess and expend for the support of schools~~ the support of public schools as provided in section 3721, subsection 2.

Sec. 4. R. S., T. 20, § 859, amended. The first sentence of the last paragraph of section 859 of Title 20 of the Revised Statutes is amended to read as follows:

Notwithstanding the provisions of this section, summer schools operated by public school administrative units may charge tuition, not exceeding the school's per capita cost for the preceding summer, except that when a summer school is operated for the benefit of 2 or more public school administrative units, and when the summer school is operated by one of the other public school administrative units the following summer, the school administrative unit may charge tuition not exceeding the per capita cost of the school which served its students during the preceding summer.

Sec. 5. R. S., T. 20, § 961, repealed and replaced. Section 961 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:

§ 961. School records

The school committee or school directors shall require the maintenance by a person or persons designated by them of accurate attendance records of all

pupils who attend a public school in the school administrative unit. The records shall contain the name of each pupil who enters the school, his date of birth, the dates when he entered and left the school, the number of days attended and the number of times late for school. The records shall, at all times, be open to the inspection of the school committee or school directors. The person or persons designated to maintain the records shall provide to the board of directors or school committee data they request at the end of each school year and at such times during the school year as they may require.

Sec. 6. R. S., T. 20, § 1051, amended. Section 1051 of Title 20 of the Revised Statutes is amended to read as follows:

§ 1051. Acceptance and compliance with federal law

The State having accepted the provisions and benefits of the Act of Congress entitled "An Act to Provide Assistance to the States in the Establishment, Maintenance, Operation and Expansion of School-Lunch Programs and for Other Purposes" approved June 4, 1946, will observe and comply with said Act, and with any Acts amendatory thereof or supplementary thereto.

Sec. 7. R. S., T. 20, § 1052, amended. Section 1052 of Title 20 of the Revised Statutes, as amended by Section 10-A of chapter 425 of the public laws of 1967, is further amended to read as follows:

§ 1052. Acceptance of Child Nutrition Act of 1966

The State having accepted the provisions and benefits of the Act of Congress entitled "The Child Nutrition Act", approved October 11, 1966, will observe and comply with said Act, and with any Acts amendatory thereof or supplementary thereto.

Sec. 8. R. S., T. 20, § 1054, amended. Section 1054 of Title 20 of the Revised Statutes, as amended by section 10-C of chapter 425 of the public laws of 1967, is further 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 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 to school committees and board of directors of public schools and to administrative officers of service institutions as defined in Public Law 90-302.

Sec. 9. R. S., T. 20, § 1281, sub-§ 2, amended. Subsection 2 of section 1281 of Title 20 of the Revised Statutes is amended by adding at the end, the following sentences:

When the board of directors, school committee or trustees of an approved academy wish to schedule classes for fewer than 200 minutes per week, a proposal shall be submitted to the commissioner not later than April 1st of the preceding school year. The commissioner shall grant or withhold approval.

Sec. 9-A. R. S., T. 20, § 1281, sub-§ 3, amended. Subsection 3 of section 1281 of Title 20 of the Revised Statutes, as amended, is further amended to read as follows:

3. **Minimum school year.** It has a minimum school year of ~~175 actual~~ 180 school days, ~~except that the~~ 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, 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. 10. R. S., T. 20, § 1281, sub-§ 4, repealed and replaced. Subsection 4 of section 1281 of Title 20 of the Revised Statutes is repealed and the following enacted in place thereof:

4. **Certified teachers.** It employs only certified teachers.

Sec. 11. R. S., T. 20, § 1281, sub-§ 8, amended. The first sentence of subsection 8 of section 1281 of Title 20 of the Revised Statutes is repealed and the following enacted in place thereof:

The requirements for graduation shall include American history and 4 years of English in a planned program approved by the Commissioner of Education.

