

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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Be it enacted by the People of the State of Maine, as follows:

15 MRSA § 3307, sub-§ 2, as last amended by PL 1979, c. 681, § 19, is further amended to read:

2. Certain hearings public.

A. The general public shall not be excluded from any proceeding on a juvenile crime that would constitute murder or a Class A, Class B or Class C crime if the juvenile involved were an adult **or from any proceeding on a juvenile crime that would constitute a Class D crime if the juvenile involved were an adult, and it is the 2nd or subsequent Class D crime for that juvenile not arising from the same underlying transaction**, or from any subsequent dispositional hearings in such cases.

B. The general public shall be excluded from all other juvenile hearings and proceedings, except that a juvenile charged with a juvenile crime that would constitute murder or a Class A, Class B or Class C offense and with a juvenile crime that would constitute a **juvenile's first Class D offense** or Class E offense or with conduct described in section 3103, subsection 1, ~~paragraphs~~ **paragraph** B, C, D or E, arising from the same underlying transaction may elect to have all charges adjudicated in one hearing, and, where a juvenile does so elect, the general public shall not be excluded from that hearing.

Effective September 18, 1981

CHAPTER 362

H. P. 1385 — L. D. 1562

AN ACT to Allow Out-of-State Credit for Teachers Entering the Retirement System on or After January 1, 1976.

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

5 MRSA § 1094, sub-§ 12, ¶ B, 2nd ¶, as enacted by PL 1975, c. 622, § 34, is repealed.

Effective September 18, 1981

CHAPTER 363

H. P. 1454 — L. D. 1593

AN ACT Concerning Secondary Vocational Education.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the proposed legislation allows individual regions and centers to change their governance and cost-sharing formulas; and

Whereas, the proposed legislation potentially changes the administrative status of the vocational administrator in vocational centers; and

Whereas, these changes should take place before the start of a fiscal year; 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. 20 MRSA § 51, sub-§ 3, ¶ B, as enacted by PL 1971, c. 610, § 4, is amended to read:

B. It shall be the responsibility of the State Board of Education to exercise the following specific powers and to perform the following duties in accordance with the statutes: Make recommendations to the Legislature for the efficient conduct of the public schools of the State; approve the formation of School Administrative Districts; establish, maintain and operate state technical and vocational institutes and schools of practical nursing; act upon applications for additions to and dissolution of School Administrative Districts; establish requirements for approval and accreditation of elementary and secondary schools; adjust subsidy to an administrative unit when the expenditures for education in such unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive; grant permission for administrative units to enter into agreements for cooperative educational purposes; act upon articles of agreement for creation of an Interstate School District; develop and adopt a plan for the establishment of regional technical and vocational centers; approve standards for school construction; approve projects for state construction aid; approve the formation of community school districts; approve isolated secondary schools; obtain information regarding applications for granting degrees and make a recommendation to the Legislature; recommend funds to the Bureau of the Budget for equalization of educational opportunity; establish a student loan insurance program; serve as state agency for administering federal funds and; serve as an appeals board for unclassified personnel; and act upon applications to alter the meaning of delivering vocational education within vocational regions and vocational center areas.

Sec. 2. 20 MRSA § 2351-A, sub-§§ 3 and 4 are enacted to read:

3. Budget failure. "Budget failure" means a budget that is less than the sum

of the state allocations for vocational education to the member administrative units in the region.

4. **Representative grouping.** "Representative grouping" means a representative group to which each administrative unit is assigned to provide for equitable representation on a cooperative board. A representative grouping may consist of one administrative unit or several small units within the vocational region.

Sec. 3. 20 MRSA §§ 2355-A and 2355-B are enacted to read:

§ 2355-A. **Powers and duties of the State Board of Education**

1. **State plan.** The State Board of Education shall approve or disapprove the state plans for vocational education.

2. **Center and region plans.** The board shall approve center and region plans for vocational education. The plans shall include:

- A. A survey of the educational needs;
- B. A survey of employment opportunities;
- C. A description of the programs to be offered; and
- D. A description of the areas and locations to be served.

