

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

on posts or other structures, in such position as to be easily seen by persons passing upon such ways.

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

Effective April 9, 1976

CHAPTER 746

AN ACT to Clarify Certain Provisions 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, some Acts enacted by the Legislature have created inconsistencies and technical errors; and

Whereas, such inconsistencies and errors will create uncertainties and confusion in interpreting legislative intent; 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. 1 MRSA § 501-A, 3rd sentence, as enacted by PL 1975, c. 436, § 2, is amended to read:

At least ~~80~~ 55 copies of any annual or biennial report not included in the Maine State Government Annual Report provided for in Title 5, sections 43 through 46, shall be delivered to the State Librarian, immediately upon receipt by the State Purchasing Agent for exchange and library use; the balance of the number of each such report shall be delivered by the State Purchasing Agent to the agency preparing the report.

Sec. 1-A. 20 MRSA § 102, sub-§ 7, 2nd ¶ is amended to read:

A course in history, geography and the natural and industrial resources of Maine shall be taught in at least one grade from 7 to 12, in all school systems, both public and private.

Sec. 2. 20 MRSA § 152, 2nd sentence is amended to read:

At said meeting or as soon thereafter as possible, and whenever a vacancy shall occur, the school directors shall, subject to the conditions provided, choose ~~by ballot~~ a superintendent of schools for a term of not more than 5 years.

Sec. 2-A. 20 MRSA § 153, first 8 sentences, as amended, are repealed and the following enacted in place thereof:

The school committees of the administrative units comprising a union shall form a joint committee, and for the purposes of this chapter the joint committee shall be held to be the agents of each unit comprising the union. The school committee of any unit may authorize one of its members to act for the committee in the meetings of the joint committee, and in such case, the member so authorized may cast the votes for the full membership of his committee. The joint committee upon notification by the commissioner shall meet annually, during the month of December, at a day and place agreed upon by the chairmen of the committees of the several units comprising the union, and shall organize by the choice of a chairman and a secretary. The joint committee shall make provisions for an office for the superintendent of schools, office assistants, supplies, utilities and other office expenses and shall apportion the cost among the several administrative units in proportion to the service to be performed. The joint committee shall determine the relative amount of service to be performed by the superintendent in each unit, including the minimum number of visits to be made each term to each school, fix his salary, apportion the amounts thereof to be paid by the several units, which amounts shall be certified to the treasurers of the units, respectively, and to the commissioner, together with the amounts apportioned to each unit, provided the amount so certified shall be in proportion to the amount of service performed in the several units. The joint committee, at the time of its organization or as soon thereafter as possible, and whenever a vacancy shall occur, shall, subject to the conditions provided, choose a superintendent of schools for a term of not more than 5 years and the term for which a superintendent is elected shall, in all cases, end on the 30th day of June of the year in which the contract expires. The votes of the individual members of the joint committee shall be cast on a weighted basis in proportion to the population of the unit represented as compared with the total population of the units comprising the joint board. To become effective, all actions of the joint committee must be approved by a vote which represents more than half of the population comprising the units which make up the joint board.

Sec. 3. 20 MRSA § 153, 4th sentence from the end, as last amended by PL 1975, c. 510, § 2, is repealed as follows:

~~The election of a superintendent of schools shall not be effective, unless said election shall be approved by the school committee of the unit in the said union having a majority of the teachers in the units comprising the union and paying not less than 1/2 of the salary~~

Sec. 4. 20 MRSA § 220, 3rd ¶, last sentence, as enacted by PL 1975, c. 510, § 7, is amended to read:

The school directors are authorized to procure short-term loans not to exceed 3 years for the purchase of school buses when such authorization has been approved at the annual or a special budget meeting.

Sec. 4-A. 20 MRSA § 220, as last amended by PL 1975, c. 510, § 7, is further amended by adding at the end the following new paragraph:

Notwithstanding any other provision of law, expenditures for bus purchases approved by the commissioner shall not be included within expenditure limitations placed on administrative units by other sections of this Title. The

commissioner is directed to encourage administrative units, whenever possible, to pay for the cost of new buses from current funds rather than from short-term loans.

Sec. 5. 20 MRSA § 221, 1st sentence is amended to read:

The superintendent of the School Administrative District and such other staff personnel as the school directors deem necessary shall be selected by a majority vote of the full membership of the board of school directors or more than half the weighted vote of the directors where applicable and said superintendent of schools shall have the same duties, powers and responsibilities with respect to the schools within the School Administrative District and the board of school directors as are prescribed by law for public school superintendents.

