

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

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

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

CHAPTER 693

S.P. 897 - L.D. 2042

AN ACT to Revise the Education Laws.

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

Sec. 1. 20 MRSA §§1 - 1196, as amended, are repealed.

Sec. 2. 20 MRSA §1222 is repealed.

Sec. 3. 20 MRSA §§1231 - 3456, as amended, are repealed.

Sec. 4. 20 MRSA §§3471 - 4758, as amended, are repealed.

Sec. 5. 20-A MRSA is enacted to read:

TITLE 20-A

EDUCATION

PART 1

GENERAL PROVISIONS

CHAPTER 1

GENERAL PROVISIONS

§1. Definitions

As used in this Title, unless the context indicates otherwise, the following terms have the following meanings.

1. Adult education. "Adult education" means education programs primarily operated for individuals beyond the compulsory school ages and administered by school administrative units.

2. Approved private school. "Approved private school" means a private school approved for attendance purposes under chapter 117.

3. Board of directors. "Board of directors" means the

governing body with statutory powers and duties for a school administrative district.

4. Commissioner. "Commissioner" means the Commissioner of Educational and Cultural Services or the commissioner's designee.

5. Community school district. "Community school district" means a state-approved unit of school administration composed of more than one municipality or school administrative district which may provide public education for any combination of kindergarten through grade 12.

6. Cooperative board. "Cooperative board" means the governing body with statutory powers and duties for a vocational region.

7. Department. "Department" means the Department of Educational and Cultural Services.

8. District board of trustees. "District board of trustees" means a body with statutory powers and duties for a community school district.

9. District school committee. "District school committee" means the governing body with statutory powers and duties for a community school district.

10. Elementary school. "Elementary school" means that portion of a school that provides instruction in any combination of kindergarten through grade 8.

11. Elementary student. "Elementary student" means a student enrolled in an elementary school.

12. Exceptional student. "Exceptional student" is defined in section 7001.

13. Financial definitions. "Financial definitions" is defined in section 15503.

14. Joint committee. "Joint committee" means the governing body with statutory powers and duties for implementing a contract for secondary education under chapter 115.

15. Kindergarten. "Kindergarten" means a one-year or 2-year childhood education program immediately prior to grade one.

16. Local allocation. "Local allocation" is defined in section 15503, subsection 12.

17. Major capital costs. "Major capital costs" is defined in section 15503, subsection 13.

18. Minor capital costs. "Minor capital costs" is defined in section 15503, subsection 14.

19. Municipal school unit. "Municipal school unit" means a state-approved unit of school administration composed of a single municipality.

20. Parent. "Parent" means a parent, guardian or legal guardian.

21. Principal. "Principal" means the person who supervises the operation and management of a school and school property as determined necessary by the superintendent under policies established by the school board.

22. Private school. "Private school" means an academy, seminary, institute or other private corporation or body formed for educational purposes covering kindergarten through grade 12 or any portion thereof.

23. Private school approved for tuition purposes. "Private school approved for tuition purposes" means a private school approved for the receipt of public funds under sections 2951 to 2955.

24. Public school. "Public school" means a school that is governed by a school board of a school administrative unit and funded primarily with public funds.

25. School administrative district. "School administrative district" means a state-approved unit of school administration, composed of one or more municipalities which must provide public education to all public school students in the district.

26. School administrative unit. "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school administrative district, community school district or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools.

27. School agent. "School agent" means an individual appointed by the commissioner to serve in the capacity of a superintendent.

28. School board. "School board" means the governing body with statutory powers and duties for a school adminis-

trative unit.

29. School committee. "School committee" means the governing body with statutory powers and duties for a municipal school unit.

30. School construction project. "School construction project" is defined in section 15901, subsection 4.

31. School union. "School union" means a union composed of school administrative units joined for the purpose of providing joint administrative services, including a joint superintendent.

32. Secondary school. "Secondary school" means that portion of a school that provides instruction in any combination of grades 9 through 12.

33. Secondary student. "Secondary student" means a student enrolled in a secondary school.

34. Special school district. "Special school district" means a school district created by private and special law for the purpose of constructing or adding to school buildings, but which does not have the authority or responsibility for operating public schools.

35. State allocation. "State allocation" is defined in section 15503, subsection 20.

36. State board. "State board" means the State Board of Education.

37. State and local allocation. "State and local allocation" is defined in section 15503, subsection 21.

38. Subdistrict. "Subdistrict" means a geographic area which is a subdivision of a school administrative district for election purposes.

39. Superintendent. "Superintendent" means the person in a school administrative unit or school union appointed and having the authority and responsibility under this Title and other applicable statutes.

40. Union committee. "Union committee" means the governing body with statutory powers and duties for a school union.

41. Union school. "Union school" means a school operated by adjoining municipal school units under a joint

agreement.

42. Vocational center. "Vocational center" is defined in section 8301, subsection 3.

43. Vocational education. "Vocational education" is defined in section 8301, subsection 4.

44. Vocational region. "Vocational region" is defined in section 8301, subsection 5.

45. Vocational satellite program. "Vocational satellite program" is defined in section 8301, subsection 4.

§2. Policy on public education

The state policy on public education is as follows.

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

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

§3. Administrative procedures

The adopting of rules, conducting of adjudicatory hearings and issuing of licenses by the state board, department or commissioner shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, except as specified in this Title.

§4. Rule of construction

Notwithstanding Title 1, section 71, subsection 7, words of the masculine gender do not include the feminine gender, except when they are part of an occupational title.

CHAPTER 3
DEPARTMENT OF EDUCATIONAL
AND CULTURAL SERVICES

SUBCHAPTER I

DEPARTMENT ADMINISTRATION

§201. Purpose of the department

The Department of Educational and Cultural Services is established to:

1. Supervise public education. Supervise, guide and plan for a coordinated system of public education for all citizens of the State;

2. Interrelation with other programs. Interrelate public education with other social, economic, physical and governmental activities, programs and services;

3. Cultural services. Provide for a coordinated, integrated system of cultural resources programs and projects;

4. Advancement of education. Encourage and stimulate public interest in the advancement of education; and

5. Cultural and historical heritage. Support cultural and historical heritage institutions and activities of the State at both the state and local level.

§202. Department organization

The department shall include the following:

1. State Board of Education. The State Board of Education;

2. Maine Education Council. The Maine Education Council;

3. Maine State Commission for Higher Education Facilities. The Maine State Commission for Higher Education Facilities;

4. Maine Representatives to the New England Board of Higher Education. The Maine Representatives to the New England Board of Higher Education;

5. Maine School Building Authority. The Maine School

Building Authority;

6. Governor Baxter School for the Deaf. The Governor Baxter School for the Deaf;

7. Maine State Commission on the Arts and the Humanities. The Maine State Commission on the Arts and the Humanities;

8. Arts and Humanities Bureau. The Arts and Humanities Bureau;

9. Maine State Museum Commission. The Maine State Museum Commission;

10. Maine State Museum Bureau. The Maine State Museum Bureau;

11. State Historian. The State Historian;

12. Maine State Library. The Maine State Library;

13. Maine State Library Bureau. The Maine State Library Bureau;

14. Maine Historic Preservation Commission. The Maine Historic Preservation Commission;

15. Bureau of Vocational Education. The Bureau of Vocational Education;

16. Other entities. Other entities authorized by the Legislature; and

17. Other bureaus. Any other bureau the commissioner establishes.

§203. Appointment of directors; deputy commissioners and others

Each bureau shall be under the direction of a person appointed as follows.

1. Director of the Maine State Museum Bureau. The Director of the Maine State Museum Bureau shall be qualified by training or by experience in museum work and shall be appointed by the Maine State Museum Commission with the approval of the commissioner. The director shall serve for an indefinite term, subject to removal for cause. Compensation shall be fixed by the Governor.

2. Director of the Arts and Humanities Bureau. The Director of the Arts and Humanities Bureau shall be qualified by training or by experience and shall be appointed by the Maine State Commission on the Arts and the Humanities with the approval of the commissioner. The director shall serve for an indefinite term, subject to removal for cause. Compensation shall be fixed by the Governor.

3. Director of the Maine State Library Bureau. The Director of the Maine State Library Bureau shall be qualified by training or by experience in library work and shall be appointed by the commissioner with the approval of the Governor. The director shall be known as the State Librarian and shall serve for an indefinite term, subject to removal for cause. Compensation shall be fixed by the Governor.

4. Associate Commissioner of the Bureau of Vocational Education. An associate commissioner shall direct the Bureau of Vocational Education and shall be appointed by, and serve at the pleasure of, the commissioner.

5. Other bureau directors. The director of any other bureau shall be appointed by, and serve at the pleasure of, the commissioner. These positions shall be subject to the Personnel Law, except for the following:

- A. The deputy commissioner;
- B. The assistant to the commissioner;
- C. The Associate Commissioner, Bureau of Instruction; and
- D. The Associate Commissioner, Bureau of School Management.

SUBCHAPTER II

COMMISSIONER

§251. Appointment; term

The appointment and term of service of the commissioner shall be as follows.

1. Appointment. The commissioner shall be appointed by the Governor from a list of 3 candidates prepared by the state board. An appointment shall be subject to review by the joint standing committee having jurisdiction over education and to confirmation by the Legislature.

2. Term. The commissioner shall serve at the pleasure of the Governor.

§252. Office

An office shall be provided for the commissioner at the seat of government.

§253. Commissioner's duties

The duties of the commissioner shall be as follows.

1. General duties. The commissioner shall exercise the powers and perform the duties granted to the department in this Title and shall devote full time to the duties of the office.

2. Hiring. The commissioner may hire personnel deemed necessary to fulfill the duties of the department. These personnel shall be subject to the Personnel Law, except as provided in section 203.

3. Delegation. The commissioner may authorize a designee to carry out the assigned duties.

4. Specific duties. The commissioner also shall:

A. Coordinate, consolidate and prepare a budget for the department;

B. Transfer personnel within the department to ensure their efficient utilization;

C. Coordinate the purchase and use of all department equipment; and

D. Review the function and operation of the department to ensure that overlapping functions and operations are eliminated.

5. Appointment of supervisors. The commissioner may appoint supervisors to assist and direct elementary and secondary teachers to work with school officers and school boards on request and to perform other duties in the field of education. The salary and necessary traveling expenses of these supervisors shall be paid from an appropriation for that purpose.

6. Agricultural education consultant. The commissioner shall appoint, subject to the Personnel Law, an Education Specialist II or agricultural education consultant to

be responsible for supervision of agricultural technical education, including agribusiness and agriculture's relation to the environment.

7. School nurse coordinator. The commissioner shall appoint a school nurse coordinator with the qualifications and duties defined in section 6401.

§254. Educational duties

The commissioner shall have the following educational duties.

1. General duty. The commissioner may inspect and have general supervision over all public schools and shall advise and direct superintendents and school boards in the discharge of their duties, by circular letters and personal conferences.

2. In-service education. The commissioner shall encourage in-service education and staff development for teachers in cooperation with school officers.

3. Contracts for vocational educational programs. The commissioner may:

A. Contract with a private school for the conduct of vocational courses in accordance with section 3002; and

B. Reimburse the private schools for part of the cost of conducting approved vocational courses from funds available from the Federal Government for the purpose of vocational education.

4. Superintendent conference. Annually the commissioner shall hold a conference for the instruction of superintendents.

5. Medication. The commissioner may adopt or amend rules for the administration of medication in public or approved private schools. Medication may not be administered by unlicensed personnel at these schools, except as provided by the written prescription of a physician or dentist or by the written permission of the parent or guardian of the individual receiving the medication.

6. Other duties. The commissioner shall carry out all other duties assigned in this Title.

§255. School administrative unit; reports, records, information

1. Pamphlet of laws. The commissioner shall:

A. Compile the amended school laws of the State in pamphlet form and distribute them to municipal and school officers; and

B. Prepare and issue biennially, with such content as the commissioner deems appropriate, circulars of information and advice to school officers relating to new school laws.

2. Record books. The commissioner shall furnish to the school officers of each school administrative unit proper blank books in which they shall keep complete and itemized records of all matters relating to moneys appropriated, received and expended for schools. These books shall remain the property of the State.

3. Forms. The commissioner shall:

A. Prepare and print forms for all returns required by law or deemed necessary by the commissioner;

B. On March 1st, forward to each superintendent forms for the annual school return as provided in section 6004; and

C. On May 1st, forward to each superintendent forms for the returns required by sections 6051 and 6052.

4. Maintaining records. The commissioner shall preserve all school reports of this State and of other states which he may receive, the returns from the various municipalities and institutions of learning and books, apparatus, maps, charts, works on education, plans for school buildings, models and other articles of interest to school officers and teachers as may be obtained without expense to the State.

5. Information. The commissioner shall:

A. Obtain information on school systems of other states and countries and the condition and progress of public school education throughout the world;

B. Disseminate this information, with practical hints upon the conduct of schools, improved systems of instruction and the true theory of education by public addresses, circulars and articles prepared for the press;

C. Disseminate this information by outlines, suggestions and directions concerning the management, discipline and methods employed in teaching to teachers and school officers of the State; and

D. Do all in his power to awaken and sustain an interest in education among the people and to stimulate teachers to well directed efforts in their work.

§256. Miscellaneous duties

1. Report to Governor. The commissioner, annually, shall report to the Governor the result of his inquiries and investigations and the facts obtained from the school returns, with any suggestions and recommendations to improve public schools.

2. Joining educational organizations. The commissioner may authorize the department to join educational organizations and associations, both within and outside the State, when he judges that the membership will increase the efficiency or progress of education within the State.

3. Limit on authority. The commissioner may not exercise or interfere with the exercise of discretionary authority granted to the Maine State Museum Commission and the Maine State Commission on the Arts and the Humanities.

4. Control of gift-established schools. The commissioner shall:

A. Assume the control and management of all public schools established and maintained by gifts or bequests, when the gifts or bequests are conditioned on the commissioner assuming that control and management; and

B. Carry out the provisions on which those gifts or bequests are conditioned, when those conditions are approved by the Governor.

5. Duties imposed by charters. The commissioner shall perform all duties assigned by charter granted by the Legislature to an educational institution.

§257. High school equivalency certificates

1. Issue. The commissioner may issue high school equivalency certificates to residents of the State:

A. Who are at least 18 years of age;

B. Who:

(1) Have not been in attendance for one year or more at a public school or a private school approved by a state department of education or accredited by a regional association of colleges and secondary schools; or

(2) Have completed a formal training program approved by the commissioner; and

C. Who demonstrate through procedures prescribed by the commissioner that they have attained a general educational development comparable to that of secondary school graduates.

2. Certificate status. Certificates shall have the legal status of high school diplomas.

3. Fees. The commissioner may charge a fee sufficient to defray operating costs for a certificate. An honorably discharged or released veteran of the Armed Forces of the United States or a person judged by the commissioner to be economically disadvantaged shall be exempt from payment of a fee. That fee shall be paid from the income of the Permanent School Fund.

§258. Inspection of schools

The commissioner shall inspect schools.

1. Request. The commissioner shall inspect the schools in a school administrative unit and report his findings and recommendations to the school board when:

A. Petitioned by 60% of the parents of the children of one school;

B. Requested by the school board or the superintendent of schools; or

C. Petitioned by 20% of the legal voters of the unit.

2. Standards. The commissioner shall prepare a list of standards of buildings, equipment organization and instruction and give ratings based on these standards to schools that are inspected as to their general condition, equipment and grade of efficiency.

3. Extent of inspection. If petitioned, the commis-

sioner may determine the extent and conditions under which an inspection shall be made.

§259. Student performance evaluation plan

The commissioner may establish a statewide student performance evaluation plan, which shall be known as the "Maine Assessment of Educational Progress."

1. Unit participation. A school administrative unit may participate in the plan by paying to the department an annual fee as set by the commissioner. The department shall place this fee in a special, nonlapsing, revolving account.

2. Use of funds. The commissioner shall use the money in the account established under subsection 1 to pay for the costs of administering, analyzing and reporting the results of the evaluations performed on behalf of the participating units.

3. Education costs. Costs relating to the participation of a school administrative unit in the plan shall not be considered in calculations of the actual costs of education for purposes of reimbursement under chapter 605.

CHAPTER 5

STATE BOARD OF EDUCATION

§401. State Board of Education

The appointments, terms and expenses of the State Board of Education members shall be as follows.

1. Appointment. The state board shall consist of 9 members who shall be appointed by the Governor. Each appointment shall be subject to review by the joint standing committee having jurisdiction over education and to confirmation by the Legislature.

2. Composition. The membership of the state board shall be broadly representative of the public. A person whose income is derived in substantial portion from income as a teacher or as an administrator in an educational institution, other than as a college president, may not be eligible for appointment to or service on the state board.

3. Expenses. Members of the state board shall serve without pay, other than their actual expenses while carrying out the functions of the board.

4. Term. The term of office of each member shall be 5 years. Any vacancy shall be filled for the remainder of the unexpired term.

§402. Organization; meetings

The state board shall organize and meet as follows.

1. Organization. The state board shall organize annually by electing one of their members as chairman and one as vice-chairman. They may also elect other officers.

2. Meetings. Meetings of the state board shall be held quarterly in the offices of the department on call of the chairman or the commissioner on 5 days' written notice to members. If both the chairman and commissioner are absent, or refuse to call a meeting, any 3 members of the state board may call a meeting by similar notices in writing.

3. Quorum. A majority of the state board members shall be a quorum.

4. Rules. The state board may adopt or amend rules for meeting procedures and administration of its duties.

§403. Seal

The state board shall adopt a seal. The seal may be used by the commissioner to authenticate documents or copies of documents.

§404. Records and reports

The state board shall be responsible for the following records and reports.

1. Records. The state board shall keep in the office of the commissioner a complete record of the minutes of its meetings and other procedures.

2. Report. Biennially, on the first Monday of January, the state board shall make a report to the Governor which shall contain the report of the commissioner to the state board. The state board shall print this report and distribute it to the members of the Legislature and to school officers. The cost of printing the report shall be paid from the appropriation of the department.

§405. Powers and duties

The state board shall have the following powers and

duties.

1. General authority. The state board shall have only the powers specifically stated in this Title.

2. Advisory role. The state board shall advise the commissioner concerning matters contained in this Title.

3. Specific duties. The state board shall have the following specific powers and perform the following duties:

A. Make recommendations to the Legislature for the efficient conduct of the public schools;

B. Approve the formation of school administrative districts;

C. Establish, maintain and operate vocational-technical institute schools of practical nursing;

D. Act on applications for additions to, dissolution of, transfers among, withdrawals from and closing of schools in school administrative districts and community school districts;

E. Adopt or amend rules on requirements for approval and accreditation of elementary and secondary schools;

F. Establish standards for the certification of teachers;

G. Adjust the subsidy to a school administrative unit when the expenditures for education in the unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive;

H. Act on articles of agreement for creation of an interstate school district;

I. Develop and adopt a plan for the establishment of vocational centers and regions and act upon applications to alter the delivery of vocational education within vocational regions and center areas;

J. Adopt or amend rules on standards for school construction;

K. Approve projects for state construction aid;

L. Approve the formation of community school districts;

M. Approve isolated secondary schools;

N. Obtain information regarding applications for granting degrees and make a recommendation to the Legislature;

O. Recommend funds to the Bureau of the Budget for equalization of educational opportunity;

P. Establish a student loan insurance program;

Q. Serve as state agency for administering federal funds; and

R. Under section 3, serve as an appeals board for unclassified personnel.

4. Review of department decisions. On the written request of an interested party, the state board shall review decisions made by the department acting through the commissioner or his duly authorized representative under sections 1401 to 1407, section 8351 and chapters 203, 205 and 505 and Title 20, section 3458. The written request shall be filed within 30 days from the date of the department's decision.

5. Overseeing school administrative districts. The state board shall oversee the establishment of school administrative districts as follows.

A. It shall develop and continually revise a state plan for the creation of efficient school administrative districts throughout the State. It shall use the plan for approving applications for the organization of school administrative districts.

B. It shall thoroughly study school conditions and needs, to determine plans for the establishment of appropriate school administrative districts in all organized territory.

(1) It shall report its actions and recommendations to each regular session of the Legislature on or before January 10th.

(2) The study and planning shall be directed by the state board, but shall include all possible participation and assistance by citizens and organizations at the local level.

(3) It is the intent of the Legislature that all school administrative units not in school adminis-

trative districts and operating secondary schools with less than 300 pupils in grades 9 to 12 shall submit plans for school district reorganization to the state board at least once in each 2-year period until the process of reorganization is completed.

C. It shall evaluate the effect of consolidation on valuation per pupil in the larger district, as compared to the individual municipalities comprising the district. It shall make definite recommendations with respect to an eventual uniform minimum tax rate toward the support of a foundation program of education when these larger districts have been appropriately established throughout the State.

D. It shall survey, as completely as possible, school building needs and costs in the proposed districts which are required to effectively accomplish the organization of the districts.

E. It shall expedite the reorganization of school administrative units by receiving, filing, examining and approving or disapproving applications by the school boards of all the municipalities wishing to establish a school administrative district.

F. It shall expedite the reorganization of administrative units by recommending to the Legislature establishment of school administrative districts which are not eligible for state board approval.

G. It may appoint and employ, under the Personnel Law, personnel to carry out the duties imposed on it by this subsection.

(1) It may fix the duties of these employees.

(2) It may make funds available to pay for their salaries and expenses.

(3) It may use other state board employees to carry out this subsection.

6. Recommendations to Legislature. The state board shall recommend to the Legislature any new legislation or amendments to existing legislation for the efficient conduct of the public schools.

§406. Rules

The state board may adopt rules to carry out its

responsibilities under this Title.

CHAPTER 7

COMPACT FOR EDUCATION

SUBCHAPTER I

COMPACT

§601. Purpose and policy - Article I

1. Purpose. It is the purpose of this compact to:

A. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels;

B. Provide a forum for the discussion, development, crystalization and recommendation of public policy alternatives in the field of education;

C. Provide a clearinghouse of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of State Government and local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education; and

D. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

2. Policy. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

3. Interrelationships. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as

well as in the excellence of its own education systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

§602. State defined - Article II

As used in this compact, "state" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

§603. Commission - Article III

The Education Commission of the States is established as follows.

1. Commission established. The Education Commission of the States, hereafter in this chapter called "the commission" is hereby established.

2. Membership. The commission shall consist of 7 members representing each party state: One member shall be the Governor; 2 shall be members of the Legislature selected by its respective houses and serving in such manner as the Legislature may determine; and 4 shall be appointed by and serve at the pleasure of the Governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, 6 members shall be appointed by and serve at the pleasure of the Governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principles for the composition of the membership on the commission from each party state shall be that the members representing that state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be, not to exceed, 10 nonvoting commissioners selected by the steering committee for terms of one year. These commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

3. Voting. The members of the commission shall be entitled to one vote each on the commission. No action of the commission may be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor of the action. Action of the commission shall be only at a meeting at which a majority of the commissioners are present.

4. Meetings. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained in those bylaws, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to this Article.

5. Seal. The commission shall have a seal.

6. Organization. The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice-chairman and a treasurer. The commission shall provide for the appointment of an executive director. The executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

7. Personnel. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director, subject to the approval of the steering committee, shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

8. Services. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of those governments, or from any agency of 2 or more of the party jurisdictions or their subdivisions.

9. Grants. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm association, foundation or corporation, and may

receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this subsection or services borrowed pursuant to subsection 8 shall be reported in the annual report of the commission. The report shall include the nature, amount and conditions, if any, of the donation, grant or services borrowed, and the identity of the donor or lender.

10. Facilities. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

11. Bylaws. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form, and shall file a copy of those bylaws and a copy of any amendment to those bylaws with the appropriate agency or officer in each of the party states.

12. Reports. The commission annually shall make to the Governor and Legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

§604. Powers - Article IV

In addition to authority conferred on the commission by other provisions of the compact, the commission may:

1. Information and data. Collect, correlate, analyze and interpret information and data concerning educational needs and resources;

2. Research. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration and instructional methods and standards employed or suitable for employment in public educational systems;

3. Proposals. Develop proposals for adequate financing of education as a whole and at each of its many levels;

4. Further research. Conduct or participate in research of the type referred to in this Article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher edu-

cation and other agencies and institutions, both public and private;

5. Policies and plans. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment of public education, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials; and

6. Other necessary things. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

§605. Cooperation with Federal Government - Article V

1. Federal membership. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the commission by, not to exceed, 10 representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the Federal Government, but no representative may have a vote on the commission.

2. Information. The commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

§606. Committees - Article VI

1. Steering committee. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of 32 members which, subject to this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission.

A. One-fourth of the voting membership of the steering committee shall consist of governors, 1/4 shall consist of legislators and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote.

B. The voting members of the steering committee shall

serve for terms of 2 years, except that members elected to the first steering committee of the commission shall be elected as follows: Sixteen for one year and 16 for 2 years.

C. The chairperson, vice-chairperson and treasurer of the commission shall be members of the steering committee and, anything in this subsection to the contrary notwithstanding, shall serve during their continuance in these offices.

D. Vacancies in the steering committee shall not affect its authority to act, but the commission, at its next regularly ensuing meeting following the occurrence of any vacancy, shall fill it for the unexpired term.

E. No person may serve more than 2 terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the 2-term limitation.

2. Advisory and technical committees. The commission may establish advisory and technical committees composed of state, local and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to 2 or more of the party states.

3. Other committees. The commission may establish such additional committees as its bylaws may provide.

§607. Finance - Article VII

1. Budget. The commission shall advise the Governor, or designated officer or officers of each party state, of its budget and estimated expenditures for such period as may be required by the laws of the party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

2. Apportionment. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

3. Obligations. The commission shall not pledge the credit of any party states. The commission may meet any of

its obligations in whole or in part with funds available to it pursuant to Article III, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

4. Accounts. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

5. Access to accounts. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

6. Audit or inspection. Nothing contained in this chapter shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

§608. Eligible parties; entry into and withdrawal - Article VIII

1. Eligibility. This compact shall have as eligible parties all states, territories and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor," as used in this compact, shall mean the closest equivalent official of such jurisdiction.

2. Entry. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same; provided that in order to enter into initial effect, adoption by at least 10 eligible party jurisdictions shall be required.

3. Adoption of compact. Adoption of the compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make this State a party only until December 31, 1969. During any

period when a state is participating in this compact through gubernatorial action, the Governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

4. Withdrawal. Except for a withdrawal effective on December 31, 1969 in accordance with subsection 3, any party state may withdraw from this compact by enacting a statute repealing the same, but no withdrawal may take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

5. Liability. No withdrawal may affect any liability already incurred by or chargeable to a party state prior to the time of that withdrawal.

§609. Construction and severability - Article IX

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

SUBCHAPTER II

ADMINISTRATIVE PROVISIONS

§651. Maine Education Council

1. Council established. There is established the Maine Education Council composed of the members of the Education Commission of the States representing this State, and 7 other persons appointed by the Governor.

2. Appointments. The Governor shall appoint: Two members for one year; 2 members for 2 years; and 3 members for 3 years. Upon the expiration of each term the appointment shall be for 3 years. Vacancies shall be filled for the full term. The appointees shall be selected so as to be

broadly representative of professional and lay interest within this State having the responsibilities for knowledge with respect to, and interest in, educational matters. The chairman shall be designated by the Governor from among its members.

3. Meetings. The council shall meet on the call of its chairman or at the request of a majority of its members, but in any event the council shall meet not less than 3 times in each year. The council may consider any and all matters relating to public educational policy and any matters relating to recommendations of the Education Commission of the States and the activities of the members in representing this State thereon.

§652. Members of Legislature, selection and tenure

The 2 members of the Legislature on the Education Commission of the States shall be appointed by the presiding officer of the respective House and shall serve on the commission during such time each is a member of his respective House.

§653. Bylaws filed

Pursuant to Article III, the commission shall file a copy of its bylaws and any amendment thereto with the office of the commissioner.

CHAPTER 9

PUBLIC BROADCASTING

SUBCHAPTER I

ADVISORY COMMITTEE ON MAINE

PUBLIC BROADCASTING

§801. Committee; expenses

1. Committee. The Advisory Committee on Maine Public Broadcasting shall facilitate the development of public broadcasting in the State.

2. Membership. The committee shall consist of 7 members to be appointed by the Governor for a full term of 5 years. One member shall be a representative of the department. One member shall be a representative of the University of Maine and the remaining members shall be citizens of the State. A vacancy in the membership shall be filled for

the unexpired term by appointment by the Governor.

3. Expenses. Members shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

§802. Organization; quorum

The committee shall elect a chairman, secretary, vice-chairman and treasurer, each of whose terms of office shall be 2 years. The committee shall adopt bylaws and rules for the calling and holding of meetings and the administration of its affairs. A majority of the membership of the committee shall constitute a quorum.

§803. Powers and duties

The Advisory Committee on Maine Public Broadcasting may act as follows:

1. Recommendations. To recommend to the trustees of the University of Maine relating to the appointment of professional, clerical or other assistants, location of public broadcasting stations and construction and equipment of those stations necessary to carry out the purposes of this chapter; and

2. Programs. To advise the trustees of the University of Maine for the public broadcasting programs to be transmitted by the network.

SUBCHAPTER II

GIFTS, CONSTRUCTION AND PROGRAMMING

§851. Gifts

The Governor may accept a gift of money, real or personal property, from any source, and grants-in-aid from the Federal Government to assist in carrying out the purposes of this chapter.

§852. Construction of statewide network

1. Authority. The University of Maine may acquire real estate, construct, operate, manage and equip radio, transmission and microwave television facilities and interconnect with any other radio or television network or station within or without this State for the purpose of providing a statewide public broadcasting network for the transmission of public broadcasting to pupils in the schools,

colleges, university and adult audiences throughout the State.

2. Contracts. The University of Maine may enter into contracts for the construction of those facilities, contracts for personal services necessary for the management and operation of those facilities and any other contracts deemed necessary to carry out the purposes of this chapter.

§853. Commissioner's programs

The commissioner may produce or contract for educational television programs.

PART 2

SCHOOL ORGANIZATION

CHAPTER 101

GENERAL PROVISIONS

SUBCHAPTER I

SCHOOL BOARDS

§1001. Duties of school boards

School boards shall perform the following duties.

1. General duties. They shall have the duties prescribed to them in this Title.

2. Management of schools. They shall manage the schools and provide custody and care, including repairs and insurance on school buildings and all school property in the school administrative units.

3. Selection of superintendent. They shall select a superintendent in accordance with section 1051.

4. No prohibition on use for political activity. The use of school buildings may not be denied to a person solely because use is requested for a political activity.

5. Insurance premiums. They may pay the premium of life, health, accident, hospitalization, major medical insurance in behalf of their employees and liability insurance for employees and school officials.

6. General course of instruction; textbooks. They

shall direct the general course of instruction and approve a uniform system of textbooks. A textbook thus approved may not be changed for 3 years unless by vote of the school board.

7. Tuition payment for attendance by those resident on territory ceded to United States. They shall prescribe the tuition for attendance of persons of the required age, resident in territory the jurisdiction of which has been ceded to the United States, included in or surrounded by the administrative unit.

8. Determine those to attend each school. They shall determine which students shall attend each school, classify them and transfer them from school to school where more than one school is maintained at the same time.

9. Students expelled or suspended. They shall expell any student who is deliberately disobedient or deliberately disorderly or for infractions of violence or possession, furnishing or trafficking of any scheduled drug as defined in Title 17-A, chapter 45, after a proper investigation of the student's behavior, and due process, if found necessary for the peace and usefulness of the school; and readmit him on satisfactory evidence that the behavior which was the cause of the student being expelled will not likely recur. The school committee may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules.

10. Physiology and hygiene. They shall make provisions for the instruction of all pupils in public schools in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system.

11. Persons not immunized excluded. They shall exclude, when requested to do so by the Director of the Bureau of Health or if they deem it expedient, any person not having evidence of current immunization against small-pox, or diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, rubeola (measles), rubella (German measles) or any other communicable illness for which immunization is available, unless the parent of the person shall present a signed statement that the parent is opposed to the immunization or a statement signed by a licensed physician indicating that the immunization is not medically advisable for the person. Should either of these statements be submitted, the person shall be excluded from school at the request of the Director of the Bureau of Health when in his opinion epidemic occurrence of the particular illness makes

the exclusion necessary for the protection of the public health.

12. Salaries of persons absent. They may adjust the salaries of teachers, principals and other persons legally employed by them who are compelled to be absent from their school duties. No reduction in pay may be made if absence is caused by the bona fide observance of designated holidays in the church of their faith. This subsection and section 13604 shall apply only in cases of persons who are employed on yearly contracts or on tenure of service and who hold the legal qualifications necessary for the positions.

§1002. Prohibited appointments and employment

The following provisions apply to members of a school board.

1. Definition. "Full-time employee" means a person regularly employed on a weekly basis regardless of remuneration or the number of hours worked.

2. Employment by school administrative unit, school union, academy. A member of a school board or spouse of a member may not be employed as a full-time employee in a public school within the jurisdiction of the school board to which the member is elected or contract high school or academy located within a supervisory union in which the member is a representative on the union committee.

3. Appointment to civil office and other employment. No school board member may, during the term for which he has been elected and for one year thereafter, be appointed to any civil office of profit or employment position, which shall have been created or the compensation of which shall have been increased by the action of the school board during such term.

§1003. Commencement of term of office

The term of newly elected school board members shall start:

1. After election. Immediately upon being elected and sworn in; or

2. Fixed date. On a fixed date established by the voters on an appropriate article at a properly called town meeting, the date shall be between the municipal election and July 1st.

§1004. Conflict of interest; contracts

A contract made by a school board shall follow the requirement of Title 30, section 2251.

SUBCHAPTER II
SUPERINTENDENTS

§1051. Selection of superintendents

The following provisions shall apply to the selection of superintendents.

1. Eligibility requirements. Only those persons who hold a state certificate of superintendence grade may be eligible to become superintendents. Members of the school board may not be eligible to become superintendent in the school administrative unit which they represent.

2. Appointment. The school board shall elect, by majority vote of the full membership, the superintendent. The school board, upon notification by the commissioner, shall meet during December of the year preceding the expiration of the superintendent's contract, at a day and place determined by the chairman. When a vacancy occurs, the school board shall meet as soon as possible to choose a superintendent.

3. Term. The superintendent's term shall be established by the school board.

A. The term may not exceed 5 years.

B. The term shall expire on June 30th of the year of expiration.

4. Failure to elect. If the school board fails to elect a superintendent by June 30th, the school board may appoint a competent and qualified agent, with the advice and consent of the commissioner, to serve in that capacity until a superintendent is elected.

5. Notice to the commissioner. Annually and when a new superintendent is chosen, the chairman and secretary of the school board shall certify under oath to the commissioner, on forms provided by the commissioner, all facts relating to the unit's selection of a superintendent.

6. Election in certain units. The following provisions shall apply to the election of superintendents by cer-

tain units.

A. In a school union, the union committee shall perform the functions of a school board.

B. In a school administrative unit governed by a private and special law that provides for the election of a superintendent, the governing board shall elect a superintendent in the manner provided in that law.

C. In a community school district, the district school committee shall elect the superintendent.

§1052. Discharge

A school board may discharge a superintendent before the expiration of the contract term.

1. Requirements. The superintendent may be discharged only:

A. For cause;

B. After due notice and investigation; and

C. By a majority vote of the full membership of the school board.

2. Salary. On discharge, the superintendent's salary shall cease.

3. Appeal. The superintendent may appeal the school board's decision to the commissioner. The commissioner shall hold a hearing as part of the appeal.

§1053. Allocation of services

1. School unions. The union 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.

2. Community school district. In community school districts, the district school committee shall also determine the relative amount of service to be performed by the superintendent in each school administrative unit.

§1054. Office and salary

1. Office. The school board or union committee shall provide for an office for the superintendent, office assis-

tants, supplies, utilities and other office expenses.

2. Salary. The school board or union committee shall fix the superintendent's salary.

§1055. Superintendent; powers and duties

The superintendent shall be ex officio secretary of the school board and school building committee chosen by the administrative unit and shall perform duties as the school board or school building committee direct.

1. Records, orders, vouchers. The superintendent shall:

A. Keep a permanent record of all the votes, orders and proceedings;

B. Place all orders for materials and supplies purchased by vote of the school building committee or school board;

C. Keep all financial records and accounts; and

D. Issue vouchers showing the correctness of bills contracted on account of school appropriations. A bill may not be allowed for payment by the municipal officers unless:

(1) They have been approved by a majority vote of the full membership of the school board; or

(2) In school administrative districts, approved by a majority vote of the full membership of the school board or a finance committee selected by the board.

2. Inspect schools; annual report. The superintendent shall:

A. Inspect the schools and review the operating rules, the discipline and the proficiency of the students;

B. Visit each school at least the minimum number of times each term required by the school board or union committee; and

C. Annually, make and send to the commissioner a written report of the condition of the schools for the prior year, including a statement of the condition of school buildings, the progress made by the students and

an evaluation of the methods of instruction and government.

3. Financial and building report. The superintendent shall keep an accurate account of school finances and send a written report, at least once a term, to each school board member. The report shall include a financial statement and a statement of the repair, cleanliness and sanitary arrangements of school buildings and outbuildings.

4. Selection and purchase of textbooks. The superintendent shall select textbooks, supplies and apparatus with the approval of the school board and shall make all these purchases under rules adopted by the school board.

5. Distribution and accounting of supplies. The superintendent shall assure that all necessary apparatus and supplies are seasonably distributed to each school, accurately accounted for and economically used.

6. Display of flags. The superintendent shall:

A. Ensure that the United States and Maine flags are displayed from public school buildings every school day and on appropriate occasions; and

B. Report annually to the school board the amount necessary to furnish the public schools with suitable flags and flagstuffs. The school administrative unit shall appropriate the necessary funds.

7. Enforce rules of the school board. The superintendent shall enforce or cause to be enforced all rules of the school board.

8. Full-time employment. The superintendent shall devote his entire time to superintendence in the school supervisory unit which employs him. The superintendent may perform educational service outside of the supervisory unit with the approval of the commissioner and with the consent of the school board.

9. Report to the commissioner. The superintendent shall report, under oath, to the commissioner before August 1st. The report shall contain:

A. The amount appropriated and expended on elementary and secondary education in the preceding fiscal year;

B. The number of weeks schools were open;

C. The number of students registered;

D. The average attendance; and

E. The amount received for tuition.

10. Supervise teachers. The superintendent shall direct and supervise the work of all teachers.

CHAPTER 103

SCHOOL ADMINISTRATIVE DISTRICTS

SUBCHAPTER I

PURPOSE

§1101. Organization of school administrative units

It is declared policy of the State to encourage the development of school administrative units of sufficient size to provide:

1. Opportunity. A more equalized educational opportunity for pupils;

2. Programs. Satisfactory school programs;

3. Tax rates. A greater uniformity of school tax rates among the units; and

4. Public funds. A more effective use of the public funds expended for the support of public schools.

SUBCHAPTER II

ORGANIZATION

§1201. Criteria for establishing a school administrative district

The following criteria shall apply to establishing a school administrative district.

1. Number of municipalities. The district shall have 2 or more member municipalities.

2. Number of students. The district shall have, as recorded in the last return under section 6004:

A. Three hundred or more resident public secondary

school students;

B. One hundred or more resident public secondary school students, if the state board determines the formation of a larger district is educationally, economically or geographically not feasible;

C. Fifty or more resident public secondary school students if:

(1) The proposed district has on file with the state board a duly authorized and executed 2-year to 10-year contract offer from a municipality having 100 or more resident public secondary school students; and

(2) If the combined number of resident public secondary school students in these 2 school administrative units exceeds 300; and

D. Any number of secondary school students, if the new district is composed in whole or in part of a community school district:

(1) Offering a program of education for grades 9 through 12; and

(2) Formed on or before, and operating on April 1, 1957.

§1202. Formation of district

The residents of 2 or more municipalities may form a school administrative district which shall be a body politic and corporate by completing the following steps.