Sec. 12. R. S., T. 20, § 1391, amended. Section 1391 of Title 20 of the Revised Statutes is amended to read as follows:

§ 1391. Attendance at public schools

Any child between the ages of 5 and 21 who resides at a private tax-exempt institution within this State shall have the right to attend the public schools in the administrative unit in which such institution is located under the same conditions as pupils residing in such administrative unit, and shall for the purposes of this section be classed as resident pupils, ~~except that if the number of such children in any administrative unit shall exceed 10% of the total public school enrollment in such administrative unit~~ and the administrative unit shall be paid from the appropriation for general-purpose aid the net local cost of educating such children at each elementary or secondary school attended by them. The net local cost of educating such children shall include only those school operating expenses paid by the administrative unit on account of such children enumerated in section 3721, subsection 2, and shall be computed for each school on the basis of financial reports and school enrollment figures required by and filed with the commissioner during each school year ending June 30th. ~~Payments shall be made to each administrative unit annually during the month of December following the end of the school year.~~

Sec. 13. R. S., T. 20, § 1753, amended. The 2nd sentence of section 1753 of Title 20 of the Revised Statutes is repealed, as follows:

~~All state certificates granted before July 12, 1913 shall continue in force in accordance with the terms stated therein.~~

Sec. 14. R. S., T. 20, § 2356-A, sub-§ 2, amended. Subsection 2 of section 2356-A 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:

2. Approval of State Board of Education. It shall be established, maintained and operated only in accordance with a plan approved by the State Board of Education ~~as to~~ **including a survey of educational need, employment opportunities,** scope of program to be offered, location and area to be served.

Sec. 14-A. R. S., T. 20, § 2356-C, amended. The 2nd sentence of the 2nd paragraph of section 2356-C 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 follows:

The per pupil cost is determined by adding the amounts paid for teachers' salaries, fuel, janitorial services, textbooks, reference books, school supplies for desk and laboratory use, public utility services, replacement of instructional equipment, fire insurance and compensation for the director of vocational education and his assistants, **and adjusting these amounts by the allowable percentages set forth in section 1292** and dividing this sum by the average daily membership of all regularly enrolled students in the technical and vocational education center. **The rate thus determined shall be reduced by $\frac{2}{3}$ and the result shall become the official tuition rate for the subsequent school year for a part-time student.**

Sec. 14-B. R. S., T. 20, § 2357, amended. The last 2 sentences of section 2357 of Title 20 of the Revised Statutes are repealed and the following enacted in place thereof:

No scholarship shall exceed \$250 in any one year. Amounts available for such scholarships shall be distributed annually by the board to the state vocational-technical institutes in the following manner:

1. \$1,500 or 6 full scholarships per institute. \$1,500 or the equivalent of 6 full scholarships to each institute.

2. Allocation of balance. Allocation of the balance of the scholarship fund to the state vocational-technical institutes in the same proportions as the proportion of each institute's enrollment bears to the total enrollment of the institutes for the fall semester of the current year.

Awards shall be based on evidence of individual need and worth.

Sec. 15. R. S., T. 20, § 2452, sub-§ 2, amended. The last sentence of subsection 2 of section 2452 of Title 20 of the Revised Statutes, as last repealed and replaced by section 6 of chapter 540 of the public laws of 1967, is amended to read as follows:

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. 16. R. S., T. 20, § 2904, sub-§ 6, amended. Subsection 6 of section 2904 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 452 of the public laws of 1967, is amended to read as follows:

6. Other necessary things. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to ~~his~~ this compact.

Sec. 16-A. R. S., T. 20, § 3452, sub-§ 2, amended. Subsection 2 of section 3452 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is further amended to read as follows:

2. Aggregate attendance. "Aggregate attendance" shall be understood to include the total number of days of attendance for any one school year of each regularly enrolled pupil resident of the town in elementary and secondary schools. ~~The attendance of each pupil present on the day preceding shall be counted for each school holiday within any school term, for each day of the school year when there is no session of school because of absence of the teacher in attendance on teachers' meetings, as provided by law and for not more than one day in each term when there is no session of school because of the absence of the teacher in visiting other schools when so authorized by the school committee.~~