3. **Boundaries of centers and regions.** The board:

A. Shall have the final authority to define the boundaries of vocational regions and centers; and

B. May, in accordance with the procedures established in section 2355-B, approve:

- (1) Changes in existing boundaries;
- (2) Changes in the status of a center to a region or a region to a center;
- (3) The dissolution of existing regions and centers;
- (4) The creation of new regions or centers; and
- (5) The creation of alternative methods of delivering vocational education.

§ 2355-B. **Procedures for changing existing methods for the delivery of vocational education**

1. **Development of a plan.** The governing body of one or more school

administrative units, or the commissioner, may prepare a plan for reorganizing the delivery of vocational education in an existing vocational region or an area served by a vocational center. The plan shall:

- A. Describe the problem with the existing method of delivering vocational education in the region or vocational area;
- B. Present an alternative method of delivering vocational education;
- C. Present a method for the disposal of any joint property and indebtedness;
- D. Provide, through the governing body responsible for the delivery of vocational education, for a minimum of 2 public hearings; and
- E. Provide any other information requested by the board.

2. State Board of Education approval. The board:

A. Shall request the commissioner to:

- (1) Assess the impact of the plan on the delivery of vocational education in the vocational region or center area involved;
- (2) Assess the fiscal impact on the State; and
- (3) Submit a written report of his findings to the board. In his report, the commissioner may suggest revisions to the plan or an alternative plan; and

B. May request additional information from the region or center involved or individual school administrative units within these regions or center areas.

3. Approval of plan; public hearing. If the plan is approved by the board, the school administrative unit or units requesting the change shall hold a public hearing in their unit or units to present the plan. The vocational director and the cooperative board of a vocational region, or the vocational director, advisory committee and governing body of a vocational center shall be invited to participate at the public hearing or hearings.

4. Referendum. After the public hearing, the school committee or board of directors of the school administrative unit or units requesting a change shall submit the proposal to the voters in their school administrative unit or units in accordance with the relevant provisions for holding elections in section 225 and in Title 21 and 30.

5. Voter approval; certificate of approval. If approved by a 2/3 vote of the votes cast in each school administrative unit requesting the change, the board shall issue a certificate of approval.

Sec. 4. 20 MRSA § 2356-A, sub-§ 2, as repealed and replaced by PL 1977, c. 205, § 2, is repealed.

Sec. 5. 20 MRSA § 2356-A, sub-§ 5, as amended by PL 1979, c. 691, § 13, is further amended by adding at the end 4 new sentences to read:

The advisory committee may develop a cooperative agreement which shall delineate the duties and powers of the advisory committee and devise a formula for sharing costs. The agreement is subject to ratification by all of the school committees or boards of directors of the participating administrative units. This agreement shall be reviewed annually, with a copy being submitted to the commissioner. The cost-sharing formula shall pertain to the cost of vocational education programs which exceed expenditures made for those programs in the base year.

Sec. 6. 20 MRSA § 2356-A, sub-§ 6, as repealed and replaced by PL 1977, c. 205, § 2, is repealed and the following enacted in its place:

6. Local director of vocational education. The administrative unit operating a vocational center shall employ on the staff of the center a local director of vocational education.

A. The director shall meet such qualifications as may be prescribed by the State Board of Education.

B. The director shall serve as chief administrative officer of the center and its satellites and have all the authority and obligations of a secondary school principal in the school administrative unit operating the center.

Sec. 7. 20 MRSA § 2356-G, sub-§ 1, last ¶, as repealed and replaced by PL 1975, c. 513, § 10, is repealed.

Sec. 8. 20 MRSA § 2356-G, sub-§ 2 as repealed and replaced by PL 1975, c. 513, § 10, is repealed.

Sec. 9. 20 MRSA § 2356-G, sub-§ 3, 3rd ¶, as amended by PL 1977, c. 205, § 10, is further amended by adding after the 2nd sentence a new sentence to read:

At least one person in a representative grouping within a vocational region shall be a member of a school committee or board of directors of a school administrative unit within the representative grouping.

