

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
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A delegation by a court appointed guardian shall become effective only when the power of attorney is filed with the court.

Sec. 18. 18-A MRSA § 5-304, as enacted by PL 1979, c. 540, § 1, is amended by adding at the end a new paragraph to read:

In its order, the court may make separate findings of fact and conclusions of law. If a party requests separate findings and conclusions, within 5 days of notice of the decision, the court shall make them.

Sec. 19. 18-A MRSA § 5-307, sub-§ (b), first 2 sentences, as enacted by PL 1979, c. 540, § 1, are amended to read:

~~An order adjudicating incapacity may specify a minimum period, not exceeding one year, during which no petition for an adjudication that the ward is no longer incapacitated may be filed without special leave. Subject to this restriction, the~~ **The** ward or any person interested in his welfare may petition for an order that he is no longer incapacitated, and for removal or resignation of the guardian.

Sec. 20. 18-A MRSA § 5-410, sub-§ (c) is enacted to read:

(c) A facility or institution licensed under Title 22, section 1817, or an owner, proprietor, administrator, employee or other person with substantial financial interest in the facility or institution, may not act as conservator of the estate of a resident of that facility or institution, unless he is entitled to appointment under subsection (a), paragraphs (3), (4), (5) or (6).

Sec. 21. Effective date. This Act shall take effect on January 1, 1981.

Effective January 1, 1981

CHAPTER 691

H. P. 1965 — L. D. 2011

AN ACT to Clarify the Education Laws.

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

Sec. 1. 20 MRSA § 304, 2nd sentence, as amended by PL 1967, c. 224, § 2, is further amended to read:

To procure funds for capital outlay purposes, as defined in section 3457, **or for school construction projects, as defined in section 3471**, the school directors of said district are authorized to issue bonds and notes of the district.

Sec. 2. 20 MRSA § 372, sub-§ 2, ¶ E, as enacted by PL 1979, c. 482, § 3, is amended to read:

E. ~~Vacancies~~ **A vacancy**, whether caused by death, by resignation or by being absent from the member towns for more than 90 days, shall be filled by appointment by the municipal officers of the towns which the former trustee represented until a successor trustee is elected for the unexpired term, if any, at the next annual town meeting in that town.

Sec. 3. 20 MRSA § 372, sub-§ 6, as enacted by PL 1979, c. 482, § 3, is amended to read:

6. Operation of schools; initial budget; assignment of contracts.

A. At the start of the school year, as declared by the State Board of Education in section 371, subsection 2, paragraph C, subparagraph (2), the district shall become operative and the school committee shall assume the sole management and control of the operation of all the public schools within the district for the authorized grade levels including the adoption of bylaws and an official seal.

B. Notwithstanding paragraph A, the school committee shall be responsible for preparing and submitting a budget to the voters, as authorized by section 379, prior to the start of the first school year.

C. At the start of the school year referred to in paragraph A, the contracts between the municipalities within the district and all teachers shall automatically be assigned to the district and the district shall be responsible for assigning the teachers to their duties and making payments upon their contract. Similarly, the contracts between the superintendents of schools and any of the municipalities within the district shall automatically be assigned to the district and the superintendent's duties with regard to the district shall be determined by the school committee and the district shall pay thereafter the proportionate part of the superintendent's salary that the municipality or municipalities were liable to pay.

Sec. 4. 20 MRSA § 373, sub-§ 2, § A, as enacted by PL 1979, c. 482, § 3, is repealed and the following enacted in its place:

A. A vacancy, whether caused by death, by resignation or by being absent from the member town for more than 90 days, shall be filled by the school committee of the town in which the vacancy occurs.

Sec. 5. 20 MRSA § 476, as last amended by PL 1979, c. 218, § 1, is further amended to read:

§ 476. Applicability of provisions to certain towns or cities

Sections 471 and 472 shall not apply to cities or towns whose charters specify the

methods of selection and term of office a ~~superintending~~ school committee or board of education; nor to towns, cities and incorporated districts authorized by private and special laws to choose school committees other than those herein provided for.

Sec. 6. 20 MRSA § 805, as last repealed and replaced by PL 1975, c. 746, § 10-A, is amended to read:

§ 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 and by **The Education of all Handicapped Children Act, P. L. 94-142.**

Sec. 7. 20 MRSA § 911, sub-§ 1, ¶ B is enacted to read:

B. If a child has fulfilled the requirements under paragraph A, subparagraphs (1) and (2) and has been denied permission to leave school by the local school committee or board of directors, the child may file an appeal with the commissioner.

Sec. 8. 20 MRSA § 911, sub-§ 2, as enacted by PL 1979, c. 475, § 1, is repealed.