1. Application vote. At a duly called special or regular meeting or city election the voters of a municipality may instruct its school board to file an application with the state board. The article to be inserted in the warrant for the meeting shall be in the following form:

"To see if the municipality will vote to instruct its school board to file an application with the State Board of Education for the purpose of forming a school administrative district with the following towns:

(naming them)"

2. Initial application. If the article is approved, the school board shall file an initial application with the

state board.

A. The application shall include a list of the names of the municipalities that propose to form the school administrative district, an adequate study outlining the desirability and the educational feasibility of the proposed district and whatever other information the state board may deem necessary and proper.

B. In municipalities which have less than 300, but more than 99 resident pupils, the application shall state in detail the educational, economic and geographic reasons for the formation of the proposed school administrative district.

C. An application shall be filed on a form prepared by the state board.

3. Calling of a joint meeting. If the state board finds the proposed school administrative district eligible and approves its initial application, the state board shall notify the municipal officers and the members of the school boards in the municipalities within the proposed district of a date, time and place of a joint meeting of the municipal officers and the school board members from each municipality.

A. The notice shall be in writing and sent by registered or certified mail, return receipt requested, to the addresses as shown on the application.

B. The notice shall be mailed at least 10 days prior to the date set for the meeting.

4. Joint meeting. The following shall govern the joint meeting.

A. At least 1/2 of the total number of municipal officers and school committee members eligible to vote at the joint meeting shall be present to constitute a quorum. If there is no quorum those present shall report to the state board that a quorum was not present and request the state board to issue a new notice.

B. The school boards and municipal officers of each municipality shall each caucus and select 3 of their members to represent their municipality in the joint meeting. Other members may not vote in the joint meeting.

C. Those with voting rights shall, by majority vote:

(1) Elect a chairman and a secretary;

(2) Determine the total number of school directors to represent each municipality and the method of apportioning voting power among directors consistent with this section and sections 1251 and 1252;

(3) Determine the method of sharing costs under section 1301; and

(4) Determine the date when all the municipalities in the proposed district shall vote on the articles of district formation. The date shall be at least 60 days from the date on which it is determined.

D. The chairman and secretary shall prepare a report describing the number of directors and the representation from each municipality. They shall sign and forward that report to the state board.

5. Calling municipal elections. If the state board finds the report of the joint meeting to be in order, the state board shall order the municipal officers of the municipalities involved to call town meetings or city elections on the date established pursuant to subsection 4, paragraph C, subparagraph (4) for the purpose of voting on the questions required by this subchapter relating to the formation of a school administrative district.

A. Municipalities voting on the questions of district formation under Title 30, sections 2061 to 2064 shall open the polls at 10 a.m. and shall close the polls at 7 p.m.

B. In other municipalities the municipal officers shall direct that the town meeting or city election shall open at 7:30 p.m.

C. All school administrative units shall vote upon the questions of school district information in the same fashion as the units conduct other business at regular or special town meetings, except that school administrative units electing municipal officers by secret ballot may use that method for electing school board directors.

6. Articles to be voted on. The articles to be voted on shall be in the following form.

A. "Article _____ : To see if the municipality will vote to join with the municipalities of (naming them) to form a school administrative district."

B. "Article _____ : To see if the municipality will vote to approve the allocation of representation with the district on the Board of School Directors as recommended by the school committees and municipal officers as follows: The total number of directors shall be _____"
(number)

C. "Article _____ : To choose _____ school director(s)
(number)
to represent the municipality (or subdistrict) on the board of school directors of the school administrative district."

D. If the state board has authorized an alternative method of sharing costs, the municipality shall vote on the following article.

Article _____ : To see if the costs of operating
"_____ Community School District" shall
(name)
be shared among the towns of _____
(naming them)

in accordance with (per pupil, state valuation, a combination thereof or any other formula authorized by the Legislature).

E. If coterminous school districts exist or there is outstanding indebtedness for school construction or other school property in any of the municipalities concerned, the following additional article must also be acted on.

"Article _____ : To see if the municipality will vote to authorize the district to assume full responsibility for amortizing the following listed indebtedness now outstanding in the school administrative units planning to form the school administrative district."

(The list must include the name of the obligated school administrative unit, type of obligation, amount unpaid, interest rate and the payment schedule for all outstanding school indebtedness of all the school administrative units comprising the school administrative district under consideration.)

F. If a school administrative district is to be formed under section 1202, subsection 2, paragraph D, or if the proposed school administrative district plans to contract with a designated private school for the education of its students in grades 9 through 12, voters shall act on the following article.

"Article : To see if the municipality will vote to join with the municipalities of to form a school administrative (naming them) district, which district is hereby authorized and directed to accept the contract offer of for the schooling of pupils in grades 9 through 12."

7. Majority vote. Approval of each article shall be by a majority vote of those voting in each municipality on each article.

8. Special provision for community school districts. A community school district may be changed to a school administrative district if each municipality within the district acts affirmatively on the following articles.

A. Existing community school districts may become school administrative districts on approval of the state board and may suspend operation as a community school district if each of the participating municipalities acts affirmatively on an article similar in form to the following, prior to accepting the other articles required in this section.

"Article : To see if the municipality will vote to authorize the (name) Community School District, of which this municipality is a part, to suspend operation as a community school district and organize and operate as a school administrative district in accordance with action on the following article."

B. Municipalities, including all of those participating in an existing community school district, may form a school administrative district on approval of the state board and suspend the operation of the community school district if each of the participating municipalities acts affirmatively on an article similar in form to the following, and acts affirmatively on each of the

other articles required in this section.

"Article : To see if the municipality will
vote to authorize the suspension of the
Community School District
(name)
in order to organize and operate as a part of a
larger school administrative district."

C. In approving one of these articles, all acts of a
community school district in contracting their
indebtedness shall be ratified and confirmed.

D. The board of directors of the school administrative
district shall pay to the trustees of the former commu-
nity school district within their jurisdiction suffi-
cient funds each year to amortize all outstanding capi-
tal indebtedness existing at the time the community
school district was suspended.

§1203. Issuance of a certificate of organization

Certificates of organization shall be issued as fol-
lows.

1. Report of vote. The clerks of the municipalities
which have voted on the questions regarding the formation of
the school administrative district shall report to the state
board the results of the vote in a manner determined by the
state board.

2. Finding recorded. If the state board finds that a
majority of voters in each school administrative unit form-
ing the school administrative district have voted in favor
of each of the articles of formation, elected the necessary
school directors and taken all other necessary steps in the
formation of the proposed school administrative district in
conformity with law, the state board shall make and record
its finding that the school administrative district is in
compliance.

3. School administrative district number assigned. The
state board, having made its finding, shall assign a number
to each school administrative district in the order of their
formation. The official title of the school administrative
district shall be "School Administrative District No.
_____."

4. Certificate of organization. The state board
shall, immediately after making its finding, issue a certif-
icate of organization.

5. Certificate issued, filed and recorded. The original certificate shall be delivered to the school directors on the day that they organize and a copy, attested by the secretary of the state board, shall be filed and recorded in the office of the Secretary of State.

6. Issuance of certificate evidence of organization. The issuance of the certificate shall be conclusive evidence of the lawful organization of the school administrative district.

§1204. Transfer of property and assets

The transfer of school property and assets shall be as follows.

1. Board of directors. The directors of a school administrative district shall determine what school property of the municipalities and former school administrative units in their district are necessary to carry out the functions of their district and:

A. Request in writing that the school board of each school administrative unit or the municipal officers transfer title of their school property and buildings to the school administrative district; or

B. Assume all the duties and liabilities under lease agreements with the Maine School Building Authority if the title is held by the authority.

2. Transfer. The school board or municipal officers shall make the transfer notwithstanding any other provision in the charter of the school administrative unit or municipality or other provision of law.

3. Maine School Building Authority. The Maine School Building Authority, on the completion of all rental payments and other conditions in the lease, shall transfer the title to the school administrative district notwithstanding any provision in the lease or other provision of the law.

4. Financing assumed debts. If a school administrative district has assumed the outstanding indebtedness of a former school administrative unit:

A. The directors of the school administrative district may, notwithstanding any other statute or any provision of any trust agreement, use any sinking fund or other money set aside by the school administrative unit to

pay off the indebtedness for which the money was dedicated;

B. The municipality within a school administrative district may, by vote of its voters, raise, appropriate and transfer money to the school administrative district solely for school construction purposes; and

C. A municipality, within a proposed school administrative district that has applied to the state board, may, by vote of its voters, raise and appropriate money for school construction purposes to be transferred to the proposed school administrative district, if and when the district takes over the operation of the public school within its jurisdiction.

The municipality may only withdraw this appropriation:

(1) If the formation of the district fails to be approved by the municipalities within the district or by the state board; or

(2) If 9 months or more after the original vote, the electorate of the town vote to withdraw the appropriation.

§1205. Operational date and transfer of authority

The operational date and transfer of authority of a school administrative district shall be as follows.

1. Operational date. A school administrative district shall become operative on the date set by the state board as provided in section 1253.

2. Transfer of governing authority. The school directors shall, on the date established in subsection 1, assume the management and control of the public schools within the former school administrative units within the district and these former school administrative units shall on that date have no further responsibility for the operation or control of the public schools within the district.

3. Transfer of school accounts. Notwithstanding section 10004 or any charter of a community school district or coterminous district, the balance remaining in the school accounts of the municipalities, community school district or coterminous school districts within the school administrative district shall be paid to the treasurer of the district in equal monthly installments over the remainder of the fiscal year in which the district is formed.

4. Teacher contracts. The contracts between the municipalities within the district and all teachers shall automatically be assigned to the school administrative district as of the date the district becomes operative. The district shall assign teachers to their duties and make payments upon their contracts.

5. Superintendent contracts. The contracts between the superintendents and municipalities within the district shall be transferred to the school administrative district. The board of directors shall determine the superintendents' duties within the district and pay that proportion of the salaries paid for by the former school administrative units in the district.

§1206. Application of general law

Schools operated by legally established school administrative districts shall be the official schools of the participating municipalities. The provisions of general law relating to public education shall apply to these schools. State funds for public schools shall be paid directly to the treasurer of the school administrative district.

SUBCHAPTER III

SCHOOL DIRECTORS

§1251. Board of directors

Provisions for a board of directors shall be as follows.

1. Size. The size shall be determined by the joint meeting under section 1203 or by the reapportionment committee under section 1255, but shall not be less than 5. It shall include at least one director from each municipality or subdistrict.

2. Term of office. In municipalities with annual elections, directors shall serve a 3-year term. In municipalities with biennial elections, directors shall serve a 4-year term. A director shall serve until his successor is elected and qualified.

3. Terms of office under district formation. The newly elected directors under a district formation or reapportionment plan shall meet and draw lots for the length of term specified as follows.

A. In municipalities with annual elections, 1/3 of the

directors shall serve one-year terms, 1/3 shall serve 2-year terms and 1/3 shall serve 3-year terms. If the number of directors is not evenly divisible by 3, the first remaining director shall serve a 3-year term and the 2nd a 2-year term.

B. In municipalities with biennial elections, 1/2 of the directors shall serve a 4-year term and 1/2 a 2-year term. If the number of directors is not divisible by 2, the remaining director shall serve a 4-year term.

C. The directors shall serve their terms as determined at the organizational meeting and an additional period until the next regular election of the municipalities. Thereafter, the directors' terms of office shall date from the time of each municipality's regular election.

4. Compensation. Compensation for attendance at a school board meeting shall be between \$10 and \$25 per meeting. Whenever the directors recommend to increase their compensation, they shall submit their recommendation to the district voters for approval.

A. On notification by the school board, the municipal officers shall, at the next regular or special town meeting or city election, prepare a warrant or ballot for the purpose of voting on the proposed increase.

The question shall be in the following form.

"Should the School Administrative District No. _____ directors be paid compensation at the rate of \$ _____ for each meeting which each director attends?"

B. No increase in compensation is effective unless approved by a majority of the voters voting on the question.

5. Secretary and treasurer. The superintendent shall serve as secretary and treasurer of the school board and shall give a bond to the district of a sum and with the sureties as the school board shall determine. The bond shall be deposited with the chairman. The expense of that bond shall be paid by the district. The bond premium, compensation paid directors for attendance at meetings and expenses of the district shall be paid from funds of the district by the treasurer on vouchers presented and certified by the superintendent and approved by a majority of the school board or a finance committee duly elected annually by

that board.

6. Oath of office. Before their first meeting, newly elected directors shall take the following oath or affirmation before a dedimus justice or notary public.

"I do swear that I will faithfully discharge to the best of my abilities the duties incumbent on me as a school director of School Administrative District No..... according to the Constitution and laws of this State. So help me God."

A. A director shall make a certificate documenting that he has taken the oath or affirmation and return it to the secretary of the district to place in the district records.

B. If a director is conscientiously scrupulous of taking an oath, the word "affirm" shall be used instead of "swear" and the words "this I do under the pains and penalty of perjury" instead of the words "so help me God."

7. Election of officers. The board of directors shall elect a chairman and vice-chairman and other officers as may be necessary.

§1252. Methods of representation

The following are methods of representation.

1. Method A: Subdistrict representation. Directors shall represent subdistricts.

A. The subdistricts, as far as practicable, shall be whole municipalities. If the municipalities are divided into subdistricts, then they shall be divided into subdistricts of approximately equal size as determined by the latest Federal Decennial Census or Federal Estimated Census. The municipal officers shall provide a separate voting place for each subdistrict of the municipality.

B. The boundaries of each subdistrict shall be determined by a majority vote of the joint meeting or reapportionment committee. Each subdistrict shall have one director, except that in a municipality comprised of 2 or more subdistricts, the joint meeting may authorize the election of directors-at-large.

2. Method B: Weighted votes. Directors shall cast

weighted votes.

A. The committee shall apportion 1,000 votes among all the members of the board. The ratio of the number of votes cast by the directors representing a municipality in relation to the number 1,000 shall be the same ratio to the nearest whole number as the population of the municipality is in relation to the population of all municipalities in the district, as determined by the latest Federal Decennial Census or Federal Estimated Census.

B. To assure the use of whole numbers, the 1,000 votes apportioned among the board members may be increased or decreased by not more than 5 votes.

C. A plan may not permit the voting power of any director to exceed by more than 2% the percentage of voting power he would have if all 1,000 votes were apportioned equally among the directors.

D. In a municipality served by 2 or more directors, the votes cast by them shall be divided equally among them. The directors shall be elected at large within the municipality unless otherwise provided by municipal charter.

3. Method C: At-large voting. Directors shall be elected at large by all of the voters in the district.

4. Method D: Other. Directors may be elected by any other method that meets the requirements of the one-man, one-vote principle that is not included in Methods A, B or C.

§1253. Election

For the purpose of nominations, school directors shall be considered municipal officials and shall be nominated in accordance with Title 30, chapter 207, or with a municipal charter, whichever is applicable.

1. Initial meeting on district formation. On the election of the school directors, the clerk of each municipality within the school administrative district shall forward the names of the directors elected for that municipality to the state board with other data with regard to their election as the state board may require. On receipt of the names of all of the directors, the state board shall set a time, place and date for the first meeting of the directors and give notice to the directors in the manner set forth in

section 1203, subsection 3, paragraph A.

2. Special provisions. In the election for representation under the methods provided in section 1252 the following shall apply.

A. Under Methods A and B:

(1) Within 30 days after notification by the board of directors of the approval or reapportionment plan, the municipal officers shall call a special election to elect directors to serve under the plan for the school administrative district;

(2) Nomination papers shall be furnished by the secretary of the district. Notwithstanding any other section of this Title, directors shall be nominated by obtaining a minimum of 25 and a maximum of 50 signatures of registered voters residing within the subdistrict. The secretary shall notify the municipal officers of the names of candidates in each subdistrict;

(3) The municipal officers shall prepare ballots to be used in their municipality for the election;

(4) The clerks of each municipality shall forward to the secretary the results of the vote by subdistrict;

(5) The board of directors shall meet and total the votes cast for each candidate within each subdistrict and shall immediately notify the clerks in each municipality, the candidates and the commissioner of the results of the vote;

(6) The terms of the directors elected under the original municipal representation system shall cease on the date that the newly elected directors are sworn into office; and

(7) Notwithstanding any other provision of statute, directors shall be elected by secret ballot. The ballots shall be prepared for and distributed to the municipalities or subdistricts by the secretary of the district.

B. Under Method C:

(1) Nominations for directors shall be made on petitions provided by the district secretary. The

petitions shall be signed as provided in Title 30, section 2061, subsection 3, or if the candidate is a voting resident in a municipality having less than 200 population, signed by at least 20% of the registered voters of that municipality;

(2) The petitions shall be submitted to the registrar of voters in the respective municipalities for certification of the voting residence of the director nominated and of the voters signing the petition;

(3) The registrar of voters shall return the certified petitions to the district secretary not later than 30 days prior to the date of the annual election to be held in the municipality;

(4) The ballot shall be prepared and distributed by the district secretary. It shall give the number of offices to be filled and list the candidates by municipalities or subdistricts in which they are resident;

(5) Notwithstanding any other provision of law, school directors shall be elected by secret ballot;

(6) If all member municipalities do not conduct the election for directors on the same date, then all ballots cast in the elections shall be impounded by the clerk of each municipality:

(a) After all municipalities have voted, the clerks and one or more election supervisors designated by the municipal officers of each municipality shall meet at an agreed upon location and tally the ballot;

(b) The tally shall be completed within one day of the last member municipality election;

(c) The election supervisors shall select from among their members a chairman who shall supervise the tally of ballots; and

(d) The clerk of each municipality shall as promptly as possible after the election certify to the board of directors the result of the voting in that municipality; and

(7) Any recount petitions shall be filed with the

secretary of the board of directors and recounts shall be conducted in each member municipality in accordance with the applicable laws.

§1254. Vacancies

Declaration and filling of vacancies shall be as follows.

1. Definition of vacancy. A vacancy occurs:

A. When the term of the office of a school director expires;

B. When a school director changes residency from the municipality or subdistrict from which elected. Evidence that an individual is registered to vote in a municipality is prima facie evidence of that individual's residency;

C. On the death of a school director; or

D. When a school director resigns.

2. School board. The board of directors shall notify the municipal officers of the municipalities within the district before the annual town meeting or before the regular city election of the vacancy.

3. Filling vacancies. Vacancies shall be filled as follows.

A. The municipal officers of the municipality in which the director resided shall select an interim director for the municipality or subdistrict to serve until the next annual municipal election. The interim director shall serve until his successor is elected and qualified.

B. The municipal officers shall provide at the next municipal or subdistrict election for the election of a director to fill the vacancy.

§1255. Reapportionment

The state board shall determine the necessity for reapportionment.

1. Duties of the state board. The state board shall determine if a district is apportioned in accordance with the principles of one man, one vote, if:

- A. It receives a request by the board of directors;
- B. It receives a petition signed by district voters equal to at least 10% of the voters who voted in the last gubernatorial election in the district; or
- C. It determines a district is not apportioned according to the principles of one man, one vote.

2. Awaiting census results. If the state board receives a request within 12 months before a Federal Decennial Census or Federal Estimated Census, the board may wait until after the new census figures are available to make a determination.

3. Findings and order. If the state board finds the district's representation is not apportioned in accordance with the principle of one man, one vote, it shall, within 7 days of that decision, notify the municipal officers in each municipality in the district and the school board to create a reapportionment committee. The notification shall include the time and place for the first meeting of the committee which shall be held not later than 20 days after the notificaton.

4. Reapportionment committee membership. The reapportionment committee shall consist of one municipal officer and one citizen at large from each member municipality, chosen by the municipal officers, and one director from each municipality, chosen by the board of directors. The appointments shall be made prior to the first meeting of the committee.

5. Quorum. A majority of the committee shall be a quorum.

6. Duties of the commissioner. The commissioner shall provide the committee with the most recent Federal Decennial Census or Federal Estimated Census figures for each municipality in the district and at least one recommended apportionment plan.

7. Duties of the reapportionment committee. The committee shall:

- A. Elect a chairman and secretary and may adopt suitable rules of procedure;
- B. Consider and by majority vote adopt a plan including the method of representation, total number of directors and number of directors representing each

municipality or subdistrict; and

C. Within 90 days of the first meeting, send a report of their plan to the state board for approval. It may, within the 90-day limit, submit alternative plans for apportionment.

8. State board approval. The state board shall approve or disapprove the committee plan within 30 days of receiving it.

9. Failure to gain state board approval. If a plan has not been adopted by the committee or approved by the board within the time limits, the commissioner shall prepare a suitable plan and submit it to the state board for approval.

10. Putting the approved plan into effect. On approval of a plan by the state board, the commissioner shall send a certified copy to the municipal officers and school directors. The original plan shall be retained in the state board files.

A. The approved plan shall be effective immediately. The committee shall determine the terms of the directors who shall be elected at the next annual municipal elections so as to comply with section 1253.

B. If the approved plan requires a reduction of the number of directors to be elected in a municipality, all of the existing directors representing the municipality shall, within 7 days after the date of approval and under the supervision of the board of directors, choose by lot which directors' terms shall terminate.

C. If the approved plan requires that additional directors be elected in a municipality, the municipal officers shall fill the vacancies by appointment. A new director shall serve until his successor is elected and qualified at the next annual municipal election.

D. The current board of directors shall serve until the next annual municipal elections.

E. The reapportionment committee shall thereupon be dissolved.

11. Duties of present directors during reapportionment. The board of directors, during the reapportionment of its membership, shall serve as legal representatives of the district until the reapportionment is completed. The board

shall carry out all business of the district, including the borrowing of necessary funds which may be required during the period of reapportionment.

§1256. Powers and duties

The board of directors:

1. School district name. May select an unofficial name of the district;

2. Finance committee. May elect a 3-member finance committee whose members shall be directors;

3. Operating schools. May operate elementary school units;

4. Purchase of land outside the district. May purchase land outside of the geographical limits of the district and erect a school on it if, because of the location of other schools within the school district or transportation difficulties, a school within the district would not be in the best interests of the district;

5. Bylaws. Shall adopt bylaws for the regulation of the affairs of the board and the conduct of its business;

6. Property disposal. May not dispose of any real property unless the transaction has been authorized by the voters of the district as required by sections 1351 to 1354, except:

A. The board may vote to return unused school property to the municipality where the property is located if the district has assumed no indebtedness or lease obligation on account of the property;

B. The board may transfer or lease unused school property to nonprofit organizations for educational or cultural purposes; and

C. The board may lease any unused school buildings for educational or cultural purposes; and

7. Gifts. May accept and receive money or other property, outright or in trust, for any specified benevolent or educational purpose. The board shall comply with the following in accepting gifts.

A. If the board receives written notice from a prospective donor or his representative of a proposed gift,

they shall submit the matter to the next regular meeting of the board or shall call a special meeting. The board shall, within 10 days after the meeting, send written notice of its acceptance or rejection.

B. If the gift is in trust, the board shall deposit or invest those trust funds according to Title 30, section 5051.

(1) Unless prohibited by a trust instrument, the district may treat any 2 or more trust funds as a single fund for the purposes of investment.

(2) After deduction for management expenses, any interest earned or capital gains realized shall be prorated among the various trust funds.

(3) Property or securities included in the corpus of a trust fund shall be retained where the trust instrument so provides.

(4) Unless otherwise specified in the trust instrument, only the annual income from the trust fund may be spent.

(5) If the district fails to comply with the terms of the trust instrument, the trust fund reverts to the donor or his heirs.

C. If the money or other property is a conditional gift for any specified benevolent or educational purpose, the following shall apply.

(1) Prior to the acceptance of a gift the board of directors shall obtain approval of the legislative body of the school administrative district.

(2) When the donor's part of the agreement respecting the execution of the conditional gift has been completed, the district shall perpetually comply with, and may raise money to carry into effect, the conditions upon which it was made.

(3) Unless otherwise specified by its terms, a conditional gift of money shall be deposited or invested according to Title 30, section 5051.

§1257. Quorum

At least a majority of the board of directors in number and voting power shall be a quorum.

§1258. Program

A school administrative district shall maintain a program which includes kindergarten to grade 12.

1. Secondary school. A district shall provide a secondary school facility as follows.

A. A district which enrolls more than 700 pupils in grades 9 to 12 may operate more than one 4-year school.

B. A district which enrolls less than 700 pupils in grades 9 to 12 shall provide grades 10 to 12 in one facility within 4 years from the date of the district's formation.

C. Secondary school facilities may be operated as 4-year schools, a 6-year school for grades 7 to 12 or 2 or more 3-year schools, except that students living in an area remote from a public school may be provided for under section 5204.

2. Other facilities. Notwithstanding this section, a district may contract with a nearby school administrative unit or with a private school for all or part of its secondary pupils. The contract may be for a term of from 2 to 10 years.

SUBCHAPTER IV

FINANCING

§1301. Finances

A school administrative district may raise money for establishing and maintaining public schools, erecting buildings and providing equipment.

1. Methods of sharing costs. The costs of operating a school administrative district shall be shared among all municipalities within the district in one of the following ways.

A. Under a property valuation method, municipalities in a district shall share costs in the same proportion as each municipality's state valuation is to the district's state valuation.

B. Under an alternate plan approved by the state board and by a vote of the legislative bodies of the school administrative units forming the district and based on:

- (1) The number of resident pupils in each town;
- (2) The state valuation of each member town's real property as set in the calendar year prior to the district's fiscal year; or
- (3) Any combination of subparagraphs (1) and (2).

2. Residents on federal property. For the purposes of this chapter only, a district shall count students residing on land under the control of the Federal Government or on a federal military reservation, who are eligible under United States Public Law 81-874, as residents of the district but not as residents of a municipality.

3. Amendment of cost-sharing formulas. The cost-sharing formula may be amended as follows.

A. If requested by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district, the board of directors shall hold a meeting of municipal representatives to determine the necessity of reconsidering the method of sharing costs. The district shall give at least 15 days' notice to each municipality comprising the district of that meeting.

B. Each member municipality shall be represented at the meeting by 2 representatives chosen at large by its municipal officers, and one member of the district board of directors chosen by the municipality's directors.

C. A change in the method of sharing costs may only be approved by a majority vote of the municipal representatives present.

D. If approved by this meeting, the change shall be submitted to the voters at a district meeting. It shall become effective when approved by a majority vote of the district in a district referendum called and held for this purpose in accordance with sections 1351 to 1354.

E. Assessments made by the school board thereafter shall be made in accordance with the new method of sharing costs.

F. The secretary of the district shall notify the state board that the district has voted to change its method of sharing costs. The state board shall issue

an amended certificate of organization showing this new method of sharing costs.

§1302. Budget preparation

The district budget shall be prepared as follows.

1. Preparation by board. The board of directors shall annually prepare a budget for:

A. Operational costs;

B. Bonds falling due;

C. Interest on bonds or other obligations;

D. Rentals and other charges in a contract;

E. A lease or agreement with the Maine School Building Authority; and

F. Temporary loans.

2. Distribution. At least 7 days before the district budget meeting, the board of directors shall make available to the legislative body responsible for final budget approval and residents of the district, a detailed budget document. It shall include a summary of anticipated revenues and estimated school expenditures.

§1303. Budget meeting

The school board shall hold a district budget meeting at a time it determines.

1. Warrant. The budget meeting shall be called by a warrant. The warrant shall:

A. Be signed by a majority of the board of directors;

B. Specify the time and place of the meeting;

C. Include the proposed school budget and other articles the school board chooses to place before the voters, excluding authorization to borrow money for school construction purposes;

D. Specify the state and local shares of the state-local allocation and local leeway and additional expenditures without state participation; and

E. Be directed to a resident of the district by name ordering the resident to notify all voters within the district to assemble at the time and place appointed.

2. Notice. An attested copy of the warrant shall be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities within the district at least 7 days before the meeting. The person who gives notice of the meeting shall make a return of the posting on the warrant stating the manner of notice in each municipality and the time when it was given.

3. Requested articles. If requested by a written petition of at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in each municipality within the district, the board of directors shall place specific articles, not in conflict with existing state statutes, in the warrants for consideration at the next annual district budget meeting. To be included in the warrant a petition shall be received by the board of directors at least 15 days before the date set for the budget meeting. When placed on the warrant, the articles shall be considered before action relating to the appropriation of money for the operation of schools.

§1304. Meeting procedures

The following procedures shall be used at a district meeting.

1. Election of moderator. The secretary of the board of directors, or when absent, the chairman of the school board, shall open the meeting and call for the election of a moderator, receive and count votes for moderator and swear in the moderator.

2. Appointing ballot clerks. The moderator shall appoint from the certified voting list the ballot clerks necessary for the efficient operation of the meeting. The clerks shall be sworn in by the moderator.

3. Budget consideration. The budget shall be thoroughly explained. The voters shall have an opportunity to be heard. The voters may change only items dealing with:

A. The expenses necessary to operate the school administrative district;

B. Appropriations for the reserve fund; or

C. Appropriations for the contingency fund and school

construction purposes.

4. Approval. A majority vote of those voters present and voting shall be necessary for the approval of the annual budget.

5. Voting lists. Registration of voters for the annual budget meeting shall be held in each member municipality in accordance with the time schedule specified in Title 21, section 631.

A. Prior to the annual budget meeting, the municipal clerks of the member municipalities shall supply to the board of directors a certified corrected copy of the registered voters of their municipality.

B. The lists shall be used in determining the voters who are eligible to vote at the annual budget meeting.

§1305. Alternative voting procedures

If requested by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district, the board of directors shall cause the following article to be voted on by the voters of the member municipalities.

"Shall School Administrative District No.....require that the voting at future district budget meetings and special district budget meetings be done within each member municipality of the district?

Yes _____ No _____"

1. Procedure. The procedure for voting on the article shall be as follows.

A. On receipt of a request and if the request complies with the requirement of this section, the board of directors shall immediately notify the municipal officers within the district of the receipt of the request.

B. The municipal officers within the district shall then cause the article to be placed on the ballots for that municipality for the next general or statewide special election occurring at least 45 days after the date on which the municipal officers received the notice.

C. The warrants, notices and voting procedures to be followed within a municipality, including absentee

voting procedures, shall be the same as those provided in Title 21, except that the duties of the Secretary of State shall be performed by the board of directors.

D. Municipal clerks shall, within 24 hours of the determination of the results of the vote in their municipality, certify to the board of directors the total number of votes cast in the affirmative and in the negative on the article.

E. As soon as all of the results from all of the municipalities have been returned to the board of directors, the board shall meet and compute the total number of votes cast in the affirmative and in the negative on the article in all of the municipalities within the district.

F. If the board of directors determines that there were more votes cast in the affirmative than there were in the negative on the article, they shall declare that the article has passed.

G. If the board of directors determines that the total number of votes cast on the article in the affirmative is equal to or less than those in the negative, they shall declare that the article has not passed.

H. The board of directors shall enter their declaration and computations in their records and send certified copies of it to the municipal clerk of each municipality within the district.

2. Application. Following the board of director's declaration that the article has passed, the board shall cause the voting at all future district budget meetings and to be called within each municipality within the district. The voting shall be held in accordance with the procedures set out in sections 1351 to 1354. The board may hold informational meetings on voting procedure and budget prior to voting. The board shall be responsible for the form of the articles to be voted on in the municipalities, except as otherwise provided by law.

3. Failure to approve a budget. If, at a district meeting where the voting is done within each municipality within the district, the voters fail to approve the operating school budget, or any part thereof, subsequent district budget meetings shall be held and the voting at these meetings shall be done at a single place within the district. These meetings shall be held solely for the purpose of approving an alternative operating school budget to

replace the part of the proposed budget which the voters failed to approve. These meetings shall be held in accordance with the provisions and procedures set out in section 1304. They may continue in this manner until an alternative budget is adopted.

§1306. Budget format

The board of directors shall determine the budget format unless the district voters petition to establish it.

1. Petition. An article dealing with the budget format may be placed on the next warrant if authorized by a majority vote of the board or if a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district has been presented to the board.

2. Meeting. A school budget format may be established by the district voters if the lesser of either 20% of the number of registered voters or 200 registered voters vote on an appropriate warrant article and a majority approve it. The meeting shall be called and held as provided for district approval procedures under sections 1351 to 1354.

3. Effective date. A change in budget format shall be voted on at least 90 days prior to the budget year for which that change is to be effective.

§1307. Specific line budgets

If the school budget format requires specific line categories, then in preparing the warrant and conducting the budget meeting, the following shall apply.

1. Separate articles. Each category shall be included in a separate warrant article.

2. Transfer. Unless authorized by the voters, the board of directors may not transfer funds between line item categories.

3. Summary action. To summarize the action taken on the school budget for the purposes of determining the district's state-local allocations, the articles prescribed in chapter 605 shall also be voted upon.

§1308. Failure to pass budget

If a budget for the operating of the district is not approved prior to July 1st, the budget as submitted by the

board of directors shall be automatically considered the budget approved for operational expenses for the ensuing year.

§1309. Special budget meeting

The school board may call a special budget meeting when they declare an emergency to exist. The voters of the district may authorize the directors at a special district budget meeting to pledge the credit of the district to obtain additional moneys for the operation of schools.

§1310. District assessments

District assessments shall follow these procedures.

1. Warrant. In accordance with the budget approved by the voters at an annual budget meeting and in substantially the same form as the warrant of the Treasurer of State for taxes, the board of directors shall issue its warrants to the assessors of each member municipality requiring it to assess upon the taxable estates within the municipality an amount which is that municipality's share of the district's costs.

2. Commitment. The municipal assessors shall commit the assessment to the constable or collector. Constables and collectors shall have the authority and powers to collect the district's taxes as is vested in them by law to collect state, county and municipal taxes.

3. Installments. The board of directors shall notify the member municipalities of the monthly installments that will become payable during the fiscal year.

4. Payment. A municipal treasurer shall pay the amount of the tax assessed in the fiscal year against the municipality to the treasurer of the district. The payments shall be paid in monthly installments on or before the 20th of each month.

5. Gifts. A municipality may use the proceeds from gifts or trust funds allocated for educational purposes to pay its share of the assessment.

6. Enforcement. If a municipal treasurer fails to pay the installment due, or any part, on the dates required, the treasurer of the district may issue a warrant for the amount of the unpaid tax to the county sheriff requiring the sheriff to levy by distress and sale on the real and personal property of any of the inhabitants of the municipality

where that default takes place. The sheriff or sheriff's deputies shall execute the warrant. In collecting taxes within member municipalities, the board of directors shall have the same power as county officials for the collection of county taxes under Title 36, chapter 105, subchapter 9.

§1311. Power to borrow money

A school administrative district may borrow money as follows.

1. Board of directors. The board of directors may borrow money to pay for:

A. Current operating expenses of the district if the loans are repaid within one year of the date of borrowing and are limited to an amount reasonably required for current operating expenses; and

B. School construction projects as defined in section 15901.

2. Voters approval. Bonds or notes for school construction purposes shall first be approved by a majority of voters of the district voting at an election called by the board of directors and held as provided in sections 1251 to 1254, except as is otherwise provided in this section.

A. Each bond or note shall have inscribed upon its face the name of the district, the date it was issued, the amount of the bond or note and the annual interest rate, payable semiannually. Each bond or note shall be in the form and be sold in the manner, at public or private sale, as the board of directors shall determine in accordance with state law. Bonds may not be sold for less than par.

B. Notes or bonds issued by a district shall be signed by the treasurer or assistant superintendent and countersigned by the chairman of the board of directors of the district. If coupon bonds are issued, each coupon shall be attested by a facsimile signature of the treasurer.

C. Each issue of bonds shall mature in substantially equal annual installments so that the first installment shall be payable not later than 2 years and the last installment not later than 25 years after the date of issue.

3. Temporary notes. Prior to issuing authorized

school construction bonds or notes, the board of directors may borrow in anticipation of their sale by issuing temporary notes and renewal notes subject to the following.

A. Their total face value amount may not exceed at any one time the authorized outstanding amount of the school construction bonds or notes.

B. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes, the period during which the issue of bonds shall be outstanding plus the period of the loan represented by the temporary notes or renewals shall not exceed 25 years.

C. Temporary notes shall mature not later than 3 years from the date the first temporary note is issued.

D. Temporary notes and renewal notes shall be legal obligations of the district.

E. The board of directors of a district which has received a certificate of approval of a school construction project pursuant to Title 20, section 3458 to be paid in accordance with the alternate method prescribed in Title 20, section 3460, may borrow in anticipation of unpaid portions of state aid and may issue temporary and renewal notes.

F. If the temporary or renewal notes in anticipation of state aid exceed the aggregate amount of state aid actually received by the district, the unexpended balance of those notes shall be used for the repayment. If an outstanding balance remains, it shall be included in the next annual budget and shall not be subject to change at the district budget meeting.

4. Early redemption. Bonds or notes issued on behalf of a district may be made subject to call for redemption, with or without premium, at the election of the board of directors before the date fixed for final payment of those bonds or notes. When these bonds or notes are issued, they shall contain provisions setting forth the method by which the option to call may be exercised, the procedure for payment in the event of call and the legal effect of making the call.

5. District status. Notes and bonds, and loans to pay current operating expenses, contracts, leases and agreements with the Maine School Building Authority, shall be legal obligations of the district. The district shall be a quasi-municipal corporation within the meaning of Title 30,

section 5053 and all the provisions of that section shall be applicable to them.

6. Debt limit. The aggregate principal amount of outstanding bonds or notes issued by a district for school construction purposes shall not exceed, at any one time, 10% of the total of the last preceding state valuation of all the municipalities within the district, plus an amount not to exceed 4% of that total district valuation set by the state board at the time of the initial approval of the school construction project.

A. Indebtedness in excess of 10% incurred under the law as it existed prior to April 1, 1974, is validated.

B. Outstanding school indebtedness assumed by the district shall be included in its limit of indebtedness, excluding contracts, leases or agreements with the Maine School Building Authority and notes in anticipation of state aid issued pursuant to subsection 3.

C. The percentage limit of the indebtedness for bonds or notes for school construction purposes authorized after April 27, 1967 shall be fixed as of the time of authorization by the voters or, if no district meeting is held to authorize those bonds or notes, upon the expiration of 35 days following passage of a resolution of the board of directors as described in subsection 7.

D. If the issuance of bonds or notes together with all outstanding indebtedness included within the district's limit of indebtedness would cause the district's indebtedness to exceed 10% of the total of the last preceding state valuation of all the municipalities within the district, the board of directors shall not issue those bonds or notes until they have received a certificate of approval pursuant to Title 20, section 3458.

E. If a certificate of approval indicates that the state board has authorized state aid to be paid in accordance with the alternate method prescribed by Title 20, section 3460, the total estimated amount of state aid payable on account of the school construction project described in the certificate of approval shall be treated as outstanding school indebtedness for the purpose of computing the borrowing capacity of the district to finance that project by issuing its bonds or notes. State aid shall be determined by applying the applicable percentage of state aid to the total estimated cost of the project, as set forth in the certifi-

cate of approval.

7. Bonds and notes under 1% of valuation. The board of directors may issue bonds or notes not to exceed 1% of the last preceding state valuation of all the municipalities within the district:

A. By calling a district meeting to approve the issuance of those bonds or notes as provided in section 1304; or

B. By passing a resolution to that effect, setting forth the amount of the proposed issue and the purposes for which the proceeds will be used and meeting the following requirements.

(1) The secretary of the board shall, within 5 days of the date of the passage of the resolution, cause attested copies of the resolution to be posted in 3 public and conspicuous places within each of the municipalities within the district. The secretary shall make a return of the posting stating its time and place. The return shall be kept with the records of the district and a copy of the return shall be mailed to each of the municipal officers of each municipality within the district.

(2) If, within 35 days of the date of the passage of the resolution, petitions with signatures of at least 10% of the residents in the district eligible to vote on the date that the resolution was adopted, are filed with the secretary requesting a vote of the district to approve or disapprove the issuance of the bonds or notes, the secretary shall immediately notify the board. They shall call an election for that purpose as set forth in sections 1351 to 1354.

(3) The board shall not authorize bonds or notes by resolution if the amount of the proposed issue, together with the amount of any other bonds or notes authorized solely by resolution and which are for the same purpose, exceeds 1% of the total of the last state valuation of all the participating municipalities.

