

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
AT THE
SPECIAL SESSION

January 24, 1972

to

March 10, 1972

CHAPTER 611

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, § 225, sub-§ 2, ¶ A, amended. The 2nd sentence of paragraph A of subsection 2 of section 225 of Title 20 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 196 of the public laws of 1971, is amended to read as follows:

It shall further be the duty of the board of directors to prepare and furnish the required number of ballots for carrying out the election as posted, including absentee ballots.

Sec. 2. R. S., T. 20, § 225, sub-§ 2, ¶¶ G and H, amended. Paragraphs G and H of subsection 2 of section 225 of Title 20 of the Revised Statutes are amended to read as follows:

G. The voting at meetings held in towns shall be held and conducted in accordance with Title 30, sections 2061 to 2064, even though the town has not accepted the provisions of said sections 2061 and 2062. The absentee voting procedure outlined in Title 21 shall be used, except the duties of the Secretary of State shall be performed by the district directors.

H. The voting at meetings in cities shall be held and conducted in accordance with Title 21, including the absentee voting procedure, except that the duties of the Secretary of State shall be performed by the district directors.

Sec. 3. R. S., T. 20, § 226, sub-§ 4, ¶ A, amended. Paragraph A of subsection 4 of section 226 of Title 20 of the Revised Statutes is amended to read as follows:

A. Each person whose name appears on the ~~district voting list~~ **municipal voting list of the municipalities within the district** may attend and vote at a district budget meeting. **The town or city clerk shall deliver to the secretary of the School Administrative District, prior to the district budget meeting, a certified corrected copy of the voting list of the member municipality of the district.**

Sec. 4. R. S., T. 20, § 226, sub-§ 4, ¶ C, amended. Paragraph C of subsection 4 of section 226 of Title 20 of the Revised Statutes, as amended by section 4 of chapter 196 of the public laws of 1971, is further amended by adding at the end 2 new sentences to read as follows:

The moderator shall appoint from the certified voting list such ballot clerks as he deems necessary for the efficient operation of the meeting. Such ballot clerks shall be sworn by the moderator.

Sec. 5. R. S., T. 20, § 226, sub-§ 5, repealed and replaced. Subsection 5 of section 226 of Title 20 of the Revised Statutes is repealed and the following enacted in place thereof:

5. Registration. Registration of voters for the district budget meeting shall be held in each member municipality in accordance with the time schedule specified in Title 21, section 631, subsection 3, regardless of population, notwithstanding any other provision of statute.

Sec. 6. R. S., T. 20, § 309, amended. The next to the last sentence of the first paragraph of section 309 of Title 20 of the Revised Statutes, as enacted by chapter 276 of the public laws of 1971, is amended to read as follows:

The agreement prepared by the board shall specify the specific educational functions to be accomplished, the method of sharing costs in carrying out the functions, the number of board members which represent each unit on the cooperative board, the method of dissolving the agreement, the procedure for disposing of real and personal property, and other specifications which may be necessary for a specific agreement.

Sec. 7. R. S., T. 20, § 309, amended. The last 3 sentences of section 309 of Title 20 of the Revised Statutes, as enacted by chapter 276 of the public laws of 1971, are repealed and the following paragraph enacted in place thereof:

The commissioner is authorized to pay school construction aid on any project approved as a result of a cooperative agreement. The aid shall be computed in the same manner as for a community school district as set forth in sections 3457 to 3460. The cooperative board as established under this section is authorized to acquire, lease, hold and dispose of real and personal property used in the joint or cooperative undertaking. A cooperative board is declared to be a quasi-municipal corporation.

Sec. 8. R. S., T. 20, § 521, amended. Section 521 of Title 20 of the Revised Statutes is amended to read as follows:

§ 521. Establishment; management and authority

Adjoining towns, upon the written recommendation of the school committees of said towns, may by concurrent action maintain union schools for the benefit of parts of said towns or may establish such schools, and shall contribute to their support each in proportion to the number of scholars in each of said towns attending such schools. Said schools shall be under the management of the school committee of the town in which their schoolhouses are located in accordance with the terms of the agreement.

Sec. 9. R. S., T. 20, § 522, amended. Section 522 of Title 20 of the Revised Statutes, as amended, is further amended to read as follows:

§ 522. Union schools; apportionment

Amounts due from the State on account of union elementary schools shall be paid to the town in which said school is located the pupils reside and the amounts to be contributed by each town for the maintenance of such school shall be determined in accordance with the terms of the agreement. by the school committees of the said towns. Amounts apportioned on account of union high schools shall be paid to the towns maintaining said schools in proportion to the aggregate attendance of pupils resident of each of said towns

Whenever a union school is desired, the towns shall apply to the commissioner who shall prepare an agreement setting out the terms and conditions under which a union school may operate. Before a union school can operate, each town must approve the agreement by an affirmative vote acting under an appropriate article at a regular or special town meeting or city election.

A union school shall be eligible for school construction aid on any project constructed as a result of the union school agreement. The aid shall be computed in the same manner as for a community school district as set forth in sections 3457 to 3460.

Sec. 9-A. R. S., T. 20, § 805, additional. Title 20 of the Revised Statutes is amended by adding a new section 805 to read as follows:

§ 805. Information concerning pupils

No superintendent of schools, principal, teacher, employee or governing board member of any public, private or parochial elementary or secondary school, shall permit access to any written records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

1. Parent or guardian. Either parent or a guardian of such pupil;
2. Person designated. A person designated, in writing, by such pupil if he is an adult, or by either parent or a guardian of such pupil if he is a minor;
3. Officials. An official, in the course of his duties, of a public, private or parochial elementary or secondary school where the pupil attends or has attended or intends to enroll;
4. Law enforcement officer. A state or local law enforcement officer, including a probation officer, parole officer or a member of a parole board seeking information in the course of his duties;
5. Education officials. The Commissioner of Education, or a member of his staff, or the superintendent of schools, or a member of his staff, in the course of his duties, where the pupil attends, has attended or intends to enroll;
6. Scholastic records. A college or university requesting scholastic records of a pupil who has applied thereto for admission.

Such restrictions are not intended to interfere with the giving of information by school personnel concerning participation in athletics or other school activities, the winning of scholastic or other honors and awards, or other like information. Notwithstanding the restrictions imposed by this section, a governing body may, in its discretion, provide information to the staff of a college, university or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored or approved by the college, university or educational research and development organization or laboratory and if no pupil will be identified by name in the information submitted for research.

Sec. 10. R. S., T. 20, § 859, amended. The first sentence of the 4th paragraph of section 859 of Title 20 of the Revised Statutes, as amended, is further amended to read as follows:

Subject to the provisions of this section and subject to such reasonable regulations as the school committee or school directors shall from time to time prescribe, every person between the ages of 5 and 20 shall have the right to attend as a full-time student, or with the consent of the school committee or board of directors, as a part-time student, the public schools in the administrative unit in which his parent or guardian has residence, **except that a war veteran who has not completed high school before the age of 18 may attend school in the administrative unit wherein he resides until graduation or age 25.**

Sec. 11. R. S., T. 20, § 2922, amended. Section 2922 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:

§ 2922. Members of Legislature, selection and tenure

The 2 members of the Legislature on the education commission of the states shall be ~~elected~~ **appointed by his respective House the presiding officer of the respective House** and shall serve on the commission during such time each is a member of his respective House ~~but not more than 6 years from the date of his election.~~

Sec. 12. R. S., T. 20, § 3457, amended. The 2nd paragraph of section 3457 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 475 of the public laws of 1965 and as amended, is further amended by adding after the 2nd sentence the following new sentences:

Whenever a unit gives a 2-year notice to other units that it will discontinue the acceptance of tuition students, the unit shall file a copy of the notice with the commissioner. If the school committee of a unit refuses to accept tuition students without having given a proper 2-year notice, the commissioner is authorized to withhold school construction aid until the unit complies with the statute up to a maximum of 2 years' construction aid for that unit.

Sec. 13. R. S., T. 20, § 3731, amended. The 2nd paragraph of section 3731 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 496 of the public laws of 1969 and as amended by section 37-B of chapter 530 of the public laws of 1971, is further amended by inserting after the 2nd sentence the following new sentence:

If the aid of the unit is not greater than the amount to be withheld, the unit shall pay the entire share of the superintendent's costs from local funds, and any state aid that is payable to the unit shall be paid directly to the unit.

Sec. 14. R. S., T. 20, § 3732, amended. The 3rd paragraph of section 3732 of Title 20 of the Revised Statutes, as enacted by section 13 of chapter 589 of the public laws of 1969, is amended by adding at the end the following new sentence:

Pupils attending school on a part-time basis shall be counted in proportion to the time attended in order to insure fair and equitable treatment in the distribution of state aid.