Sec. 16-B. R. S., T. 20, § 3561, amended. The last sentence of the first paragraph of section 3561 of Title 20 of the Revised Statutes, as amended by section 19 of chapter 425 of the public laws of 1967, is further amended to read as follows:

The school committee ~~may~~ shall authorize the superintendent of schools to pay the board of any pupil or pupils in an amount not to exceed \$25 per week at a suitable place near any established school instead of providing conveyance for said pupil or pupils, when in their judgment ~~it may be done at an equal or less expense than by conveyance~~ boarding is in the best interest of the child or children.

Sec. 17. R. S., T. 20, § 3724, repealed. Section 3724 of Title 20 of the Revised Statutes, as enacted by chapter 532 of the public laws of 1967, is repealed.

Sec. 18. R. S., T. 20, § 304, amended. Section 304 of Title 20 of the Revised Statutes, as amended, is further amended by adding after the 5th sentence, a new sentence, as follows:

All such temporary notes issued in anticipation of an authorized issue of capital outlay bonds or notes, or renewals thereof, shall mature not later than 2 years from the date of the first such temporary note to be issued.

Sec. 19. Notes, when payable. Notwithstanding the provisions of section 18 of this Act, temporary notes or renewal notes which have been issued by a district in anticipation of state aid or an authorized issue of capital outlay bonds or notes and which are outstanding on the effective date of this Act shall be made payable as provided in said section 18 or not later than the first year from the effective date of this Act, whichever is later.

Emergency clause. In view of the emergency cited in the preamble, sections 2-E, 18 and 19 of this Act shall take effect when approved.

Effective October 1, 1969, except sections 2-E, 18 and 19 which become effective June 27, 1969

Chapter 441

AN ACT Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County.

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

Sec. 1. R. S., T. 30, § 2, amended. Section 2 of Title 30 of the Revised Statutes, as amended, is further amended to read as follows:

§ 2. Salaries

The county commissioners, clerks of the judicial courts and their deputies, county treasurers and their deputies, sheriffs, registers of deeds, judges of probate and registers of probate in the several counties shall receive annual salaries from the county treasury in weekly or monthly payments as follows, except that the county attorneys and their assistants shall receive annual salaries from the State Treasury in monthly payments on the last day of each month in a sum which will, in the year's aggregate, most nearly equal the annual salary, as follows, and no other fees, costs or emoluments shall be allowed them:

Androscoggin County: County commissioners, ~~\$2,800~~ \$3,000; chairman, ~~\$3,400~~ \$3,600; clerk of courts, ~~\$8,400~~ \$8,600; county attorney, \$6,500; first assistant county attorney, \$4,500; second assistant county attorney, \$3,500; county treasurer, ~~\$5,500~~ \$6,050; sheriff, ~~\$6,700~~ \$8,000; register of deeds, ~~\$6,600~~ \$6,800; judge of probate, ~~\$5,800~~ \$6,000; register of probate, ~~\$5,600~~ \$6,200.

Aroostook County: County commissioners, \$1,500, except that one member of the board, designated by the board as chief administrative officer, shall receive \$5,500; clerk of courts, \$6,000; county attorney, \$6,500; assistant county attorney, \$4,500; county treasurer, \$3,500; sheriff, ~~\$5,500~~ \$6,500; register of deeds, northern district, \$5,500; southern district, \$5,500; judge of probate, \$4,500; register of probate, \$4,000.

Cumberland County: County commissioners, ~~\$4,750~~ \$5,225; clerk of courts, ~~\$8,000~~ \$8,800; deputy clerk of courts, ~~\$7,500~~ \$8,200; county attorney, \$8,000; first assistant county attorney, \$6,000; second assistant county attorney, \$5,000; third assistant county attorney, \$4,000; county treasurer, ~~\$6,500~~ \$7,150; sheriff, ~~\$8,000~~ \$8,800; register of deeds, ~~\$7,500~~ \$8,250; deputy register