§1312. Reserve fund

School administrative districts may establish a reserve fund for school construction projects as follows.

1. Establishment. A school administrative district may establish a reserve fund for school construction projects by including a request in the district budget and receiving voter approval. The board of directors shall be the trustee of the reserve fund. The reserve fund shall be deposited or invested by the treasurer under the direction of the board.

2. Deposit or investment. Reserve funds, trust funds and all permanent funds shall be deposited or invested by the treasurer under the direction of the board of directors as follows.

A. The balance in a savings bank, trust company or national bank in the State shall not exceed the amount insured by the Federal Deposit Insurance Corporation.

B. The funds may be invested in shares of a building and loan or a savings and loan association organized under state law.

C. The funds may be invested according to the law governing investment of the funds of savings banks under Title 9-B, chapter 55. For the purpose of this paragraph, the words "deposits of a bank" or their equivalent, as used in Title 9-B, chapter 55, mean the total assets of the reserve fund, trust fund or other permanent fund being invested. The limitation concerning the maximum amount which may be invested in a security or type of security under Title 9-B, chapter 55, applies only to an investment in that security or type of security which exceed \$2,000.

3. Expending moneys from reserve funds. The board of directors may expend the sum in the reserve fund when authorized to do so by a vote of the district at a district meeting or a district budget meeting, when an article for that purpose is set out in the warrant calling the meeting.

§1313. Disposal of property

In disposing of real property in any amount or personal property in an amount exceeding \$1,000, the board of directors shall comply with the following procedures.

1. Requirement to advertise. At least 5 days prior to the date set for the close of bids, the board of directors shall advertise for sealed bids in a newspaper having general circulation in the territory embracing the school administrative district.

2. Bid procedure. The board of directors shall comply with the bid procedures outlined in section 1314.

§1314. Bid procedure

The following shall apply to bids.

1. Written bids. Bids shall be in writing, sealed with outside envelope or wrapper plainly marked "Bid, not to be opened until (with appropriate date inserted)," and mailed to or filed with the superintendent of the unit.

2. Time of opening. A director or employee of the school administrative district may not open a bid until the appointed time.

3. Public opening. At the time and place stated in the public notice, and open to the public, all bids shall be opened by the superintendent or, in his absence or disability, by any director designated for the purpose by the chairman of the board of directors.

4. Reading. If any citizens who are not school administrative district directors or employees, or if any representatives of the press are present, bids shall at the time either be made available for examination by them or shall be read aloud in a manner to be heard plainly by those in attendance.

5. Exceptions. Property may be disposed of without bids as follows.

A. The board of directors may sell school property and buildings to the municipality where the property and buildings are located at a mutually acceptable price without advertising, provided the school administrative district had assumed no indebtedness or lease obligation on account of that property.

B. The directors may return unused real property to individuals from whom it was purchased, their heirs or assigns, when it is no longer needed for school purposes.

§1315. Void contracts

A contract made by the school directors in a school administrative district during the term of a member who is pecuniarily interested in that contract, either directly or indirectly, shall be void, unless the board of directors has advertised for sealed bids for that contract and that adver-

tisement for sealed bids has been published at least 5 days prior to the date set for closing of bids in a newspaper having general circulation within the school administrative unit.

SUBCHAPTER V

DISTRICT REFERENDUM

§1351. District referendum

The school board:

1. Authority to call a district referendum. Shall initiate a district referendum:

A. To approve the issuance of bonds or notes for school construction projects;

B. To approve a change in the selection of a school building site;

C. To approve a change in the method of sharing costs among the member municipalities;

D. To approve an agreement to add one or more municipalities to the district;

E. To approve an agreement to transfer a participating municipality to another school administrative district;

F. To approve an agreement to merge with another school administrative district;

G. To approve a proposed lease agreement with the Maine School Building Authority;

H. To authorize the board of directors to contract for the schooling of secondary pupils;

I. To authorize the board of directors to dispose of real property; or

J. To accept or reject a prospective gift; and

2. Required district referendum. Shall initiate a district referendum when requested by a written petition of at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in the municipalities within the district. At that referendum, the school board shall place before the voters the specific

school construction article which has been requested by the petitioners.

§1352. Method of calling a district referendum

A district referendum shall be initiated by a warrant prepared and signed by a majority of the board of directors. The warrant shall be countersigned by the municipal officers in the municipality where the warrants are posted.

1. Municipal officers. The warrant shall direct the municipal officers within the district to call a referendum on a date and time determined by the board of directors. A warrant shall be prepared and distributed at least 30 days prior to the date of the referendum.

A. The warrant shall be directed to a resident of the district by name, ordering the resident to notify the municipal officers of each of the municipalities within the district, to call a town meeting or city election on the date specified by the board of directors. No other date may be used. The person who serves the warrant shall make a return on the warrant stating the manner of services and the time when it was given.

B. The warrant shall be served on the municipal clerk of each of the municipalities within the district by delivering an attested copy of the warrant in hand within 3 days of the date of the warrant. The municipal clerk, on receipt of the warrant, shall immediately notify the municipal officers within the municipality. The municipal officers shall forthwith meet, countersign and have the warrant posted.

C. The warrants and other notices for the referendum shall be in the same manner as provided in Title 21.

2. Content of the warrant. The warrant shall set forth the articles to be acted on in each municipal referendum. The articles shall have the following form.

A. When a referendum is called for the purpose of authorizing the issuance of bonds or notes for capital outlay purposes, the articles shall be substantially as follows.

(1) "Shall the school directors of School Administrative District No.....be authorized to issue bonds or notes in the name of this district for school construction purposes in an amount not to exceed \$..... to construct

a.
(elementary or secondary school)
to be located at
(specifically defined lot where school is to be
erected)

Yes _____ No _____ "

(2) "Shall the school director of School Adminis-
trative District No.....be authorized to issue
bonds or notes in the name of this district for
school construction projects in an amount not to
exceed \$.....for the purpose of.....

?

(here state purpose of school construction
project)

Yes _____ No _____ "

(3) "Shall the school directors of School Admin-
istrative District No..... be authorized to
use the bond issue or notes in an amount not to
exceed \$..... which was voted by the district on
.....

(date)

to construct a
(elementary or secondary school)

to be located at?
(specifically define lot where school is to be
located)

Yes _____ No _____ "

B. When a district votes to change the site of its
school construction project using the article in
subparagraph (3), the date of authorization of the
project shall be the original date the voters author-
ized the board of directors to issue bonds or notes for
that project.

C. When a referendum is called for the purposes of
approving the addition of a municipality to the dis-
trict, the article shall be in the form set forth in
section 1401, subsection 2, paragraph A.

D. When a referendum is called for the purpose of
approving a proposed lease agreement with the Maine
School Building Authority, the article shall be exactly
as is set forth in the proposed lease agreement.

E. When a referendum is called for the purpose of

authorizing the school board to contract for the schooling of secondary pupils, the article shall be as follows.

"Shall the school directors of School Administrative District No..... be authorized to contract in the name of this district with
(Name of Administrative Unit or Academy)
the schooling of secondary pupils for a term of
.....years?

Yes No "

F. When a referendum is called for the purpose of authorizing the school directors to dispose of real property, the article shall be as follows.

"Shall the school directors of School Administrative District No.....be authorized to dispose of.....
?
(describe the property)

Yes No "

G. When a referendum is called for the purpose of authorizing a change in the method of sharing costs in the district, the article shall be as follows.

"Shall the method of sharing costs in School Administrative District No.....be changed from the present method
(describe)
to the following method: ?
(describe)

Yes No "

H. When a referendum is called for the purposes of accepting or rejecting a prospective gift, the article shall be as follows.

"Shall the school directors of School Administrative District No..... be authorized to accept a prospective gift under the following conditions?
(set forth terms and conditions)

Yes No "

I. When a referendum is called for the purpose of approving the agreement to transfer a municipality from

one district to another district, the article shall be the form set forth in section 1406.

§1353. Referendum procedures

The following procedures shall apply to a district referendum

1. Ballots. The board of directors shall prepare and furnish the required number of ballots for carrying out the referendum as posted, including absentee ballots. It shall prepare and furnish all other materials necessary to fulfill the requirements for voting procedures.

2. Voting. Voting shall be held and conducted as follows.

A. The voting at referendum 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 Title 30, sections 2061 and 2062. The facsimile signature of the clerk under Title 30, section 2061, subsection 5, paragraph F, shall be that of the chairman of the board of directors. If a district referendum 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 board. The absentee voting procedure of Title 21 shall be used, except the duties of the Secretary of State shall be performed by the board.

B. The voting at referendum 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 board of directors.

3. Return and counting. The return and counting of votes shall be as follows.

A. The municipal clerk shall, within 24 hours of the determination of the results of the vote in the municipality, certify and send to the board of directors the total number of votes cast in the affirmative and in the negative on each article.

B. As soon as all of the results from all of the municipalities have been returned to the board of directors, the board shall meet and compute the total

number of votes cast in all of the municipalities within the district in the affirmative and in the negative on each article.

C. If the board of directors determines that there were more votes cast in the affirmative than in the negative, on a given article, they shall declare that the article has passed.

D. If the board of directors determines that the total number of votes cast on an article in the affirmative is equal to or less than those cast in the negative, they shall declare that the article has not passed.

E. They shall enter their declaration and computations in their records and send certified copies of it to the clerk of each municipality within the district.

F. If the district votes on the question of merging with another district, the secretary shall immediately file a return with the state board of the results of the vote on the question of merger.

§1354. Reconsideration

The procedure to reconsider votes taken at a district referendum shall be as follows.

1. Time limit. The board of directors shall, within 60 days, initiate a new district referendum to reconsider the vote of the previous referendum if, within 7 days of the first referendum, at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in the municipalities within the district petition to reconsider a prior district referendum vote.

2. Required quorum. A reconsideration referendum is not valid unless the number of persons voting in that referendum is at least equal to the number who voted in the prior district referendum.

3. Bond. If the margin of the vote being reconsidered was between 10% and 25%, the petitioners shall post a bond with the petition equal to the actual and reasonable costs of the new referendum. If the margin of the vote being reconsidered exceeded 25%, the petitioners shall post an additional bond equal to the actual and reasonable costs which may be incurred as a result of the delay of an authorization or approval granted in the prior district referendum. If the petitioners are successful, the bonds shall be canceled.

SUBCHAPTER VI
REORGANIZATIONS

§1401. Additions

A municipality not originally in a school administrative district may be included as follows.

1. Application. The board of directors of the municipality wishing to join with an existing school administrative district may file an application with the state board on a form to be provided by the state board.

A. The state board shall study the need for the municipality to join the school administrative district and recommend an agreement by which the municipality may become a member.

B. The agreement may contain a new method of sharing costs among the member municipalities of the district in accordance with section 1301. The article set out in section 1203, subsection 6, paragraph D, authorizing units to vote on alternate methods of sharing costs shall be used if the agreement recommended by the state board contains a provision for using one of the alternate methods of sharing costs.

C. This agreement shall be forwarded to the secretary of the school administrative district and to the clerk of the municipality desiring to join the district.

2. First meeting. Within 45 days after receipt of the agreement by the municipal clerk, a regular or special town meeting or city election in the joining municipality, shall vote on the agreement. The vote shall conform to the following procedure.

A. The article voted on shall be:

"Article : Shall the municipality vote to join School Administrative District No.... as a participating municipality of the district subject to the terms and conditions of the agreement prepared by the State Board of Education dated 19..?"

Yes No "

(A copy of the agreement shall be posted with each warrant.)

B. The election of the directors and the vote on the

agreement shall be conducted on the same day. This election shall follow the procedures used for the election of municipal officials by the municipality.

C. The vote on the agreement shall be called using the same methods as the municipality uses in conducting its business at regular or special town meetings or city elections.

D. If the municipality is organized under a special legislative charter, it shall call a referendum following the procedures outlined in its charter.

E. The municipal clerk shall send a certified copy of the results of the vote to the secretary of the school administrative district.

3. Second meeting. If the board of directors finds that the vote was in the affirmative, the board shall call a district referendum within 45 days in accordance with sections 1351 to 1354 to vote on the following article.

"Article : Shall the district vote to admit the municipality of.....
(name the municipality)
into School Administrative District No..... as a participating municipality of the district subject to the terms and conditions of the agreement prepared by the State Board of Education dated 19.....?"

Yes No "

(A copy of the agreement shall be posted with each warrant.)

A. The municipal clerks within the district shall forward to the state board a certified report of the total number of affirmative and negative votes cast on the article.

B. On receipt of the results of the voting from all municipalities, the state board shall meet, compute and record the result of the voting.

4. State board finding. If the state board finds that a majority of the voters of the district and a majority of the voters of the municipality favor admission of the municipality into the district, the state board shall make a finding to that effect and record it on its records.

A. The state board shall notify by registered mail the

clerk of the municipality seeking to join the school administrative district and the secretary of the school administrative district of the results of the vote.

B. If the state board finding is that a majority is for joining, it shall issue an amended certificate for the school administrative district, which shall be filed in the same manner as the original certificate.

5. Certificate. The issuance of an amended certificate shall be conclusive evidence of the admission of that municipality to the school administrative district.

§1402. Combining of districts

If one school administrative district wishes to join with another school administrative district, the following procedure shall be used.

1. Application. Each district's board of directors shall file an application with the state board on a form to be prepared by the state board.

A. The state board shall receive the applications, make a study of the necessity for combining the districts and recommend an agreement by which the districts may combine.

B. This agreement shall be forwarded to the secretary of each school administrative district.

2. Meeting. Within 45 days after receipt of the agreement each district's board of directors shall call a district meeting in accordance with sections 1351 to 1354 to vote on the following article.

"Article : To see if School Administrative District No.... will vote to join School Administrative District No.... in a merger to form a larger district subject to the terms and conditions of the agreement prepared by the State Board of Education dated 19.....

Yes No "

(A copy of the agreement shall be posted with each warrant.)

3. Return. The secretary of each school administrative district shall file a return with the state board immediately following the votes in the district on the ques-

tion of merger.

4. State board finding. If the state board finds that a majority of the voters in each district have voted in favor of the merger, the state board shall make a finding to the effect and record the same on its records.

5. Notice. The state board shall notify by registered mail the secretary of each district of the results of the vote.

6. Certificate. If the state board finding is that a majority is for merging, it shall issue a new certificate for the enlarged school administrative district and assign a number. The certificate shall be filed in the same manner as the original certificate.

7. Evidence. The issuance of the certificate by the state board shall be conclusive evidence of the merger of the school administrative districts.

§1403. Dissolution of a district

1. Ten percent petition. Upon receipt of a petition of 10% of the number of voters in a municipality who voted at the last gubernatorial election, the municipal officers shall call and hold a special election in the manner provided for the calling and holding of town meetings or city elections to vote on the dissolution of the school administrative district.

A. At least 10 days before the election a posted or otherwise advertised public hearing on the petition shall be held by the municipal officers.

B. The petition must be approved by secret ballot by a 2/3 vote of the voters present and voting before it may be presented to the board of directors and the state board. Voting in towns shall be conducted in accordance with Title 30, sections 2061 and 2062, even though the town has not accepted the provisions of Title 30, section 2061, and voting in cities shall be conducted in accordance with Title 21.

2. Form. The question to be voted upon shall be in the following form:

"Article : Be it resolved by the residents of the Town of that a petition for dissolution be filed with the directors of School Administrative District No. and with the State Board

of Education?

Yes _____ No _____ "

3. Notice of vote; finding by board. If residents of a participating municipality vote favorably on a petition for dissolution, the clerk shall immediately give written notices, by registered mail, to the secretary of the school administrative district, the state board and the commissioner which shall include:

A. The petition adopted by the voters, including the positive and negative votes cast; and

B. An explanation by the municipal officers, stating to the best of their knowledge, the reason or reasons why the municipality seeks to dissolve the district.

4. Agreement for dissolution; notice; changes in agreement; final agreement. The agreement for dissolution shall comply with the following.

A. The commissioner, after consultation with the district board of directors, municipal officers of the participating municipalities and representatives of the group which filed the petition with the municipality shall direct each municipality to select representatives to a committee as follows: One school director representing the municipality shall be selected by the directors representing that municipality; one member each from the municipal officers; the group filing the petition; and the general public shall be selected by the municipal officers. The chairman of the board of directors shall call a meeting of the committee within 30 days of the filing of the notice of the vote in subsection 3. The chairman of the board shall open the meeting by presiding over the election of a chairman of the committee. The responsibility for the preparation of the agreement shall rest with the committee. The committee may draw upon the resources of the department for information not readily available at the local level. The agreement shall be submitted to the state board and the commissioner within 90 days after the committee is formed. Extensions of time may be granted by the commissioner upon the request of the committee.

(1) The agreement shall contain provisions to provide educational services for all students in the district. The agreement shall provide that during the first year following the dissolution, students may attend the school they would have

attended if the district had not dissolved. The allowable tuition rate for students sent from one municipality to another in the former school administrative district shall be determined under section 5805, subsection 1, except that it shall not be subject to the state per pupil average limitation in section 5805, subsection 2.

(2) The agreement shall establish the dissolution to take effect at the end of the district's fiscal year.

(3) The agreement shall establish that the dissolution will not cause a need within 5 years from the effective date of dissolution for school construction projects which would be eligible for state funds. This limitation does not apply where a need for school construction existed prior to the effective date of the dissolution or where a need for school construction would have arisen even if the district had not dissolved.

(4) The agreement shall establish how transportation services will be provided.

(5) The agreement shall provide for administration of the new administrative units, which should not include the creation of new supervisory units if at all possible.

(6) The agreement shall make provision for the distribution of financial commitments arising from outstanding bonds, notes and any other contractual obligations that extend beyond the proposed date of dissolution.

(7) The agreement shall make appropriate provision for the distribution of any outstanding financial commitments to the superintendent of the school administrative district.

(8) The agreement shall provide for the continuation and assignment of collective bargaining agreements as they apply to the new or reorganized school administrative unit for the duration of those agreements and shall provide for the continuation of representational rights.

(9) The agreement shall provide for the continuation of continuing contract rights under section 13201, subsection 2.

(10) The agreement shall provide for the disposition of all real and personal property and other monetary assets.

(11) The agreement shall provide for the transition of administration and governance of the schools to properly elected governing bodies of the newly created administrative units.

B. Within 60 days of the receipt of the agreement, the state board shall either give it conditional acceptance or recommend changes with the advice of the commissioner based upon the standards set forth in paragraph A.

C. If the state board gives conditional approval of the agreement, the commissioner shall notify the directors and the municipal officers by registered mail of the time and place of a public hearing at least 20 days prior to the date set for the hearing, to discuss the merits of the proposed agreement of dissolution.

(1) The directors shall post a public notice in each municipality of the time and location of the hearing at least 10 days before the hearing.

(2) Within 30 days following the hearing, the committee shall forward the final agreement to the commissioner and the state board.

D. If the state board recommends changes it shall:

(1) Send the agreement back to the committee for necessary corrections and establish a maximum time within which to make the corrections; and

(2) Indicate that the corrected agreement shall go through the steps outlined in paragraphs A to C, or such other steps as the board deems appropriate.

5. Date of vote; notice; warrant; polling hours. The date and time for voting shall be established as follows.

A. The state board shall determine the date upon which all municipalities shall vote upon the dissolution agreement submitted to them. The election shall be held as soon as practicable and the state board shall attempt to set the date of the vote to coincide with a statewide election.

B. At least 35 days before the date set in paragraph

A. the board of directors shall give written notice by registered or certified mail to the town or city clerk of each municipality having a right to vote on the dissolution agreement.

C. The town or city clerk shall immediately notify the municipal officers upon receipt of the notice, and the municipal officers shall meet and immediately issue a warrant for a special town meeting or city election, as the case may be, to be held on the date designated by the state board. No other date may be used.

D. In the respective warrants, the municipal officers shall direct that the polls shall be open at 10 o'clock in the forenoon and shall remain open until 8 o'clock in the afternoon.

6. Public hearing; voting procedures. The following requirements apply to the voting procedures.

A. At least 10 days before the election, a posted or otherwise advertised public hearing on the dissolution question shall be held by the municipal officers.

B. Except as otherwise provided in this section, the voting at the meetings held in towns shall be conducted in accordance with Title 30, sections 2061 and 2062, even though the town has not accepted the provisions of Title 30, section 2061.

C. The voting at the meeting held in cities shall be conducted in accordance with Title 21.

7. Article. The article shall be in the following form.

"Article : Shall School Administrative District No. be dissolved subject to the terms and conditions of the dissolution agreement dated 19 ?

Yes No "

8. Ballots; posting of agreement. The dissolution agreement need not be printed on the ballot. Copies of the agreement shall be posted in each participating municipality in the same manner as specimen ballots are posted under Title 30, chapter 207.

9. Restriction on dissolution petitions. No participating municipality within a district which has voted on

dissolution may petition for dissolution within 2 years after the date of the district vote on the dissolution.

10. Costs of dissolution agreements and reimbursement. Costs incurred shall comply with the following.

A. The expense of employment of competent advisors in preparing the agreement of dissolution shall be paid by the state board.

B. If the school administrative district votes not to permit dissolution, the municipality petitioning for dissolution shall reimburse the state board for expenses. If the school administrative district votes to permit dissolution, the school administrative district shall reimburse the state board for the expenses.

11. Determination of vote. The town and city clerks shall, within 24 hours of determination of the result of the vote in their respective municipalities, certify the total number of votes cast in the affirmative and the total number of votes cast in the negative on the article to the board of directors.

12. Determination of results; notification; execution of agreement. Determination of results shall comply with the following.

A. Upon receipt of the results of the voting from all municipalities, the board of directors shall meet and shall compute and record the total number of votes cast in the municipalities within the school administrative district in the affirmative and the total number of votes cast in the negative on the article submitted.

B. The board of directors shall notify the state board by certified mail of the results of the vote.

C. If the state board finds that a majority of the voters voting on the article have voted in the affirmative, it shall notify the directors of the district to execute immediately the terms of the agreement for dissolution.

13. Recount; checklists and ballots; disputed ballots. The following provisions apply to recounts, checklists, ballots and disputed ballots.

A. If, within 7 days of the computation and recording of the results of the voting from all municipalities, the municipal officers of any participating municipal-

ity request to the commissioner in writing a recount of the votes in the district, the commissioner shall immediately cause the checklists and all the ballots cast in all of the participating municipalities to be collected and kept at the commissioner's office so they may be recounted by interested municipalities.

B. The town clerks of the participating municipalities are authorized to deliver the checklists and ballots to the commissioner, notwithstanding any other provision of law to the contrary.

C. The commissioner shall resolve any question with regard to disputed ballots.

14. Execution of agreement; certified record; certificate of withdrawal. When the agreement for dissolution has been executed by the directors of the school administrative district, the directors shall notify the state board by certified mail that the agreement of dissolution has been executed.

A. A complete certified record of the transaction involved in the dissolution shall be filed with the state board.

B. The state board shall immediately issue a certificate of dissolution to be sent by certified mail for filing with the directors of the school administrative district and shall file a copy in the office of the Secretary of State.

15. Indebtedness; indebtedness defined; indebtedness after dissolution. The following provisions apply to outstanding indebtedness.

A. Whenever a district having outstanding indebtedness dissolves, the district shall remain intact for the purpose of securing and retiring the indebtedness; the dissolution agreement may provide for alternate means for retiring outstanding indebtedness.

B. "Outstanding indebtedness" means bonds or notes for school construction projects issued by the board of directors pursuant to the authorization established under chapter 609 or Title 20, sections 3457 to 3460 or obligations to the Maine School Building Authority pursuant to any contract, lease or agreement made by the board of directors pursuant to approval thereof in a district meeting of the school administrative district, but does not include any indebtedness of any municipal-

ity assumed by the school administrative district at the time of formation nor any contract, lease or agreement of the Maine School Building Authority to which by operation of law the school administrative district has become the assignee.

16. General purpose aid. When a school administrative district dissolves the general purpose aid for the individual municipalities shall be computed in accordance with chapter 605.

§1404. Reorganization of a school administrative district as a community school district

1. Petition for reorganization. The residents of a municipality within a school administrative district may petition for dissolution of the school administrative district and reorganization as a community school district, which will operate grades 9 to 12 and any combination of kindergarten through grade 8 in accordance with chapter 105, in the manner authorized by section 1403 for dissolution of a district. The articles to be voted upon shall clearly set forth that a community school district will be formed upon the dissolution of the school administrative district.

2. Vote required. If the state board is petitioned pursuant to the authority of subsection 1, the board of directors of the school administrative district shall require the member municipalities of the district to vote on an article which shall be substantially as follows.

"Article : Shall School Administrative District No. be dissolved subject to the terms and conditions of the dissolution agreement dated 19 , and the towns of form a community school district which shall be responsible for the operation of grades ?"

Yes No "

3. Governing body of community school district. A school administrative district which dissolves and simultaneously forms a new community school district pursuant to this section shall have a single governing body which shall consist of a school committee performing all of the duties of the school committee and the board of trustees set forth in chapter 105.

4. Findings by state board dissolution plan. The state board shall carry out its duties under sections 1403 and 1602 regarding the dissolution of a school administra-

tive district and the creation of a new community school district, except that the municipal officers and board of directors shall be responsible for developing a plan to provide for the continuity of the educational program for each municipality to be included within the dissolution agreement.

5. Outstanding indebtedness of the school administrative district and liability of the community school district. If a school administrative district is dissolved and a community school district is formed, the community school district shall become liable for the school administrative district's outstanding indebtedness as defined in section 1403, except as otherwise provided for in subsection 6.

6. Outstanding indebtedness of school administrative district; liability of individual municipalities. If the school administrative district is dissolved and the ensuing community school district does not include kindergarten through grade 12, each member municipality shall be individually liable for any outstanding indebtedness which the school administrative district had relative to the grades which will be operated exclusively by that municipality or as otherwise provided for in the dissolution agreement.

7. General purpose aid. When a school administrative district dissolves and a new community school district is formed, the general purpose aid for the community school district and the individual municipalities shall be computed in accordance with chapter 605.

§1405. Withdrawal of a single municipality from a school administrative district

The residents of a participating municipality within a school administrative district composed of 3 or more municipalities may petition to withdraw from the school administrative district in the same manner as they would petition for the dissolution of a school administrative district in accordance with section 1403, except that only a simple majority vote is required. The steps set forth in section 1403 for dissolution apply to the withdrawal of a member municipality from a school administrative district, except that the responsible committee for preparing the withdrawal agreement will be limited to individuals from the municipality. Instead of a district election, a municipal election shall be conducted and a 2/3 vote of the voters present and voting in the municipality is required before it may withdraw. Wherever there is reference in the provisions of section 1403 to the term "dissolution," the term "with-

drawal" or appropriate similar language shall be substituted.

§1406. Transfer of a municipality from one school administrative district to another

1. Petition to commissioner. The board of directors of 2 school administrative districts may petition the commissioner by joint resolution to permit a municipality to transfer from one school administrative district to another, provided that that municipality is being transferred to a district contiguous to the municipality.

2. Transfer agreement. The boards of directors of the 2 districts and the municipal officers of the municipality involved shall prepare the agreement within a period of 60 days after being authorized by the commissioner to prepare the agreement. Extensions of time may be granted by the commissioner.

A. The committee shall consider the standards set forth in section 1403, subsection 4, paragraph A in preparing the agreement.

B. The approval process for the agreement shall follow the steps set forth in section 1403, subsection 4 to subsection 16.

C. The following question shall appear on the ballot when the transfer of a municipality is considered.

"Article : Shall School Administrative District No. vote to permit the municipality of to transfer into School Administrative District No. as a participating municipality of that district subject to the terms and conditions of the agreement of transfer approved by the State Board of Education dated 19 ?

Yes No "

(A copy of the agreement shall be posted with each warrant which directs the citizens to vote upon the question.)

D. The article must be approved by a majority of votes cast in the district and by a majority of votes cast in the municipality to be transferred before the agreement may take effect.

E. A complete certified record of the transaction

involved in the transfer shall be filed with the state board. The state board shall issue immediately a certificate of transfer to the secretary of each school administrative district by registered mail to be filed with the directors of the districts involved and shall file a copy of the certificate of transfer in the office of the Secretary of State.

3. Outstanding indebtedness. Whenever a municipality, or a part of a municipality, is detached from a district having outstanding indebtedness, the municipality or part of a municipality shall remain as part of the district from which it was detached for the purposes of paying its proper portion of such indebtedness until the indebtedness shall be redeemed. The municipality or part of a municipality shall not be part of the district from which it was detached for the purpose of any outstanding indebtedness incurred subsequent to the date of the certificate of transfer.

§1407. Closing an elementary school

1. Vote. An elementary school in a member municipality of a school administrative district may not be closed unless the voters in the member town vote on the following article in accordance with the procedure set forth in sections 1351 to 1354.

"Article : Shall the board of directors of School Administrative District No. be authorized to close

(name of school)

Yes No "

(The election shall be conducted only within that member municipality and the costs of the election shall be borne by the district.)

2. Expense of keeping the school open. If the voters vote to keep the school open, the member municipality shall be liable for any additional expense for operating costs, transportation costs and minor capital costs as defined in section 15503, which exceed by 10% the expense of the district for the operating costs, transportation costs and minor capital costs as compared on a per pupil basis in the base year. The determination of costs shall be subject to the approval of the commissioner. Any additional costs which must be borne by the member municipality shall be part of the article presented to the voters at the meeting to determine whether the school should remain open.

CHAPTER 105

COMMUNITY SCHOOL DISTRICT

SUBCHAPTER I

ORGANIZATION

§1601. Definitions

1. Community school district. A community school district means a school administrative unit consisting of the inhabitants of and the territory within 2 or more municipalities. It shall be a body politic and corporate responsible for the operating of kindergarten through grade 12, or any combination thereof. It may include a school administrative district, which does not operate a secondary school, for the secondary school grades of 9 to 12 only. If a school administrative district is included, the board of directors of the school administrative district may be substituted for the words "municipal officers" and school administrative district may be substituted for the word "municipality" in applying the terms of this chapter.

2. District board of trustees. The district board of trustees shall perform the duties provided in section 1651.

3. District school committee. The school board of a community school district shall be called a district school committee.

§1602. Formation

A community school district may be formed by the residents of 2 or more municipalities only if the voters of each of those municipalities have voted to create the district.

1. Municipal vote. If the school board of each municipality's school administrative unit votes to join with another municipality to form a community school district, then the municipal officers of each municipality shall call a meeting of the voters of their respective municipality in a manner provided by law for the calling of town meetings. Those meetings shall vote to either favor or oppose articles in substantially the following forms.

A. "Article : To see if the municipality of _____ will
_____ (name)
vote to join with the municipalities of _____"

_____ (naming them)
to form a community school district to be known as
_____ Community School District which shall
be responsible for the operation of grades
_____ (naming them)."

B. "Article _____ : To see if the costs of operating
_____ Community School District shall be shared
among the municipalities of _____ in
_____ (naming them)
accordance with (per student, state valuation, a combi-
nation thereof or any other formula authorized by the
Legislature)."

C. "Article _____ : To see if the municipality of _____
_____ will
_____ (name)
vote to have the community school district's school
committee perform the duties of the board of trustees."

2. State board declaration. Each municipal clerk shall file a return of the votes cast at the meeting with the state board. If the state board determines that a majority of those voting in each of the municipalities favored the articles in subsection 1, paragraphs A and B, then the state board shall so declare. With the declaration, the commissioner shall issue to the community school district a certificate of organization which shall be conclusive evidence of its lawful organization. The community school district shall bear the name voted on.

3. Petition to reorganize to rename. The district school committee may petition the state board to change the name of the community school district or to change the number of grades which the community school district is responsible for operating.

A. The state board shall authorize the change if it finds the change to be in the best interest of the community school district.

B. If the State Board of Education authorizes the change, then the governing body of the community school district shall notify the municipal officers in each of the member towns who shall call a meeting of the inhabitants of their respective towns in the manner provided by law for calling of town meetings and those meetings shall vote to favor or oppose articles in substantially the following forms.

(1) "Article _____ : To see if the town will vote

to authorize the _____ Community School District to change its name to _____ Community School District."

(2) "Article _____ : To see if the town will vote to authorize the _____ Community School District to be responsible for the operation of grades _____."

C. The clerk in each of the member towns shall file a return of the votes cast in the town meeting with the state board. If the state board finds that a majority of those voting in each of the towns favor the articles, then the community school district shall be reorganized accordingly.

4. Board to file return. Whenever the community school district is reorganized in the manner authorized in subsection 3 or under section 1751, the board of trustees shall file a return to that effect with the state board. A copy, certified by the commissioner, of the return shall be conclusive evidence of the reorganization of the community school district.

§1603. Official school

The community school district shall be the official school of the participating municipalities responsible for the operation of the grades authorized by the commissioner's certificate.

§1604. Transition to new district

1. Transfer of contracts. At the start of the school year after organization:

A. The contracts between the municipalities within the community school district and all teachers shall automatically be assigned to the community school district and the district shall be responsible for assigning teachers to their duties and making payments on their contract; and

B. The contracts between the superintendents and municipalities within the community school district shall automatically be assigned to the district.

(1) The superintendents' duties with regard to the community school district shall be determined by the district school committee.

(2) The community school district shall there-

after pay the proportionate part of the superintendents' salary that the municipalities were liable to pay.

2. Transfer of assets. Each municipality within the community school district, at the same time, shall transfer to the district:

A. All school supplies and equipment purchased for and in use by the school grades encompassed by the community school district formation; and

B. All real property, as requested by the district school committee, which was formerly used for the school grades encompassed by the district formation. The municipal officers shall execute quitclaim deeds for the transfer of real property requested by the district school committee.

3. Initial budget. The district school committee shall be responsible for preparing and submitting a budget to the voters, as authorized by section 1701, prior to the start of the first year.

4. Operational date. At the start of the school year after organization, the community school district shall become operative and the district school committee shall assume the sole management and control of the operation of all the public schools within the community school district for the authorized grade levels. It shall also adopt bylaws and an official seal.

SUBCHAPTER II

DISTRICT BOARD OF TRUSTEES

AND DISTRICT SCHOOL COMMITTEE

§1651. District board of trustees

The following provisions shall apply to the community school district board of trustees.

1. Terms of office. The terms of office of trustees are as follows.

A. When a community school district has been formed the municipal officers of each of the member municipalities shall appoint 3 residents from each municipality to serve on the board of trustees of the community school district. The 3 trustees shall be appointed as

follows: One for one year; one for 2 years; and one for 3 years.

B. Thereafter, one trustee from each municipality shall be elected each year for a term of 3 years by the voters of each of the participating municipalities. The elections shall take place at the annual municipal meetings and the trustees elected, or appointed, shall serve until their successors are elected and qualified.

C. Vacancies, whether caused by death, by resignation or by being absent from the municipality for more than 90 days, shall be filled by appointment by the municipal officers of the municipality which the former trustee represented until a successor trustee is elected for the unexpired term, if any, at the next annual meeting.

2. Duties. The district board of trustees shall:

A. Meet on call of one of its members after reasonable notice;

B. Elect a chairman, treasurer and a secretary. The district board of trustees may authorize the district's superintendent to act as its secretary and treasurer;

C. Determine the representation of each municipality on the district school committee. The representation of each municipality shall be in approximately the same ratio to the total membership of the district school committee as the municipality's latest Federal Decennial Census is to the latest Federal Decennial Census of all of the member municipalities. Federal Estimated Census figures shall be used if they are more recent than the Federal Decennial Census figures;

D. Handle requests of petitions for reapportionment in the manner provided for school administrative districts under section 1255; and

E. Borrow funds as provided in section 1702.

3. State board return. When the trustees have fulfilled the requirements of subsection 2 they shall file a return to that effect with the state board.

4. District school committee to act as district board of trustees. A community school district may vote at any time on the article in section 1602, subsection 1, paragraph C, to see if the district school committee shall be author-

ized to perform the function of the district board of trustees. If the municipalities vote affirmatively on that article, the district school committee shall perform the duties of the district board of trustees under this chapter.

§1652. District school committee

1. Officers, treasurer's fee and bond. The district school committee shall, annually in April, choose by ballot from its membership a chairman, a treasurer and a secretary. It may authorize the district's superintendent to be the treasurer and secretary.

A. The treasurer, if authorized by the district school committee, may receive up to \$250 for services. The treasurer shall give a bond to the community school district in the sum and with sureties as the district school committee determines. The bond shall be deposited with the chairman. The expense of the bond shall be paid by the community school district.

B. Members of the district school committee shall receive only the compensation authorized by the municipalities or school administrative units which they represent.

§1653. Election; vacancies

1. Representation on the district school committee. Each member municipality's representation on the district school committee shall be chosen as follows.

A. The school board of each member municipality shall choose from its membership the representation to which it is entitled on the district school committee.

B. Membership on the district school committee shall:

(1) Be coterminous with the member's term of office on the municipal school board; or

(2) Commence on a date subsequent to the last municipal election, but not later than July 1st, as established by the voters of the district in accordance with the voting procedures established in section 1602.

2. Vacancies. Vacancies on the committee shall be filled as follows.

A. A vacancy shall be filled by the school board of

the municipality in which the vacancy occurs.

B. If a representative on the district school committee is absent from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists. The school board in the representative's municipality may choose from among its members another representative. The representative shall be chosen on the basis of seniority.

C. If a district school committee member is absent from a meeting, the senior nonvoting member shall be allowed all the rights and privileges of the absent member, with the exception of the right to vote. This paragraph shall apply only to a member who is the sole representative of a municipality on the district school committee.

§1654. Powers, duties and authority

1. General functions. A district school committee shall have the powers and duties with respect to the community school district as are conferred upon school boards under this Title, except those powers and duties which are expressly reserved for the district board of trustees.

2. Specific functions. A district school committee:

A. Shall be responsible, as of the start of the school year after organization, for the operation of the authorized grades;

B. May issue bonds and notes and borrow money as authorized in this Title;

C. May acquire and hold property for the purpose of operating schools within the authorized grade levels and for other purposes;

D. Shall share costs in the manner authorized by the voters; and

E. May acquire, construct and operate related recreational and athletic facilities, which may also meet other community needs.

SUBCHAPTER III

FINANCING

§1701. Budget approval

1. Preparation. A district school committee shall

annually prepare a budget for the operational and capital expenditures of the community school district.

2. Articles. The district school committee shall prepare appropriate articles to authorize the budget expenditures and to determine the sums of money that will be assessed to each member municipality.

3. Time and place. The district school committee shall call an annual budget meeting on or before June 30th at an hour and in a location within the community school district it designates.

4. Warrants. The district school committee shall post warrants in each of the member municipalities calling for an annual budget meeting. It shall follow the procedures that are used by a town for the calling of a regular town meeting.

5. Voting lists. The following provisions shall govern voting lists.

A. Registration of voters for the annual budget meeting shall be held in each member municipality in accordance with the schedule specified in Title 21, section 631.

B. Prior to the annual budget meeting, the municipal clerk of each member municipality shall supply to the district school committee a current list of the registered voters of the municipality. The lists shall be used in determining the voters who are eligible to vote at the annual budget meeting.

6. Moderator. The chairman of the district school committee, or when absent the secretary, shall open the meeting and shall call for the election of a moderator.

7. Majority vote. A majority vote of those voters present and voting shall be necessary for the approval of the annual budget.

8. Special budget meeting. The district school committee may call a special budget meeting when in their judgment a financial emergency exists. They shall post warrants in each of the member municipalities following the same procedures that are used for calling the regular annual budget meeting.

A. At the special budget meeting, the voters may

authorize the district school committee to make an assessment on the member municipalities or to borrow funds to obtain additional moneys for the operation of the district's schools because of a financial emergency.

B. If the voters authorize the district school committee to borrow additional money, that amount shall be added to the next annual assessment of the member municipalities.

9. Budget format; voter determination. The budget format shall be prescribed by a majority of the district school committee, unless at least 20% of the number of registered voters, as certified by the several municipal clerks to the secretary, vote on an appropriate warrant article prescribing the budget format.