Sec. 5-A. 20 MRSA § 225, sub-§ 2, ¶ G, first sentence, as last amended by PL 1973, c. 536, § 1, is further amended to read:

The voting at meetings held in towns shall be held and conducted in accordance with Title 30, sections 2061 to 2065, even though the town has not accepted the provisions of sections 2061 and 2062, provided that if a district meeting is called to be held simultaneously with a general election or primary election the voting in towns shall be held and conducted in accordance with Title 21, except that the duties of the Secretary of State shall be performed by the district directors.

Sec. 6. 20 MRSA § 226, sub-§ 4, ¶ C, 1st sentence, as last amended by PL 1971, c. 196, § 4, is further amended to read:

As soon as he has been elected and sworn, the moderator shall preside at the meeting and the annual budget shall be voted on by written ballot acted upon by the voters present and voting.

Sec. 7. 20 MRSA § 304, 9th sentence is amended to read:

All notes or bonds issued by said school directors on behalf of an administrative district shall be signed by the treasurer or assistant superintendent of schools and countersigned by the chairman of said board of school directors, and if coupons be issued, each coupon shall be attested by a facsimile signature of the treasurer or assistant superintendent of schools printed thereon.

Sec. 7-A. 20 MRSA § 305, last ¶, 2nd and 3rd sentences, as last amended by PL 1969, c. 589, § 4, are repealed and the following enacted in place thereof:

In the year in which the tax is so levied, the treasurer of each municipality shall pay the amount of the tax so levied in equal monthly installments to the treasurer of the School Administrative District. Each monthly installment shall be paid to the treasurer of the School Administrative District on or before the 20th day of the month.

Sec. 7-B. 20 MRSA § 305, last ¶, 6th sentence, as enacted by PL 1971, c. 72, is repealed.

Sec. 7-C. 20 MRSA § 355, 3rd and 4th sentences, as enacted by PL 1973,

c. 783, § 13, are repealed and the following enacted in place thereof:

In the year in which the tax is so committed, the treasurer of each municipality shall pay the amount of the tax so committed in monthly installments to the treasurer of the community school district. Each monthly installment shall be paid to the treasurer of the community school district on or before the 20th of the month.

Sec. 8. 20 MRSA § 358, 2nd ¶, 5th sentence, as enacted by PL 1975, c. 510, § 18, is amended to read:

The school committee is authorized to procure short-term loans not to exceed 3 years for the purchase of school buses when such authorization has been approved at the annual or at a special budget meeting.

Sec. 8-A. 20 MRSA § 365, 2nd and 3rd sentences, as enacted by PL 1973, c. 132, § 5, are repealed and the following enacted in place thereof:

In the fiscal year in which the assessment is so levied, the treasurer of each municipality shall pay the amount of the assessment so levied in monthly installments to the treasurer of the community school district. Each monthly installment shall be paid to the treasurer of the community school district on or before the 20th of the month.

Sec. 9. 20 MRSA § 471, 2nd and 3rd sentences from the end, as last amended by PL 1967, c. 425, § 19, are repealed as follows:

~~In such cases the school committee shall designate 3 of its members to serve on the joint committee of the school union and they shall be empowered to designate any one member of the 3 so designated to act for the entire committee. The total vote or votes cast by such member or members at any meeting of the joint union committee shall not exceed 3.~~

Sec. 10. 20 MRSA § 473, sub-§ 5 is amended to read:

5. Scholars expelled or suspended. Expel any obstinately disobedient and disorderly scholar, after a proper investigation of his behavior, if found necessary for the peace and usefulness of the school; and restore him on satisfactory evidence of his repentance and amendment. The school committee may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules;

Sec. 10-A. 20 MRSA § 805, as repealed and replaced by PL 1975, c. 289, is repealed and the following enacted in place thereof:

§ 805. Dissemination of information

The dissemination of information on students shall be governed by the Family Education Rights and Privacy Act of 1974, P.L. 93-380, as amended by P.L. 93-568.

Sec. 11. 20 MRSA § 806, 1st ¶, as enacted by PL 1973, c. 484, is amended to read:

The right of privileged communication shall be extended to school counsel-

ors, including but not limited to, elementary and secondary counselors and counselors who may work in a school setting at a post-secondary level, except for fulfilling the requirements of Title 22, section 3853.