Sec. 9. 20 MRSA § 1281, last ¶, as amended by PL 1971, c. 610, § 22, is further amended to read:

Notwithstanding any other provision of this Title, the ~~Commissioner of Educational and Cultural Services~~ **commissioner** shall give basic approval under this section for attendance **and tuition** purposes to any nonpublic secondary school which is accredited by the New England Association of Colleges and Secondary Schools; and for tuition purposes to any nonpublic secondary boarding school which is so accredited.

Sec. 10. 20 MRSA § 2277, sub-§ 2, **first sentence**, as enacted by PL 1977, c. 703, § 6, is amended to read:

This plan is to include the development of a coordinated mechanism for the administration of the compact, the projected number of student spaces needed and projected costs ~~over the next 10 years~~ in all professional health fields, recommendations for the future need of the professional health program covered by this chapter, the development of sites for student clinical training, the percentage of the total amount expended for the purchase of the space at the contract schools that will return with the student undertaking clinical education in Maine, development of incentives to practice in primary care and underserved areas and recommendation for utilizing contract funds to provide assistance to Maine residency programs.

Sec. 11. 20 MRSA § 2278, as last repealed and replaced by PL 1977, c. 703, § 7, is amended to read:

§ 2278. **Nonlapsing fund; Grant-Loan Scholarship Revolving Account**

1. **Nonlapsing fund.** It is the intent of the Legislature that any unexpended money appropriated by the Legislature under section 2276 shall not lapse, but shall be carried to the following year to be expended by the department for this purpose, **for tuition grants** or for the support of primary care residency programs in Maine, particularly for the development of practice sites in underserved areas. It is further the intent of the Legislature to establish a revolving Grant-Loan Scholarship Fund and moneys returned to the State shall not be deposited in the General Fund, but shall be deposited in the Grant-Loan Scholarship Revolving Account, to be expended for this purpose, **for tuition grants** or for the support of primary care residency programs in Maine, particularly for the development of practice sites in underserved areas.

Sec. 12. 20 MRSA § 2351 is amended by adding at the end a new paragraph to read:

The State appoints the state board as the state agency responsible for the administration of the programs set forth in The Vocational Education Act of 1963, as amended by the education amendments of 1976, P. L. 94-482.

Sec. 13. 20 MRSA § 2356-A, sub-§ 5, **first sentence**, as repealed and replaced by PL 1977, c. 205, § 2, is amended to read:

There shall be an advisory committee responsible for coordinating vocational education in **any all vocational center operating as of 1972 centers.**

Sec. 14. 20 MRSA § 2356-A, sub-§ 7, as repealed and replaced by PL 1977, c. 205, § 2, is amended to read:

7. **Transportation.** Transportation shall be provided by the sending units in the ~~14 existing~~ regional centers and for any satellite programs which may subsequently be adopted.

Sec. 15. 20 MRSA § 2356-G, sub-§ 1, **Region 5, relating to HANCOCK COUNTY**, as repealed and replaced by PL 1977, c. 205, § 8, is repealed.

Sec. 16. 20 MRSA § 2553, as enacted by PL 1977, c. 229, is amended to read:

§ 2553. **Federal contact agent**

The commissioner shall be the state agent to be contacted by the ~~National Fire Prevention and Control Administration~~ **United States Fire Administration** relative to matters dealing with the Federal Fire Prevention and Control Act of 1974, P. L. 93-498.

Sec. 17. 20 MRSA § 3303 is enacted to read:

§ 3303. **Available funds**

Funds made available to the department from state, federal or other source shall not lapse at the end of a fiscal year but shall be carried forward to the next fiscal year for a period of 90 days to be used for the purposes set forth in this chapter.

Sec. 18. 20 MRSA § 3471, sub-§ 2, ¶ E, sub-¶ (1), as enacted by PL 1979, c. 260, is amended to read:

(1) In a town or city where the responsibility for final adoption of the school budget is vested in a town or city council by municipal charter, or in a town meeting, the election shall be conducted in accordance with ~~Title 30, sections 2061 to 2065~~ the appropriate provisions set forth in Title 21 and Title 30.

Sec. 19. 20 MRSA § 4747, sub-§ 7, as enacted by PL 1977, c. 625, § 8, is amended to read:

7. **Appropriation for unusual enrollment.** Appropriate the necessary funds for the ~~contingent~~ contingent account for unusual enrollment adjustments established by section 4749, subsection 4;

Sec. 20. 20 MRSA § 4756, as enacted by PL 1977, c. 625, § 8, is repealed.