A. The budget format may be determined by the voters of a community school district by adoption of an appropriate warrant article at a properly called meeting.

B. An article dealing with the budget format may be placed on the next warrant if, authorized by a majority vote of the district school committee or if a written petition of at least 10% of the number of voters voting in the last gubernatorial election of each municipality comprising the community school district has been presented to the district school committee.

10. Change in format. A change in budget format shall be voted at least 90 days prior to the budget year for which that change is to be effective.

11. Line item categories; transfer of funds. Line item categories and transfer of funds shall be as follows.

A. If the budget is prepared by specific line categories, each category shall be included in a separate warrant article.

B. Unless authorized by the voters, the district school committee may not transfer funds between line item categories.

12. State-local allocations. To summarize the action taken on the budget for the purposes of determining the community school district's state-local allocations, the articles prescribed in chapter 605, shall also be voted on.

§1702. Borrowing

1. Purposes of borrowing. The district board of trustees may borrow funds to pay for:

A. Current operational expenditures of the community school district in an amount not to exceed the gross budget approved by the voters at the annual meeting. These borrowed funds shall be repaid within the same fiscal year; and

B. Major and minor capital costs, not to exceed in the aggregate, at any one time outstanding, 10% of the total of the last preceding state valuation of all of the participating municipalities. Contracts, leases or agreements with the Maine School Building Authority shall not be debts or liabilities within this section.

2. Form of bond or note. Each bond or note shall have the following form.

A. It shall have inscribed on its face the name of the community school district, the date it was issued, the amount of the bond or note and the annual interest rate, payable semiannually. It shall be in the form and be sold in the manner, at public or private sale, as the district board of trustees determine in accordance with state law.

B. It shall be signed by the treasurer and countersigned by the chairman of the district board of trustees. If coupon bonds are issued, each coupon shall be attested by a facsimile signature of the treasurer.

3. Maturity and time limits. The following provisions apply to bonds or notes.

A. Each issue of bonds shall mature in substantially equal annual installments so that the first installment shall be payable not later than 2 years after the date of issue and the last installment not later than 25 years from the date of issue.

B. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes of the community school district or renewals thereof, the period during which that issue of bonds shall be outstanding, plus the period of the loan represented by the temporary notes or renewals, shall not exceed 25 years.

C. Notes shall mature not later than one year from their date of issue but may be renewed. The period of

the original note plus that of renewals shall not exceed 2 years.

4. District obligations. All notes, bonds, contracts and leases and all agreements with the Maine School Building Authority entered into by a community school district shall be the legal obligations of the district.

5. Status. A community school district shall be a quasi-municipal corporation within the meaning of Title 30, section 5053. The provisions of Title 30, section 5053 shall be applicable to it.

§1703. Community school district assessments

1. Community school district warrant. In accordance with the budget approved by the voters at the annual budget meeting and in substantially the same form as the warrant of the Treasurer of State for taxes, the district school committee shall issue its warrants to the assessors of each member municipality requiring them to assess upon the taxable estates within each municipality an amount that is that municipality's share of the community school district's costs.

2. Municipality tax collector. The assessors of each member municipality shall commit the assessment to the constable or collector. The constable or collector shall have all the authority and powers to collect the community school district's taxes as are vested in the office by law to collect state, county and municipal taxes.

3. Monthly installments. The district school committee shall notify the member municipalities of the monthly installments that will become payable during the fiscal year.

4. Payment. Each municipal treasurer shall pay the amount of the tax assessed to the treasurer of the district. The payments shall be paid in monthly installments and shall be made on or before the 20th of each month.

5. Gifts. A member municipality may use the proceeds from gifts or trust funds allocated for educational purposes to pay its share of the assessment.

6. Failure to pay. If a treasurer fails to pay any part of the installment due on the required dates, the treasurer of the community school district may issue a warrant for the amount of the tax remaining unpaid, to the county sheriff requiring the sheriff to levy by distress and

sale on the real and personal property of any of the inhabitants living in the municipality where that default takes place. The sheriff or a deputy shall execute the warrant. The district school committee when collecting taxes within each member municipality, shall have the same authority as is vested in county officials for the collection of county taxes under the statutes.

7. Delinquent payments to the Maine School Building Authority. If a community school district, which has financed school construction through the Maine School Building Authority, is delinquent in its payment to the authority, the department shall make payment to the authority on behalf of the community school district. Payments may be made from any amounts properly payable to the district not exceeding the amount then presently due to the authority or from the department to the community school district.

§1704. Sharing costs

The following provisions apply to sharing district costs.

1. Formula. A community school district shall share its costs among the member municipalities on the basis of:

A. The number of resident pupils in each municipality;

B. The state valuation of each member municipality's real property as set in the calendar year prior to the district's fiscal year;

C. In accordance with any combination of paragraphs A and B; or

D. In accordance with any other formula authorized by the Legislature.

2. Amendment of formula. The procedure for amending the cost-sharing formula shall be as follows.

A. When requested by a written petition of at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in the municipalities comprising the community school district, the district school committee shall give at least 15 days' notice to each member municipality of a meeting to determine the necessity of reconsidering the method of sharing costs.

B. Each member municipality shall be represented by 2

representatives chosen by its municipal officers and one member of the district school committee chosen by the committee members from that municipality at the meeting to determine the necessity of reconsidering the method of sharing costs. A change in the method of sharing costs shall first be approved by a vote of a majority of those present and voting.

C. Municipal approval shall be in the same manner as the original formula was adopted when the community school district was formed. The total vote cast in each of the member municipalities shall be at least 20% of the number of votes cast in each of the member municipalities in the last gubernatorial election.

D. A change in the cost-sharing formula shall be effective at the start of the next fiscal year which starts at least 90 days after the voters have approved it.

§1705. Authority to accept gifts

1. Outright or in trust. A community school district may accept and receive money or other property, outright or in trust, for any specified benevolent or educational purpose.

A. When the district school committee receives written notice from a prospective donor or his representative of a proposed gift, outright or in trust, it shall submit the matter to the next regular meeting of the committee, and shall, within 10 days after the meeting, send written notice of its acceptance or rejection.

B. If the gift is in trust the committee shall either deposit or invest trust funds according to Title 30, section 5051.

2. Conditional. A community school district may accept and receive money or other property as a conditional gift for any specified benevolent or educational purpose. When the district school committee receives written notice from a prospective donor or his representative of a proposed gift, they shall submit the matter to the next regular meeting of the legislative body or shall call a special meeting for that purpose and shall, within 10 days after the meeting, send written notice of its acceptance or rejection.

SUBCHAPTER IV

REORGANIZATION

§1751. Additions to, dissolution of and withdrawal from a district

1. Additions. The inhabitants of any territory within any town, not originally in the district, may be included upon vote of all towns concerned in a manner similar to that prescribed for establishing the community school district in section 1602 under such terms and arrangements as may be recommended by the community school district's school committee.

2. Dissolution. The residents of a participating municipality within a community school district may petition and vote to dissolve the district in the same manner as a participating municipality within a school administrative district may petition and vote to dissolve a school administrative district in accordance with section 1403.

3. Withdrawal. The residents of a participating municipality within a community school district may petition and vote to withdraw from the district in the same manner as a participating municipality within a school administrative district may petition to withdraw in accordance with section 1405.

4. Transfer. The school committees of 2 community school districts may permit the transfer of a municipality from one community school district to another in the same manner the boards of directors of 2 school administrative districts may permit a transfer in accordance with section 1406.

5. Closing an elementary school. If a community school district includes elementary grades, the closing of an elementary school in a member municipality shall follow the procedures established in section 1407 for closing an elementary school in a member municipality in a school administrative district.

6. Substitution of terms. Whenever there is reference in sections 1403 and 1405 to 1407 to a school administrative district, for purposes of this section, the term "community school district" shall be substituted. Other terms consistent with the intent of subsections 2 to 5, to allow municipalities to withdraw or transfer from or to dissolve the district or keep a municipal elementary school open, may also be substituted as necessary.

§1752. Districts formed by private and special Acts of the Legislature

If the provisions of this chapter conflict with the

provisions of any private and special Act of the Legislature which created a community school district, then the provisions of the private and special Act shall control.

CHAPTER 107

SCHOOL UNIONS

§1901. Formation

1. Commissioner's authority. The commissioner shall adjust the grouping of school administrative units within the State in accordance with this section.

2. Size. A school union shall include not less than 35 nor more than 75 teachers unless the commissioner, upon request of a school board, finds that because of geographic location or other reasons, it is to the advantage of the State and the municipalities that a school union shall include fewer than 35 or more than 75 teachers.

3. Combining unions. On presentation of a written plan of organization which has been approved by the school boards involved, the commissioner may combine 2 or more school unions, or their parts, into a larger school union.

A. The new school union shall be administered by a superintendent of schools and staff assistants, who may be employed by the union committee as provided in section 1051.

B. The commissioner may adjust disbursements for supervision so that there will be no loss in state support because of the reorganization.

4. Exception for existing school unions with over 35 teachers. Existing school unions employing over 35 teachers shall not be regrouped unless the proposed regrouping has been approved by a majority of the school board members in the school administrative units involved.

5. School administrative units with more than 75 teachers. A school administrative unit with more than 75 teachers may employ a superintendent of schools without uniting with other school administrative units for this purpose.

A. The school administrative unit shall elect a superintendent in the same manner and for the same term, fix the salary and discharge the superintendent under the

same conditions as superintendents employed under sections 1051 to 1054.

B. Annually and whenever a new superintendent is elected, the chairman and secretary of the school board shall certify to the commissioner, on the prescribed forms, all facts relative to the employment of the superintendent, including the amount of the salary to be paid.

6. Removal. If a school administrative unit having more than 75 teachers removes itself from an existing school union composed of not more than 2 units, the remaining unit shall, with the consent of its school board and the commissioner, be treated as though it had more than 75 teachers, provided that the remaining unit has more than 40 teachers.

7. Exception for remote administrative units. If the commissioner finds that a school administrative unit is remotely situated and that it is not practicable to combine it with other school administrative units for the purpose of employing a superintendent, the commissioner may place at the service of the school board of that unit the general agent for the schooling of the children in unorganized townships, or any other agent of the commissioner.

A. That agent shall, when assigned, serve as the superintendent of the school administrative unit. The agent shall have the same powers and shall perform the same service as superintendents of schools of municipalities. The agent's visits to the schools of the school administrative unit shall be at intervals as directed by the commissioner.

B. The treasurer of the school administrative unit shall pay to the agent a sum agreed upon by the agent and that school administrative unit. In case of dispute, the commissioner shall determine the amount to be paid.

8. Exception for school administrative unit with fewer than 35 teachers. If, because of geographic location or other circumstances, it is not practicable to combine a school administrative unit or a school union employing less than 35 teachers with other school administrative units to form a school union, the school board may provide supervisory service, when approved by the commissioner. The school administrative unit or school union may provide for supervisory services by:

A. Employing a qualified person to serve as superin-

tendent and as a supervising principal;

B. Contracting with another school administrative unit or school union for supervisory services; or

C. Employing a qualified agent to fulfill supervisory needs.

§1902. Union committee of school unions

The school boards of the school administrative units comprising a school union shall form a union committee, which shall be, for the purposes of this chapter, the agent of each school administrative unit comprising the school union.

1. Delegation of authority by member school boards. The school board of a school administrative unit in a school union may authorize one of its members to act for the school board in the meetings of the union committee. The member may cast the votes for the school board.

2. Method of voting. The method of voting shall be as follows.

A. The votes of the individual members of the union 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 union committee.

B. To become effective, all actions of the union committee shall be approved by a vote representing more than 1/2 of the population comprising the units which make up the union committee.

3. Duties. The union committee:

A. Shall meet annually in December, at a day and place agreed upon by the chairman of the school boards comprising the union;

B. Shall choose a chairman and a secretary;

C. Shall, at its organizational meeting or as soon thereafter as possible and whenever a vacancy occurs, elect a superintendent as provided under section 1051;

D. Shall apportion the costs for a superintendent under section 1051, among the school administrative units in proportion to the service to be performed and

certify to the treasurer of each school administrative unit and to the commissioner the amounts to be paid; and

E. May authorize a school administrative unit within the school union to serve as a contractual employer of teachers who provide services to more than one unit in the union. Employment shall be subject to section 13201 and Title 26, chapter 9-A.

§1903. Appropriation for superintendent's salary

School administrative units shall appropriate for the salary of the superintendent their proportion of the sum paid the superintendent, but not more than the amount certified by the union committee, to the municipal treasurer. The proportion to be paid by a municipality shall be paid out of the appropriation made for the support or maintenance of public schools.

CHAPTER 109

UNION SCHOOLS

§2101. Union schools

Adjoining municipalities on the written recommendation of their municipal school committees may, by concurrent action, maintain or establish union schools for the benefit of the municipalities. They shall contribute to their support under the terms of the agreement.

1. Establishment. If a union school is desired, the municipalities shall apply to the commissioner. The commissioner shall prepare an agreement setting out the terms and conditions under which a union school may operate.

2. Approval. Before a union school may operate, each municipality shall approve the agreement by an affirmative vote acting under an appropriate article at a regular or special town meeting or city election.

§2102. Financing of union schools

1. Apportionment of state school subsidy. Amounts due from the State on account of union schools shall be paid to the municipality in which the students reside. The amounts to be contributed by each municipality for the maintenance of the school shall be determined in accordance with the terms of the agreement.

2. Construction aid. A union school shall be eligible for school construction aid on a 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 chapter 609.

CHAPTER 111

MUNICIPAL SCHOOLS

SUBCHAPTER I

SCHOOL COMMITTEE

§2301. Applicability of provisions to certain towns or cities

Sections 2302 to 2303 and 2305 do not apply to municipalities whose charters specify the methods of selection and term of office of a school committee, nor to municipalities authorized by private and special laws to otherwise choose a school committee.

§2302. Election of school committee members

A municipality, not included in a school administrative district, shall elect at its annual meeting a school committee of 3 to hold office as provided in section 2305. The municipality shall fill vacancies in that committee at each subsequent annual meeting.

§2303. Additional school committee members

Notwithstanding section 2302, a municipality may vote at its annual meeting to have 5 members on the school committee.

1. Vote. The municipality may vote to have a 5-member board at:

A. Its annual meeting; or

B. At a special town meeting held at least 30 days before the annual meeting, if a municipality has accepted Title 30, section 2061, relative to secret ballot.

2. Election of additional members. The municipality may, at its annual meeting, elect by ballot 3 additional school committee members to serve with the 2 members whose terms have not expired.

§2304. Neglect to choose committee

A municipality failing to elect members of the school committee shall forfeit not less than \$30 nor more than \$200.

§2305. Terms; vacancies; restrictions

1. Length of term. School committee members shall be elected for staggered 3-year terms or, in municipalities with biennial elections, 4-year terms.

2. Commencement of term. The term of newly elected school board members shall start as determined under section 1003.

3. Vacancy. A vacancy on a school committee shall be declared:

A. When the term of office of a member expires;

B. When a member changes residency from the municipality or subdistrict from which elected. Evidence that an individual is registered to vote in a municipality is prima facie evidence of that individual's residency;

C. On the death of a member; or

D. When a member resigns.

4. Filling a vacancy. A vacancy may be filled:

A. By the school committee within 30 days; or

B. Whenever the remaining members fail to appoint a person to fill a vacancy, by election at a town meeting called for the purpose.

§2306. Service without pay

School committee members shall serve without pay, unless otherwise voted by the town.

SUBCHAPTER IIINCORPORATED SCHOOL DISTRICT§2351. School district meetings

1. District meetings. Where the inhabitants and territory of a single municipality constitute an incorporated

school district, and the charter of the district contains no provisions for the calling and holding of meetings of the district, meetings of the school district shall be called by the municipal officers, in the manner provided by law for the calling of town meetings, on written request signed by trustees or other executive officers of the district.

2. Municipal meetings. A lawfully called meeting of the inhabitants of the municipality shall be a lawful meeting of the school district for the transaction of school district business. If the business of the school district has been transacted at a lawfully called meeting of the inhabitants, the meeting is declared to be a legal and valid meeting of the school district, and all votes passed and all actions taken at that meeting which would have been legal had the meeting been a lawfully called meeting of the school district, are ratified and declared legal.

§2352. School money paid by municipalities

No money appropriated by law for public schools may be paid from the treasury of any municipality except upon written order of its municipal officers. No such order shall be drawn by the officers except upon presentation of a properly avouched bill of items, that bill of items having first been approved by a majority of the members of the school committee and certified by the superintendent of schools.

CHAPTER 113

SHARED SERVICE AGREEMENTS

§2501. Shared service agreements

The school boards of 2 or more administrative units may file an application to the commissioner for the purpose of entering a shared service agreement to carry out a specified educational function.

1. Application. The application shall be in a form and containing such information as required by the commissioner including, but not limited to, the following information:

A. The specific services to be provided and numbers of students to be served;

B. The cost estimate for services or operational budget;

C. The method of providing services and the designa-

tion of personnel to be employed;

D. The method of sharing costs among the units; and

E. The identification of the sharing units and the designation of the unit which shall administer the agreement.

2. Approval. The commissioner shall either approve or reject the application based upon the conditions set forth in subsection 1.

3. School board approval. If the commissioner approves the shared agreement, it shall be subject to approval by a majority of the members of the school boards of each administrative unit involved in the agreement before the agreement becomes effective.

4. Duration of agreement. An agreement which has been ratified is valid for the fiscal year beginning July 1st following the ratification vote and ending June 30th of the next calendar year.

5. State-local allocation. Expenses incurred under the agreement may be reported as an operating cost in addition to the items listed in section 15503, subsection 16.

6. Sharing costs. Cost for carrying out the agreement shall be shared in accordance with the terms of the agreement, but costs of administration of the agreement shall not exceed 10% of the total budget of the agreement.

7. Renewal of agreement. A cooperative agreement may only be renewed upon reapplication to the commissioner and ratification by a majority of the members of each school board involved in the agreement.

CHAPTER 115

CONTRACTS FOR SCHOOL PRIVILEGES

§2701. Authority to contract for school privileges

The legislative body of a school administrative unit other than a school administrative district, which does not maintain any kindergarten to grade 12 may authorize its school board to contract with another school for school privileges for all or a part of its resident students in those grades.

§2702. Acceptance of contract students

The legislative body of any nearby school administrative unit or the board of trustees of a nearby private school approved for tuition purposes may agree to accept contract students.

§2703. Contract

The governing bodies of the sending units and receiving school shall establish a contract.

1. Specific provisions. The contract:

A. Shall specify the duration of the contract from one to 5 years;

B. May include the establishment of a joint committee if the receiving school is a private school;

C. Shall include other provisions parties deem necessary;

D. Shall be ratified by a majority vote of each of the governing bodies party to the contract; and

E. Shall meet any additional requirements set forth in rules established by the commissioner.

2. Tuition. Tuition shall be determined under chapter 209.

§2704. Joint committee

A joint committee if established pursuant to section 2003:

1. Membership. Shall have an equal number of school board members and board of trustee members;

2. Powers and duties. Shall have the following powers and duties:

A. To select and employ teachers for the private school;

B. To fix teachers' salaries;

C. To arrange the course of study;

D. To supervise the instruction; and

E. To adopt, amend and enforce rules pertaining to

other educational activities of the private school; and

3. Secretary ex officio. Shall have the superintendent of the school administrative unit in which the private school is located serve as the secretary ex officio if the school administrative unit in which the private school is located is represented on the joint committee. If the school administrative unit in which the private school is located is not a member of the joint committee, the joint committee shall select a superintendent from one of its participating school administrative units as secretary ex officio.

CHAPTER 117

PRIVATE SCHOOLS

SUBCHAPTER I

BASIC SCHOOL APPROVAL

§2901. Requirement for basic school approval

A private school may operate as an approved private school for meeting the requirement of compulsory school attendance under section 5001 if it:

1. Hygiene, health, safety. Meets the standards for hygiene, health and safety under Titles 22 and 25; and

2. Is either:

A. Currently accredited by the New England Association of Colleges and Secondary Schools; or

B. Meets the department's requirements for approval for attendance purposes under section 2902.

§2902. State requirements

Private schools approved for attendance purposes by the department shall:

1. Immunization. Comply with the immunization provisions under section 6351;

2. Language of instruction. Use English as the language of instruction except as specified under section 4602;

3. Courses required by statute. Provide instruction in history as specified under section 4601, subsection 1 and

English as specified in section 4601, subsection 2;

4. Commissioner's basic curriculum. Provide instruction in the basic curriculum established by rule by the commissioner under section 4601, subsection 4;

5. Certified teachers. Employ only certified teachers;

6. Secondary schools. For private secondary schools:

A. Meet the requirements of a minimum school year under section 4801;

B. Provide a school day of sufficient length to allow for the operation of its approved education program;

C. Have a student-teacher ratio of not more than 30 to one;

D. Include not less than 2 consecutive grades from 9 to 12; and

E. Maintain adequate, safety protected records; and

7. State board rules. Meet the requirements applicable to the approval of private schools for attendance purposes established by the state board pursuant to section 405, subsection 3, paragraph E.

§2903. Governing body requirements

Nothing in this subchapter shall restrict the authority of the governing body of a private school to require additional subjects to be taught in their school.

§2904. Removal of basic approval

1. Commissioner may remove basic approval. Notwithstanding any other provision of law, the commissioner may remove basic approval from any private school for failure to meet applicable approval requirements.

2. Procedural requirements. Whenever a school fails to meet these requirements the commissioner shall:

A. Give due notice; and

B. Hold a hearing.

3. Hearing. The hearing on removal of basic approval

shall be in accordance with the applicable provisions of the Maine Administrative Procedure Act, Title 5, chapter 375 and rules of the state board adopted pursuant to section 405, subsection 3, paragraph E.

§2905. Nonrenewal of basic approval

The decision of the commissioner on nonrenewal of basic approval of any school applying for renewal shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 and rules adopted by the State Board of Education under section 405, subsection 3, paragraph E.

SUBCHAPTER II

APPROVAL FOR THE RECEIPT OF PUBLIC

FUNDS BY PRIVATE SECONDARY SCHOOLS

§2951. Approval for tuition purposes

A private secondary school may be approved for the receipt of public funds for tuition purposes only if it:

1. Basic approval. Meets the requirements for basic school approval under subchapter I;

2. Nonsectarian. Is a nonsectarian school in accordance with the First Amendment of the United States Constitution;

3. Incorporated. Is incorporated under the laws of the State of Maine or of the United States; and

4. Reports and audits. Complies with the reporting and auditing requirements in sections 2952 and 2953.

§2952. Report to commissioner

A private secondary school receiving state funds, either directly or indirectly, and a private school approved for tuition and attendance purposes shall annually, on or before July 15th, report to the commissioner the information he may require.

§2953. Audit

The following audit shall be made.

1. Annual audit. A private secondary school approved for tuition purposes shall, on or before September 1st of

each year, furnish to the State Auditor satisfactory proof that the books, accounts, financial documents and reports to the commissioner of the academy for the preceding fiscal year have been examined and found to be in a satisfactory and accurate condition with proper vouchers on file. An audit shall be made by the Department of Audit or by individuals or firms recognized as competent auditors by training and experience or by qualified public accountants.

2. Special audit. Audits by the State Auditor may be requested by 3 or more duly elected and qualified officers of the private secondary school. This audit shall be conducted at the expense of the requesting academy except when the audit is deemed necessary by the commissioner.

§2954. Rules of commissioner

The commissioner may adopt rules regarding tuition charges, accounting and other aspects of a private secondary school and school administrative unit relationships.

§2955. Penalty for noncompliance

Private secondary schools which have not complied with sections 2951 to 2953 before September 1st of each year may not receive tuition payments from any school administrative unit.

SUBCHAPTER III

SPECIFIC EDUCATION PROGRAMS

§3001. Schools for exceptional students

Private schools which operate programs for exceptional students shall conform to the applicable provisions of this chapter and chapters 301 and 303.

§3002. Vocational education

The commissioner may contract with a private school, which is serving one or more municipalities in lieu of a public secondary school, for the conduct of vocational courses which meet the same standards for approval as those conducted in public secondary schools.

SUBCHAPTER IV

PRIVATE SCHOOLS SERVING NONRESIDENTS

§3051. Non-Maine students

Schools enrolling only students whose parents are not residents of the State shall be subject to an annual review of their programs by the commissioner. The programs shall be approved if they meet standards equivalent to those required for private schools under this chapter.

CHAPTER 119

UNORGANIZED TERRITORY

SUBCHAPTER I

GENERAL PROVISIONS

§3201. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Unorganized territory. "Unorganized territory" means territory not part of a municipality.

2. Unorganized unit. "Unorganized unit" means an unorganized township, gore, strip, tract, surplus, point, patent, peninsula, island, deorganized town or plantation or any other distinct portion of the unorganized territory.

§3202. Rules

The commissioner may adopt rules to carry out this chapter.

SUBCHAPTER II

SCHOOL PRIVILEGES

§3251. School privileges

Persons between the ages of 5 and 20 years who reside with a parent or legal guardian in an unorganized territory shall be entitled to school privileges. These privileges shall be provided under the direction of the commissioner under rules adopted or amended by the commissioner in accordance with section 3 and approved by the Governor.

§3252. Elementary pupils

1. Elementary school privileges provided. The commissioner may provide elementary school privileges by establishing and maintaining elementary schools in an unorganized territory or by sending the students to another public

school as tuition students.

2. Admission by receiving school. Tuition students sent to a public school shall be admitted by the receiving school on receiving notice by the commissioner.

3. Benefits. Tuition students shall be entitled to all privileges and benefits and subject to the same rules as resident students of the school administrative unit.

4. Term. The minimum school year shall be as defined in section 4801.

5. Tuition. The commissioner shall pay tuition for each student in accordance with the proportional cost per student of the school attended or as agreed upon.

6. Transportation and board. Transportation and board may be paid in full or in part by the commissioner.

7. Exception. The commissioner may make arrangements for children living in the unorganized territory of Estcourt to attend a public school in Commission Scolaire Des Frontieres Sully, Province of Quebec. With the commissioner's approval tuition shall be paid by the State for these students.

§3253. Secondary students

1. Qualified secondary students. The commissioner may authorize a qualified student whose parent or legal guardian resides in an unorganized territory to attend an approved secondary school which accepts the student.

2. Tuition. The commissioner shall pay the same amount for tuition as municipalities not supporting and maintaining an approved secondary school are required to pay, provided that the student maintains a satisfactory standard of deportment and scholarship.

3. Board. The commissioner may pay board in full or in part for a student attending school as provided in subsection 1. The commission:

A. Shall determine when board for a student is necessary;

B. Shall provide application forms;

C. May approve applications for boarding arrangements; and

D. Shall make payments for board for periods not less than one school month on receipt of a satisfactory attendance record of a student.

§3254. Other students

The commissioner may establish evening schools, day schools, classes and educational activities for persons over 16 years of age residing in the unorganized territory and not attending public school. Students in these schools or classes shall be subject to the same conditions, state and local rules and federal regulations as for public schools.

§3255. Children on government reservations

The commissioner may make special arrangements to provide elementary school privileges in cooperation with the Federal Government for children residing with a parent or legal guardian at a light station, fog warning station, lifesaving station or other place within a United States government reservation.

SUBCHAPTER III

COMMISSIONER'S POWERS

§3301. General powers

The commissioner shall have the following general powers.

1. Agents. The commissioner may appoint agents for an unorganized territory who shall act as attendance officers and perform school duties delegated to them by the commissioner.

2. Special attendance officers. The commissioner may appoint special attendance officers for an unorganized unit. Attendance officers shall be subject to the provisions of sections 3302 and 5052.

3. School buildings. School buildings not privately owned in an unorganized territory are declared to be the property of the State. The commissioner may hold, use and direct repairs, changes or additions to the school buildings.

4. Disposal of property. The commissioner may sell, transfer or dispose of school property or equipment in the unorganized territory. The proceeds of the sale, transfer or disposal shall be used as provided in section 3351.

§3302. General laws applicable

The following general laws shall apply.

1. General laws. Sections 6301, 6802 and 6804 to 6807 shall apply to children in the unorganized territory.

2. Application rules. The commissioner may adopt or amend rules concerning officials, appropriate courts, disposal of fines and similar matters that are necessary to apply to the unorganized territory the laws referred to in subsection 1. These rules shall be subject to approval by a Justice of the Supreme Judicial Court, who may approve them if they conform to the general principles of the law being applied.

3. Printing. The commissioner shall print these laws and rules in sufficient quantity for use in the unorganized territory and for persons requesting them.

§3303. Census

Before school privileges are provided in an unorganized territory and annually thereafter, as long as school privileges are provided in an unorganized unit under this chapter, the commissioner shall determine the number of persons resident in the unit on April 1st and the names and ages of those between 5 and 20 years of age who have not completed the 12th grade.

§3304. Tuition students in unorganized units

A school board may, when it seems advantageous and in the best interest of the students concerned, arrange for students who are entitled to school privileges in its school administrative unit, to attend schools maintained by the State in the unorganized territory, subject to the terms and conditions the commissioner may determine.

1. Charges. The commissioner may make allowances or adjustments for transportation costs or other services furnished by a sending unit for students sent as tuition students to a school in an unorganized unit. Per student tuition charges shall be computed as follows:

A. The total cost of schooling for the preceding fiscal year, excluding employer retirement contributions made by the State and transportation costs for the unorganized unit in which the school is located; and the total amount of assessment for capital expenditures made for the preceding fiscal year, shall be

divided by the average daily membership of students in the unorganized unit during the preceding school year.

A municipality which has contributed to the cost of the school building in compliance with a special legislative Act shall not pay the part of a tuition charge related to capital expenditures.

2. Income credited. The portion of tuition income based on capital expenditure shall be credited to the Unorganized Territory School and Capital Working Funds for the fiscal year in which it is earned and shall reduce the indebtedness charged against the unorganized unit in which it was earned. The balance of tuition income shall be credited to the General Fund for the year in which it is earned and shall be a credit in computing the school assessment on the property of the unorganized unit in which it was earned.

3. Payments. The school board shall pay, prior to June 30th of the school year for which a schooling agreement is made any sums agreed on and shall charge these sums to the appropriations of money raised in that school administrative unit.

§3305. Taking of land

The following provisions apply to taking land for school purposes in the unorganized territory.

1. Taking. The commissioner may designate, lay out and take a schoolhouse lot not to exceed 3 acres, after 30 days written notice to the owner, if:

A. The owner refuses to sell;

B. The commissioner determines the price is unreasonable; or

C. The owner resides outside the State and has no authorized agent or attorney in the State.

2. Appraisal and payment. Prior to a taking, the commissioner shall appraise the damages and pay or tender the damages to the owner. If the owner does not reside in the State, the commissioner shall deposit the damages with the Treasurer of State for the owner's use.

3. Reversion to owner. If the State does not erect a school building on the lot within 3 years from the date of taking, the lot shall revert to the owner, the owner's heirs or assigns.

4. Enlargement or extension of lot. The commissioner may extend or enlarge a schoolhouse lot according to the procedure and conditions in section 15705, subsection 10. Land taken may not be within 50 feet of a dwelling.

5. Fencing. When a schoolhouse lot or playground requires fencing, the commissioner shall fence it.

6. Appeals. If the owner is aggrieved at the location of the lot or the damages awarded, he may apply to the State Tax Assessor within 3 months. The State Tax Assessor may change the location and assess the damages. If the damages are increased or the location changed, the State shall pay the damages and costs, otherwise the costs shall be paid by the applicant.

SUBCHAPTER IV

FINANCING

§3351. Unorganized Territory School and Capital Working Funds

1. Appropriation by the Legislature. The Legislature may appropriate money to the Unorganized Territory School and Capital Working Funds.

2. Expenditures by the commissioner. The commissioner may expend amounts necessary to carry out subchapters II and III from the Unorganized Territory School and Capital Working Funds and for a purpose necessary for the schooling of children in the unorganized territory including:

A. Salaries, board and traveling expenses of teachers and supervisors;

B. Conferences, training programs and professional improvement of teachers;

C. Fuel and janitor service;

D. Tuition, board and transportation of elementary and secondary school students;

E. Text and reference books, school apparatus and supplies, leases or rentals of lots or school buildings;

F. Minor repairs to school buildings or equipment;

G. Services, expenses and fees of agents, attendance officers and clerical assistants;

H. Office expenses and utility service;

I. School medical and dental services;

J. The erection, equipping, major repair, remodeling or alteration of schoolhouses and other requisite buildings;

K. The purchase of lots or buildings for school purposes or faculty housing;

L. The purchase, equipment and major repair of school buses; and

M. For any other necessary capital expenses for providing schools in the unorganized territory.

3. Balances. Unencumbered balances in the Unorganized Territory School and Capital Working Funds shall not lapse but shall be carried forward to the same fund for use in the next fiscal year.

4. Gifts and bequests. The Treasurer of State may accept gifts, bequests and other funds from public or private agencies, subject to any conditions approved by the commissioner, to be credited to the fund. A gift, bequest or grant made for a particular designated project shall be credited to the fund created in this section.

5. Short-term investments. The treasurer of State may, with the approval of the commissioner, make short-term investments of accumulated assets in the fund. The income and capital shall be returned to the fund. The income may be expended by the commissioner for the purposes described in subsection 2.

SUBCHAPTER V

ORGANIZATION AND DEORGANIZATION

§3401. Organization of unorganized unit

If an unorganized unit becomes organized as a municipality or plantation, it shall, within 5 years of the date of organization, pay to the Treasurer of State for each school building within its limits erected or remodeled prior to August 20, 1951, a sum to be determined by the commissioner from records kept by the commissioner of the cost of these buildings, lots and improvements. The sum shall be credited to the General Fund. A municipality or plantation dissatisfied with the sum determined by the commissioner

may, after a vote taken by the municipality or plantation at a regular or special meeting called for the purpose, appeal to the Governor. The Governor's decision shall be final.

§3402. Deorganization of an organized unit

If a municipality or plantation becomes deorganized by the Legislature, all school property in that municipality shall become the property of the State and under the charge of the commissioner, as is other school property in the unorganized territory.

§3403. Failure of civil organization

1. Failure of organization. If the civil organization of a municipality or plantation becomes defunct, through failure to hold the annual meeting, failure to fill vacancies in necessary offices or in any other manner, and until the municipality or plantation recovers its civil organization or it is deorganized by the Legislature, the commissioner shall:

A. Assume charge of all school property within its area;

B. Require an accounting of all municipal or plantation school funds; and

C. Provide schools for children between 5 and 20 years of age whose parents are residents of the municipality or plantation.

2. School privileges. The commissioner may provide school privileges under the supervision of an agent of the unorganized territory or a special agent appointed for this purpose.

3. Expenses. The expense of these school privileges shall be paid from the appropriation for schools in the unorganized territory.

4. Recovery of expenses. If a municipality or plantation recovers its civil organization within 2 years, the expenses paid under subsection 3, on the recommendation of the commissioner, shall be deducted by the Treasurer of State from school funds that may subsequently become payable to the municipality. The Treasurer of State shall credit these deductions to the appropriation for schools in the unorganized territory.

CHAPTER 121
MAINE-NEW HAMPSHIRE INTERSTATE
SCHOOL COMPACT
ARTICLE I

GENERAL PROVISIONS

§3601. Enters

The State of Maine enters into the following compact with the state of New Hampshire subject to the terms and conditions stated in this chapter.

§3602. Statement of policy

It is the purpose of this compact to increase the educational opportunities within the states of Maine and New Hampshire by encouraging the formation of interstate school districts which will each be a natural social and economic region with adequate financial resources and a number of pupils sufficient to permit the efficient use of school facilities within the interstate district and to provide improved instruction. The state boards of education of Maine and New Hampshire may formulate and adopt additional standards consistent with this purpose and with these standards; and the formation of any interstate school district and the adoption of its articles of agreement shall be subject to the approval of both state boards as set forth.

§3603. Requirement of congressional approval

This compact shall not become effective until approved by the United States Congress.

§3604. Definitions

The terms used in this compact shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

1. Commissioner. "Commissioner" shall refer to Commissioner of Educational and Cultural Services.

2. Elementary school. "Elementary school" shall mean a school which includes all grades from kindergarten or grade one through not less than grade 6 nor more than grade 8.

3. Interstate board. "Interstate board" shall refer to the board serving an interstate school district.

4. Interstate school district. "Interstate school district" and "interstate district" shall mean a school district composed of one or more school districts located in the State of Maine associated under this compact with one or more school districts located in the state of New Hampshire and may include either the elementary schools, the secondary schools, or both.

5. Joint action. "Joint action" where joint action by both state boards is required, each state board shall deliberate and vote by its own majority, but shall separately reach the same result or take the same action as the other state board.

6. Maine board. "Maine board" shall refer to the Maine State Board of Education.

7. Member school district. "Member school district" and "member district" shall mean a school administrative unit located either in Maine or New Hampshire which is included within the boundaries of a proposed or established interstate school district.

8. New Hampshire board. "New Hampshire board" shall refer to the New Hampshire state board of education.

9. Professional staff personnel. "Professional staff personnel" and "instructional staff personnel" shall include superintendents, assistant superintendents, administrative assistants, principals, guidance counselors, special education personnel, school nurses, therapists, teachers, and other certificated personnel.

10. Secondary school. "Secondary school" shall mean a school which includes all grades beginning no lower than grade 7 and no higher than grade 12.

11. Warrant. "Warrant" or "warning" means the same for both states.

ARTICLE II

PROCEDURE FOR FORMATION OF AN INTERSTATE

SCHOOL DISTRICT

§3605. Creation of planning committee

The Maine and New Hampshire commissioners of education shall have the power, acting jointly to constitute and discharge one or more interstate school district planning com-

mittees. Each such planning committee shall consist of at least 2 voters from each of a group of 2 or more neighboring member districts. One of the representatives from each member district shall be a member of its school board, whose term on the planning committee shall be concurrent with his term as a school board member. The term of each member of a planning committee who is not also a school board member shall expire on June 30th of the 3rd year following his appointment. The existence of any planning committee may be terminated either by vote of a majority of its members or by joint action of the commissioners. In forming and appointing members to an interstate school district planning board, the commissioners shall consider and take into account recommendations and nominations made by school boards of member districts. No member of a planning committee shall be disqualified because he is at the same time a member of another planning board or committee created under this compact or under any other provisions of law. Any existing informal interstate school planning committee may be reconstituted as a formal planning committee in accordance with the provisions hereof, and its previous deliberations adopted and ratified by the reorganized formal planning committee. Vacancies on a planning committee shall be filled by the commissioners acting jointly.

§3606. Operating procedures of planning committee

Each interstate school district planning committee shall meet in the first instance at the call of any member, and shall organize by the election of a chairman and clerk-treasurer, each of whom shall be a resident of a different state. Subsequent meetings may be called by either officer of the committee. The members of the committee shall serve without pay. The member districts shall appropriate money on an equal basis at each annual meeting to meet the expenses of the committee, including the cost of publication and distribution of reports and advertising. From time to time the commissioners may add additional members and additional member districts to the committee, and may remove members and member districts from the committee. An interstate school district planning committee shall act by majority vote of its membership present and voting.

§3607. Duties of interstate school district planning committee

It shall be the duty of an interstate school district planning committee, in consultation with the commissioners and the state departments of education: To study the advisability of establishing an interstate school district in accordance with the standards set forth in section 3602, its

organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such interstate district; to estimate the construction and operating costs thereof; to investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of an interstate school district; and to submit a report or reports of its findings and recommendations to the several member districts.