Sec. 11-A. 20 MRSA § 855, 1st sentence, as last amended by PL 1967, c. 425, § 8, is further amended to read:

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 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, administrative meetings, parent-teacher conferences, records days and other such teacher work activities.

Sec. 12. 20 MRSA § 856, sub-§ 4, as enacted by PL 1969, c. 413 and as last amended by PL 1973, c. 571, § 72, is repealed and the following enacted in place thereof:

4. Intent. It is the intent of this section that such co-occupancy shall be used for housing on an emergency basis. Leases shall be signed for a period not to exceed 10 years and must be approved by the commissioner before the agreement is signed to qualify for reimbursement under section 3713.

Sec. 12-A. 20 MRSA § 858, as last amended by PL 1967, c. 425, § 19, is further amended by inserting at the end the following new sentence:

The commissioner may grant exceptions to the above in admitting students into adult education programs at the local level.

Sec. 12-B. 20 MRSA § 859, as amended, is further amended by adding after the 3rd ¶ the following new paragraph:

Notwithstanding the provisions of this section, a pupil who has been enrolled in kindergarten or grade 1 in another state shall be admitted to kindergarten or grade 1, respectively, upon transfer to a school in this State.

Sec. 12-C. 20 MRSA § 912, first ¶, last sentence, as amended by PL 1967, c. 425, § 19, is repealed and the following enacted in place thereof:

The elementary school tuition rate shall be computed as follows: Divide the total elementary operating costs of the unit for the period July 1st to June 30th immediately prior to the school year for which the tuition rate is computed by the average daily membership of the unit for elementary pupils for the school year immediately preceding the school year for which the tuition rate is computed. Total elementary operating costs shall include all costs, except transportation costs, community service costs, major capital costs and debt service costs, reduced by expenditures from all federal revenue sources, except for amounts received under the provisions of public law 874, and reduced by expenditures for special education programs which are attributable to a childhood educational program, as defined in section 859, through grade 8. The maximum elementary school tuition rate shall be the rate as computed or the tuition rate of the unit for the immediately preceding school year plus 6%, whichever is less.

Sec. 13. 20 MRSA § 967, 2nd ¶, last sentence, as enacted by PL 1969, c. 157, is amended to read:

The auditors, upon completion of such an audit, shall file a copy with the commissioner by ~~September~~ November 1st of each year.

Sec. 13-A. 20 MRSA § 1291, first ¶, last 2 sentences, as last amended by PL 1971, c. 223, § 19, are repealed as follows:

Any youth whose parents or legal guardian maintains a home in any administrative unit, who is entitled to free secondary education, and who is qualified for admission to a regional technical and vocational center according to the standards set by those having charge thereof for all its students, including those resident in the unit maintaining and operating the center, may elect to attend any approved regional technical and vocational center within the State to which he may gain admission, for the purpose of pursuing a technical and vocational course not offered by, or contracted for by, the administrative unit in which he resides with parent or legal guardian or by a community school district of which the administrative unit where he resides is a member. If any approved regional technical and vocational center serving the area in which he resides, as defined in section 2356-A, offers the desired course he may attend only the regional technical and vocational center serving his area.

Sec. 14. 20 MRSA § 1292, 1st ¶, as repealed and replaced by PL 1975, c. 399, § 2, is repealed and the following enacted in place thereof:

The maximum allowable tuition charge for all public and private secondary schools shall be computed as follows: All expenditures for public secondary education shall be included except expenditures for special education, vocational education, community services, major capital outlay, debt retirement, tuition and transportation, for the period July 1st to June 30th of the year immediately prior to the school year for which the tuition charge is computed. The expenditures thus obtained, minus tuition income received or receivable for the same school year, shall be divided by the average number of resident public secondary pupils on October 1st and April 1st of the year immediately prior to the school year for which the tuition charge is computed. The tuition rate thus determined shall be adjusted by the average change in public secondary education costs for the 2 years immediately prior to the school year for which the tuition charge is computed, except that the adjustment shall be limited to a 6% increase. The rate thus computed shall be the maximum legal tuition charge for all public and private secondary schools, except that no administrative unit or private school may charge more than the state average per pupil cost as adjusted or their own per pupil cost as adjusted, whichever is the lower. The tuition rate for public schools shall be computed in the manner set forth above. Tuition rates for private schools shall be computed as follows: Total all of the expenditures of the school, less the costs of transportation, major capital outlay, debt retirement and state aid on special education, for the period July 1st to June 30th of the year immediately prior to the school year for which tuition is computed and divide the results by the average number of pupils enrolled on October 1st and April 1st of the same year. The tuition rate thus determined shall be adjusted by the average change in public secondary education costs for the 2 years immediately prior to the school year for which the tuition is computed, except that the adjustment shall be limited to a 6% increase. A parent who is a resident of Maine may not be billed an extra tuition charge in addition to the maximum legal tuition charge as computed. In addition, a private school may add thereto an amount obtained by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled on October 1st and April 1st of the year immediately prior to the school year for