Sec. 10. 20 MRSA § 2356-G, sub-§ 6, as last amended by PL 1979, c. 387, § 2, is further amended by adding after the first paragraph a new paragraph to read:

The cooperative board may select either the referendum method provided in section 225, the regular budget approval method outlined in this subsection or the district meeting outlined in paragraph B for submitting the budget to the member

units of the region. The first district budget vote shall be held before July 1st after the effective date of this paragraph. The cooperative board shall submit their revised budgets for a vote on or before August 1st of each year.

Sec. 11. 20 MRSA § 2356-G, sub-§ 7, as enacted by PL 1975, c. 513, § 10, is amended by adding at the end a new paragraph to read:

For the purpose of appropriating money to repay bonds, each school administrative unit shall include as part of the debt service portion of its regular school budget an amount sufficient to cover that school administrative unit's share of debt service. Debt service shall not be included in the vocational region's budget article.

Sec. 12. 20 MRSA § 2356-G, sub-§§ 11 and 12 are enacted to read:

11. Budget failure. The following provisions apply in the event of a budget failure.

A. If a budget failure exists after August 1st, the cooperative board shall submit to the State Board of Education a financial statement with an operational plan indicating how the program will be phased out or reorganized.

B. When a budget failure exists, the State shall pay directly to the cooperative board the sum of each unit's state share of the vocational education allocation of the units within the region.

C. If a budget failure exists after June 30th, the cooperative board may expend balances and available revenues.

D. The cooperative board may borrow funds not to exceed 50% of the anticipated state allocation. Such borrowing shall be repaid within the same fiscal year.

12. Sale of vocational region capital assets. The following provisions apply to the sale of vocational region capital assets.

A. Vocational regions may, in case of a shutdown, sell buildings and equipment owned by the vocational region when the sale is approved by the State Board of Education.

B. The proceeds of the sale shall first be used to reduce any outstanding indebtedness.

C. Any remaining receipts shall be used to meet outstanding obligations.

D. Any remaining surplus shall be returned to the Department of Educational and Cultural Services.

Emergency clause. In view of the emergency cited in the preamble, this Act

shall take effect July 1, 1981, except for section 9 which shall take effect July 1, 1982.

Effective July 1, 1981, unless otherwise indicated

CHAPTER 364

H. P. 118 — L. D. 152

AN ACT Providing for Administrative Changes in the Tax Laws.

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

Sec. 1. 10 MRSA § 952, sub-§ 6, first sentence, as enacted by PL 1977, c. 531, § 1, is amended to read:

It shall not declare or pay any dividends to its shareholders during its first 5 years of operation and thereafter any dividends shall be paid only on common stock whose holders are not using the credit for investment in the Maine Capital Corporation allowed under Title 36, ~~sections 5129, 5167 or 5202~~ section 5216.

Sec. 2. 12 MRSA § 1601, 4th paragraph, as enacted by PL 1979, c. 646, § 1, is amended to read:

By January 5th, annually, the ~~Commissioner of Conservation~~ Governor shall submit to the Legislature his written estimate of a bill stating the total anticipated costs of the Maine Forestry District for the next fiscal year. By ~~April 1st~~ May 1st, the Legislature shall determine the amount to be raised for the next fiscal year by the Maine Forestry District tax.

Sec. 3. 36 MRSA c. 1, as amended, is repealed.

Sec. 4. 36 MRSA cc. 3 and 4, as amended, are repealed.

Sec. 5. 36 MRSA § 111, sub-§ 5, as enacted by PL 1979, c. 378, § 2, is repealed and the following enacted in its place:

5. Tax. "Tax" means the total amount required to be paid, withheld and paid over, or collected and paid over with respect to estimated or actual tax liability under this Title, including any interest or civil penalty relating thereto.

Sec. 6. 36 MRSA § 111, sub-§ 7 is enacted to read:

7. Taxpayer. "Taxpayer" means any person required to file a return under this Title or to pay, withhold and pay over or collect and pay over any tax imposed by this Title.