§3608. Recommendations and preparation of articles of agreement

An interstate school district planning committee may recommend that an interstate school district composed of all the member districts represented by its membership, or any specified combination of such member districts, be established. If the planning committee does recommend the establishment of an interstate school district, it shall include in its report such recommendation, and shall prepare and include in its report proposed articles of agreement for the proposed interstate school district, which shall be signed by at least a majority of the membership of the planning committee, which set forth the following:

1. Name. The name of the interstate school district.
2. Districts. The member districts which shall be combined to form the proposed interstate school district.
3. Board. The number, composition, method of selection and terms of office of the interstate school board, provided that:
 - A. The interstate school board shall consist of an odd number of members, not less than 5 nor more than 15;
 - B. The terms of office shall not exceed 3 years;
 - C. Each member district shall be entitled to elect at least one member of the interstate school board. Each member district shall either vote separately at the interstate school district meeting by the use of a distinctive ballot, or shall choose its member or members at any other election at which school officials may be chosen;
 - D. The method of election shall provide for the filing of candidacies in advance of election and for the use of a printed nonpartisan ballot;

E. Subject to the foregoing, provision may be made for the election of one or more members at large.

4. Grades. The grades for which the interstate school district shall be responsible.

5. Properties and schools. The specific properties of member districts to be acquired initially by the interstate school district and the general location of any proposed new schools to be initially established or constructed by the interstate school district.

6. Operating expenses. The method of apportioning the operating expenses of the interstate school district among the several member districts, and the time and manner of payments of such shares.

7. Debts. The indebtedness of any member district which the interstate district is to assume.

8. Capital expenses. The method of apportioning the capital expenses of the interstate school district among the several member districts, which need not be the same as the method of apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the cost of acquiring land and buildings for school purposes; the construction, furnishing and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same.

9. State aid. The manner in which state aid, available under the laws of either Maine or New Hampshire, shall be allocated, unless otherwise expressly provided in this compact or by the laws making such aid available.

10. Amendments. The method by which the articles of agreement may be amended, which amendments may include the annexation of territory, or an increase or decrease in the number of grades for which the interstate district shall be responsible, provided that no amendment shall be effective until approved by both state boards in the same manner as required for approval of the original articles of agreement.

11. Operating responsibilities. The date of operating responsibility of the proposed interstate school district and a proposed program for the assumption of operating responsibility for education by the proposed interstate school district, and any school construction; which the interstate school district shall have the power to vary by vote as circumstances may require.

12. Other matters. Any other matters, not incompatible with law, which the interstate school district planning committee may consider appropriate to include in the articles of agreement, including, without limitation:

A. The method of allocating the cost of transportation between the interstate district and member districts:

B. The nomination of individual school directors to serve until the first annual meeting of the interstate school district.

§3609. Hearings

If the planning committee recommends the formation of an interstate school district, it shall hold at least one public hearing on its report and the proposed articles of agreement within the proposed interstate school district in Maine, and at least one public hearing thereon within the proposed interstate school district in New Hampshire. The planning committee shall give such notice thereof as it may determine to be reasonable, provided that such notice shall include at least one publication in a newspaper of general circulation within the proposed interstate school district not less than 15 days, not counting the date of publication and not counting the date of the hearing, before the date of the first hearing. Such hearings may be adjourned from time to time and from place to place. The planning committee may revise the proposed articles of agreement after the date of the hearings. It shall not be required to hold further hearings on the revised articles of agreement but may hold one or more further hearings after notice similar to that required for the first hearings if the planning committee in its sole discretion determines that the revisions are so substantial in nature as to require further presentation to the public before submission to the state boards of education.

§3610. Approval by state boards

After the hearings a copy of the proposed articles of agreement, as revised, signed by a majority of the planning committee, shall be submitted by it to each state board. The state boards may if they find that the articles of agreement are in accord with the standards set forth in this compact and in accordance with sound educational policy, approve the same as submitted, or refer them back to the planning committee for further study. The planning committee may make additional revisions to the proposed articles of agreement to conform to the recommendations of the state boards. Further hearings on the proposed articles of agree-

ment shall not be required unless ordered by the state boards in their discretion. In exercising such discretion, the state boards shall take into account whether or not the additional revisions are so substantial in nature as to require further presentation to the public. If both state boards find that the articles of agreement as further revised are in accord with the standards set forth in this compact and in accordance with sound educational policy, they shall approve the same. After approval by both state boards, each state board shall cause the articles of agreement to be submitted to the school boards of the several member districts in each state for acceptance by the member districts as provided in section 3611. At the same time, each state board shall designate the form of warrant, date, time, place, and period of voting for the special meeting of the member district to be held in accordance with the section 3611.

§3611. Adoption by member districts

Upon receipt of written notice from the state board in its state of the approval of the articles of agreement by both state boards, the school board of each member district shall cause the articles of agreement to be filed with the member district clerk. Within 10 days after receipt of such notice, the school board shall issue its warrant for a special meeting of the member district, the warrant to be in the form, and the meeting to be held at the time and place and in the manner prescribed by the state board. No approval of the Superior Court shall be required for such special school district meeting in New Hampshire. Voting shall be with the use of the checklist by a ballot substantially in the following form:

"Shall the school district accept the provisions of the Maine and New Hampshire Interstate School Compact providing for the establishment of an interstate school district, together with the school districts of..... and....., etc., in accordance with the proposed articles of agreement filed with the school district (town, city or incorporated school district) clerk?"

Yes () No ()

If the articles of agreement included the nomination of individual school directors, those nominated from each member district shall be included in the ballot and voted upon, such election to become effective upon the formation of an interstate school district.

If a majority of the voters present and voting in a member district vote in the affirmative, the clerk for such member district shall forthwith send to the state board in its state a certified copy of the warrant, certificate of posting, and minutes of the meeting of the district. If the state boards of both states find that a majority of the voters present and voting in each member district have voted in favor of the establishment of the interstate school district, they shall issue a joint certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the interstate school district as of its date of issuance.

§3612. Resubmission

If the proposed articles of agreement are adopted by one or more of the member districts but rejected by one or more of the member districts, the state boards may resubmit them, in the same form as previously submitted, to the rejecting member districts, in which case the school boards thereof shall resubmit them to the voters in accordance with section 3611. An affirmative vote in accordance therewith shall have the same effect as though the articles of agreement had been adopted in the first instance. In the alternative, the state boards may either discharge the planning committee, or refer the articles of agreement back for further consideration to the same or a reconstituted planning committee, which shall have all of the powers and duties as the planning committee as originally constituted.

ARTICLE III

POWERS OF INTERSTATE SCHOOL DISTRICTS

§3613. Powers

1. Powers. Each interstate school district shall be a body corporate and politic, with power to:

A. Acquire, construct, extend, improve, staff, operate, manage and govern public schools within its boundaries;

B. Sue and be sued, subject to the limitations of liability hereinafter set forth;

C. Have a seal and alter the same at pleasure;

D. Adopt, maintain and amend bylaws not inconsistent with this compact, and the laws of the 2 states;

E. Acquire by purchase, condemnation, lease or otherwise, real and personal property for the use of its schools;

F. Enter into contracts and incur debts;

G. Borrow money for the purposes set forth, and to issue its bonds or notes therefor;

H. Make contracts with and accept grants and aid from the United States, the State of Maine, the State of New Hampshire, any agency or municipality thereof, and private corporations and individuals for the construction, maintenance, reconstruction, operation and financing of its schools; and to do any and all things necessary in order to avail itself of such aid and cooperation;

I. Employ such assistants, agents, servants and independent contractors as it shall deem necessary or desirable for its purposes; and

J. Take any other action which is necessary or appropriate in order to exercise any of the foregoing powers.

ARTICLE IV

DISTRICT MEETINGS

§3614. General

Votes of the district shall be taken at a duly warned meeting held at any place in the district, at which all of the eligible legal voters of the member districts shall be entitled to vote, except as otherwise provided with respect to the election of directors.

§3615. Eligibility of voters

Any resident who would be eligible to vote at a meeting of a member district being held at the same time shall be eligible to vote at a meeting of the interstate district. The town clerks in each Maine member district and the supervisors of the checklist of each New Hampshire district shall respectively prepare a checklist of eligible voters for each meeting of the interstate district in the same manner, and they shall have all the same powers and duties with respect to eligibility of voters in their districts as for a meeting of a member district.

§3616. Warning of meetings

A meeting shall be warned by a warrant addressed to the

residents of the interstate school district qualified to vote in district affairs, stating the time and place of the meeting and the subject matter of the business to be acted upon. The warrant shall be signed by the clerk and by a majority of the directors. Upon written application of 10 or more voters in the district, presented to the directors or to one of them, at least 25 days before the day prescribed for an annual meeting, the directors shall insert in their warrant for such meeting any subject matter specified in such application.

§3617. Posting and publication of warrant

The directors shall cause an attested copy of the warrant to be posted at the place of meeting, and a like copy at a public place in each member district at least 20 days, not counting the date of posting and the date of meeting, before the date of the meeting. In addition, the directors shall cause the warrant to be advertised in a newspaper of general circulation on at least one occasion, such publication to occur at least 10 days, not counting the date of publication and not counting the date of the meeting, before the date of the meeting. Although no further notice shall be required, the directors may give such further notice of the meeting as they in their discretion deem appropriate under the circumstances.

§3618. Return of warrant

The warrant with a certificate thereon, verified by oath, stating the time and place when and where copies of the warrant were posted and published, shall be given to the clerk of the interstate school district at or before the time of the meeting, and shall be recorded by him in the records of the interstate school district.

§3619. Organization meeting

The commissioners, acting jointly, shall fix a time and place for a special meeting of the qualified voters within the interstate school district for the purpose of organization, and shall prepare and issue the warrant for the meeting after consultation with the interstate school district planning board and the members-elect, if any, of the interstate school board of directors.. Such meeting shall be held within 60 days after the date of issuance of the certificate of formation, unless the time is further extended by the joint action of the state boards. At the organization meeting the commissioner of education of the state where the meeting is held, or his designate, shall preside in the

first instance, and the following business shall be transacted:

1. Temporary moderator and clerk. A temporary moderator and a temporary clerk shall be elected from among the qualified voters who shall serve until a moderator and clerk respectively have been elected and qualified.

2. Officers. A moderator, a clerk, a treasurer and 3 auditors shall be elected to serve until the next annual meeting and thereafter until their successors are elected and qualified. Unless previously elected, a board of school directors shall be elected to serve until their successors are elected and qualified.

3. Date of annual meeting. The date for the annual meeting shall be established.

4. Expenses. Provision shall be made for the payment of any organizational or other expense incurred on behalf of the district before the organization meeting, including the cost of architects, surveyors, contractors, attorneys and educational or other consultants or experts.

5. Other business. Any other business, the subject matter of which has been included in the warrant, and which the voters would have had power to transact at an annual meeting.

§3620. Annual meetings

An annual meeting of the district shall be held between January 15th and June 1st of each year at such time as the interstate district may by vote determine. Once determined, the date of the annual meeting shall remain fixed until changed by vote of the interstate district at a subsequent annual or special meeting. At each annual meeting the following business shall be transacted:

1. Officers. Necessary officers shall be elected.

2. Appropriation. Money shall be appropriated for the support of the interstate district schools for the fiscal year beginning the following July 1st.

3. Other business. Such other business as may properly come before the meeting.

§3621. Special meetings

A special meeting of the district shall be held when-

ever, in the opinion of the directors, there is occasion therefor, or whenever written application shall have been made by 5% or more of the voters based on the checklists as prepared for the last preceding meeting, setting forth the subject matter upon which such action is desired. A special meeting may appropriate money without compliance with RSA 338 or RSA 197.3 which would otherwise require the approval of the New Hampshire Superior Court.

§3622. Certification of records

The clerk of an interstate school district shall have the power to certify the record of the votes adopted at an interstate school district meeting to the respective commissioners and state boards and, where required, for filing with a secretary of state.

§3623. Method of voting at school district meetings

Voting at meetings of interstate school districts shall take place as follows:

1. School directors. A separate ballot shall be prepared for each member district, listing the candidates for interstate school director to represent such member district; and any candidates for interstate school director at large; and the voters of each member district shall register on a separate ballot their choice for the office of school director or directors. In the alternative, the articles of agreement may provide for the election of school directors by one or more of the member districts at an election otherwise held for the choice of school or other municipal officers.

2. Other votes. Except as otherwise provided in the articles of agreement or this compact, with respect to all other votes, the voters of the interstate school district shall vote as one body irrespective of the member districts in which they are resident, and a simple majority of those present and voting at any duly warned meeting shall carry the vote. Voting for officers to be elected at any meeting, other than school directors, shall be by ballot or voice, as the interstate district may determine, either in its articles of agreement or by a vote of the meeting.

ARTICLE V

OFFICERS

§3624. Officers; general

The officers of an interstate school district shall be

a board of school directors, a chairman of the board, a vice-chairman of the board, a secretary of the board, a moderator, a clerk, a treasurer and 3 auditors. Except as otherwise specifically provided, they shall be eligible to take office immediately following their election; they shall serve until the next annual meeting of the interstate district and until their successors are elected and qualified. Each shall take oath for the faithful performance of his duties before the moderator, or a notary public or a justice of the peace of the state in which the oath is administered. Their compensation shall be fixed by vote of the district. No person shall be eligible to any district office unless he is a voter in the district. A custodian, school teacher, principal, superintendent or other employee of an interstate district acting as such shall not be eligible to hold office as a school director.

§3625. Board of directors

1. How chosen. Each member district shall be represented by at least one resident on the board of school directors of an interstate school district. A member district shall be entitled to such further representation on the interstate board of school directors as provided in the articles of agreement as amended from time to time. The articles of agreement as amended from time to time may provide for school directors at large, as set forth. No person shall be disqualified to serve as a member of an interstate board because he is at the same time a member of the school board of a member district.

2. Term. Interstate school directors shall be elected for terms in accordance with the articles of agreement.

3. Duties of board of directors. The board of school directors of an interstate school district shall have and exercise all of the powers of the district not reserved herein to the voters of the district.

4. Organization. The clerk of the district shall warn a meeting of the board of school directors to be held within 10 days following the date of the annual meeting, for the purpose of organizing the board, including the election of its officers.

§3626. Chairman of the board

The chairman of the board of interstate school directors shall be elected by the interstate board from among its members at its first meeting following the annual meeting. The chairman shall preside at the meetings of the board and

shall perform such other duties as the board may assign to him.

§3627. Vice-chairman of the board of directors

The vice-chairman of the interstate board shall be elected in the same manner as the chairman. He shall represent a member district in a state other than that represented by the chairman. He shall preside in the absence of the chairman and shall perform such other duties as may be assigned to him by the interstate board.

§3628. Secretary of the board

The secretary of the interstate board shall be elected in the same manner as the chairman. Instead of electing one of its members, the interstate board may appoint the interstate district clerk to serve as secretary of the board in addition to his other duties. The secretary of the interstate board, or the interstate district clerk, if so appointed, shall keep the minutes of its meetings, shall certify its records, and perform such other duties as may be assigned to him by the board.

§3629. Moderator

The moderator shall preside at the district meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed. He may prescribe rules of procedure; but such rules may be altered by the district. He may administer oaths to district officers in either state.

§3630. Clerk

The clerk shall keep a true record of all proceedings at each district meeting, shall certify its records, shall make an attested copy of any records of the district for any person upon request and tender of reasonable fees therefor, if so appointed, shall serve as secretary of the board of school directors, and shall perform such other duties as may be required by custom or law.

§3631. Treasurer

The treasurer shall have custody of all of the moneys belonging to the district and shall pay out the same only upon the order of the interstate board. He shall keep a fair and accurate account of all sums received into and paid from the interstate district treasury, and at the close of

each fiscal year he shall make a report to the interstate district, giving a particular account of all receipts and payments during the year. He shall furnish to the interstate directors, statements from his books and submit his books and vouchers to them and to the district auditors for examination whenever so requested. He shall make all returns called for by laws relating to school districts. Before entering on his duties, the treasurer shall give a bond with sufficient sureties and in such sum as the directors may require. The treasurer's term of office is from July 1st to the following June 30th.

§3632. Auditors

At the organization meeting of the district, 3 auditors shall be chosen, one to serve for a term of one year, one to serve for a term of 2 years and one to serve for a term of 3 years. After the expiration of each original term, the successor shall be chosen for a 3-year term. At least one auditor shall be a resident of Maine, and one auditor shall be a resident of New Hampshire. An interstate district may vote to employ a certified public accountant to assist the auditors in the performance of their duties. The auditors shall carefully examine the accounts of the treasurer and the directors at the close of each fiscal year, and at such other times whenever necessary, and report to the district whether the same are correctly cast and properly vouched.

§3633. Superintendent

The superintendent of schools shall be selected by a majority vote of the board of school directors of the interstate district with the approval of both commissioners.

§3634. Vacancies

Any vacancy among the elected officers of the district shall be filled by the interstate board until the next annual meeting of the district or other election, when a successor shall be elected to serve out the remainder of the unexpired term, if any. Until all vacancies on the interstate board are filled, the remaining members shall have full power to act.

ARTICLE VI

APPROPRIATION AND APPORTIONMENT

§3635. Budget

Before each annual meeting, the interstate board shall

prepare a report of expenditures for the preceding fiscal year, an estimate of expenditures for the current fiscal year, and a budget for the succeeding fiscal year.

§3636. Appropriation

The interstate board of directors shall present the budget report at the annual meeting. The interstate district shall appropriate a sum of money for the support of its schools and for the discharge of its obligations for the ensuing fiscal year.

§3637. Apportionment of appropriation

Subject to the provisions of article VII, the interstate board shall first apply against such appropriation any income to which the interstate district is entitled, and shall then apportion the balance among the member districts in accordance with one of the following formulas as determined by the articles of agreement as amended from time to time:

1. Taxable property. All of such balance to be apportioned on the basis of the ratio that the fair market value of the taxable property in each member district bears to that of the entire interstate district; or

2. Resident membership. All of such balance to be apportioned on the basis that the average daily resident membership for the preceding fiscal year of each member district bears to that of the average daily resident membership of the entire interstate school district; or

3. Combined formula. A formula based on any combination of the foregoing factors. The term "fair market value of taxable property" shall mean the last locally assessed valuation of a member district in New Hampshire, as last equalized by the New Hampshire state tax commission.

The term "fair market value of taxable property" shall mean the equalized grand list of a Maine member district, as determined by the Maine Bureau of Taxation.

Such assessed valuation and grand list may be further adjusted, by elimination of certain types of taxable property from one or the other or otherwise, in accordance with the articles of agreement, in order that the fair market value of taxable property in each state shall be comparable.

"Average daily resident membership" of the interstate district in the first instance shall be the sum of the average

daily resident membership of the member districts in the grades involved for the preceding fiscal year where no students were enrolled in the interstate district schools for such preceding fiscal year.

§3638. Share of Maine member district

The interstate board shall certify the share of a Maine member district of the total appropriation to the school board of each member district which shall add such sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district.

§3639. Share of New Hampshire member district

The interstate board shall certify the share of a New Hampshire member district of the total appropriation to the school board of each member district which shall add such sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district. The interstate district shall not set up its own capital reserve funds; but a New Hampshire member district may set up a capital reserve fund in accordance with RSA 35, to be turned over to the interstate district in payment of the New Hampshire member district's share of any anticipated obligations.

ARTICLE VII

BORROWING

§3640. Interstate district indebtedness

Indebtedness of an interstate district shall be a general obligation of the district and shall be a joint and several general obligation of each member district, except that such obligations of the district and its member districts shall not be deemed indebtedness of any member district for the purposes of determining its borrowing capacity under Maine or New Hampshire law. A member district which withdraws from an interstate district shall remain liable for indebtedness of the interstate district which is outstanding at the time of withdrawal and shall be responsible for paying its share of such indebtedness to the same extent as though it had not withdrawn.

§3641. Temporary borrowing

The interstate board may authorize the borrowing of

money by the interstate district (1) in anticipation of payments of operating and capital expenses by the member districts to the interstate district and (2) in anticipation of the issue of bonds or notes of the interstate district which have been authorized for the purpose of financing capital projects. Such temporary borrowing shall be evidenced by interest bearing or discounted notes of the interstate district. The amount of notes issued in any fiscal year in anticipation of expense payments shall not exceed the amount of such payments received by the interstate district in the preceding fiscal year. Notes issued under this section shall be payable within one year in the case of notes under clause (1) and 3 years in the case of notes under clause (2) from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed the maximum period permitted for the original loan.

§3642. Borrowing for capital projects

An interstate district may incur debt and issue its bonds or notes to finance capital projects. Such projects may consist of the acquisition or improvement of land and buildings for school purposes, the construction, reconstruction, alteration or enlargement of school buildings and related school facilities, the acquisition of equipment of a lasting character and the payment of judgments. No interstate district may authorize indebtedness in excess of 10% of the total fair market value of taxable property in its member districts as defined in article VI. The primary obligation of the interstate district to pay indebtedness of member districts shall not be considered indebtedness of the interstate district for the purpose of determining its borrowing capacity under this section. Bonds or notes issued under this section shall mature in equal or diminishing installments of principal payable at least annually commencing no later than 2 years and ending not later than 30 years after their dates.

§3643. Authorization

An interstate district shall authorize the incurring of debts to finance capital projects by a majority vote of the district passed at an annual or special district meeting. Such vote shall be taken by secret ballot after full opportunity for debate, and any such vote shall be subject to reconsideration and further action by the district at the

same meeting or at an adjourned session thereof.

§3644. Sale of bonds and notes

Bonds and notes which have been authorized under this article may be issued from time to time and shall be sold at not less than par and accrued interest at public or private sale by the chairman of the school board and by the treasurer. Interstate district bonds and notes shall be signed by the said officers, except that either one of the 2 required signatures may be a facsimile. Subject to this compact and the authorizing vote, they shall be in such form, bear such rates of interest and mature at such times as the said officers may determine. Bonds shall, but notes need not, bear the seal of the interstate district, or a facsimile of such seal. Any bonds or notes of the interstate district which are properly executed by the said officers shall be valid and binding according to their terms notwithstanding that before the delivery thereof such officers may have ceased to be officers of the interstate district.

§3645. Proceeds of bonds

Any accrued interest received upon delivery of bonds or notes of an interstate district shall be applied to the payment of the first interest which becomes due thereon. The other proceeds of the sale of such bonds or notes, other than temporary notes, including any premiums, may be temporarily invested by the interstate district pending their expenditure; and such proceeds, including any income derived from the temporary investment of such proceeds, shall be used to pay the costs of issuing and marketing the bonds or notes and to meet the operating expenses or capital expenses in accordance with the purposes for which the bonds or notes were issued or, by proceedings taken in the manner required for the authorization of such debt, for other purposes for which such debt could be incurred. No purchaser of any bonds or notes of an interstate district shall be responsible in any way to see to the application of the proceeds thereof.

§3646. State aid programs

As used in this section the term "initial aid" shall include Maine and New Hampshire financial assistance with respect to a capital project, or the means of financing a capital project, which is available in connection with construction costs of a capital project or which is available at the time indebtedness is incurred to finance the project. Without limiting the generality of the foregoing definition, initial aid shall specifically include a New Hampshire state

guarantee under RSA 195-B with respect to bonds or notes and Maine construction aid under Title 20, section 3457. As used in this section, the term "long-term aid" shall include Maine and New Hampshire financial assistance which is payable periodically in relation to capital costs incurred by an interstate district. Without limiting the generality of the foregoing definition, long-term aid shall specifically include New Hampshire school building aid under RSA 198 and Maine school building aid under Title 20, section 3457. For the purpose of applying for, receiving and expending initial aid and long-term aid an interstate district shall be deemed a native school district by each state, subject to the following provisions.

When an interstate district has appropriated money for a capital project, the amount appropriated shall be divided into a Maine share and a New Hampshire share in accordance with the capital expense apportionment formula in the articles of agreement as though the total amount appropriated for the project was a capital expense requiring apportionment in the year the appropriation is made. New Hampshire initial aid shall be available with respect to the amount of the New Hampshire share as though it were authorized indebtedness of a New Hampshire cooperative school district. In the case of a state guarantee of interstate district bonds or notes under RSA 195-B, the interstate district shall be eligible to apply for and receive an unconditional state guarantee with respect to an amount of its bonds or notes which does not exceed 50% of the amount of the New Hampshire share as determined above. Maine aid shall be available with respect to the amount of the Maine share as though it were funds voted by a Maine school district. Payments of Maine aid shall be made to the interstate district, and the amount of any borrowing authorized to meet the appropriation for the capital project shall be reduced accordingly. New Hampshire and Maine long-term aid shall be payable to the interstate district. The amounts of long-term aid in each year shall be based on the New Hampshire and Maine shares of the amount of indebtedness of the interstate district which is payable in that year and which has been apportioned in accordance with the capital expense apportionment formula in the articles of agreement. The New Hampshire aid shall be payable at the rate of 45% if there are 3 or less New Hampshire members in the interstate district, and otherwise it shall be payable as though the New Hampshire members were a New Hampshire cooperative school district. New Hampshire and Maine long-term aid shall be deducted from the total capital expenses for the fiscal year in which the long-term aid is payable, and the balance of such expenses shall be apportioned among the member districts. Notwithstanding the foregoing provisions, New Hamp-

shire and Maine may at any time change their state school aid programs that are in existence when this compact takes effect and may establish new programs, and any legislation for these purposes may specify how such programs shall be applied with respect to interstate districts.

§3647. Tax exemption

Bonds and notes of an interstate school district shall be exempt from local property taxes in both states, and the interest or discount thereon and any profit derived from the disposition thereof shall be exempt from personal income taxes in both states.

ARTICLE VIII

TAKING OVER OF EXISTING PROPERTY

§3648. Power to acquire property of member district

The articles of agreement, or an amendment thereof, may provide for the acquisition by an interstate district from a member district of all or a part of its existing plant and equipment.

§3649. Valuation

The articles of agreement, or the amendment, shall provide for the determination of the value of the property to be acquired in one or more of the following ways:

1. In articles of agreement. A valuation set forth in the articles of agreement or the amendment.

2. Appraisal. By appraisal, in which case, one appraiser shall be appointed by each commissioner, and a third appraiser appointed by the first 2 appraisers.

§3650. Reimbursement to member district

The articles of agreement shall specify the method by which the member district shall be reimbursed by the interstate district for the property taken over, in one or more of the following ways:

1. Lump sum. By one lump sum, appropriated, allocated and raised by the interstate district in the same manner as an appropriation for operating expenses.

2. Installments. In installments over a period of not more than 20 years, each of which is appropriated, allocated

and raised by the interstate district in the same manner as an appropriation for operating expenses.

3. Agreement. By an agreement to assume or reimburse the member district for all principal and interest on any outstanding indebtedness originally incurred by the member district to finance the acquisition and improvement of the property, each such installment to be appropriated, allocated and raised by the interstate district in the same manner as an appropriation for operating expenses.

The member district transferring the property shall have the same obligation to pay to the interstate district its share of the cost of such acquisition, but may offset its right to reimbursement.

ARTICLE IX

AMENDMENTS TO ARTICLES OF AGREEMENT

§3651. Adoption

Amendments to the articles of agreement may be adopted in the same manner provided for the adoption of the original articles of agreement, except that:

1. Planning committee functions. Unless the amendment calls for the addition of a new member district, the functions of the planning committee shall be carried out by the interstate district board of directors.

2. Voting. If the amendment proposes the addition of a new member district, the planning committee shall consist of all of the members of the interstate board and all of the members of the school board of the proposed new member district or districts. In such case the amendment shall be submitted to the voters at an interstate district meeting, at which an affirmative vote of 2/3 of those present and voting shall be required. The articles of agreement together with the proposed amendment shall be submitted to the voters of the proposed new member district at a meeting thereof, at which a simple majority of those present and voting shall be required.

3. As one body. In all cases an amendment may be adopted on the part of an interstate district upon the affirmative vote of voters thereof at a meeting voting as one body. Except where the amendment proposes the admission of a new member district, a simple majority of those present and voting shall be required for adoption.

4. Application. No amendment to the articles of agreement may impair the rights of bond or note holders or the power of the interstate district to procure the means for their payment.

ARTICLE X

APPLICABILITY OF NEW HAMPSHIRE LAWS

§3652. General school laws

With respect to the operation and maintenance of any school of the district located in New Hampshire, New Hampshire law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

§3653. New Hampshire state aid

A New Hampshire school district shall be entitled to receive an amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the New Hampshire member district, and as though the New Hampshire member district pupils attending the interstate school were attending a New Hampshire cooperative school district's school. The state aid shall be paid to the New Hampshire member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

§3654. Continued existence of New Hampshire member school district

A New Hampshire member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district

and not herein delegated to the interstate district. The New Hampshire member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor, unless the indebtedness is specifically assumed in accordance with the articles of agreement. Any trust funds or capital reserve funds and any property not taken over by the interstate district shall be retained by the New Hampshire member district and held or disposed of according to law. If all of the schools in a member district are incorporated into an interstate district, then no annual meeting of the member district shall be required unless the members of the interstate board from the member district shall determine that there is occasion for such an annual meeting.

§3655. Suit and service of process in New Hampshire

The courts of New Hampshire shall have the same jurisdiction over the district as though a New Hampshire member district were a party instead of the interstate district. The service necessary to institute suit in New Hampshire shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who resides in New Hampshire, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

§3656. Employment

Each employee of an interstate district assigned to a school located in New Hampshire shall be considered an employee of a New Hampshire school district for the purpose of the New Hampshire teachers retirement system, the New Hampshire state employees retirement system, the New Hampshire workmen's compensation law and any other law relating to the regulation of employment or the provision of benefits for employees of New Hampshire school districts except as follows:

1. Teachers in New Hampshire member district. A teacher in a New Hampshire member district may elect to remain a member of the New Hampshire teachers retirement system, even though assigned to teach in an interstate school in Maine.

2. Professional or instructional staff members. Employees of interstate districts designated as professional or instructional staff members, as defined in article 1, may elect to participate in the teachers retirement system of either the State of New Hampshire or the

State of Maine but in no case will they participate in both retirement systems simultaneously.

3. Duties of superintendent. It shall be the duty of the superintendent in an interstate district to:

A. Advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedures of the retirement systems;

B. See that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed;

C. Provide the commissioners of education in New Hampshire and in Maine with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

ARTICLE XI

APPLICABILITY OF MAINE LAWS

§3657. General school laws

With respect to the operation and maintenance of any school of the district located in Maine, the provisions of Maine law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the superintendent shall be exercised and discharged by the interstate district superintendent.

§3658. Maine state aid

A Maine school district shall be entitled to receive such amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expense of the Maine member district, and as though the Maine member district pupils attending the interstate schools were attending a Maine unit. Such state aid shall be paid to the Maine member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

§3659. Continued existence of Maine school districts

A Maine school district shall continue in existence,

and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The Maine member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor. Any trust funds and any property not taken over shall be retained by the Maine member school district and held or disposed of according to law.

§3660. Suit and service of process in Maine

The courts of Maine shall have the same jurisdiction over the districts as though a Maine member district were a party instead of the interstate district. The service necessary to institute suit in Maine shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who resides in Maine, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

§3661. Employment

Each employee of an interstate district assigned to a school located in Maine shall be considered an employee of a Maine school district for the purpose of the State Retirement System, the Maine workmen's compensation law, and any other laws relating to the regulation of employment or the provision of benefits for employees of Maine school districts except as follows:

1. Teachers in Maine member district. A teacher in a Maine member district may elect to remain a member of the State Retirement System of Maine, even though assigned to teach in an interstate school in New Hampshire.

2. Professional or instructional staff members. Employees of interstate districts designated as professional or instructional staff members, as defined in

article 1, may elect to participate in the State Retirement System of the State of Maine or the teachers' retirement system of the State of New Hampshire but in no case will they participate in both retirement systems simultaneously.

3. Duties of superintendent. It shall be the duty of the superintendent in an interstate district to:

A. Advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedures of the retirement system;

B. See that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed;

C. Provide the commissioners of education in New Hampshire and in Maine with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

ARTICLE XII

MISCELLANEOUS PROVISIONS

§3662. Studies

Insofar as practicable, the studies required by the laws of both states shall be offered in an interstate school district.

§3663. Textbooks

Textbooks and scholar's supplies shall be provided at the expense of the interstate district for pupils attending its schools.

§3664. Transportation

The allocation of the cost of transportation in an interstate school district, as between the interstate district and the member districts, shall be determined by the articles of agreement.

§3665. Location of schoolhouses

In any case where a new schoolhouse or other school facility is to be constructed or acquired, the interstate board shall first determine whether it shall be located in

New Hampshire or in Maine. If it is to be located in New Hampshire, RSA 199, relating to schoolhouses, shall apply. If it is to be located in Maine, the Maine law relating to schoolhouses shall apply.

§3666. Fiscal year

The fiscal year of each interstate district shall begin on July 1st of each year and end on June 30th of the following year.

§3667. Immunity from tort liability

Notwithstanding the fact that an interstate district may derive income from operating profit, fees, rentals, and other services, it shall be immune from suit and from liability for injury to persons or property and for other torts caused by it or its agents, servants or independent contractors, except insofar as it may have undertaken such liability under RSA 221:7 relating to workmen's compensation, or RSA 412:3 relating to the procurement of liability insurance by a governmental agency and except insofar as it may have undertaken such liability under Maine laws relating to workmen's compensation or Maine laws relating to the procurement of liability insurance by a governmental agency.

§3668. Administrative agreement between commissioners of education

The commissioners of education of New Hampshire and Maine may enter into one or more administrative agreements prescribing the relationship between the interstate districts, member districts, and each of the 2 state departments of education, in which any conflicts between the 2 states in procedure, regulations, and administrative practices may be resolved.

§3669. Amendments

Neither state shall amend its legislation or any agreement authorized thereby without the consent of the other in such manner as to substantially adversely affect the rights of the other state or its people hereunder, or as to substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness then outstanding or the rights of an interstate school district to procure the means for payment thereof. Subject to the foregoing, any reference herein to other statutes of either state shall refer to such statute as it may be amended or revised from time to time.

§3670. Inconsistency of language

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the 2 states.

§3671. Separability

If any of the provisions of this compact or legislation enabling the same shall be held invalid or unconstitutional in relation to any of the applications thereof, such invalidity or unconstitutionality shall not affect other applications thereof or other provisions thereof, and to this end the provisions of this compact are declared to be severable.

PART 3ELEMENTARY AND SECONDARY EDUCATIONCHAPTER 201GENERAL PROVISIONS§4001. Facilities

The following provisions shall apply to school facilities.

1. Maintenance and repairs. A school administrative unit shall repair, improve and maintain its facilities with funds from its own budget.

2. Erect buildings. A school administrative unit may raise money to erect and equip school buildings.

3. Lease. A school administrative unit may lease facilities and other property.

A. The term of a lease shall be at least equal to the period during which similar property of the unit is used. A lease may not exceed a term of 10 years.

B. A lease of classroom space shall provide for its exclusive use by the unit. A lease may provide for the nonexclusive use of other property, but that property may be used for housing only in emergencies.

C. Leased property shall be considered property of the unit in all respects.

D. A lease may not be eligible for the state school

subsidy unless it is approved by the commissioner before it is signed.

4. Financing. School administrative units may, with approval of the legislative body, arrange financing for maintenance of plant and minor remodeling.

5. Capital reserve fund. School administrative units may establish a capital reserve fund for maintenance of plant and minor remodeling.

6. Insurance. School administrative units shall carry fire insurance and allied coverage in the amount of the replacement cost of any school construction project. The commissioner may adjust the amount of coverage required if insurance cannot be obtained at a reasonable cost.

§4002. Schoolbooks, apparatus and appliances

The following provisions shall apply to schoolbooks, apparatus and appliances.

1. Free schoolbooks. A school administrative unit shall provide its students with schoolbooks and necessary apparatus and appliances at the expense of the school administrative unit.

2. Purchased textbooks. The parent of a student may buy required textbooks for that student's exclusive use.

3. Rules. A school board may adopt rules for distributing and preserving schoolbooks, apparatus and appliances provided by the unit.

§4003. Water supply

If a school building of a school administrative unit is supplied by a water supply operated by the school administrative unit and which serves only the school buildings under the control of the school board, the water supply shall not be considered a public water supply under Title 22, sections 2651 and 2652. The school board shall ensure that this water supply meets standards set by the Department of Human Services for private water supplies of schools.

§4004. Fencing

Schoolhouse lots and playgrounds that require fencing shall be fenced by the municipality or school administrative unit.

§4005. Gifts

School administrative units may receive and expend gifts for educational purposes.

§4006. Closing schools

Schools may be closed or relocated as follows.

1. Closing or moving. The legislative body of a school administrative unit may, at a regular or special meeting, discontinue or change the location of a school:

A. On the written recommendation of the school board; and

B. With appropriate conditions to preserve the rights and privileges of the residents for whose benefit the school had been established.

2. Temporary closing. A school board may, for a combined period of not more than one year, close a school if there are not enough students for profitable maintenance.

3. Small enrollment. A school with less than an average attendance of 8 students shall close, unless:

A. The school board recommends the school stay open; and

B. The legislative body at a regular or special meeting approved that recommendation.

4. School administrative districts and community school districts. Closing of an elementary school must conform:

A. In a school administrative district, to section 1407; and

B. In a community school district, to section 1751, subsection 5.

§4007. Secret societies prohibited

Secret societies shall be prohibited as follows.

1. Prohibition. Secret fraternities or societies in or associated with public schools shall be prohibited.

2. Enforcement. School boards shall enforce this

section.

3. Penalty. School boards may expel or otherwise discipline any student for failure or refusal to comply with this section.

§4008. Privileged communications

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Client" means a person who has actively sought or is in the process of seeking professional help from a school counselor.

B. "School counselor" means a person who is employed as a school counselor in a school setting and who:

(1) Is certified as a school counselor by the department; or

(2) Possesses a minimum of a master's degree in an approved program in guidance and counseling.

2. Privileged communication. A school counselor may not be required, except as provided by this section, to divulge or release information gathered during a counseling relation with a client or with the parent or guardian of a minor client. A counseling relation and the information resulting from it shall be kept confidential consistent with the professional obligations of the counselor.

3. Exceptions. This section shall not apply to the extent that disclosure of information is necessary:

A. To comply with Title 22, section 4011; and

B. To report to an appropriate authority or to take appropriate emergency measure when:

(1) The client's condition requires others to assume responsibility for him; or

(2) There is clear and imminent danger to the client or others.

§4009. Civil liability

The following provisions apply to civil liability.

1. Reasonable force. A teacher or other person entrusted with the care or supervision of a person for special or limited purposes may not be held civilly liable for the use of a reasonable degree of force against the person who creates a disturbance if the teacher or other person reasonably believes it is necessary to:

A. Control the disturbing behavior; or

B. Remove the person from the scene of the disturbance.

2. Exceptions. Subsection 1 shall not apply to the intentional or reckless use of force that creates a substantial risk of death, serious bodily injury or extraordinary pain.

3. Effect on civil liability. This section may not be construed to increase the scope of potential civil liability of a teacher or other person entrusted with the care or supervision of a person for special or limited purposes.

4. Emergency medical treatment. Notwithstanding any other provision of any public or private and special law, any nonlicensed agent or employee of a school or school administrative unit who renders first aid, emergency treatment or rescue assistance to a student during a school program may not be held liable for injuries alleged to have been sustained by that student or for the death of that student alleged to have occurred as a result of an act or omission in rendering such aid, treatment or assistance. This subsection does not apply to injuries or death caused willfully, wantonly or recklessly or by gross negligence on the part of the agent or employee.

CHAPTER 203

ELEMENTARY SCHOOLS

SUBCHAPTER I

APPROVAL AND ACCREDITATION

§4201. Approval

Elementary schools shall be approved under rules established by the state board. The commissioner may remove approval for cause following procedures established in accordance with section 3.

§4202. Removal of basic approval

1. Commissioner may remove basic approval. Notwithstanding any other provisions of law, the commissioner may remove basic approval from any elementary school for failure to meet applicable approval requirements.

2. Procedural requirements. Whenever a school fails to meet these requirements the commissioner shall:

A. Give due notice; and

B. Hold a hearing.

3. Hearing. The hearing on removal of basic approval shall be in accordance with the applicable provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, and rules of the State Board of Education adopted pursuant to section 405, subsection 3, paragraph E.

§4203. Nonrenewal of basic approval

The decision of the commissioner on nonrenewal of basic approval of any school applying for renewal shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, and rules adopted by the State Board of Education under section 405, subsection 3, paragraph E.

§4204. Accreditation

The following provisions apply to accreditation.

1. Application. An approved elementary school may apply to the commissioner for accreditation.

2. Standards. The commissioner shall adopt accreditation standards with the approval of the state board. Standards shall include quality of instruction, curriculum and school facilities.

3. Advisory committee. The commissioner shall appoint a committee of professional and lay people to advise him in the adoption of standards.

§4205. Private schools

Private school approval is governed by chapter 117.

CHAPTER 205

SECONDARY SCHOOLS

SUBCHAPTER I

APPROVAL AND ACCREDITATION

§4401. Approval

Secondary schools shall be evaluated by the commissioner for basic approval. A school may not be given basic approval for attendance, tuition or subsidy purposes unless it meets the following requirements.

1. Course of study approved. It maintains a course of study approved by the commissioner.

2. Length of school day. It has a school day of sufficient length to allow the operation of its approved educational program.

3. Certified teachers. It employs only certified teachers.

4. Pupil-teacher ratio. It has a pupil-teacher ratio of not more than 30 to 1.

5. Hygienic facilities and equipment. It has safe and hygienic facilities and adequate equipment and supplies which comply with rules established by the Department of Human Services and the state board.

6. Consecutive grades. It is organized to include not less than 2 consecutive grades from 9 to 12.

7. Records. It has adequate, safely protected records.

8. Size. It meets the following size requirements.

A. If it enrolls fewer than 100 pupils, it may be approved on an emergency or continuing basis only after the school board has presented in detail reasons for the emergency or continuing approval.

B. If the commissioner determines that a school is geographically isolated and if it otherwise meets all the other requirements of this section, it shall receive approval for a 6-year period. The commissioner may terminate that approval because of the school's size only if the school receives at least 5 years' notice of that termination.

§4402. Removal of basic approval

1. Commissioner may remove basic approval. Notwith-

standing any other provisions of law, the commissioner may remove basic approval from any private school for failure to meet applicable approval requirements.

2. Procedural requirements. Whenever a school fails to meet these requirements, the commissioner shall:

A. Give due notice; and

B. Hold a hearing.

3. Hearing. The hearing on removal of basic approval shall be in accordance with the applicable provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, and rules of the State Board of Education adopted pursuant to section 405, subsection 3, paragraph E.

§4403. Nonrenewal of basic approval

The decision of the commissioner on nonrenewal of basic approval of any school applying for renewal shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, and rules adopted by the State Board of Education under section 405, subsection 3, paragraph E.

§4404. Accreditation

For accreditation the following shall be required.

1. Application for accreditation. An approved school may apply to the commissioner for recognition as an accredited school.

2. Requirements. The commissioner, with the approval of the state board, shall establish requirements for accreditation, which shall include nationally recognized standards, including:

A. Quality of instruction;

B. School facilities; and

C. Curriculum content.

3. Advisory committee. The commissioner shall appoint an advisory committee consisting of professional and lay persons to assist in the development of these standards. A school may not be accredited until it has been evaluated by an advisory committee qualified to appraise its functions and program success.

4. Procedure for adoption of accreditation standards. The commissioner shall adopt or amend rules on the requirements and standards for accreditation.

§4405. Private schools

Approval of private schools is governed by chapter 117.

§4406. Junior high school defined

A junior high school means a school which maintains a diversified program of studies approved by the commissioner, for grades or years as he prescribes, throughout the school year. A combination of 2 or more consecutive grades 6 to 9 may be included in a junior high school. A junior high school may be maintained in connection with or as a part of an approved or accredited secondary school.

CHAPTER 207

CURRICULUM

§4601. Basic curriculum

1. Required courses in American and Maine history. The following courses shall be required.

A. American history and civil government, including the Constitution of the United States, the Declaration of Independence, the importance of voting and the privileges and responsibilities of citizenship, shall be taught in and required for graduation from all elementary and secondary schools both public and private.

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

2. English. Four years of English shall be required for graduation from a secondary school.

3. Required programs in physical education, safety and health. Programs in physical education, safety and health shall be provided and required for all students in public elementary and secondary schools. The commissioner:

A. Shall adopt or amend rules to carry out the programs;

B. May periodically require reports from superintendents; and

C. Shall prescribe courses of studies and plans of lessons and instruction.

4. Courses prescribed by the commissioner. The commissioner shall prescribe by rule the basic curriculum to be taught in public schools.

5. Courses prescribed by school boards or boards of trustees. A school board or board of trustees subject to approval by the commissioner, may prescribe additional studies to be taught in its school administrative unit or school.

6. Exception. A student who has satisfactorily completed the freshman year in a degree-granting institution may receive a secondary school diploma from the school he last attended, even if he did not meet these graduation requirements in subsection 1, paragraph A and subsection 2.

§4602. Languages of instruction

Languages of instruction to be used in all schools shall be as follows.

1. Basic language. The basic language of instruction in all schools, public and private, shall be the English language, except as provided in this section.

2. Foreign language instruction. A school may provide courses in foreign languages that are taught in those languages.

3. Bilingual education. Subject to the annual approval of the commissioner, the school board of an administrative unit having students from non-English-speaking families may provide programs involving bilingual education techniques. These techniques shall be designed to provide students with educational experiences to enhance their learning. Bilingual instructors shall be subject to certification by the state board in both course content and language of instruction.

4. Transitional instruction. A school board may provide transitional instruction programs.

A. "Transitional instruction" means instruction given to a limited English speaking student for the purpose of enabling the student to be instructed in English

within a reasonable length of time. Transitional instruction shall not include bilingual education programs, as defined in (Public Law 90-247, Title VII, United States Code Annotated, Title 20, Section 880b-1,) that is, programs which do not include students of limited English speaking ability.

B. Certified bilingual instructors shall not be required for the provisions of transitional instruction at any grade level.

§4603. Industrial education

Schools may provide courses in industrial arts. The commissioner shall provide technical assistance.

§4604. Driver education

Schools may offer courses in driver education either during regular school hours or outside of regular school hours.

1. School administrative unit fee. A school administrative unit may charge a fee, based on the per student cost, for driver education courses conducted after regular school hours during the school year.

2. Contract authority. A school administrative unit or private school may contract for driver education with any certified person or any commercial driver education school, provided that the instructor for the school shall be certified.

3. Temporary certification. If a certified instructor is not available within a school administrative unit, and if that unit requests it, the commissioner shall grant temporary driver education teacher certification to a person licensed by the Secretary of State to teach driver education. Requests for temporary certification shall be initiated by the administrative unit. A certificate may not be for more than one year.

4. Rules. The commissioner shall adopt or amend rules to carry out this section.

CHAPTER 209

SCHOOL DAYS, HOLIDAYS, SPECIAL OBSERVANCES

§4801. School days

The following provisions shall apply to school days.

1. Number. A school administrative unit shall make provision for the maintenance of all of its schools for at least 180 days a year. At least 175 days shall be used for instruction. In meeting the requirement of a 180-day school year, no more than 5 days may be used for in-service education of teachers, administrative meetings, parent-teacher conferences, records days and similar activities.

A. The commissioner may reduce or waive the minimum number of days required on application from a school board. The application must be supported in writing with a statement of the reasons for the request.

B. Notwithstanding any other section of the statutes, school committees, with the approval of the commissioner, may adopt or amend rules necessary to implement an extended school year at the local level. The commissioner may make appropriate adjustments, not to exceed the allowable subsidy, to insure fair and equitable treatment in the distribution of state aid.

2. Equal terms. A school administrative unit shall operate all its schools so that their regular annual sessions are as equal in length as practicable.

3. Noncompliance. A school administrative unit which fails to comply with this section may not receive its state school subsidy until it provides for future compliance.

§4802. Holidays

The following provisions shall apply to school holidays.

1. Unconditional holidays. Public schools shall close on the following days:

A. Patriot's Day, the 3rd Monday in April;

B. Memorial Day, last Monday in May or May 30th if the Federal Government designates that date;

C. Independence Day, July 4th;

D. Labor Day, the first Monday in September;

E. Columbus Day, the 2nd Monday in October;

F. Veteran's Day, November 11th;

G. Thanksgiving Day, as designated by the Governor; and

H. Christmas Day, December 25th.

2. Conditional holidays. Public schools shall close on the following days unless the school board votes to keep its schools open and observe the day with special exercises as defined in section 4803:

A. New Years Day, January 1st; and

B. Washington's Birthday, the 3rd Monday in February.

§4803. Special observance days

Days marked by special observances shall be established as follows:

1. January 1st. January 1st, if the school board votes to keep schools open;

2. Washington's Birthday. Washington's Birthday, the 3rd Monday in February, if the school board votes to keep schools open. The day shall be observed with appropriate exercises;

3. Lincoln's Birthday. Lincoln's Birthday shall be observed by studying the life and character of Abraham Lincoln during part of the school day;

4. Arbor Day, as designated by the Governor. Arbor Day shall be observed for the purpose designated by the Governor;

5. Temperance Day. Temperance Day, March 1st, shall be observed by studying the history and benefits of temperance laws for at least 45 minutes. The commissioner shall prepare appropriate materials for this observance;

6. John F. Kennedy Day. John F. Kennedy Day, November 2nd, shall be observed by studying the life and character of John F. Kennedy during part of the school day;

7. Martin Luther King Day. Martin Luther King Day, January 15th, as specified in Title 1, section 115;

8. Statehood Day. Statehood Day, March 15th, as specified in Title 1, section 116; and

9. Poetry Day. Poetry Day, October 15th, as specified

in Title 1, section 112.

§4804. Sunday holidays

When a holiday or special observance falls on a Sunday, the following Monday shall be considered the holiday or day of special observance.

§4805. Other special observances

Other special observances shall be as follows.

1. Flag. It shall be the duty of instructors to impress upon the youth by suitable references and observances the significance of the flag, to teach them the cost, the object and principal of our government, the inestimable sacrifices made by the founders of our Nation, the important contribution made by all who have served in the armed services of our country since its inception and to teach them to love, honor and respect the flag of our country that costs so much and is so dear to every true American citizen.

2. Period of silence. The school board of a school administrative unit may require, at the commencement of the first class of each day in all grades in all public schools in their unit, that the teacher in charge of the room in which each class is held shall announce that a period of silence shall be observed for reflection or meditation and during that period silence shall be maintained and no activities engaged in.

3. American History Month. American History Month is the month of February, in accordance with Title 1, section 113.

4. Maine Cultural Heritage Week. Maine Cultural Heritage Week is the week containing March 15th, in accordance with Title 1, section 118.

5. Arbor Week. Arbor Week is the 3rd full week in May, in accordance with Title 1, section 111-A.

CHAPTER 211

ATTENDANCE

SUBCHAPTER I

ATTENDANCE

§5001. Compulsory attendance

The following provisions apply to compulsory attendance.

1. Requirement. Persons 7 years of age or older and under 17 years shall attend a public school during its regular annual session.

2. Exceptions. Compulsory attendance shall not apply to the following:

A. Persons who graduate from high school before their 17th birthday;

B. Persons who have:

(1) Reached the age of 15 or completed the 9th grade;

(2) Permission to leave school from their parent or legal guardian;

(3) Permission to leave school from the school board or its designee; and

(4) Agreed in writing with their parent or legal guardian and the school board or its designee to meet annually until their 17th birthday to review their educational needs;

C. Students who obtain equivalent instruction in an approved private school shall be credited with attendance at a private school only if a certificate showing their names, residence and attendance at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the students reside;

D. Equivalent instruction is as follows:

(1) A child shall be excused from attending a public day school if he obtains equivalent instruction in a private school or in any other manner arranged for by the school committee or the board of directors and if the equivalent instruction is approved by the commissioner; and

(2) If any request to be excused is denied by a local school committee or board of directors, an appeal may be filed with the commissioner. The commissioner shall review the request to be excused to determine whether the local school com-

mittee or board of directors has been correct in its finding that no equivalent instruction is available. If the commissioner finds that equivalent instruction is available to the child, he shall approve the request to be excused; or

E. Children shall be credited with attendance at a private school only if a certificate showing their names, residence and attendance at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the children reside.

3. Appeal process. Persons who have complied with subsection 2, paragraph B, subparagraphs (1) and (2) may appeal to the commissioner if the school board or its designee denies them permission to leave school.

4. Excusable absence. A person's absence is excused when the absence is for the following reasons:

A. Personal illness;

B. An appointment with a health professional that must be made during the regular school day;

C. Observance of a recognized religious holiday when the observance is required during the regular school day;

D. A family emergency; or

E. A planned absence for a personal or educational purpose which has been approved.

5. Adult responsibility. Any adult having a person subject to subsection 1 under their control shall be responsible for their compliance.

6. Noncompliance. An absence of 1/2 day or more shall be considered noncompliance with subsection 1.

§5002. Alternate programs

The following provisions apply to suitable programs of work, work study or training.

1. Approval. Students subject to section 5001, subsection 1, shall be excused if they:

A. Are 14 years of age or older;

B. Are participating in a suitable program of work, work study or training;

C. Have their parent's or guardian's consent; and

D. The principal approves.

2. Appeal. A parent or guardian may appeal to the school board if the principal refuses to approve under subsection 1.

3. Student involvement. A student requesting to be excused under this section shall be consulted in the selection and formulation of work programs.

4. Special work permit. A student between the ages of 15 and 17 years who is unable to be issued a regular work permit may receive a work permit for employment in nonhazardous occupations. This special work permit shall be issued jointly by the commissioner and the Director of the Bureau of Labor.

§5003. Administration

1. School board's responsibility. School boards shall administer this subchapter.

2. Rules. School boards shall adopt rules to carry out this subchapter. They shall file a copy with the commissioner.

3. Commissioner's responsibility. The commissioner shall guide school boards in adopting these rules.

SUBCHAPTER II

HABITUAL TRUANTS

§5051. Habitual truants

1. Definition. A student is a habitual truant if he is:

A. Subject to sections 5001 or 5002; and

B. Absent from school without excuse for the equivalent of 10 full days, or for at least 1/2 day on 7 consecutive school days, within any 6-month period.

2. Procedure. The following provisions apply to procedure when a student is a habitual truant.

A. If a principal of a public school determines that a student is a habitual truant, the principal shall inform the superintendent. The superintendent shall first try to correct the problem informally.

B. If unable to correct the problem informally, the superintendent shall refer the matter to the school board along with the principal's report and any other useful information.

C. The school board shall call a hearing and shall notify the parent or guardian of the following in writing at least 7 days in advance:

(1) Date and time of the hearing;

(2) Purpose of the hearing;

(3) Their right to inspect student's attendance records and principal's reports; and

(4) The necessity of their and student's presence at the hearing.

D. If the school board determines that the student is a habitual truant, it shall either:

(1) Instruct the student to comply with section 5001, subsection 1, and advise the parent or guardian of their responsibility under section 5001, subsection 3; or

(2) Waive the requirements of section 5001, subsection 1, if the student is 14 years of age or older.

E. A parent or guardian may appeal the decision of the school board to the commissioner.

(1) The commissioner shall appoint a fair hearing officer to hear the appeal.

(2) The fair hearing officer shall report to the commissioner on the testimony presented and shall recommend a disposition to the commissioner.

(3) The commissioner shall review the report and shall affirm, modify or reverse the school board's decision.

3. Reports. The following provisions apply to

reports.

A. A superintendent shall submit an annual report to the commissioner before October 1st. The report shall:

(1) Identify the number of habitual truants in the unit in the preceding school year;

(2) Describe the unit's efforts to deal with habitual truancy;

(3) Account for actions brought under this section; and

(4) Include any other information on truancy requested by the commissioner.

B. The commissioner shall submit an annual report to the Governor and the Legislature before January 15th. The report shall aggregate the information provided by superintendents and shall evaluate the effect of state laws on the incidence of truancy.

§5052. Attendance officers

The following provisions apply to attendance officers.

1. Election. The following provisions apply to the election of attendance officers.

A. A school board shall annually elect an attendance officer or officers.

B. The attendance officer shall be elected at the first meeting of the school board after its election.

C. Vacancies shall be filled as they occur.

2. Duties. An attendance officer shall:

A. Investigate all cases of alleged habitual truancy and report to the school board;

B. When directed in writing by the school board or the superintendent, file a complaint under section 5053;

C. When notified by a teacher that a student's attendance is irregular, arrest and take that student to school if that student is truant;

D. When directed in writing by the school board or the

superintendent, visit places of employment in the unit during regular school hours to determine whether any individual under 14 years of age works there and report to the superintendent or the school board; and

E. Upon completing an investigation under paragraph D, report in writing to the Director of the Bureau of Labor any finding that a minor is illegally employed under Title 26, chapter 7.

3. Work permits. On request of an attendance officer acting under subsection 2, paragraph D, the person in charge of a place of employment shall produce all permits required to be kept under Title 26, chapter 7.

4. Compensation. A school board may pay its attendance officer out of funds appropriated for that purpose.

5. Penalties. The following provisions apply to penalties.

A. An attendance officer who fails to perform the duties assigned under this section shall be punished by a fine of not less than \$10 nor more than \$50. All fines shall be paid to the treasurer of the school administrative unit in which the offense was committed for the support of its public schools.

B. A school administrative unit which fails to perform its duties under this section shall be subject to section 6801.

§5053. Enforcement

1. Offenses. Each of the following acts shall constitute a civil violation under this subchapter and subchapter III:

A. Having control of a student who is a habitual truant and being primarily responsible for that truancy;

B. Inducing a student to violate section 5051, subsection 1; or

C. Harboring or concealing a student who is in violation of section 5001.

2. Jurisdiction. The District Court shall have jurisdiction of these offenses.

3. Process. Warrants and legal process issued by a court to enforce this section may be directed to and executed by the attendance officer of the school administrative unit where the offense is alleged to have been committed.

4. Penalties. The following provisions apply to penalties.

A. A person guilty of a civil violation under:

(1) Subsection 1, paragraph A shall be punished by a forfeiture of not more than \$200; and

(2) Subsection 1, paragraphs B and C shall be punished by a forfeiture of not less than \$500.

B. All forfeitures in paragraph A shall be paid to the treasurer of the school administrative unit in which the offense was committed for the support of its public schools.

C. The court may require that the offender undergo counseling by a professional selected by the offender, with the court's approval, or by the court. The counselor shall submit a written report to the court and to the offender.

SUBCHAPTER III

DROPOUTS

§5101. Statement of purpose

School attendance shall be compulsory because education is essential to the preservation of the rights and liberties of the people. To safeguard these rights and liberties further, and to ensure equal access to educational opportunity, the public schools should help those students in need find appropriate alternatives to regular school curricula and should maintain contact with dropouts.

§5102. Definitions

As used in this subchapter, unless the context otherwise indicates, a "dropout" means any person under the age of 17 who has withdrawn or been expelled from school before graduation or completion of a program of studies and who has not enrolled in another educational institution or program.

§5103. Positive action committee

The following provisions apply to the positive action committee.

1. Committee. A superintendent responsible for a grade level from 9 to 12 shall establish a positive action committee.

2. Membership. The positive action committee shall be composed of the following members:

A. A member of the school board selected by that board;

B. A school administrator selected by the superintendent;

C. Two teachers or school guidance counselors selected by the unit's teachers' organization;

D. Two parents of students enrolled in a grade level from 9 to 12, selected by the organized parent group, or, if no organized parent group exists, by the school board;

E. Two students enrolled in a grade level from 9 to 12 selected by the positive action committee members selected in paragraphs A to D;

F. Two recent dropouts selected by the positive action committee members selected in paragraphs A to D; and

G. Two residents of the municipalities within the school administrative unit selected by the positive action committee members selected in paragraphs A to D.

A positive action committee may increase its membership by majority vote.

3. Terms and vacancies. Members shall serve 2-year terms. Members may be reappointed. A vacancy shall be filled as if it were an original appointment.

4. Chairman. The positive action committee shall select a chairman from among its members. A chairman may not serve continuously for more than 2 years.

5. Responsibilities. The following provisions apply to responsibilities of the positive action committee.

A. The positive action committee shall:

- (1) Study the dropout problem;
- (2) Develop a plan for dealing with it; and
- (3) Submit the plan to the school board.

B. The school board shall:

- (1) File its plan with the department; and
- (2) Inform the department what parts of the plan will become policy in the unit.

C. The positive action committee shall consider the following when developing its plan:

- (1) Reasons why students drop out of school;
- (2) Maintenance of continuing contacts with recent dropouts in order to extend opportunities for alternate educational programs, counseling and referral;
- (3) Education of teachers and administrators about the dropout problem;
- (4) Use of human services' programs to help dropouts;
- (5) The school administrative unit's policies on suspension, expulsion and other disciplinary action; and
- (6) Discriminatory practices and attitudes within the school administrative unit.

6. Annual review. The positive action committee shall meet at least annually to review its plan and to make recommendations to the school board. The school board shall inform the department of any changes it adopts.

7. Department assistance. The department shall provide reasonable technical assistance to a positive action committee on request.

§5104. Programs

1. Student involvement. A student being considered for participation in programs for dropouts and truants shall be involved in the selection and formation of those programs.

2. Student count. For state school subsidy purposes, a student enrolled in a program for dropouts and truants shall be counted as 1/10th of a student if the student enrolls in a semester credit course or its equivalent leading to high school graduation. A student may not be counted as more than one student under this Title.

3. Programs outside the school administrative unit. The following provisions apply to programs outside the school administrative unit.

A. If a school administrative unit has no program for dropouts and truants and if the superintendent approves, students in that unit may enroll in programs in another school administrative unit or a private school.

B. The students' school administrative unit shall pay tuition equal to no more than 1/10th of the state school subsidy for each student for each semester course or its equivalent in the students' unit.

C. The commissioner shall adopt rules to administer this subsection.

CHAPTER 213

STUDENT ELIGIBILITY

§5201. Age

The following provisions apply to enrollment in public elementary and secondary schools.

1. Eligibility to enroll. A person 5 years of age or older and under 20 years of age may enroll as a full-time student or, with the consent of the school board, as a part-time student, in the public elementary and secondary schools.

2. Minimum ages. The following are minimum ages necessary for student enrollment in a school administrative unit.

A. A person who will be at least 6 years old on October 15th of the school year may enroll in grade one.

B. A person who will be at least 5 years old on October 15th of the school year may enroll in a one-year kindergarten if it is offered.

C. A person who will be at least 4 years old on October 15th of the school year may enroll in a 2-year childhood education program prior to grade one if it is offered.

3. Exceptions. The following are exceptions to this section.

A. War veterans who have not completed high school before their 18th birthday may enroll in the public schools in the school administrative units where they reside until they graduate or reach the age of 25.

B. A person who has enrolled in a public kindergarten or grade one in another state may enroll in kindergarten or grade one, as the case may be, in the school administrative unit where the parent or guardian become residents.

C. A person who was enrolled in kindergarten in this State under paragraph B, may enroll in grade one upon satisfactory completion of kindergarten.

D. A person who was enrolled in a public kindergarten in another state and was promoted to grade one may enroll in grade one in the school administrative unit where the parent or guardian becomes a resident.

E. The eligibility for exceptional students is governed by section 7001, subsection 2.

4. Rules. A school board may adopt rules to carry out this section.

§5202. Residence

1. Definitions. For the purposes of this section, "parent" means the parent or guardian with legal custody.

2. General rule. A person shall be considered a resident of the school administrative unit where his parent resides. A federal installation shall be considered part of the school administrative unit in which it is located.

§5203. Elementary students right to attend school in another administrative unit

The following provisions govern the right of elementary students to attend school in another school administrative unit other than the one in which they are resident.

1. Units with an elementary school. An elementary student may attend an approved private school or a public elementary school in any school administrative unit with the consent of the receiving school's school board. The student's parent or guardian shall pay the cost of tuition and transportation. The receiving school shall notify the superintendent of the school administrative unit where the student's parents reside of the name and grade of the accepted student.

2. Living remote from public schools in a school administrative unit. Elementary students whose parents live remote from a public school in their school administrative unit may, with the consent of the school board in their unit, attend public school in an adjoining school administrative unit in Maine or a neighboring state if the adjoining unit accepts tuition students. The school administrative unit where the students' parents reside shall pay tuition and transportation.

3. Contract school. Students whose parents reside in a school administrative unit which contracts for school privileges under section 2701 may attend the contract school. The school administrative unit in which their parents reside shall pay the costs of the contract and transportation.

4. Exception; no elementary school. Elementary students whose parents reside in a unit which neither maintains an elementary school nor contracts for elementary school privileges may attend a private school approved for tuition purposes or a public school in an adjoining unit in Maine or in a neighboring state which accepts tuition students. The school administrative unit where the students' parents reside shall pay tuition and transportation.

5. Units with 10 or fewer students. Elementary students whose parents reside in a school administrative unit with a total April 1st resident student count of 10 or less may attend public school as tuition students in a nearby school administrative unit. The school board of the nearby school administrative unit shall accept the students if requested by the school board of the unit in which the students' parents reside. The school board where the students' parents reside shall pay tuition and transportation.

§5204. Secondary students right to attend school in another administrative unit

The following provisions govern the right of secondary students to attend school in another school administrative

unit other than the one in which they are resident.

1. Units with a secondary school. A secondary student may attend an approved private school or a public secondary school in any school administrative unit with the consent of the receiving school's school board. The student's parent or guardian shall pay the cost of tuition and transportation. The receiving school shall notify the superintendent of the school administrative unit where the student's parents reside of the name and grade of the accepted student;

2. Living remote from public schools in a school administrative unit. Secondary students whose parents live remote from a public school in their school administrative unit may, with the consent of the school board in their unit, attend public school in an adjoining school administrative unit in Maine or a neighboring state if the adjoining unit accepts tuition students. The school administrative unit where the students' parents reside shall pay tuition.

3. Contract school. Students whose parents reside in a school administrative unit which contracts for school privileges under section 2701 may attend the contract school. The school administrative unit in which their parents reside shall pay the cost of the contract.

4. No secondary school. Secondary students whose parents reside in a unit which neither maintains a secondary school nor contracts for secondary school privileges may attend a private school approved for tuition purposes, a public school in an adjoining unit which accepts tuition students, or a school approved for tuition purposes in another state or country. The school administrative unit where the students' parents reside shall pay tuition.

5. Units with 10 or fewer students. Secondary students whose parents reside in a school administrative unit with a total April 1st resident student count of 10 or less may attend public school as tuition students in a nearby school administrative unit. The school board of the nearby school administrative unit shall accept the students if requested by the school board of the unit in which the students' parents reside. The school board where the students' parents reside shall pay tuition.

6. Insufficient courses; time limitations. If the secondary school does not offer 2 approved occupational courses of study, a 2-year course in mathematics or science or 2 approved foreign language courses, then its students may attend another secondary school approved for tuition

purposes to take the missing courses of study, provided that:

- A. The receiving school accepts tuition students;
- B. The students meet the qualifications for attending their own secondary school; and
- C. The students have notified their own school administrative unit by April 1st, before the start of each academic year, that they wish to take the course not being offered by their school administrative unit. Their school administrative unit shall notify them on or before July 15th of that year whether the course will be offered in the next academic year.

§5205. Other exceptions to the general residency rules

The following exceptions apply in determining a student's right to attend a school in a school administrative unit other than the one in which the student has permanent residence.

1. State wards. A state ward shall be considered a resident of the unit where placed.

2. Other students not living at home. A student other than a state ward, residing with another person who is not the student's parent, shall be considered a resident of the school administrative unit where the student resides if the superintendent of the unit determines that it is in the best interest of the student because of the following:

A. It is undesirable and impractical for that student to reside with the student's parent, or that other extenuating circumstances exist which justify residence in the unit; and

B. That person is residing in the school administrative unit for other than just education purposes.

The commissioner shall review the superintendent's findings under paragraph B, on the request of that student's parent. The commissioner's decision shall be final and binding.

3. Students placed by state agencies. A student who is placed by a state agency, child placement agency or parent in a nonfamily foster home shall be considered a resident of the school administrative unit where the foster home is located, if:

A. The state agency, child placement agency or parent proves to the school administrative unit's satisfaction that the costs of educating that student will be paid to the school administrative unit in the year they are incurred; and

B. The school administrative unit has agreed to accept tuition students under this Title.

4. Students living at light, fog warning or life stations. A student living at any light, fog warning or lifesaving station shall be considered a resident of the school administrative unit where the student chooses to enroll.

5. Temporary residents. A student who temporarily resides in a school administrative unit shall be considered a resident of that school unit if the student is living with a parent who, because of employment, moves from place to place. This subsection may not be construed to abridge that student's rights in the school administrative unit where the student permanently resides.

6. Transfer students. The following provisions apply to transfers of students from one school administrative unit to another.

A. Two superintendents may approve the transfer of a student from one school administrative unit to another if:

(1) They find that a transfer is in the student's best interest; and

(2) The student's parent approves.

The superintendents shall notify the commissioner of any transfer approved under this paragraph.

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. The commissioner's decision shall be final and binding.

C. The superintendents shall annually review any transfer under this subsection.

D. For purposes of the state school subsidy, a student transferred under this subsection shall be considered a resident of the school administrative unit to which transferred. For purposes of local leeway under

section 15511, subsection 3, a student transferred under this subsection shall be considered a resident of the largest municipality in the school administrative unit to which transferred.

E. A school administrative unit may not charge tuition for a transfer approved under this subsection.

CHAPTER 215

TRANSPORTATION

§5401. Transportation

The transportation of public school students shall be governed as follows.

1. Municipal school units. The superintendent of schools in a municipal school unit shall, with the approval of the school board, provide transportation for elementary school students a part of or the whole distance to and from the nearest suitable elementary school. The municipality may provide transportation for secondary level students.

2. School administrative district. The superintendent of schools in a school administrative district shall, with the approval of the school board, provide transportation for:

A. Elementary school students a part of or the whole distance to and from the nearest suitable school; and

B. Secondary school students a part of or the whole distance to the district's secondary school or to and from the secondary school in the school administrative unit or units with which the district has contracted for secondary school privileges. The school board may provide transportation for secondary school students attending other secondary schools.

3. Community school district. The community school district school committee shall either:

A. Instruct the superintendent of schools to provide transportation for elementary and secondary school students all or a part of the way to and from the nearest suitable school; or

B. Provide transportation in accordance with a written agreement with the member school administrative units.

4. Special education students. Special education students shall be provided transportation:

- A. As provided by chapter 301; or
- B. To and from classes.

5. Secondary school students residing on islands. A school administrative unit shall pay transportation charges over regular transportation lines for secondary school students who reside on islands if those islands are:

- A. Within the school administrative unit;
- B. Without a secondary school; and
- C. Served by regular transportation lines.

The charges shall not exceed regular fares. The transportation line and the school board may by agreement establish school fares for these students at less than the regular fare.

6. Temporary residents and residents on state-owned property. The commissioner shall reimburse a school administrative unit for approved transportation of students who reside on state-owned property located in towns of less than 100 residents or who are temporary residents, if those students reside more than 2 miles from the school.

- A. A superintendent, with the approval of the school board, shall report these students to the commissioner. The report shall include any other information the commissioner requires.
- B. The commissioner may direct the unit to provide transportation or board if transportation is deemed inadvisable.
- C. On receiving a bill of expenses for transportation or board from a school administrative unit, the commissioner shall, in December, reimburse it for those expenses from the department appropriation for that purpose.

7. Remote location. If a student resides in a location remote from and inaccessible to schools or public highways, the student's parents shall be responsible for providing transportation to a public highway or paying board for the student within walking distance of a school. Failure of the parent to provide transportation or board shall be con-

sidered a violation of the truancy law.

8. Adult education. A school administrative unit may provide transportation for adults to and from adult education programs as authorized under section 8611.

9. Vocational education. The following provisions shall apply to transportation for vocational education.

A. The sending school administrative unit shall provide transportation for its students to and from a vocational center or vocational satellite program.

B. The cooperative board shall provide for the transportation of students to and from vocational programs operated by vocational regions, centers or satellites.

(1) Transportation may not be provided outside the vocational region, unless approved by the commissioner.

(2) State aid for transportation shall be computed and paid to the administrative units of the region in the same proportion that the administrative unit contributes to the vocational educational budget of the region.

10. Duration. Transportation shall be provided for the number of weeks that the school is open for instruction.

11. Minimum distances. A school board may establish the distance from a school that students must reside to receive transportation.

12. Safety. Transportation provided shall conserve the comfort, safety and welfare of the students conveyed. A responsible driver shall be in charge of the vehicle and shall have control over the conduct of the students while they are transported.

13. Contract. A superintendent may contract for transportation.

A. A contract may not exceed a period of 5 years.

B. Authorization by the unit's legislative body shall be required for contracts existing beyond one year.

C. In a school administrative district, the superintendent shall execute the contract with the approval of the board of directors.

14. Cost of service and equipment. Transportation services and the purchase of new buses shall be accomplished in the most economical manner consistent with the welfare and safety of students.

15. New bus purchases. School bus purchases, contracts or leases shall be subject to approval by the commissioner.

A. The commissioner may not approve, in one year, more than \$4,000,000 in expenditures for school bus purchases. Annually, the Legislature shall review this limitation.

B. The commissioner shall encourage school administrative units, whenever possible, to purchase school buses from current funds rather than from short-term loans.

C. A school board may obtain a short-term loan to purchase school buses if it is approved by the unit's legislative body. The term of a loan may not exceed 3 years, except in a community school district a loan during the district's first year of operation may not exceed 5 years.

D. Expenditures approved for school bus purchases may not be included in expenditure limitations placed on school administrative units under this Title.

16. Unorganized territories. The commissioner shall pay the transportation or board costs of eligible elementary students from unorganized territories in accordance with section 3252.

CHAPTER 217

BOARD

§5601. Board

1. Elementary students. In place of transportation, the school board may authorize the boarding of a student. That board:

A. Shall not exceed \$40 per week; and

B. Shall be at a suitable place near an established school.

2. Secondary school students in remote school administrative units. Any remote school administrative unit,

including a coastal island which has no highway connection to the mainland, which does not maintain an approved secondary school shall pay for board for a student eligible to attend a secondary school.

A. Board shall not exceed an amount determined by the administrative unit or a prorated amount for a fraction of a week. It shall be paid only if:

(1) The commissioner determines that it is necessary that the student board away from home to attend a secondary school;

(2) The boarding arrangement is approved by the school board; and

(3) The commissioner approves the boarding arrangement in advance on a form provided for the purpose.

B. The Town of Cumberland may pay the tuition, transportation or board of a student whose parent resides on Chebeague Island for attendance at an approved secondary school.

C. Payment for board shall be made on receipt of a satisfactory attendance record at the end of a period no longer than one month. The payment shall be charged to the secondary school transportation account.

D. The superintendent shall, before September 1st annually, make a return for the preceding school year, under oath, to the commissioner on a form provided to him showing:

(1) The name and residence of each student for which board was paid;

(2) The amount paid; and

(3) The name and location of the school attended.

3. Unorganized territories. The commissioner shall pay the board of students from unorganized territories as provided in section 3252 and 3253.

4. Remote locations. Students residing in remote locations shall be provided board in accordance with section 5401, subsection 7.

5. Temporary residents and residents on state-owned

property. The commissioner shall, in accordance with section 5401, subsection 6, reimburse a school administrative unit for approved board of students who reside on state-owned property located in towns of less than 100 residents.

CHAPTER 219

TUITION

§5801. Acceptance of tuition students

A school board may decide whether schools in its school administrative unit shall accept tuition students whose parents reside in another school administrative unit.

§5802. Residents on state-owned property

The commissioner shall, in accordance with procedures established in section 5401, subsection 6, reimburse a school administrative unit for approved tuition for students who reside on state-owned property.

§5803. Two years' notice

A school administrative unit which receives tuition students shall give at least 2 years' notice to a sending school administrative unit before discontinuing the acceptance of tuition students. The receiving unit shall file a copy of the notice with the commissioner. If the school board of a receiving unit fails to give a proper 2-year notice, the commissioner may authorize withholding school construction aid until that receiving unit complies.

§5804. Elementary school students

Tuition charged for elementary school students shall be as follows:

1. Public schools. The maximum tuition payments shall not exceed the receiving school administrative units per student cost for the preceding year as approved by the commissioner. The school board of the sending unit may vote to pay a higher tuition rate.

2. Private schools. The tuition payment to a private school shall not exceed the average per student cost in all public elementary schools in the State for the previous year as computed by the commissioner.

§5805. Secondary school students; public schools

Tuition charges for secondary school students in public schools shall be governed by the following.

1. Computation of tuition rate. The tuition rate at a public secondary school shall be the sum of all expenditures divided by the number of students. These figures shall be determined as follows.

A. Expenditures shall be all expenditures for public secondary education for the period July 1st to June 30th of the year immediately before the school year for which the tuition charge is computed, except expenditures for:

- (1) Special education;
- (2) Vocational education;
- (3) Community services;
- (4) Major capital outlay;
- (5) Debt retirement; and
- (6) Tuition and transportation.

B. The number of students shall be the average number of public secondary pupils enrolled on October 1st and April 1st of the same year.

C. The figure obtained by using the figures established in paragraphs A and B shall be divided by the average number of secondary students on October 1st and April 1st of the year immediately prior to the year for which the tuition charge is computed.

D. The tuition rate thus determined shall be adjusted by the average change in public secondary education costs for the 2 years immediately before the school year for which the tuition charge is computed. This adjustment shall be limited to a 6% increase.

2. Maximum allowable tuition. The maximum allowable tuition charge by a public secondary school shall be the rate computed under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower.

§5806. Secondary school students; private schools

Tuition charges for secondary school students in pri-

vate schools shall be governed by the following.

1. Private schools. Tuition rates for a private school shall be computed as provided under section 5805, subsection 1, except that expenditures and number of students shall be based on the expenditures and students of that school.

2. Maximum allowable tuition. The maximum allowable tuition charged to a school administrative unit by a private school shall be the rate established under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower, plus an insured value factor. The insured value factor shall be computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. It may not exceed 7.5% of a school's legal tuition rate per student in any one year.

3. Tuition charge above allowable maximum. A private school may charge tuition above the allowable maximum established in subsection 2 in those cases where the student has an alternative choice for attending secondary school at the allowable maximum tuition rate. The amount above the allowable maximum may be paid in whole or in part by the school administrative unit if the legislative body of the administrative unit votes to authorize its school board to pay a higher tuition rate.

§5807. Cost of removing architectural barriers

Notwithstanding the maximum tuition rate established under sections 5805 and 5806, public and private schools may adjust their tuition rate for the express purpose of complying with the requirements of the United States Vocational Rehabilitation Act of 1973, Section 504, Public Law 93-112.

1. Prior approval of the commissioner. Projects, costs to bring the facilities into compliance and the method and time period of financing must receive prior approval of the commissioner.

2. Calculation of adjustment. The cost adjustment for each student shall be calculated by dividing:

A. The lesser of the actual compliance costs or debt retirement payments of the year immediately prior to the year for which the tuition charge is computed by;
and

B. The average number of students attending the school on October 1st and April 1st of the same year.

3. Sunset provisions. The provisions of this subsection shall apply to minor capital projects which have received departmental approval before June 30, 1982.

§5808. Schools outside state

The tuition payment for students educated in whole in another state or country may not exceed the average per pupil cost in all secondary schools of this State. The legislative body of the school unit may vote to authorize its school board to pay a larger tuition rate.

§5809. Students enrolled in vocational educational programs

Schools receiving tuition students who are enrolled in regular school day vocational educational programs at vocational centers, satellites or vocational regions, under chapter 313, may charge a tuition rate not to exceed 2/3 or the maximum tuition rate as computed under sections 5805 or 5806.

§5810. Tuition payments to receiving schools

The following provisions apply to tuition payments.

1. Payment date. Tuition shall be paid within 30 days of the billing date.

2. Nonpayment. If tuition is not paid according to subsection 1, the superintendent of the school administrative unit, or the principal of the private school to whom payment is due, shall inform the commissioner. The commissioner shall pay the tuition due and shall deduct that amount from the state school subsidy to the school administrative unit owing tuition.

§5811. Students in unorganized territories

Tuition for students residing in unorganized territories shall be governed by section 3304.

§5812. Summer school

The tuition charge for students enrolled in public summer schools shall be calculated as provided in section 8802.

§5813. Driver education

Students may be charged a fee for driver education as provided under section 4604.

§5814. Students not residing with parent or guardian

Whenever a student is in the custody of persons other than parents or legal guardians because of broken homes or intolerable home conditions, the unit where the student is placed for school purposes may apply to the commissioner for a determination regarding which unit shall pay the cost of educating such a student. The determination of the commissioner shall be binding upon the administrative units concerned.

CHAPTER 221SCHOOL RECORDS, AUDITS AND REPORTSSUBCHAPTER ISTUDENT RECORDS§6001. Dissemination of information

The United States Family Education Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568, and the United States Education of All Handicapped Children Act, Public Law 94-142, shall govern the dissemination of information about students.

§6002. Record of birth

The following provisions apply to a student's first enrollment.

1. Duty of students. Students who enroll for the first time in a public school shall provide their teachers with official records of birth within 60 days of enrollment.

2. Duty of parent or guardian. The following provisions apply to the duties of a parent or guardian.

A. A parent or guardian of a student who enrolls shall provide that student with an official record of birth.

B. A parent who refuses or unreasonably neglects to comply with paragraph A shall be fined not more than \$5.

3. Duties of teachers, superintendents and other public officials. The following are duties of teachers,

superintendents and other public officials.

A. A teacher shall inform the superintendent of the school administrative unit of the name of any student who has not complied with subsection 1.

B. A superintendent shall inform the State Registrar of Vital Statistics of the name of a student who has not complied with subsection 1 and the name and address of the parent of that student.

C. The State Registrar of Vital Statistics shall file a complaint with the nearest District Court whenever the registrar believes that a parent has not complied with subsection 2.

D. The State Registrar of Vital Statistics shall provide file copies of any relevant records in the registrar's possession on the request of a parent of a student.

§6003. Student attendance records

1. Duty of school board. A school board shall designate one or more persons to maintain accurate records of all students attending public schools in the unit.

2. Contents. The attendance records shall contain the following information on each student:

A. Name;

B. Birth date;

C. Dates of entering and leaving school in the unit;

D. The number of days attended; and

E. The number of times late for school.

3. Access. Attendance records shall be made available to the school board at any time.

4. Duty of record keeper. The record keeper shall provide the school board with the information they request whenever they request it.

§6004. Annual student count

The following provisions apply to the annual counting of students.

1. Duty of superintendent. By April 15th and October 15th the superintendent of each school administrative unit and the principal of each private school shall inform the commissioner of the number of students attending their schools and in the case of public schools the number of students residing in their school administrative unit. This information shall be supplied on forms provided by the commissioner.

2. Student count. Students shall be counted as follows.

A. A student residing in the school administrative unit may be considered in attendance on April 1st only if the student:

(1) Attended school at least 75% of the time between October 1st and April 1st, if enrolled by October 1st; or

(2) Attended school at least 75% of the time between the date of his first enrollment and April 1st, if not enrolled by October 1st.

Excused absences and absences due to illness shall not be considered absences under this subsection.

B. Students who attend school under section 5205, subsections 2, 4, 5 and 6, shall be counted in the school administrative unit in which they attend school.

SUBCHAPTER II

AUDITS

§6051. School administrative unit audits

The following provisions apply to financial records.

1. Audit. A school board shall provide for an annual audit of a school administrative unit's revenues and expenditures.

2. Fiscal year. The fiscal year of an audit shall be from July 1st to June 30th.

3. Auditors. Audits shall be conducted by:

A. The Department of Audit;

B. A qualified public accountant; or

C. A person or firm recognized as competent by training and experience.

4. Report to commissioner. On or before November 1st, the school board shall provide the commissioner with:

A. A copy of the audit; and

B. Assurance that the audit has been conducted, that the records were found to be satisfactory and accurate and that adequate substantiation for expenses and payments were on file.

5. Records. Financial records and accounts shall be kept for 3 years after the end of the fiscal year. They shall be available to authorized persons at all times.

§6052. Federal audits

The following provisions apply to federal audits.

1. A school board of a school administrative unit which accepts federal funds shall hire auditors and pay out of available school funds or from federally allocated sums for any audit of federal programs.

2. Report to commissioner. The auditor shall provide the commissioner with a copy of the audit.

3. Use of audit. The commissioner may use these audits to provide the Federal Government with any information it requires.

SUBCHAPTER III

EMPLOYEE RECORDS

§6101. Record of directory information

The following provisions apply to employee records.

1. Contents. A school administrative unit shall maintain a record of directory information on each employee as follows:

A. Name;

B. Dates of employment;

C. Regular and extracurricular duties, including all courses taught in that school administrative unit;

D. Post-secondary educational institutions attended;

E. Major and minor fields of study recognized by the post-secondary institutions attended; and

F. Degrees received and dates awarded.

2. Access. The following provisions apply to access of employee records.

A. The record of directory information shall be available for inspection and copying by any person.

B. Except as provided in paragraph A, information in any form relating to an employee or applicant for employment, or to the employee's immediate family, shall be kept confidential if it relates to the following:

(1) All information, working papers and examinations used in the examination or evaluation of all applicants for employment;

(2) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(3) Performance evaluations, personal references and other reports and evaluations reflecting on the quality or adequacy of the employee's work or general character;

(4) Credit information;

(5) Except as provided by subsection 1, the personal history, general character or conduct of the employee or any member of the employee's immediate family;

(6) Complaints, charges of misconduct, replies thereto and memoranda and other materials pertaining to disciplinary action; and

(7) Social security number.

C. Any written record of a decision involving disciplinary action taken with respect to an employee by the governing body of the school administrative unit shall not be included within any category of confidential information set forth in paragraph B.

§6102. Employee review

The following provisions apply to employee review of records.

1. Right to review. An employee or former employee of a school administrative unit, or the employee's representative, is entitled to review the employee's personnel file on written request to the superintendent if the superintendent of schools has a personnel file for the employee.

2. Time and place. Review of a personnel file shall take place where the file is kept during normal school hours.

3. Contents. For purposes of this section, a "personnel file" includes, but is not limited to:

A. Formal or informal employee work evaluation; and

B. Reports relating to the employee's character, credit, work habits, compensation and benefits.

SUBCHAPTER IV

MISCELLANEOUS

§6151. Annual report

The following provisions apply to annual reports.

1. Duty of superintendent. The superintendent shall, on or before August 1st, make an annual report to the commissioner under oath. The report shall contain a full and complete return of all educational statistics required to be reported for the year ending June 30th.

2. Penalty. A school administrative unit whose superintendent fails to make the report shall be subject to the penalties of section 6801.

§6152. Rules

The commissioner shall adopt rules to carry out this section which are consistent with federal requirements.

CHAPTER 223

HEALTH, NUTRITION AND SAFETY

SUBCHAPTER I

STUDENT HEALTH

§6301. Student health

The following provisions apply to student health.

1. Duty of teacher. A teacher who believes that a student is so filthy or diseased as to be offensive or dangerous to others, or because they are the bearers of vermin or parasites, or have an infectious or contagious disease of the skin, mouth or eyes, shall inform the superintendent.

2. Duty of superintendent. A superintendent informed by a teacher under subsection 1 shall:

A. Inform the student's parent:

(1) To cleanse the clothing and bodies of their children; and

(2) To furnish their children with the required home or medical treatment for the relief of their trouble so defined in subsection 1; and

B. Exclude the student from the public schools until the student is no longer offensive or dangerous.

3. Duty of parent. A parent informed by a superintendent under subsection 2 shall promptly do what is reasonably necessary to ensure that the student is no longer offensive or dangerous.

4. Penalty. Any parent who fails to comply with subsection 3 shall be fined not more than \$5 for the first offense or \$10 for subsequent offenses.

5. Exclusion. A student showing symptoms of smallpox, scarlet fever, measles, chicken pox, tuberculosis, diphtheria, influenza, tonsillitis, whooping cough, mumps, scabies or trachoma shall be excluded from the public schools as soon as safe and proper transportation is available. The local health officer and the superintendent shall be notified immediately. Exclusions shall conform to the requirements of section 1001, subsection 11.

6. Authority and duties of the Department of Human Services. The Department of Human Services shall have the authority and duties prescribed in Title 22, chapter 251 on communicable diseases.

SUBCHAPTER IIIMMUNIZATION

§6351. Immunization

The following provisions shall apply to immunization.

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Disease" means poliomyelitis, diphtheria, pertussis, tetanus, measles, mumps and rubella.

B. "School" means a public or private school.

2. Admission to school. A student may not be admitted to school without a certificate or other acceptable evidence of immunization unless:

A. The person in parental relationship to a student:

(1) Agrees in writing to have the student immunized within 90 days;

(2) Consents in writing to the student being immunized by a health officer, physician, nurse or other authorized person in public or private employ; or

(3) States in writing that the student should not be immunized for any of the following reasons:

(i) A physician states in writing that immunization may threaten the student's health;

(ii) A physician states in writing that the student has already had the disease against which immunization is required;

(iii) The parent or guardian holds a sincere religious belief which is contrary to this immunization requirement; or

(iv) The parent or guardian is opposed to immunization for moral, philosophical or other personal reasons; or

B. The student is a female of childbearing age who lacks only an immunization against rubella.

3. Attendance. The following provisions apply to attendance.

A. A student may not attend school if the local health officials and the superintendent find that:

(1) The student has not been immunized; and

(2) The student's presence in school poses a clear danger that disease will spread to others.

B. The superintendent shall inform the person in parental relationship to the student of their finding and the provisions of this subsection.

C. If a student is absent from school under this subsection for more than 10 days, the superintendent shall arrange to provide education for the student until he can return to school.

4. School board duties. For school board duties regarding immunizations and possible epidemics see section 1001, subsection 11.

5. Rubella vaccine, notification of risks. Before immunizing a female student of childbearing age, the student and the person in parental relation to the student shall be provided a description of the risks and benefits of receiving rubella vaccine and the risks related to becoming pregnant within 3 months of receiving rubella vaccine.

6. Annual report of immunization status. By December 15th of the school year, each school shall submit a summary report of the immunization status of the entering children to the Director of the Bureau of Health on forms prescribed by the director.

7. Records. A school administrative unit shall keep standard immunization records on every student. Immunization records shall be part of permanent school records. State and local health personnel shall have access to student immunization records in connection with an emergency as provided for by the United States Family Educational Rights and Privacy Act of 1974, Public Law 93-380, United States Code Title 20, Section 1232g, (b), (1), (1) and regulations adopted thereto.

8. Rules. The commissioner and the Director of the Bureau of Health shall adopt or amend rules to carry out this subchapter. Rules shall include immunization requirements, record keeping and procedures for reporting.

9. Local option. A municipality may enact requirements which are more stringent than this subchapter.

SUBCHAPTER III

SCHOOL HEALTH SERVICES

§6401. School Nurse Coordinator

1. Coordinator within department. There shall be a health professional, acting as a School Nurse Coordinator, within the department. This person must be licensed as a registered nurse in the State and must have education and experience in school health or community nursing and, if possible, a master's degree in nursing.

2. Duties. The coordinator shall have the following duties:

A. To provide orientation for new local school nursing personnel, and to assist them in writing comprehensive job descriptions and implementing local health policies;

B. To assist local school nursing personnel in advocating and planning comprehensive, sequential health education programs for students;

C. To assist the department in establishing certification standards for school nursing personnel;

D. To clarify legal issues, define liability and interpret new legislation to school nursing personnel;

E. To assist school nursing personnel in becoming knowledgeable members of pupil evaluation teams in effecting placement and programs for exceptional students;

F. To instruct school nursing personnel in the organization of health services with minimal disruption to the educational process;

G. To coordinate appropriate educational programs and workshops for school nursing personnel and to work with institutions of higher education to make relevant courses and degree programs available to nurses in all areas of the State;

H. To interpret the role of school nursing personnel to local administrators and educators;

I. To assist in establishing communication between the Department of Human Services and the Department of Educational and Cultural Services and to seek input from local school nursing personnel in formulating guidelines for services to students;

J. To attend courses, workshops and conferences relevant to school nursing and to disseminate current health information of local school nursing personnel on a regular basis;

K. To assure communication and coordination among school nurses, physicians and other resource agencies providing health services;

L. To serve as an official representative and spokesman for the School Nurse Division of the Maine Association for Health, Physical Education, Recreation and Dance, voicing the group's stand on legislation, health topics and educational issues which affect the health of the state's children; and

M. To serve as a resource person to other agencies and organizations, including the State Principal's Association, the Maine Lung Association, the School Health Board of Directors, the Maine State Nurses' Association and the Maine Teachers' Association.

§6402. School physicians

The following provisions apply to school physicians.

1. Appointment. Each school board shall, provided funds have been appropriated, appoint at least one school physician for every 1,000 students in the school administrative unit.

2. Facilities. A school administrative unit shall, provided funds have been appropriated, provide its school physicians with proper facilities.

3. Duties. A school physician shall:

A. Promptly examine and diagnose a student referred to the school physician under this subchapter; and

B. Examine school employees and property if the physician believes it is necessary to protect the health of students.

4. Prohibition. A school physician may not treat a

student examined under this subchapter unless the physician is also the student's personal physician.

§6403. Referral for examination

Except in remote and isolated areas, where a school board may make other arrangements to carry out the purposes of this section, the school board shall refer a student to the school physician for examination or diagnosis if:

1. Lack of certificate of health. The student returns to school without a certificate of health from the local health officer or a personal physician after being absent due to illness;

2. Teacher assessment. The student's teacher believes that the circumstances surrounding the student's absence require a certificate of health; or

3. Student's appearance. The student appears ill or suffering from a contagious disease and remains in school.

SUBCHAPTER IV

HEALTH SCREENING

§6451. Health screening

1. Student right to screening for sight and hearing defects. Each student shall be screened periodically to determine whether they have sight or hearing defects.

2. Commissioner's duties. The commissioner shall:

A. After consultation with the Commissioner of Human Services, adopt rules and provide school administrative units with assistance and materials to carry out this subsection;

B. Furnish to the administrators of the school administrative units the prescribed directions for the tests of sight and hearing; and

C. Furnish test cards, record and report forms and other useful materials for carrying out the purpose of this section.

3. Exempt students. A student whose parent objects in writing to screening on religious grounds shall not be screened unless a sight or hearing defect is reasonably apparent.

§6452. Screening for scoliosis and related spinal abnormalities

1. Intent. The screening program for scoliosis and related spinal abnormalities is intended to alert parents or guardians to potential spinal problems which could affect the physical development of their child. The public schools shall supervise the screening and notify parents or guardians of postural defects which should be investigated further by qualified personnel. The Department of Human Services shall provide consultation, technical assistance and training to the schools or their agents.

2. Screening program; rules. A screening program shall be instituted according to the following provisions.

A. The school board of school administrative units shall require that students in the public schools be screened to determine if any student has a postural defect. The screening shall be performed by personnel who are approved by the Commissioner of Human Services for this purpose. Screening for postural defects shall be performed at least once annually in grades 5 to 8.

B. The Commissioner of Human Services shall, after consultation with the Commissioner of Educational and Cultural Services and the Bureau of Health, promulgate rules in accordance with section 3, for the screening test and shall furnish the rules to the administrative officers of the school administrative units. These rules shall include the frequency of the tests, the manner in which the schools or their agents conduct the tests, the qualifications of personnel conducting the screening, the method by which prior notice of the screening or the notice of any defect or possible defect detected shall be sent to the parent or guardian of the student and that the notation of the screening and any follow-up activity shall be kept with the student's school health records.

3. Exceptions. This section shall not apply to any student whose parent or guardian demonstrates by a written statement a religious, moral, philosophical or other personal objection.

4. Effective date. The Commissioner of Human Services shall promulgate the directions for implementation of this section no later than 30 days after the effective date of this section. School boards of administrative units shall have postural screening programs in effect by the start of the school year 1984-85.

5.. Funding. In the event federal funds are not available for this program, the State or municipalities shall be under no obligation to utilize any state or municipal funds to carry out the purposes of this section.

§6453. Notice to parents of result of screening

The school board shall inform the parent of a student suffering from a disease or defect.

SUBCHAPTER V

SANITARY FACILITIES

§6501. Sanitary facilities

Sanitary facilities shall be provided as follows.

1. Toilets. A school administrative unit shall provide clean toilets in all school buildings, which shall be:

A. Of the flush water closet type and connected to a sewer, filter bed or septic tank, or of another design approved by the Department of Human Services;

B. Separated according to sex and accessible only by separate entrances and exits;

C. Installed so that privacy, cleanliness and supervision are assured; and

D. Free from all obscene markings.

2. Maintenance. Each school administrative unit shall provide for the cleaning and repair of its toilet facilities.

3. Inspection. The school board shall annually cause an inspection of the sanitary conditions of the school administrative unit's school buildings to insure compliance with this section.

4. Rules. The state board may adopt or amend rules to implement this section.

5. Penalty. Failure to comply with this section shall be subject to penalties under section 6801.

SUBCHAPTER VI

SAFETY

§6551. Tuberculosis controls

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Infectious tuberculosis" means a disease demonstrated by symptoms which lead to a medical diagnosis of active tuberculosis.

B. A person remains "infectious" until:

(1) Tuberculosis has been eliminated as the cause of the symptoms; or

(2) Tuberculosis has been made "inactive" as defined by the American Thoracic Society.

2. Exclusion from employment. A person with infectious tuberculosis may not be employed by a school administrative unit if the person would be exposed to students or would be regularly required to be present within school buildings.

3. Current employees. Current employees excluded from employment under subsection 2 may use sick leave and shall retain the rights and privileges earned while employed.

4. New employees. The following provisions apply to new employees.

A. A person who has had infectious tuberculosis may not begin work in the public schools until the person files a certificate with the school board.

B. The certificate shall:

(1) State:

(a) That within 90 days of the first day of work that person has had a standard tuberculosis skin test and that the results were negative; or

(b) If the results of a skin test were positive, the results of a standard full-chest x-ray taken within 90 days were negative; and

(2) Be signed by either a physician, a registered nurse or other person approved by the Department of Human Services to administer and interpret

tuberculosis tests.

C. In unusual cases or emergencies, a person may be employed in the public schools up to 30 days without complying with paragraph A if:

(1) That person is apparently healthy according to the school nurse or school physician;

(2) Tuberculosis tests are administered within 30 days after the first day of work; and

(3) The Department of Human Services has been informed in writing of the person's employment within 3 days after the first day of work.

D. Negative results from an x-ray or other evidence satisfactory to the Commissioner of Human Services may be substituted for negative skin test results if there are medical reasons why a skin test should not be performed.

5. Retesting. The following provisions apply to retesting.

A. A person who has had infectious tuberculosis and who works in the public schools shall file a certificate with the school board on or before December 1st, biennially.

B. The certificate shall:

(1) State:

(a) That within the preceding 90 days that person has had a standard tuberculosis skin test and that the results were negative; or

(b) If the results of the skin test were positive, the results of a standard full-size chest x-ray taken within 90 days were negative; and

(2) Be signed by either a physician, registered nurse or other person approved by the Department of Human Services to administer and interpret tuberculosis tests.

C. School employees who complete a preventive drug program approved by the Department of Human Services shall not be required to get a chest x-ray.

6. Modifications. The Commissioner of Human Services may alter the requirements of this section wherever that alteration would not pose a threat to public health or wherever more frequent testing is necessary to protect public health. Modifications under this subsection may not extend beyond 4 years. They may not be renewed unless in writing.

7. State assistance. The Department of Human Services shall help provide medical services to comply with this section. The department may:

A. Provide medicine for preventive drug programs for school employees; and

B. Pay for x-rays required in preventive drug programs for school employees.

8. Duty of administrative units. Each school administrative unit shall provide tuberculosis testing data to the Department of Human Services on the department's request.

9. Rules. The Department of Human Services may adopt rules to carry out this section.

10. Penalties. A person who fails to comply with this section shall be fined not less than \$20 nor more than \$200. Each day of noncompliance shall be considered a separate offense.

11. Department of Human Services. In addition to the authority prescribed in subsection 9, the Department of Human Services shall have the authority and duties prescribed in Title 22, chapter 251 on Communicable Diseases.

§6552. Firearms

1. Prohibition. A person may not possess a loaded firearm on public school property or discharge a firearm within 500 feet of school property.

2. Exception. Subsection 1 shall not apply to:

A. Law enforcement officials; or

B. A supervised educational program.

3. Penalty. A person who violates this section is guilty of a Class E crime.

SUBCHAPTER VII
SCHOOL LUNCH AND MILK PROGRAM

§6601. Acceptance of federal law

The State shall comply with the following laws in consideration of the receipt of benefits under them:

1. The National School Lunch Program Act. The National School Lunch Program Act, enacted June 4, 1946, and applicable amendments; and

2. The Child Nutrition Act. The Child Nutrition Act, enacted October 11, 1966, and applicable amendments.

§6602. School food service programs

Public schools shall provide nonprofit school food service programs as follows.

1. Participation. A public school shall participate in the National School Lunch Program. It shall provide Type A meals as determined by the United States Department of Agriculture.

2. Exceptions. The following shall be exempt from subsection 1:

A. All secondary schools limited to students in grades 9, 10, 11 and 12; and

B. A school administrative unit authorized by the commissioner under subsection 9 to postpone the establishment of the program.

3. Administration. The school board shall administer and operate the food service programs. The school board:

A. Shall make all contracts to provide material, personnel and equipment necessary to carry out section 6601; and

B. Shall hire the necessary employees to manage and operate their school food service programs.

4. Funds. The following shall be used to pay for the administration and operation of food service programs:

A. State funds, gifts and appropriations for school food service programs; and

B. Receipts from the sale of meals under food service

programs.

5. Rules. The commissioner shall adopt or amend, with the state board's approval, rules under this subchapter, including rules about the qualifications of food service programs personnel.

6. Nutrition report. The commissioner may assess the nutritional benefits of school lunch programs and report to the state board.

7. Technical assistance. The commissioner may give technical assistance to a school board concerning a food service program and may assist in training food service program personnel.

8. Application for postponement. A school administrative unit which has been granted a postponement of 3 years may apply to the commissioner every 3 years for an additional 3-year postponement. The commissioner, with the approval of the state board, may grant a postponement if:

A. The school board has held a public hearing on its proposed application; and

B. One of the following conditions are met:

(1) It has been documented to the commissioner's satisfaction that the administrative unit lacks space for the program and there is no appropriate alternative source of meals for the students;

(2) It is impossible for the administrative unit to contract for or to otherwise procure Type A meals for its students; or

(3) The lack of need for the program, as determined by the school board is documented to the commissioner's satisfaction and was evident at the public hearing.

9. Annual review of postponement. The commissioner shall annually review the conditions in the school administrative units which have been granted a postponement. On finding that the conditions in a unit have changed so that a postponement is no longer warranted, the commissioner may require that the unit establish a National School Lunch Program at the start of the next school year.

10. Petition by 1% of residential unit. Whenever petitioned by 1% of the residents of a unit, the commis-

sioner shall call a public hearing on the postponement prior to the next annual review.

§6603. Federal funds

The Treasurer of State shall receive and disburse all federal funds received under this subchapter.

CHAPTER 225

PENALTIES

§6801. Compliance

The procedures for dealing with school administrative units which are allegedly in noncompliance with the reporting and program requirements of this Title shall be as follows.

1. Commissioner's authority to withhold state aid. If, after giving due notice, the commissioner finds that a school administrative unit is not complying with the reporting requirements prescribed in this Title, the commissioner may withhold state aid from that unit. The withholding may only continue for so long as necessary to achieve compliance. If compliance cannot be achieved by withholding state aid, the commissioner may refer the matter to the Attorney General. The Attorney General shall take the action deemed necessary to achieve compliance.

2. Complaint process. A complaint that alleges that a school administrative unit is not in compliance with the program requirements of this Title or of rules adopted by the department shall be filed pursuant to the requirements for a petition under section 258.

A. If the commissioner receives a complaint and finds that probable cause for it exists, the complaint shall be referred to the state board for a public hearing. The commissioner shall, on behalf of the board, give notice and cause an adjudicatory hearing to be held.

B. The state board or its designee 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 state board decides there are reasonable grounds to believe that a unit is in noncompliance, the commissioner shall refer the matter to the Attorney General. The Attorney General shall take the action

deemed necessary to achieve compliance.

3. Rules. This section shall apply only to rules adopted or amended by the department as authorized under this Title in the manner required under section 3.

4. Governor's authority. When the Governor has reason to believe a school administrative unit is not in compliance with the requirements of this Title, the Governor shall direct the Treasurer of State to withhold all or part of the state funds from that unit.

A. If, within the school year for which the funds were appropriated, the school unit satisfies the Governor that they are in compliance with the requirements of this Title, the Governor shall release the funds.

B. If the unit fails to satisfy the Governor that it is in compliance, the funds withheld shall be forfeited and revert to the General Fund.

§6802. Forfeiture

A forfeiture under this Title may be recovered in a civil action. Unless specifically provided for, it shall be disbursed as follows.

1. School purposes. It shall be paid into the treasury of the school administrative unit where the offense occurred, for use for school purposes.

2. Prosecution costs. An amount equal to the cost of prosecution shall be paid into the county treasury.

3. Forfeiture. A school administrative unit shall forfeit the money it received to a person bringing civil suit, if the unit has not expended that money within one year of receiving it.

§6803. Fraud

A school officer or teacher who is convicted of defrauding the State by filing fraudulent reports under section 1055, subsection 9, shall be guilty of a Class D crime.

§6804. Disturbing schools

A person who enters a public or private school building or another place of instruction during or out of school hours, while the teacher or student is present, and

willfully interrupts or disturbs the teacher or student by loud speaking, rude or indecent behavior, signs or gestures, or willfully interrupts a school by prowling about the building, making noises, throwing missiles at the schoolhouse or disturbing the school, shall commit a civil offense and shall forfeit not less than \$2 nor more than \$20.

§6805. Injuries by minor; damages

If a minor injures or aids in injuring a schoolhouse or school outbuildings, utensils or appurtenances; defaces the walls, benches, seats or other parts of school buildings by marks, cuts or otherwise; or injures or destroys school property belonging to a school administrative unit, the unit may recover from the minor's parent, in a civil action, double the damage.

§6806. Defacing schoolhouses; outbuildings

A person who defaces the walls, benches, seats, blackboards or other parts of a schoolhouse or school outbuildings, by obscene pictures, language, marks or descriptions, commits a civil offense and shall pay a fine of not more than \$10.

§6807. Liability for injury to books or appliances

If a public school student loses, destroys or unnecessarily injures a schoolbook or appliance furnished to him at the expense of the school administrative unit, his parent shall be notified. If the loss or damage is not made good to the satisfaction of the school board within a reasonable time, they shall report the case to the assessors of the municipality in which the student resides. The municipal assessors shall include in the next municipal tax of the delinquent parent the value of the book or appliance, to be assessed and collected as other municipal taxes.

§6808. Misappropriation of funds; penalty

If any part of the money raised by a school administrative unit, or paid to them by the State for superintendence, is expended for any other purposes, then each person misappropriating that money shall forfeit double the sum so misapplied. The money may be recovered in a civil action in the name and to the use of the school administrative unit by any of its residents. A school administrative unit or school union may not receive further aid from the State for superintendence until the amount so misapplied has been raised and expended for superintendence by that unit or school union.

§6809. Excessive expenditures

After providing an opportunity for a hearing, the commissioner may adjust the state 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. Any interested party aggrieved by a decision of the commissioner may appeal to the state board pursuant to section 3.

§6810 Truancy

The penalty for truancy is outlined in section 5053.

PART 4

SPECIFIC EDUCATION PROGRAMS

SUBPART 1

SPECIAL EDUCATION

CHAPTER 301

GENERAL PROVISIONS

§7001. Definitions

As used in this subpart, unless the context otherwise indicates, the following terms have the following meanings.

1. Agency. "Agency" means an agency, school, organization, facility or institution.

2. Exceptional student. "Exceptional student" is an individual who:

A. Has reached 5 years of age on or before October 15th;

B. Has not reached 20 years of age at the start of the school year; and

C. Requires special education because of an impairment in one or more of the following:

(1) Vision;

(2) Hearing;

(3) Speech and language;

(4) Cerebral or perceptual functions;

(5) Physical mobility functions;

(6) Behavior; or

(7) Mental development or maturation.

3. Mentally retarded. "Mentally retarded" means hand-
icapped in mental development or maturation.

4. Preschool handicapped child. "Preschool handi-
capped child" means a person who:

A. Has reached 3 years of age;

B. Has not reached 5 years of age on or before October
15th;

C. Requires special services because of impairment in
one or more of the following:

(1) Vision;

(2) Hearing;

(3) Speech and language;

(4) Cerebral or perceptual functions;

(5) Physical mobility functions;

(6) Behavior; or

(7) Mental development or maturation.

5. Special education. "Special education" means
classroom, home, hospital, institutional or other instruc-
tion; educational diagnosis and evaluation; transportation
and other supportive assistance, services, activities or
programs, as defined by the commissioner, required by excep-
tional students.

6. Special education facility. "Special education
facility" means a public or private school, or portion
thereof, intended for use in meeting the educational and
related needs of exceptional students.

7. State licensed agency. "State licensed agency"
means an institution or facility licensed by the State to
provide education, emotional or mental health services,

alcohol or drug rehabilitation, boarding care or other child care services to a person between the ages of 5 and 20 years. It includes:

A. Facilities under Title 22, chapter 1661;

B. Community mental health centers under Title 34, chapter 183;

C. Alcohol treatment facilities approved under Title 22, chapter 1601; and

D. Residential drug abuse treatment facilities under Title 22, chapter 1601.

8. Residential child care facility. "Residential child care facility" is a facility defined in Title 22, section 8101, subsection 4.

§7002. Cooperation with federal programs

The department shall be the agency for cooperation with the Federal Government in any program for the education of exceptional students.

§7003. Rules

The commissioner is authorized to make rules necessary for the administration of this chapter and chapters 303 and 305.

CHAPTER 303

EXCEPTIONAL STUDENT

SUBCHAPTER I

GENERAL PROVISIONS

§7201. Policy and purpose

The policy of the State for the education of exceptional students is as follows.

1. Equal educational opportunities. All students shall be provided with equal educational opportunities and all school administrative units shall provide equal educational opportunities for all exceptional students.

2. Least restrictive education alternative. An exceptional student shall be educated with students in regular

programs to the maximum extent possible.

A. Educational opportunities for an exceptional student shall be provided by means of the addition of appropriate supportive assistance to regular educational programs.

B. Removal of an exceptional student from the regular educational environment shall occur only if the nature or severity of the exceptionality is such that the student's education cannot be satisfactorily accomplished in:

(1) Regular classes with the use of supplemental aids and services; or

(2) Self-contained classes within the regular school programs.

C. An exceptional student may be placed in a residential school or institution, or in a private day school or program, only after supporting evaluative data justifying the placement have been submitted to and approved by the commissioner.

3. Deaf exceptional students. An exceptional student, diagnosed as deaf, shall be educated with regular students whenever possible and shall be educated under the principle of the least restrictive educational alternative as set forth in state laws and rules and federal laws and regulations.

4. Parent's right to be a member of the team. Parents, surrogate parents or guardians have the right to be a member of the team which will carry out duties and responsibilities in accordance with rules established by the commissioner.

§7202. Duties of school administrative units

Each school administrative unit operating schools shall:

1. Identification. Identify all children within its jurisdiction who require special education;

2. Records. Make and keep current records of exceptional students, as required by rules established by the commissioner, and institute procedures which guarantee the confidentiality of these records in accordance with state and federal law;

3. Diagnosis and evaluation. Provide educational diagnosis and evaluation necessary to plan and implement a special education program for exceptional students within its jurisdiction;

4. Plan. Submit a plan for its special education programs to the commissioner for approval in accordance with rules established by the commissioner;

5. Special education. Provide special education for each exceptional student within its jurisdiction;

6. Compliance. Provide the commissioner with the information he may require to determine compliance with this chapter;

7. Parent's right to be a member of the team. Notify in writing the exceptional student's parent, surrogate parent or guardian of their right to be a member of the team and place a copy of the notice in the exceptional student's permanent records; and

8. Facility construction, renovation and repair. Seek approval in advance from the commissioner for construction, renovation or repair, with or aided by public funds, of facilities intended for the education of exceptional students; or give assurances that other facilities in the school administrative unit are adequate to meet the needs of those students.

§7203. Medical examination or treatment

This chapter may not authorize or require physical examination or medical treatment of a child whose parent objects to it on the grounds that the parent relies solely upon nonmedical remedial care and treatment in accordance with a recognized religious method of healing.

§7204. Duties of the commissioner

The commissioner:

1. Supportive services. Shall provide, or cause to be provided by administrative units operating schools, all supportive assistance and services, as defined in rules the commissioner establishes, required by an exceptional student so that the student may benefit from equal educational opportunities;

2. State plan. Shall make and annually review a state

plan for education of all exceptional students in the State. The plan shall be available to the public on request;

3. School year. May approve special education programs for:

- A. The usual public school year as defined in section 4801, subsection 1;
- B. An extended school year; or
- C. Other periods he determines appropriate;

4. Program approval. Shall approve plans for all special education programs. The criteria for approval shall include:

- A. Requirements for admission;
- B. Qualification or certification of staff;
- C. Plan of instruction;
- D. Adequacy of facilities;
- E. Adequacy of supportive services;
- F. Professional supervision; and
- G. Teacher-student ratio.

5. Due process. Shall:

- A. Adopt or amend rules to assure and protect the rights of due process for exceptional students; and
- B. Inform and train each school administrative unit on exceptional students' rights to due process under state laws and rules and federal law and regulations; and

6. Technical assistance. May, on the request of a school administrative unit, provide technical assistance in the formulation of a plan or subsequent report required of all administrative units. Assistance shall not be designed to transfer the responsibility for or actual development of the plan or report.

§7205. Review and assistance

It is the intent of the Legislature that a representative of the commissioner visit each special education program each year for the purpose of review and assistance.

§7206. Investigation of noncompliance

The following provisions apply to an investigation of noncompliance with this chapter.

1. Complaint. An interested party may file with the commissioner a written complaint alleging that a school administrative unit is not in compliance with this chapter.

2. Investigation. The commissioner shall initiate, and complete within 30 days, an investigation:

A. On receipt of a complaint; or

B. If the commissioner has reason to believe that a unit is not in compliance with this chapter.

3. Post-investigation procedure. Within 10 days after completion of the investigation in subsection 2, the commissioner shall determine whether probable cause exists to believe that the unit is not in compliance with this chapter.

A. Upon determination that probable cause exists, the commissioner shall resolve the matter to the satisfaction of the interested parties through mediation and consultation. The commissioner shall write a report of these efforts and notify all interested parties that the report has been written.

B. If conciliation has not been achieved within 45 days after the determination of probable cause, the commissioner shall notify all interested parties of the time and place of a local hearing to be held to determine whether the school administrative unit is in violation of this chapter.

C. If a local hearing is scheduled, the commissioner shall:

(1) Conduct the hearing in accordance with the due process rules adopted pursuant to requirements of section 7204, subsection 5;

(2) Close the hearing if a parent, surrogate parent or guardian requests that it be closed to the public; and

(3) Make written findings of fact and conclusions of law and send them to all interested parties within 10 days of the hearing's conclusion.

D. If the commissioner finds that the school administrative unit is in violation of this chapter, then the commissioner shall specify in writing the steps necessary to achieve compliance. The commissioner shall order the school administrative unit to take these steps by a certain date.

4. Appeal. An interested party may appeal the commissioner's order to the Superior Court under the Maine Rules of Civil Procedure, Rule 80B.

5. Enforcement. If the unit fails to comply with the commissioner's order, the commissioner:

A. May withhold financial aid from the school administrative unit until it complies with his order; and

B. Shall refer the matter to the Attorney General, who shall take appropriate action to bring the school administrative unit into compliance.

6. Additional remedies. The remedies provided in this section are in addition to any other remedy in law or equity.

§7207. Hearing procedures

The following provisions shall apply to hearings.

1. Rules. The commissioner shall adopt or amend rules to determine:

A. When a surrogate parent is needed and the criteria for selection; and

B. The maximum period within which a parent, surrogate parent, guardian or administrative unit may exercise the rights listed in subsection 2.

2. Request for hearing. A parent, surrogate parent, guardian or administrative unit may:

A. Request the commissioner to appoint an impartial hearing officer who shall conduct a hearing on behalf of the department regarding the identification, evaluation and educational placement of the student; and to issue a decision based upon the findings of fact made by the hearing officer; and

B. Appeal the decision of the commissioner to the Superior Court or to a United States District Court.

3. Hearing official. The State shall train impartial hearing officers.

§7208. Savings provision

Nothing contained in this chapter shall be construed to prevent or impair the administration or enforcement of any other law of the State.

SUBCHAPTER II

PROGRAMS

§7251. Local programs

A school administrative unit may establish an appropriate program of special education.

§7252. Contractual programs; approval

A school administrative unit may arrange with or tuition to another school administrative unit or a public or private agency for the education of exceptional students. The program shall be described in a contract which shall be subject to approval in advance by the commissioner and meet the requirements set forth in section 7204, subsection 4.

§7253. Regional programs; approval

Two or more school administrative units may enter into cooperative agreement to provide regional special education programs and support services.

1. General criteria. Programs and services established through this agreement shall meet the requirements set forth in section 7204, subsection 4.

2. Special provisions. A program shall specify that:

A. One of the school administrative units shall serve as fiscal agent;

B. No requirement exists for separate budget approval and taxation; and

C. School construction may not be proposed for special education purposes.

3. Plan. A plan for a regional program shall be subject to approval by the commissioner prior to its implementation. The plan shall specify:

A. The objectives and functions to be performed by the regional program;

B. The method of fiscal operation and cost sharing;

C. The method of entering into and withdrawing from the agreement;

D. The method of administering the regional program;

E. The method of involving parent and community participation; and

F. The school administrative unit that shall act as fiscal agent for the regional program.

4. Funding. The regional program shall be supported by funds included in the special education appropriations of each of the member school administrative units.

§7254. Contractual programs for nonresident children

Another state, subdivision or private person, firm or agency may contract with a private school in this State to provide special education for children who are not residents of this State. A program for these nonresident children shall be subject to approval by the commissioner only with respect to the requirements of section 7204, subsection 4.

§7255. Other programs

In addition to, or in place of, those methods listed in this chapter, a school administrative unit may make other provisions, subject to approval in advance by the commissioner, to ensure the education of all exceptional students.

§7256. State licensed agencies

A special education facility may be operated in conjunction with or as a part of a state licensed agency.

SUBCHAPTER III

FINANCES

§7301. State aid

1. State aid. The State shall provide financial aid to school administrative units for special education programs.

2. Contributions. The commissioner may receive contributions and donations to be used with appropriations to carry out this chapter.

§7302. Tuition rates

Tuition rates for school administrative units, private special education programs, private general purpose facilities and nonresident children shall be as follows.

1. School administrative units. A school administrative unit operating a full-time special education program and accepting students on a tuition basis shall compute a tuition rate. The tuition rate shall not exceed the actual per student cost incurred in operation of the special education program. The commissioner shall adopt or amend rules to define allowable expenditures used to determine the per student cost.

2. Private special education facilities. Private agencies that operate facilities which exclusively serve exceptional students shall comply with the following in computing tuition rates.

A. All tuition rates shall be subject to approval by the commissioner.

B. The tuition rates shall not exceed the actual per student cost incurred in the operation during the preceding school year.

C. The commissioner shall adopt or amend rules to define allowable expenditures used to determine per student costs.

D. An agency shall file an annual financial report detailing the allowable expenditures and the computation of the tuition rate by July 15th in the form the commissioner may require.

E. Increases in the tuition rate from one year to the next may not exceed 15% unless evidence is presented to the commissioner that a hardship will exist if a higher rate of increase is not approved, and this evidence is deemed sufficient by the commissioner.

F. The commissioner shall establish a tuition rate for new special education programs in special purpose private schools based on the estimated allowable costs of these schools.