which the tuition charge is computed. This amount shall be defined as the insured value factor and it shall not exceed \$75 per pupil in any one year. Any administrative unit not maintaining a high school or contracting for secondary school privileges may pay tuition for any student who, with parent or legal guardian, resides in that administrative unit and who attends an approved school of secondary grade in another state or country, but such tuition payment shall not exceed the average cost per pupil in all secondary schools of the State of Maine as determined in this section. Tuition may be paid for any student who attends an approved school of secondary grade in another state when that school specializes in the correction of physical defects and when by reason of a disability the individual requires a specialized type of training available in that school but not obtainable in any approved secondary school in the State of Maine.

Sec. 15. Effective date. For computation purposes, section 14 shall be effective July 1, 1976.

Sec. 16. 20 MRSA § 1455, 2nd sentence, as last amended by PL 1973, c. 571, § 34, is further amended to read:

Per pupil tuition charges for such an arrangement shall be computed as follows: The gross cost of schooling for the preceding fiscal year, excluding employer retirement contributions made by the State and transportation, for the unorganized unit in which the school is located, plus the total amount of assessment for capital expenditures, if any, as made for the preceding fiscal year, divided by the average daily membership of pupils attending school in the unorganized unit during the preceding school year, except that a municipality which has contributed to the cost of the school building in compliance with a special legislative Act shall not pay any tuition charge related to capital expenditures.

Sec. 16-A. 20 MRSA § 2314, as enacted by PL 1973, c. 635, § 1, is amended by adding at the end the following new sentence:

An approved institution for participation in this program must be authorized to grant degrees in accordance with section 2202.

Sec. 17. 20 MRSA § 2356-A, 3rd ¶, last sentence, as enacted by PL 1973, c. 673, § 2 and as repealed and replaced by PL 1975, c. 513, § 3, is amended to read:

Personnel working in satellite vocational education programs shall be supervised by the school principal and the director of the regional technical-vocational center, who shall jointly make recommendations to the local superintendents of schools.

Sec. 18. 20 MRSA § 2356-A, last ¶, as enacted by PL 1973, c. 673, § 2 and as repealed and replaced by PL 1975, c. 513, § 3, is amended by adding at the end the following new sentence:

Regional technical-vocational centers may operate programs in towns served by the center when such programs require only part-time instruction and are approved by the commissioner.

Sec. 19. 20 MRSA § 2356-G, sub-§ 3, 4th ¶, last sentence, as enacted by PL 1965, c. 440, § 3 and as repealed and replaced by PL 1975, c. 513, § 10, is amended to read:

Each vocational region is declared to be a political subdivision within the meaning of Title 5, section 1222, subsection 6 and a quasi-municipal corporation within the meaning of Title 30, section 5053, and all the provisions of said section shall be applicable thereto.

Sec. 19-A. 20 MRSA § 2356-G, sub-§ 6, ¶ B, sub-¶ (5), as repealed and replaced by PL 1975, c. 513, § 10, is amended by adding at the end the following new sentence:

A budget must be adopted on or before July 1st.

Sec. 20. 20 MRSA § 2356-G, sub-§ 6, 2nd ¶, as repealed and replaced by PL 1975, c. 513, § 10, is amended by adding at the end the following:

Shall the vocational region approve a budget for adult education in the amount of \$ _____ for the year _____ ?

Sec. 21. 20 MRSA § 3457, as enacted by PL 1965, c. 475, § 2, and as last amended by PL 1975, c. 272, §§ 2-8, is further amended by inserting at the end the following new paragraph:

Units may borrow in anticipation of state aid on buildings approved by the State Board prior to July 1, 1976. Such temporary borrowing shall not affect the legal debt limits and shall be limited to the period preceding the sale of any bonds or notes.

Sec. 22. 20 MRSA § 3561, next to the last ¶, 5th sentence, as enacted by PL 1975, c. 510, § 29, is amended to read:

The school committee is authorized to procure short-term loans not to exceed 3 years for the purchase of school buses when such authorization has been approved at the annual or at a special budget meeting.

Sec. 22-A. 20 MRSA § 3561, as last amended by PL 1975, c. 510, § 29, is further amended by inserting before the last paragraph the following new paragraph:

Notwithstanding any other provision of law, expenditures for bus purchases approved by the commissioner shall not be included within expenditure limitations placed on administrative units by other sections of this Title. The commissioner is directed to encourage administrative units, whenever possible, to pay for the cost of new buses from current funds rather than from short-term loans.

Sec. 23. 20 MRSA § 3713, sub-§ 11, 2nd ¶, as repealed and replaced by PL 1975, c. 660, § 3, is amended by inserting at the end the following:

Administrative units are authorized to establish an "accounts receivable" in anticipation of state aid under this section when the fiscal year closes on June 30th.

Sec. 24. 20 MRSA § 3717, as enacted by PL 1975, c. 15, as amended by PL 1975, c. 185 and c. 338 and as repealed by PL 1975, c. 272, § 44-A, is repealed.

Sec. 24-A. 20 MRSA § 3743, sub-§ 6, last ¶ and sub-§ 7, last ¶, first sentence, as enacted by PL 1975, c. 660, § 2, are amended to read:

After July 1, 1975 "average elementary per pupil operating costs" shall be computed by dividing elementary operating costs for the base year by the average number of resident elementary pupils on October 1st and April 1st in the base year, excluding special education students for whom tuition is paid in programs approved by the commissioner.

After July 1, 1975, "average secondary per pupil operating costs" shall be computed by dividing secondary operating costs for the base year by the average resident secondary pupils on October 1st and April 1st in the base year, excluding special education students for whom tuition is paid in programs approved by the commissioner.

Sec. 24-B. 20 MRSA § 3743, sub-§ 9, 2nd ¶, first sentence, as enacted by PL 1975, c. 660, § 2, is amended to read:

After July 1, 1976, "vocational education," for subsidy purposes only, shall mean training in trade, industrial, agricultural, technical, fishing and service occupations.

Sec. 24-C. 20 MRSA § 3744, sub-§ 1, ¶ O, as enacted by PL 1975, c. 660, § 2, is repealed and the following enacted in place thereof:

O. Optional local funds without state participation raised under section 3749 for each of paragraphs A to K, including the 10% local portion of paragraphs C to F or under a special hardship waiver granted by the State Board of Education, expended during the base year.

Sec. 24-D. 20 MRSA § 3744, as enacted by PL 1975, c. 660, § 2, is amended by adding at the end the following new sentence:

The commissioner is granted the authority to withhold monthly subsidy payments from any administrative unit when information is not filed within specified time schedules.

Sec. 24-E. 20 MRSA § 3745, first and 2nd ¶¶, as enacted by PL 1975, c. 660, § 2, are repealed and the following enacted in place thereof:

The commissioner, with the approval of the State Board of Education, shall also certify annually, prior to February 1st, to the Legislature and the Bureau of the Budget his recommendation for the funding levels recommended for each of paragraphs A to K and M of subsection 1 of section 3744 and for the state's maximum obligation under section 3748, subsection 4.

The requested funding levels for section 3744, subsection 1, paragraphs C, E and F and the requested funding level of the insured value factor and leases under paragraph G shall be computed by adding the actual costs for the first half of the year immediately prior to the year of allocation of funds to the total estimated costs that will be incurred for the 2nd half of the same year. The requested funding levels of section 3744, subsection 1, paragraph

D, shall be computed by estimating the costs of special education tuition and board, excluding medical costs in the year of allocation of funds. The requested funding level of principal and interest payments under section 3744, subsection 1, paragraph G, shall be computed by computing both known obligations and the estimate of anticipated principal and interest costs for the year of allocation of funds. The commissioner shall have the authority to correct errors revealed by audit in administrative units when compiling actual education costs. The commissioner shall have the authority to amend any estimate where he believes such estimate to be unreasonable.

Sec. 24-F. 20 MRSA § 3747, sub-§ 6, last sentence, as enacted by PL 1975, c. 660, § 2, is amended to read:

The Legislature shall appropriate ~~no more than~~ 90% of amounts established for subsection 4 and subsection 3, paragraphs C, D, E and F, subparagraph (1).

Sec. 24-G. 20 MRSA § 3748, sub-§ 1, §§ A and B, as enacted by PL 1975, c. 660, § 2, are repealed and the following enacted in place thereof:

A. Multiply the average number of resident elementary pupils in the unit on April 1st and October 1st of the calendar year immediately prior to the year of allocation, excluding special education tuition pupils, by the basic elementary per pupil operating rate, as established in section 3747. For the calendar year 1975 only, full-time pupils in special education programs operated by the unit shall be excluded from the resident pupil count.

B. Multiply the average number of resident secondary pupils in the unit on April 1st and October 1st of the calendar year immediately prior to the year of allocation, excluding special education tuition pupils, by the basic secondary per pupil operating rate as established in section 3747. For the calendar year 1975 only, full-time pupils in special education programs operated by the unit and full-time pupils, as defined by the commissioner, in vocational education programs shall be excluded from the resident pupil count.

Sec. 24-H. 20 MRSA § 3748, sub-§ 1, § C, sub-¶ (1), 2nd ¶, as enacted by PL 1975, c. 660, § 2, is repealed and the following enacted in place thereof:

Reimbursement for both special education programs operated or contracted for by the administrative unit and for special education tuition and board shall be limited to 90% of the estimated costs, as adjusted by the commissioner, or 90% of the actual expenditures, whichever is less. Special education tuition and board shall be reimbursed in the year of allocation. In no event shall a local unit be responsible for contracted special education tuition and board in an amount greater than \$500 per pupil for any pupil for whom the unit has contracted. Any amount exceeding \$500 per pupil for any pupil shall be entirely reimbursed.

Sec. 24-I. 20 MRSA § 3748, sub-§ 1, § C, sub-¶ (2), last ¶, as enacted by PL 1975, c. 660, § 2, is repealed and the following enacted in place thereof:

Any vocational center shall have the authority to bill its member units in proportion to the number of students served, on October 1st and April 1st of the year immediately prior to the year of allocation, for any reduction in vocational education subsidies. Vocational regions shall have the

same authority to bill vocational centers when there is a reduction in vocational education subsidies. If any bill is not paid within 30 days after submission, the vocational center may appeal to the commissioner under the 3rd paragraph of section 1292.

Sec. 24-J. 20 MRSA § 3748, sub-§ 1, ¶ C, sub-¶ (4), as enacted by PL 1975, c. 660, § 2, is repealed and the following enacted in place thereof:

(4) Debt service. Principal and interest costs for major capital projects approved prior to the effective date of this Act shall be reimbursed in the year of allocation.

Sec. 24-K. 20 MRSA § 3748, sub-§ 2, as enacted by PL 1975, c. 660, § 2, is amended by inserting after the 2nd sentence, the following:

Adjustments to reflect actual expenditures for items in subsection 1 shall be made in the December and June subsidy payments. One-half of the adjustment amount shall be made in December with the remainder distributed during the remaining months of the fiscal year.

Sec. 24-L. 20 MRSA § 3748, sub-§ 3, ¶ A, as enacted by PL 1975, c. 660, § 2, is amended to read:

A. If the administrative unit's average elementary or secondary per pupil operating cost in the base year is less than the basic elementary or secondary per pupil operating rate, the per pupil allocation for elementary or secondary pupils respectively shall be limited to an amount which equals the unit's average per pupil operating costs for the base year, increased by 6% plus an amount equivalent to $\frac{1}{3}$ of the difference between the unit's per pupil elementary or secondary cost for the base year, as adjusted, and the basic elementary or secondary per pupil operating rate respectively.

Sec. 24-M. Effective date. Section 24-L of this Act shall become effective on January 1, 1977.

Sec. 24-N. 20 MRSA § 3748, sub-§ 3, ¶ B, as enacted by PL 1975, c. 660, § 2, is amended to read:

B. If the average elementary or secondary per pupil operating cost for the base year in the unit is above the basic elementary or secondary per pupil operating rate, the per pupil allocation for elementary or secondary pupils respectively shall be frozen at $\frac{1}{2}$ the difference between the basic elementary or secondary per pupil operating rate respectively and the local average elementary or secondary per pupil operating cost respectively expended during the 1973-74 school year or the state elementary or secondary average per pupil allocation respectively, whichever is greater.