Sec. 21. 20 MRSA § 4756-A is enacted to read:

§ 4756-A. **Actions on budget**

1. **Checklist required.** Prior to the articles dealing with school appropriations being voted upon, the moderator of each regular or special school budget meeting shall require the clerk or secretary to make a checklist of the registered voters present. The number of voters listed on the checklist shall be conclusive evidence of the number present at the meeting as referred to in subsection 3.

2. **Reconsideration.**

A. In administrative units where the school budget is finally approved by the voters, a special budget meeting to reconsider action taken on the budget may only be called in the manner set forth in this subsection notwithstanding any other law.

(1) Special budget meetings to reconsider action may only be held within 30 days of the regular budget meeting.

(2) A special budget meeting to reconsider action taken at the regular budget meeting in a School Administrative District or community school district may only be called by the board of directors, or the school committee, or as follows:

- (a) Ten percent of the voters voting in the last gubernatorial election in member towns of a School Administrative District, or community school district, or 100 voters, whichever is less, shall present a signed petition within 15 days of the regular budget meeting to the board of directors, or school committee, specifying the article or articles to be reconsidered; and
 - (b) Upon receiving the petition, the board of directors, or the school committee, shall call the special reconsideration budget meeting to be held within 15 days of the date when the petition was received.
- (3) A special budget meeting to reconsider action taken at the regular budget meeting shall be called by the municipal officers in a municipality:
- (a) Within 15 days after receipt of a request from the school committee provided the request is received within 15 days of the budget meeting and it specifies the article or articles to be reconsidered; or
 - (b) Within 15 days after receipt of a petition presented in accordance with Title 30, section 2065 provided the petition is received within 15 days of the budget meeting and it specifies the article or articles to be reconsidered.

3. Invalidation of action of a special reconsideration budget meeting. Whenever a special budget meeting is called to reconsider action taken at a regular budget meeting, the actions of the meeting shall be invalid if the number of voters present at the special budget meeting is less than the number of voters present at the regular budget meeting.

4. Line item transfers. Meetings requested by school committees or school directors for the purpose of transferring funds from one category or line item to another shall be posted for voter or council action within 15 days of the date of the request.

Sec. 22. 29 MRSA § 2017, as repealed and replaced by PL 1975, c. 29, is amended to read:

§ 2017. School bus inspection

Notwithstanding ~~section 2122~~ **chapter 22**, every school bus as defined in section 2011 shall be submitted to an official inspection station designated by the Chief of the State Police as a school bus inspection station, during the months of August and February of each year for the purpose of complying with ~~section 2122~~ **this chapter** concerning adjustment and sufficiency of the required equipment. School buses requiring inspection during any month other than August and February, which satisfy the inspection requirements, shall be issued the school bus inspection sticker which will expire the following August or February, whichever is earlier. The operator of any official school bus inspection station, or his agent, shall conduct the inspection of school buses presented to him for that purpose in accordance with ~~section 2122~~ **chapter 22** and with the rules and regulations

promulgated thereunder, for which he shall receive a fee of \$4 for each school bus inspected, this sum not to include labor or material used in correction of faults in such school buses.

Effective July 3, 1980

CHAPTER 692

H. P. 1636 — L. D. 1745

AN ACT to Provide for Per Diem Compensation for Active Retired Judges.

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

Sec. 1. 4 MRSA § 6-B is enacted to read:

§ 6-B. Per diem compensation for Active Retired Justices of the Supreme Judicial Court

Any Active Retired Justice of the Supreme Judicial Court, who performs judicial service at the direction and assignment of the Chief Justice of the Supreme Judicial Court, shall be compensated for those services at the rate of \$50 per day or \$30 per 1/2 day, provided that the total per diem compensation and retirement pension received by an Active Retired Justice of the Supreme Judicial Court in any calendar year may not exceed the annual salary of a Justice of the Supreme Judicial Court.

Sec. 2. 4 MRSA § 104-A is enacted to read:

§ 104-A. Per diem compensation for Active Retired Superior Court Justices

Any Active Retired Justice of the Superior Court, who performs judicial service at the direction and assignment of the Chief Justice of the Supreme Judicial Court, shall be compensated for those services at the rate of \$50 per day or \$30 per 1/2 day, provided that the total per diem compensation and retirement pension received by an Active Retired Justice of the Superior Court in any calendar year may not exceed the annual salary of a Justice of the Superior Court.

Sec. 3. 4 MRSA § 157-B, last sentence, as enacted by PL 1973, c. 417, § 3 is amended to read:

An Active Retired Judge ~~shall not receive any compensation in addition to the compensation upon retirement provided in section 157-A but~~ he shall receive reimbursement for his expenses actually and reasonably incurred in the performance of his duties.

Sec. 4. 4 MRSA § 157-B, as amended by PL 1975, c. 771, § 20, is further amended by adding at the end the following new paragraph: