

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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 AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
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CHAPTER 298

AN ACT to Adjust the Civil Process Fees and Travel Allowances for Deputy Sheriffs.

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

Sec. 1. 30 MRSA § 1051, sub-§ 1, is amended to read:

1. **Civil process.** For service of all writs or complaints with summons, precepts, notices, executions, court orders, orders of service, copies and all other civil process or papers requiring service which are not specifically hereinafter enumerated, they shall receive therefor ~~§3~~ \$4 for each such service and ~~§5~~ \$7 if such service is required to be made in hand;

Sec. 2. 30 MRSA § 1051, sub-§ 11 is repealed and the following enacted in its place:

11. **Travel.** In addition to the fees so charged for service, travel shall be charged for each mile actually traveled at the same rate at which state employees are reimbursed under Title 5, section 8.

Effective October 24, 1977

CHAPTER 299

AN ACT to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems.

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

20 MRSA §§ 4, 5 and 6 are enacted to read:

§ 4. State responsibility for public education

In accordance with the Constitution of Maine, Article VIII, the Legislature is directed to enact such laws as are necessary to assure that all school administrative units make suitable provision for the support and maintenance of the public schools. It is the intent of the Legislature that every person within age limitations prescribed by state statutes be provided an opportunity to receive the benefits of a free public education.

§ 5. Local control of public education

It is the intent of the Legislature that the control and management of the public schools be vested in the legislative and governing bodies of the several local school administrative units, so long as those units are in compliance with appropriate state statutes.

§ 6. Compliance

1. State aid withheld; notice; Attorney General.

A. The commissioner is authorized to withhold state aid from an administrative unit in order to assure compliance with reporting requirements prescribed under this Title.

B. The withholding of aid may only be undertaken after due notice is given to the appropriate school officials and may only continue for so long as it is necessary to achieve compliance with the law.

C. Whenever compliance with the administrative and reporting requirement cannot be achieved by the withholding of state aid, the commissioner is authorized to refer the matter to the Attorney General who shall take such action as he deems necessary to achieve compliance.

2. Complaint; adoption of rules and regulations.

A. A formal complaint alleging that a school administrative unit is not in compliance with the program requirements set forth in this Title or set forth in the rules and regulations adopted by the department under authority granted in this Title shall be filed with the commissioner pursuant to the procedures set forth in section 102, subsection 12.

B. Only those rules and regulations adopted for use by the department as authorized by this Title which were adopted in the manner set forth in section 3132 shall be subject to this section.

3. Probable cause; state board hearing; Attorney General.

A. If the commissioner finds that probable cause for the complaint exists, he shall refer the complaint to the State Board of Education for a public hearing.

B. The commissioner, on behalf of the board, shall notify the administrative unit of the date of the hearing and:

(1) At the hearing all parties shall have the right to testify, present witnesses, cross-examine witnesses, introduce evidence and be represented by counsel; and

(2) The board shall make findings of fact on the specific charges in the complaint and shall decide whether there are reasonable grounds to believe that a unit is in noncompliance.

C. If the board decides there are reasonable grounds to believe that a unit is in noncompliance, the commissioner shall refer the matter to the Attorney General, who shall take such action as he deems necessary to achieve compliance.