Sec. 24-O. 20 MRSA § 3748, sub-§ 3, ¶¶ D and E, the last sentence of paragraph D and the 2nd sentence of paragraph E, as enacted by PL 1975, c. 660, § 2, are amended to read:

In adjusting the allocation under the unit's previous sentence, the amounts subtracted for pupils residing on land under control of the Federal Government, or any agency thereof, or on a Federal Military Reservation shall not exceed $\frac{1}{2}$ of the national average expenditure per pupil, as computed by the Federal Government, times the number of such students in the unit.

The number of pupils in excess of 3% increase shall be multiplied by the appropriate per pupil rate as established in this section ~~3747~~ to determine the allowable adjustment.

Sec. 24-P. 20 MRSA § 3748, sub-§ 4, first sentence, as enacted by PL 1975, c. 660, § 2, is repealed and the following enacted in place thereof:

The legislative body of any administrative unit may, in addition to the unit's allocation under this section, authorize an additional expenditure for either elementary or secondary pupils, or both, not to exceed a local appropriation of 2 mills on the state valuation in effect on July 1st. Such local appropriations shall be divided equally over a 12-month period and shall not exceed a 1/6 mill levy per month for each month in the unit's fiscal year.

Sec. 24-Q. 20 MRSA § 3748, sub-§ 4, first ¶, as enacted by PL 1975, c. 660, § 2, is amended by inserting after the 4th sentence the following:

Administrative units are authorized to establish an "accounts receivable" in anticipation of state aid under this section when the fiscal year closes on June 30th.

Sec. 24-R. 20 MRSA § 3748, sub-§ 4, 2nd ¶, 2nd sentence, as enacted by PL 1975, c. 660, § 2, is amended to read:

The purpose of these ~~fund~~ appropriations is to provide that all administrative units may raise and appropriate at least \$45 per pupil per mill to supplement the adjusted allocations when necessary in the judgment of the local administrative units.

Sec. 24-S. 20 MRSA § 3748, sub-§ 4, 3rd ¶, as enacted by PL 1975, c. 660, § 2, is amended to read:

An article in substantially the following form is to be used when any municipality, School Administrative District or community school district is considering the appropriation of additional local funds under this subsection:

Article : To see what sum the municipality or district will authorize to be expended from optional local appropriations with state participation for school purposes (Recommended \$), and to see if the municipality or district will raise and appropriate the local share of \$

Sec. 24-T. 20 MRSA § 3748, sub-§ 5, as enacted by PL 1975, c. 660, § 2, is amended by adding at the end the following new sentence:

Subsidy for debt service on bonds issued by regional vocational cooperative boards shall be paid directly to the treasurer of the regional vocational board notwithstanding any other section of the statute.

Sec. 24-U. 20 MRSA § 3748, sub-§ 10, first sentence, as enacted by PL 1975, c. 660, § 2, is amended to read as follows:

Notwithstanding any other provision of this chapter, the commissioner shall reimburse 90% of the ~~preceding year's expenditures~~ expenditures of the year immediately prior to the year of allocation reported by any municipality for

providing the transportation of school children to and from schools other than public schools, except such schools as are operated for profit in whole or in part.

Sec. 24-V. 20 MRSA § 3749, sub-§ 3, as enacted by PL 1975, c. 660, § 2, is repealed and the following enacted in place thereof:

3. Effective date. Subsection 1 shall be in effect from July 1, 1976 until June 30, 1977.

Sec. 24-W. Effective date. Sections 24-A to 24-K and sections 24-N to 24-V shall become effective on July 2, 1976.

Sec. 24-X. 20 MRSA § 3750, as enacted by PL 1975, c. 660, § 2, is repealed and the following enacted in place thereof:

§ 3750. Construction project approval limit

No new major capital project shall be approved by the State Board of Education prior to July 1, 1977, except such projects as are judged to be of an absolute emergency nature. Emergency replacements of roofs, boilers or other repairs which are necessary to protect the health and safety of the pupils may be approved. The commissioner is authorized to approve the leasing of space to keep schools open until such time as appropriate school facilities can be constructed. In any event, the authority to approve emergency projects under this section shall be limited to the amount appropriated for the major capital construction fund.

Sec. 24-Y. 20 MRSA §§ 3751 and 3752 are enacted to read:

§ 3751. Special school districts

Debt service on bonds or notes issued by any school district created by private and special law for the purposes of constructing or adding to school buildings, which district is not responsible for operating public schools, shall be included in the school budget of the administrative unit which operates the school or schools constructed by such districts, and the school committee, board of school directors or other board exercising like functions for such administrative unit shall pay to such district all sums necessary to meet the payments of principal and interest on bonds or notes when due and any maintenance or other costs payable by such district. For the purposes of sections 3457 to 3460 and 3753, any school district to which this section is applicable shall be deemed to be an administrative unit.

§ 3752. School budget

All administrative units shall set forth the school budget to include the state and local allocation, maintenance of effort and additional expenditures within the limitations of the statute. A detailed budget document shall be available to the legislative body which has responsibility for final budget approval and to any person residing within the geographical area administered by the administrative unit submitting the budget at least 7 days before the initial meeting of the legislative body to consider the budget document. The budget document shall contain a summary of anticipated revenues and estimated school expenditures for the fiscal year. School budgets in all school administrative units must be adopted on or before June 1st in each year.

Sec. 24-Z. Effective date. Section 24-Y of this Act shall become effective on July 2, 1976.

Sec. 25. 27 MRSA § 90 is enacted to read:

§ 90. Conservation fund

1. Revolving fund. There is established within the Maine State Museum a revolving fund for conservation, within the Maine State Museum Conservation Center, of objects which are of significance to the cultural and environmental heritage of Maine for which a charge is made.

2. Prices and rates. The director is authorized to establish such prices, fees or rates for materials or services provided by the Conservation Center as may be appropriate to assure maintenance of the fund and continuation of conservation activities.

3. Income. Income received from such fees for services or materials, or through contributions, allocations, grants or bequests from private, corporate, institutional and governmental sources for this purpose, shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of subsection 1.

Sec. 25-A. 29 MRSA § 2014, sub-§ 1, as last amended by PL 1975, c. 510, § 39, is repealed and the following enacted in place thereof:

1. Seating. No vehicle shall be operated as a school bus when the number of occupants exceeds the maximum seating capacity of the school bus. To determine the maximum seating capacity of a school bus, the linear width of each pupil seat in inches shall be divided by 13 and rounded down to the nearest whole number. The sum of these rounded down quotients is the maximum seating capacity of that individual school bus and shall be so indicated just to the rear of the right front door. There shall be no auxiliary seating accommodations such as temporary or folding seats. Effective September 1, 1977, seating shall be provided that will permit each occupant to sit in a forward facing position.

Sec. 26. 29 MRSA § 2019, sub-§ 1, last sentence, as enacted by PL 1975, c. 430, § 47, is repealed.

Sec. 27. 29 MRSA § 2019, as enacted by PL 1973, c. 780, § 4 and as repealed and replaced by PL 1975, c. 510, § 41, is amended by adding a new subsection 5 to read:

5. Penalty. Any such operator who fails to comply with this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 90 days, or by both.

Sec. 27-A. PL 1975, c. 660, last paragraph is amended to read:

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1976, except sections 3 and 5 and section 3750 of Title 20 of section 2 of this Act which shall become effective ~~when approved~~ July 2, 1976, and except section 3748, subsection 4, last paragraph

of section 2 of this Act which shall become effective July 1, 1977. Sections 6 to 10 of this Act shall take effect when approved.

Emergency clause. This Act shall become effective when approved except as otherwise indicated.

Effective April 12, 1976

CHAPTER 747

AN ACT Providing for Protective and Supportive Services for Mentally Retarded Persons.

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

Sec. 1. 34 MRSA § 2061, as enacted by P.L. 1967, c. 535, § 1, is repealed and the following enacted in place thereof:

§ 2061. Bureau of Mental Retardation

There is established within the Department of Mental Health and Corrections a Bureau of Mental Retardation which shall be responsible for:

1. Institutions. The direction of mental retardation programs in the institutions of the department;

2. Community based services. Ensuring that mentally retarded persons residing in any community residential facility including nursing homes, boarding homes, foster homes, group homes or halfway houses licensed by the Department of Human Services are provided with, insofar as possible, residential accommodations and access to habilitative services appropriate to their needs but not replacing or limiting the right to treatment by spiritual means alone through prayer if such is requested by the patient, or by his next of kin or guardian;

3. State-wide system. The planning, promotion, coordination and development of a complete and integrated state-wide system of mental retardation services; and

4. Liaison. Serving as liaison, coordinator and consultant to the several state departments in order to develop the state-wide system of mental retardation services.

Sec. 2. 34 MRSA § 2062, as enacted by P.L. 1967, c. 535, § 1, is repealed and the following enacted in place thereof:

§ 2062. Director of Mental Retardation