3. Private general purpose facilities. General purpose private agencies that receive state aid for special education programs shall comply with the following tuition rates.

A. The tuition rate charged shall not exceed the state elementary or secondary per student tuition rates as computed under sections 5804 and 5806.

B. Private schools that have an exclusive contract with a school administrative unit for the provision of secondary education are exempted from the provision of paragraph A and shall be treated as public schools for the computation of special education tuition rates.

4. Exempted private agencies. This section shall not apply to and the commissioner shall have no authority over tuition rates charged for special education programs by private agencies where the tuition is not paid, reimbursed or otherwise funded in whole or in part by this State.

CHAPTER 305

PRIVATE AND STATE OPERATED SCHOOLS

§7501. Private schools

The commissioner may require that special education programs in an approved private school or agency receiving state funds comply with rules for the conduct of programs within public schools.

§7502. State institutions

The director of a state institution for the mentally ill or mentally retarded shall apply to the superintendent of the school administrative unit in which the institution is located, or in any adjoining unit, for children in the institution to attend that unit's schools. These exceptional students shall attend under the same conditions as apply to students residing in the school administrative unit and under the rules of the department relating to special education.

§7503. Governor Baxter School for the Deaf

1. Authority to establish. The Governor Baxter School for the Deaf, established by Private and Special Law 1897, chapter 446, and by Private and Special Law 1953, chapter 44, shall be devoted to the education and instruction of deaf exceptional students.

2. Location. The school shall be located in Cumberland County.

3. Responsibility for maintaining the school. The State shall have the responsibility and expense of maintaining the school.

4. Governance. The commissioner shall govern the school and:

A. May employ officers, teachers and other employees, subject to the Personnel Law; and

B. May prescribe the system of education and course of study to be pursued in the school.

5. Annual evaluations. The Governor Baxter School for the Deaf shall provide annual evaluations of all students enrolled in the school. These evaluations shall be sent to the superintendents of the school administrative units from which the students are enrolled.

6. Technical assistance. A school administrative unit may request technical assistance from the Governor Baxter School for the Deaf in matters relating to the education of deaf students in accordance with departmental rules.

7. Superintendent's authority to enroll students. The superintendent of the school administrative unit in which that student resides, with the consent of the student's parent or legal guardian and in accordance with the limitations in section 5051 may enroll a deaf student in the Governor Baxter School for the Deaf. The sums necessary for the support of the student while attending the school shall be paid by the department.

§7504. Residential child care facilities

"Residential child care facilities" shall be licensed in accordance with Title 22, section 8104.

CHAPTER 307

PRESCHOOL HANDICAPPED CHILDREN

§7701. Purpose

The purpose of this chapter is to maintain coordinated delivery systems for preschool handicapped children based on the models developed through pilot projects.

§7702. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Services. "Services" means those activities undertaken to screen, evaluate and provide special education and related services to preschool handicapped children.

§7703. Authorization for expenditure of funds

The commissioner may, from funds authorized to the department, make grants to agencies and school administrative units to establish local coordinated delivery systems to serve preschool handicapped children.

1. Grants. Grants shall be made on a competitive basis, according to rules adopted or amended by the commissioner.

2. Rules. The rules shall assure participation at the local level by agencies currently serving preschool handicapped children. They shall require that existing resources for providing services to preschool handicapped children be exhausted prior to using grant funds to provide services.

§7704. Interdepartmental coordination

An Interdepartmental Coordinating Committee for Preschool Handicapped Children representing the department, the Department of Human Services, the Department of Mental Health and Mental Retardation and the public, shall be appointed by the 3 commissioners to work with the department to establish guidelines, including continuation applications, to monitor grants and to evaluate the performance of programs developed through the grants.

§7705. Early childhood consultant

The position of early childhood consultant to the Division of Special Education shall be established to direct the department's participation in the coordinated delivery system for preschool handicapped children.

§7706. Additional program

In addition to the programs authorized in this chapter, the commissioner may authorize expenditures to institutions and organizations for speech and language education of hearing and language impaired children who have not reached compulsory school age.

CHAPTER 309MENTAL RETARDATION§7901. Teacher education programs

The following provisions shall apply to teacher education programs.

1. Education of teachers and school personnel. A school administrative unit may raise and appropriate money for the education of teachers and other school personnel to meet the educational needs of mentally retarded students.

2. Matching basis. The appropriation shall be expended on a matching basis with any funds made available by the department for the same purpose.

3. Programs. Teachers and other school personnel who are trained may be reimbursed through funds of the department on a matching basis for expenditures for that training if it has been approved in advance by the commissioner.

§7902. Facilities

The following provisions shall apply to facilities.

1. Construction of acquisition. The county commissioners may construct or acquire buildings for state subsidized and approved educational programs for mentally retarded students.

2. Disposal of buildings. If these county buildings are sold, the proceeds shall be expended on services and programs for mentally retarded students.

3. Limit on county responsibility. This section does not authorize counties to operate these programs.

CHAPTER 311GIFTED AND TALENTED STUDENTS§8101. Purpose

The Legislature recognizes that gifted and talented students, who comprise approximately 3% to 5% of Maine's students, require differentiated education programs and services beyond those normally provided by the regular school program in order to realize their educational potential and contribution to themselves and to society.

§8102. Grants to school administrative units

The department may, from funds available to it, grant funds to a school administrative unit to undertake gifted education programs. A grant shall be made on the basis of \$2 of state matching funds for each \$1 of funds appropriated by the school administrative unit.

1. Guidelines for the identification of gifted and talented students. The commissioner shall adopt or amend rules for the identification of gifted and talented students and for gifted and talented education programs.

2. Programs for gifted and talented students. A school administrative unit requesting funds to undertake a gifted and talented education program shall develop a proposed program of identification and education in accordance with guidelines established by the commissioner.

3. Time limits. The following limits shall apply.

A. On or before February 1st, the school administrative unit shall submit to the department its proposed program.

B. By May 15th, the commissioner shall notify the school administrative unit whether the proposal has been funded for the following fiscal year.

4. Technical assistance. The commissioner may provide technical assistance to a school administrative unit for planning for gifted and talented education programs.

§8103. Available funds

Funds made available to the department for gifted and talented education programs from state, federal or other sources 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.

SUBPART 2

VOCATIONAL EDUCATION

CHAPTER 313

SECONDARY VOCATIONAL EDUCATION

SUBCHAPTER I

GENERAL PROVISIONS

§8301. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. 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.

2. 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.

3. Vocational center. "Vocational center" means facilities providing vocational education to secondary students. A center shall be governed by a single school administrative unit. It may serve students from other affiliated school administrative units. It may include satellite center facilities and programs.

4. Vocational education. "Vocational education" means education to create or improve job-related skills, which is part of a secondary school curriculum.

5. Vocational region. "Vocational region" means facilities or programs providing vocational education to secondary school students. A region shall be governed by a cooperative board formed in accordance with section 8452.

6. Vocational satellite program. "Vocational satellite program" means a facility or program providing vocational education to secondary students, which is administered by a school administrative unit affiliated with a vocational center.

§8302. Acceptance and compliance with federal law

The State shall comply with the following Acts of Congress and any amendments or supplements thereto:

1. The Smith-Hughes Act. The Smith-Hughes Vocational Education Act of 1917, chapter 114, 39 STAT. 929;

2. The George-Barden Act. The following portions of the George-Barden Act:

A. The United States Vocational Education Act of 1946, chapter 725, 60 STAT. 775, which may be cited as Title I of the George-Barden Act; and

B. Title III of the United States Health Amendments Act of 1956, chapter 871, 70 STAT. 923, which may be cited as Title II of the George-Barden Act; and

3. The Vocational Education Act of 1963. The United States Vocational Education Act of 1963, Public Law 88-210, 77 STAT. 403, as amended by the United States Education Amendment of 1976, Public Law 94-482, 90 STAT. 2169.

§8303. Federal funds

Federal moneys for vocational education shall be received under the following provisions.

1. Source of federal funds. Federal moneys for vocational education shall include moneys received by the State from:

A. The Federal Government under the Acts cited in section 8302;

B. The Federal Government for the vocational rehabilitation of persons disabled in industry or otherwise; and

C. The Federal Government for vocational training.

2. Treasurer of State. The Treasurer of State may:

A. Receive and provide for the proper custody of federal moneys for vocational education; and

B. Disburse those funds under direction of the state board, its executive officer or other legal authority.

§8304. Role of the state board in federal programs

The state board is:

1. Cooperation with the United States Department of Education. Authorized to cooperate with the United States Department of Education for the administration of the federal Acts cited in section 8302; and

2. Administration of the United States Vocational Education Act of 1963. Authorized as the state agency responsible to administer programs of the United States Vocational

Education Act of 1963, Public Law 88-210, 77 STAT. 403, as amended by the Education Amendment of 1976, Public Law 94-482, 90 STAT. 2169.

§8305. Eligibility requirements

The following provisions shall apply to the eligibility of students entering a vocational center or vocational region program.

1. General right. A person entitled to receive free public secondary education, or seeking to attend full-time courses in grade levels 13 and 14, where offered, either free or subject to tuition:

A. May attend a vocational center or vocational region which serves the person's area; or

B. May attend a vocational center outside the person's area subject to the approval of the commissioner, if the governing body of the sending and receiving centers or regions agree to make the necessary arrangements for the person to attend.

2. Special qualifications. A vocational center or vocational region shall determine, by admission standards which apply to all students, whether an applicant is qualified to profit from the vocational education and whether the school can accommodate the applicant.

3. Requirements. Vocational centers shall:

A. Provide programs for persons:

(1) Who have graduated from a secondary school; or

(2) Who are qualified persons over 16 years of age who have left school prior to graduation;

B. Offer programs to students at grades 11 and 12; and

C. Offer programs to students below grade 11, if approved by the commissioner.

§8306. Powers and duties of 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. Plans for vocational satellite programs. The state board may approve plans for a vocational satellite program if:

- A. A vocational center requests a vocational satellite program;
- B. The school board operating the vocational center approves the plan and supplies information documenting the need for a vocational satellite program; and
- C. The request includes the commissioner's approval.

4. 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 8307, approve:

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

§8307. Procedures; 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.

1. Plan. 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 findings to the board. In the 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 board 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 sections 1351 to 1354 and in Titles 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.

SUBCHAPTER II

FINANCING

§8351. State aid for vocational centers and vocational regions

State aid for vocational centers and vocational regions shall be in accordance with chapter 605 and Title 20, section 3457.

§8352. Department budget estimates

1. Budget estimate. Before each regular session of the Legislature, the state board shall estimate the amounts necessary to carry out the purposes of sections 8351, 8354 and 8401 to 8405. It shall include these amounts in its request to the Legislature for appropriations from the General Fund.

2. Budget limitation. This section shall not apply to construction grants made under Title 20, section 3460.

§8353. Tuition for students sent out of state

If a school administrative unit determines that a student would be better served by attending, on a tuition basis, an out-of-state secondary level vocational school which is closer than a Maine vocational center or region program available to that student, the State shall reimburse that school administrative unit the same amount for each student as would have been incurred by a vocational center or vocational region.

§8354. Tuition for out-of-state students

The tuition charge for each nonresident student shall be determined as follows.

1. Primary method. The per student cost shall be determined by:

A. Adding the amounts paid for:

- (1) Teacher's salaries;
- (2) Fuel;
- (3) Janitorial services;
- (4) Textbooks;
- (5) Reference books;
- (6) School supplies for desk and laboratory use;
- (7) Public utility services;
- (8) Replacement of instructional equipment;
- (9) Fire insurance; and
- (10) Compensation for the director and his assistants;

B. Adjusting the amounts in paragraph A by the allowable percentages set forth in section 5805, subsection 1, paragraph D; and

C. Dividing this sum by the average daily attendance of all regularly enrolled students in the vocational center or vocational region.

2. Alternate method. When the cost of fuel, janitorial services, public utility services or insurance for the vocational education facilities cannot be separated from similar costs for other facilities, these costs shall be prorated on the basis of the square footage of floor space in the vocational education sections in relation to the total floor space to which those expenditures apply.

SUBCHAPTER IIIVOCATIONAL CENTERS§8401. Vocational centers

The vocational centers shall operate at Augusta; Bath; Biddeford; School Administrative District No. 61, (Bridgton); Caribou; School Administrative District No. 46, (Dexter); School Administrative District No. 9, (Farmington); Lewiston; Portland; School Administrative District No. 1, (Presque Isle); School Administrative District

No. 54, (Skowhegan); Waterville; and Westbrook.

§8402. Programs

A vocational center shall provide programs of education and training in trade, industrial, agricultural, business, distributive and service occupations.

§8403. Vocational satellite programs

The following provisions shall apply to vocational satellite programs.

1. Financial responsibility for vocational satellite program. The school board responsible for operating the vocational satellite program shall assume full financial responsibility for paying the operating costs of that program. It shall receive the state subsidy for the program and tuition income. These programs shall be financed through available funds.

2. Programs' facilities and equipment; school construction aid. The school board, where the vocational satellite program is operated shall:

A. Furnish the necessary facilities and equipment; and

B. Be eligible for school construction aid if new facilities are required and approved.

3. Nomination of operating personnel. The superintendent operating the vocational satellite program, in consultation with the director of the vocational center, shall nominate personnel to operate the programs. The nominations shall be approved by the school board operating the satellite program.

4. Supervision. The school principal and the director of the vocational center shall jointly make recommendations to the local superintendents and shall supervise personnel working in the vocational satellite program.

5. Center operated vocational satellite programs. Vocational centers may operate vocational satellite programs in municipalities served by the center when the programs require only part-time instruction and are approved by the commissioner.

§8404. Vocational center advisory committee

There shall be an advisory committee responsible for

coordinating vocational education in each vocational center.

1. Membership. Membership on the advisory committee shall consist of:

A. The superintendents of the participating secondary schools or the superintendents' representatives; and

B. One board member chosen from each participating school board by its membership.

2. Meetings. The advisory committee shall meet at least quarterly.

3. Duties. The committee:

A. Shall prepare and submit an annual report on the vocational center and vocational satellite programs, to the state board and to each municipality served by the center; and

B. 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 boards 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 educational programs which exceed expenditures made for those programs in the base year.

§8405. Local director

A school administrative unit operating a vocational center shall employ on the staff of the center a local director of vocational education.

1. Qualifications. The director shall meet the qualifications prescribed by the state board.

2. Administrative status. 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.

SUBCHAPTER IV
VOCATIONAL REGIONS

§8451. Vocational regions

1. Legislative intent. It is the intent of the Legis-

lature that the vocational regions shall deliver vocational education to their respective areas in accordance with this chapter, and they shall function as extensions of the secondary schools within their region.

2. Boundaries. The vocational regions shall have boundaries as follows.

A. Region 1. NORTHERN AROOSTOOK COUNTY. Units located in this area shall include: Madawaska; School Administrative District No. 10-Allagash; School Administrative District No. 24-Van Buren, Cyr Plantation, Grand Isle and Hamlin Plantation; School Administrative District No. 27-Eagle Lake, Fort Kent, New Canada Plantation, St. Francis Plantation, St. John Plantation, Wallagrass Plantation and Winterville Plantation; School Administrative District No. 33-Frenchville and St. Agatha.

B. Region 2. SOUTHERN AROOSTOOK COUNTY. Units located in this area shall include: Bancroft; Benedicta; Crystal; Dyer Brook; Hersey; Island Falls; Linneus; Ludlow; Merrill; Moro Plantation; New Limerick; Oakfield; Orient; Smyrna; School Administrative District No. 14-Danforth and Weston; School Administrative District No. 25-Mt. Chase Plantation, Patten, Sherman and Stacyville; School Administrative District No. 29-Hammond Plantation, Houlton, Littleton and Monticello; School Administrative District No. 70-Amity, Cary Plantation, Haynesville and Hodgdon.

C. Region 3. NORTHERN PENOBSCOT COUNTY. Units located in this area shall include: Carroll Plantation; Codyville; Drew Plantation; East Millinocket; Glenwood Plantation; Lakeville Plantation; Macwahoc Plantation; Medway; Millinocket; Reed Plantation; Topsisfield; Vanceboro; Woodville; School Administrative District No. 30-Lee, Prentiss Plantation, Springfield, Webster Plantation and Winn; School Administrative District No. 31-Burlington, Edinburg, Enfield, Howland, Lowell, Maxfield, Passadumkeag and Seboeis Plantation; School Administrative District No. 67-Chester, Lincoln and Mattawamkeag.

D. Region 4. SOUTHERN PENOBSCOT COUNTY. Units located in this area shall include: Alton; Amherst; Aurora; Bangor; Bradley; Brewer; Dedham; Glenburn; Great Pond Plantation; Greenbush; Greenfield; Hermon; Milford; Old Town; Orono; Orrington; Osborn Plantation; Veazie; School Administrative District No. 22-Hampden,

Newburgh and Winterport; School Administrative District No. 23-Carmel and Levant; School Administrative District No. 38-Dixmont and Etna; School Administrative District No. 63-Clifton, Eddington and Holden; School Administrative District No. 64-Bradford, Corinth, Hudson, Kenduskeag and Stetson.

E. Region 6. WASHINGTON COUNTY. Units located in this area shall include: Alexander; Baileyville; Baring Plantation; Beals; Beddington; Calais; Centerville; Charlotte; Cooper; Crawford; Deblois; Dennysville; Eastport; Grand Lake Stream Plantation; Jonesboro; Jonesport; Machias; Marshfield; Meddybemps; Northfield; No. 14 Plantation; No. 21 Plantation; Pembroke; Perry; Princeton; Robinston; Roque Bluffs; Talmadge; Waite; Wesley; Whitneyville; School Administrative District No. 37-Addison, Cherryfield, Columbia, Columbia Falls, Harrington and Milbridge; School Administrative District No. 19-Lubec; School Administrative District No. 77-Cutler, East Machias, Machiasport and Whiting.

F. Region 7. WALDO COUNTY. Units located in this area shall include: School Administrative District No. 3-Brooks, Freedom, Jackson, Knox, Liberty, Monroe, Montville, Thorndike, Troy, Unity and Waldo; School Administrative District No. 34-Belfast, Belmont, Morrill, Northport, Searsmont and Swanville; School Administrative District No. 56-Frankfort, Searsport and Stockton Springs.

G. Region 8. KNOX COUNTY. Units located in this area shall include: Appleton; Hope; Islesboro; Lincolnville; School Administrative District No. 5-Owls Head, Rockland and South Thomaston; School Administrative District No. 7-North Haven; School Administrative District No. 8-Vinalhaven; School Administrative District No. 28-Camden and Rockport; School Administrative District No. 40-Friendship, Union, Waldoboro, Warren and Washington; School Administrative District No. 50-Cushing, St. George and Thomaston.

H. Region 9. NORTHERN OXFORD COUNTY. Units located in this area shall include: Hanover; Peru; Rumford; School Administrative District No. 21-Canton, Carthage and Dixfield; School Administrative District No. 43-Byron, Mexico and Roxbury; School Administrative District No. 44-Andover, Bethel, Greenwood, Newry and Woodstock.

I. Region 10. EASTERN CUMBERLAND-SAGADAHOC

COUNTY. Units located in this area shall include: Brunswick; Freeport; School Administrative District No. 75-Bowdoin, Bowdoinham, Harpswell and Topsham. This region and the vocational center at Bath shall coordinate programs and activities.

J. Region 11. SOUTHERN OXFORD COUNTY. Units located in this area shall include: School Administrative District No. 17-Harrison, Hebron, Norway, Otisfield, Oxford, Paris, Waterford and West Paris; School Administrative District No. 39-Buckfield, Hartford and Sumner. This region and the vocational center at School Administrative District No. 61 (Bridgton) shall coordinate programs and activities.

3. Central Aroostook County. Central Aroostook County shall also be a vocational region.

A. Public secondary schools located at: Ashland; Caribou; Easton; Fort Fairfield; Limestone; Mars Hill; Presque Isle; and Washburn shall be served by regional vocational centers located in Presque Isle and Caribou.

B. Notwithstanding provisions of sections 8452 to 8459, these regional centers shall be governed by their respective school boards but shall have an advisory committee responsible for coordinating vocational education for the Central Aroostook County area as defined in section 8404.

4. Validation. Each vocational region authorized and organized under Public Law 1973, chapter 605, is hereby validated, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity which may have occurred in the organization of the region or in the selection of the cooperative board of that region.

§8452. Cooperative board; formation

The vocational regions shall be administered by a cooperative board organized as follows.

1. Creation. The school boards of the school administrative units, at a joint meeting called by the commissioner, shall determine by majority vote:

A. The size of the cooperative board;

B. The number to serve from each unit or group of units;

C. The method of selecting representatives from each unit;

D. The method of sharing costs; and

E. The number of units to be jointly represented by a cooperative board member.

2. Role of municipal officers. The municipal officers of each school administrative unit within the region shall be invited to the joint meeting to present testimony on cooperative board membership and the methods of sharing costs among the units.

3. Voting. Each school board shall caucus with the municipal officers within that unit. In the joint meeting, the school board shall cast their votes on the issues in accordance with the majority vote of the caucus of their school board and municipal officers.

4. Process of appeal. A school board may appeal decisions on the method of sharing cost and the method of apportioning representatives on the cooperative board to the state board. The state board decision shall be final and binding on the school administrative units within the region.

5. First meeting. When the member school administrative units of a cooperative board have determined the representation and the method of sharing costs, the superintendents in the region shall call meetings of the school boards. The school boards shall appoint their authorized number of representatives to the cooperative board.

6. Organization of the cooperative board. The organization of the cooperative board shall occur as follows.

A. The superintendents shall call a meeting of the cooperative board members to organize.

B. The board shall:

(1) Elect a chairman and vice-chairman;

(2) Elect a secretary who does not have to be a member of the board;

(3) Adopt a constitution or bylaws for the calling of and conducting of board meetings; and

(4) Elect a treasurer. The treasurer shall give

a bond to the board with the sum and sureties established by the board. This bond shall be deposited with the chairman. The expenses of the bonds shall be paid by the cooperative board. The treasurer does not have to be a member of the cooperative board.

7. Return and certificate. The secretary shall immediately file a return with the state board listing the names of the officers of the board and certifying that the board has been properly organized.

8. Issuance of certificate. The state board may issue a certificate of organization or reorganization for each vocational region. The issuance of the certificate shall be conclusive evidence of lawful organization. The original certificate shall be kept on file by the secretary of each region, and copies shall be placed on file in the office of the commissioner.

§8453. Membership on cooperative board

Membership of the cooperative board shall consist of residents from each school administrative unit in proportion to the population of that unit to the whole region.

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

2. Conflict of interest. Residents who, by holding another office, have duties conflicting with those of the cooperative board may not be selected.

§8454. Oath of office

Cooperative board members shall take an oath or affirmation in the same form as prescribed in section 1251 for directors of school administrative districts. A certificate of the oath or affirmation shall be on file in the office of the cooperative board.

§8455. Vocational region considered a political subdivision

A vocational region shall 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 that section shall be applicable to them.

§8456. Voter approval of cooperative board articles

Vocational regions may vote on articles submitted by the cooperative board using the procedures set forth in sections 1351 to 1354.

§8457. Cooperative board authority

1. Duties. A cooperative board shall have all the rights and duties of a school board as provided in section 1001, subsections 1 to 8, 11 and 12; section 1002; section 1256, subsections 1, 2 and 4 to 7; section 1257; sections 1313 to 1315; section 2501; section 4801; and section 13202.

2. Review of agreement. The cooperative board, with the superintendents' advisory committee, shall annually review the cooperative agreement. It may amend the agreement with respect to the administration of vocational education in the region. A revision of the agreement shall be subject to approval by a majority vote of the school boards of the region in accordance with the one-man vote principle. A copy of the cooperative agreement and amendments shall be filed with the commissioner.

3. Authority. A cooperative board may:

A. Borrow funds in anticipation of the member unit's payment of its share of the vocational regional budget. Loans:

(1) Shall be repaid within one year; and

(2) May not at any time exceed 3/4 of the budget approved by the member units of the region;

B. May expend available revenue to meet debt service and security and maintenance of property costs; and

C. Accept and expend special grants from state and federal sources.

4. Compensation. Cooperative board members may be paid up to \$10 for each meeting attended.

§8458. Vocational director

1. Employment. The cooperative board shall employ a certified vocational director. The board may appoint the director to serve as the:

A. Administrative officer of the region; and

B. Treasurer and secretary to the board.

2. Duties. The administrative officer may nominate teachers and shall perform other duties as assigned by the board.

3. Ex officio administrative officer. If the cooperative board does not designate the vocational director to serve as administrative officer, the board may enter into an agreement with a superintendent within the region to serve as ex officio administrative officer for the region with the duties under subsection 2.

§8459. Superintendents' advisory committee

The superintendents within each region shall serve as an advisory committee to the cooperative board. This committee shall:

1. Right to attend cooperative board meetings. Be invited to attend and receive notice of all meetings held by the cooperative board; and

2. Meeting with vocational director. Meet with the vocational director at least 4 times each year to review proposed programs, budgets and issues relating to vocational education.

§8460. Budget

The vocational region budget shall be prepared and approved as follows:

1. Duties of the cooperative board. The cooperative board shall:

A. Prepare and approve a budget for the vocational region;

B. Hold 2 public hearings in the region, prior to submitting the budget for adoption in accordance with one of the methods of voting set forth in subsection 2;

C. Prepare 2 articles, or 2 orders for municipal council meetings, in substantially the following form:

(1) "Shall the regional vocational operating budget as approved by the cooperative board for the year _____ be approved in the amount of \$ _____?"; and

(2) "Shall the vocational region approve a budget

for adult education in the amount of \$ _____
for the year _____?";

D. Select the method of submitting the articles or
orders for budget adoption from those outlined in sub-
section 2; and

E. Select the date of the budget vote if the regional
budget meeting method is used.

2. Methods of budget adoption. The cooperative board
shall submit the final budget as follows:

A. The articles, or orders, for the operating and
adult education portions of the budget shall be submit-
ted for adoption by one of the following methods prior
to July 1st:

(1) The school administrative unit method out-
lined in section 8461;

(2) The referendum method outlined in sections
1351 to 1354; and

(3) The regional budget meeting method outlined
in section 8462; and

B. For the purpose of approving money to repay bonds,
each school administrative unit within a region 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 the region's
debt service.

3. Budget reconsideration. If the articles or orders
are not adopted pursuant to subsection 2, the cooperative
board shall:

A. Prepare a revised budget and budget articles; and

B. Submit the revised budget articles for voter
approval under the regional budget meeting method
before August 1st.

§8461. School administrative unit method

1. Role of the school administrative unit. The legis-
lative body of each school administrative unit in the
region shall vote on the articles submitted by the
cooperative board.

A. The vote of the budget shall be completed at the

same time as the regular school budget.

B. The vote of the legislative body shall be to accept or reject each article in the budget warrant. No portion of a warrant may be amended.

C. Following the annual budget meeting of a school administrative unit, the clerk of that unit shall notify, in writing, the member or members of the cooperative board which represent that unit of the results of the vote.

2. Role of the cooperative board. The role of the cooperative board is as follows:

A. Within 5 days after the last unit has acted on the budget, the chairman of the board shall call a meeting of the board to tally the results of the vote.

B. The cooperative board members shall report in writing and shall cast their ballots in the affirmative or in the negative in accordance with the majority vote of the school administrative units represented.

C. The chairman shall add these votes and the cooperative board shall make a finding of fact and enter in its records the total vote in the affirmative and in the negative.

(1) If the total affirmative votes exceed the total negative votes, the cooperative board shall declare that the budget has been approved.

(2) If any article within the budget fails to pass, or if a special budget meeting is called after the board has declared an emergency exists, the board may prepare a new budget or special budget and submit the necessary articles to a budget meeting of the vocational region called in the manner set forth in section 8462.

3. School administrative districts and community school districts. A municipality which is a member of a secondary community school district or a school administrative district shall appropriate the costs of vocational education as part of the secondary school budget.

§8462. Regional budget meeting approval method

1. Method of notice. A regional budget meeting shall be called by a warrant. The warrant shall be signed by a

majority of the cooperative board membership. The following procedures shall apply.

A. The warrant shall specify the time and place of the meeting.

B. The warrant shall be directed to any resident living within the vocational region by name ordering him to notify all voters within the region to assemble at the time and place appointed.

C. The warrant shall include the articles the cooperative board considers necessary to place before the voters and the authorization to expend funds of the region for the fiscal year.

D. An attested copy of the warrant shall be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities within the vocational region at least 7 days before the meeting,

E. The person who gives notice of the meeting by posting the warrant shall complete the return on the warrant stating the manner of notice, location and time of posting in each community.

F. A detailed supportive budget document shall be available to the legislative body which has responsibility for final budget approval. The supportive document shall contain a summary of anticipated revenues and estimated expenditures for the fiscal year.

2. Procedure. The procedure at a regional budget meeting shall be as follows.

A. The cooperative board shall appoint a resident of the region to act as the registration clerk.

B. The registration clerk shall make and keep a voting list of all residents in the region eligible to vote. The clerk shall compile the voting list from the voting lists of all the municipalities within the region.

C. Each municipal clerk within the region shall deliver to the registration clerk, 5 business days prior to the budget meeting, a certified corrected copy of the voting list of the member municipality. Additions or deletions may not be made during the 5 business days prior to the meeting. Only the citizens whose names appear on the voting list may vote on the budget presented by the cooperative board.

D. The chairman of the cooperative board, or if absent the chairman's designee, shall open the budget meeting by calling for the election of a moderator, by receiving and counting the votes and by swearing in the nominee receiving a plurality of the votes.

E. The moderator shall preside over the meeting.

F. The vocational budget may be adopted only by a majority vote of those present and voting.

G. The moderator shall appoint from the certified lists as many ballot clerks as necessary for the efficient operation of the meeting. The ballot clerks shall be sworn in by the moderator.

H. The secretary of the cooperative board, or in his absence his designee, shall record accurately all the votes of the meeting.

I. The cooperative board shall, immediately upon the adoption of a budget, compute the share to be paid by each municipality within the region and shall notify the school officials to include their share in the school administrative unit's annual school budget. A budget shall be adopted on or before August 1st.

J. The school officials shall place on the school warrant for payment the first of each month a sum equal to 1/12 of the school administrative unit's share of the vocational school budget.

§8463. Appropriation of local funds

Local funds shall be appropriated as follows.

1. Operating and debt service costs. Each region shall, in accordance with the region's agreement for sharing costs, appropriate the necessary local funds to pay the operating and construction costs for vocational region programs as may be required by this subsection and sections 8460 and 8465.

2. Federal grants. Anticipated grants from federal sources to be received by the regional cooperative board shall be deducted from the gross budget before making the assessments to the individual municipalities within the region.

§8464. Budget failure

The following provisions apply in the event of a budget failure as defined in section 8301.

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

2. Payment of the state's share to the cooperative board. 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.

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

4. Borrowing. 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.

§8465. Bonding authority

Bonds and notes for school construction purposes may only be issued under the following provisions.

1. Regional referendum. If the cooperative board decides to issue bonds or notes of the region for school construction purposes:

A. The board shall call a regional referendum using the procedures set forth in sections 1351 to 1354;

B. The results of the referendum vote in each municipality shall be reported immediately to the secretary of the cooperative board; and

C. The board shall meet and make an appropriate finding of fact as required in section 1353, subsection 2.

2. Bond resolutions. If the cooperative board determines from the vote that bonds or notes shall be issued, then the following shall apply.

A. The board shall pass a resolution to that effect setting forth the amount of the proposal and the purposes for which the proceeds were authorized.

B. Bonds or notes shall be issued in the manner de-

scribed in section 1311, except that any reference therein to "school administrative district" or "board of school directors" shall mean vocational region or cooperative board, respectively.

C. Indebtedness shall not exceed 4% of the total state valuation of all the municipalities comprising the region. That indebtedness shall be outside the debt limitations of the individual municipalities of the region.

3. Prior bonds and notes. All actions taken in connection with bonds and notes for school construction purposes by vocational regions and their officers prior to October 1, 1975 shall continue to be valid.

§8466. Transfer of school property

The following shall apply to transfer of school property to a vocational region.

1. Authority. A school board of a school administrative unit within a vocational region may transfer or lease unused school property owned by the unit to the vocational region for vocational education purposes.

2. Definitions. For the purposes of this section a special school district shall be considered to be a school administrative unit.

§8467. Sale of vocational region capital assets

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

1. Selling buildings and equipment. Vocational regions may, in case of a shutdown, sell buildings and equipment owned by the vocational regions when the sale is approved by the state board.

2. Using proceeds of sale. The funds raised by the sale in subsection 1 shall be used as follows:

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

B. Any remaining receipts shall be used to meet outstanding obligations; and

C. Any remaining surplus shall be returned to the department.

SUBPART IIIOTHER PROGRAMSCHAPTER 315ADULT EDUCATION§8601. Purpose

Since education is a lifelong process, it is declared to be the policy of the State to provide and encourage the growth of educational opportunities for all adults.

§8602. Rules

The commissioner shall adopt or amend rules to establish program definitions for adult vocational courses, general adult courses, handicapped adult courses, high school completion courses and basic literacy courses.

§8603. Authority to raise money

A school administrative unit may:

1. Support adult education. Raise and appropriate money for the support of adult education classes and educational activities. These classes and activities shall be under the direction and supervision of the school board; and

2. Tuition. Raise, appropriate and expend money to cover the tuition costs resulting from its residents attending adult education courses in another school administrative unit, if the courses are not offered by the unit of residence.

§8604. Authority to operate programs not receiving state aid

A school board may make available facilities for adults for day and evening educational and recreational activities not reimbursed by the State. These courses and activities may be financed by tuition fees, by funds voted by the school administrative unit, by funds from other sources or by a combination of these.

§8605. Participation in adult education

1. General. A person who is 17 years of age or older and who is not attending public schools may attend local

adult education courses in accordance with local program criteria.

A. The commissioner shall grant exceptions under this subsection in admitting students to adult education programs at the local level to a student who has left school under the provisions of section 5001, subsection 2, paragraph B, on the recommendations of the school board.

B. Prior to requesting an exception, the school board shall seek and consider the recommendations of the positive action committee.

C. Students enrolled in public day school programs may participate in adult education programs or adult vocational programs to supplement the regular day school program on an exception basis in accordance with rules adopted or amended by the commissioner.

2. School age student; student count; reimbursement; enrollment in neighboring unit. School age students may enroll in adult evening school courses as follows.

A. A student between the 16th and 20th anniversaries of his birth, who enrolls in a semester adult evening school course, shall be counted as .1 of a student.

B. The school administrative unit in which a student resides shall be reimbursed in accordance with chapter 605.

C. If a unit does not offer an appropriate adult evening school course, the student may enroll in a neighboring school administrative unit or private school, subject to the approval of the sending unit's superintendent. The sending unit shall pay tuition to the receiving unit in an amount no greater than .1 of the present per student subsidy allocation for secondary students in the sending unit.

§8606. Reimbursement procedures

1. Commissioner certification. Prior to February 1st of each year, the commissioner shall prepare and certify to the Legislature and to the Bureau of the Budget a recommendation for the funding levels for the various program categories in adult education.

A. The requested funding levels 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.

B. The commissioner may amend an estimate if the commissioner believes that estimate to be unreasonable.

C. If a school administrative unit fails to submit the necessary information required in this section within the time specified by the commissioner, the commissioner shall estimate that unit's education cost.

2. State reimbursement. State reimbursement for expenditures on adult education programs shall be based on the total expenditure less income from federal sources.

A. The reimbursement shall be based on the net expenditures, or the report of expenditures for the first 6 months and the estimate of the expenditures for the last 6 months of the fiscal year, as approved by the commissioner, whichever is lower.

B. State aid will be paid to the school administrative units during the 2nd quarter of the state's fiscal year following the unit's expenditure.

C. If the Legislature fails to appropriate sufficient funds for reimbursement, state aid to school administrative units will be prorated.

§8607. Reimbursement rates

Reimbursement rates shall be as follows.

1. Administrative costs. School administrative units shall be reimbursed 70% of the administrative cost for evening and day school classes and educational activities for adults in the year following the expenditure. Administrative cost shall include administrative, supervisory and clerical salaries and the costs of maintaining and operating citizens' advisory committees.

2. Adult vocational education courses. Adult vocational education courses shall be reimbursed at the rate of 75% of the cost of instructional salaries and 50% of the cost of consumable supplies.

3. General adult courses. Courses provided for the general public in vocational, leisure and life skill programs shall be reimbursed at the rate of 50% of the cost of instructional salaries.

4. Handicapped adult courses. Handicapped adult courses shall be reimbursed at the rate of 75% of the cost of instructional salaries.

5. High school completion courses. High school completion courses shall be reimbursed at the rate of 75% of the cost of instructional salaries.

6. Basic literacy courses. Basic literacy courses shall be reimbursed at the rate of 75% of the cost of instructional salaries.

§8608. Teacher education reimbursement

The commissioner shall add to his budget request a sum not to exceed 5% of the sum recommended for reimbursement to school administrative units for preservice and in-service education activities for teachers in adult education.

§8609. Fees for adult education

Fees for adult education shall be as follows.

1. Registration fee. A school administrative unit, with the approval of the commissioner, shall establish a registration fee schedule and determine the use of those registration fees.

2. Materials fee. A school administrative unit may charge a student attending a course a fee to cover the actual cost of materials used.

§8610. Adult vocational education authority

Adult vocational education programs may be offered under the following provisions.

1. Basic authority. A vocational region or vocational center may offer adult vocational education programs within its geographic area.

2. Request for program approval. A school administrative unit in a vocational region or a unit served by a vocational center may make a request to the cooperative board of the vocational region or the governing body of the vocational center that adult education courses be offered in that school administrative unit.

3. Board approval. The cooperative board of the vocational region or the governing body of the vocational center may approve adult vocational education courses in the

requesting school administrative unit.

4. Adequate funding. The offering of adult vocational education courses shall be dependent upon school administrative units appropriating sufficient funds to pay for the courses.

5. Persons entitled to attend. Adult vocational education courses offered in a school administrative unit shall be open to any adult who needs retraining or upgrading. If space is limited, priority shall be given to the residents of the unit offering the program.

6. State reimbursement. State reimbursement shall be made to a school administrative unit in accordance with section 8607. If the request to operate a reimbursable adult vocational education course is disapproved by the cooperative board of the vocational region or by the governing body of the vocational center, the school administrative unit may appeal to the commissioner for authority to offer the course. His decision is final and binding.

§8611. Transportation

A school administrative unit may provide transportation for adults to and from adult education programs.

CHAPTER 317

SUMMER SCHOOLS

§8801. Summer schools; standards; approval

Standards for summer schools shall be as follows.

1. Standards. The state board shall adopt or amend rules to establish standards consistent with section 4401 for summer schools offering credit toward graduation from a Maine elementary or secondary school.

2. Approval. The state board shall direct an inspection after which he may approve and grant a certificate to a school that maintains those standards. The expense of inspection shall be paid by the department.

§8802. Summer school tuition

The following provisions apply to summer school tuition.

1. Tuition. A school administrative unit may charge

the students a tuition for enrollment in a summer school.

2. Maximum amount. Tuition may not exceed the following:

A. In the first summer of its operation, the average cost for each student in all summer schools in the State for the preceding summer;

B. When a summer school is operated for 2 or more school administrative units and is operated alternately by a different unit each summer, the cost for each student for the preceding summer; and

C. In all other cases, the cost for each student for the preceding summer.

3. Equality. Tuition in a summer school shall be the same for all students who are Maine residents.

4. Rules. The commissioner shall adopt rules for determining the allowable cost for each student under this section.

CHAPTER 319

FIREFIGHTER TRAINING

§9001. Program

The commissioner may conduct programs to provide training for members of municipal fire departments, incorporated volunteer fire departments and industrial and institutional fire brigades.

The commissioner may not require participation in these programs by a member of a municipal fire department, incorporated volunteer fire department or industrial or institutional fire brigades nor use participation in training programs as a condition of eligibility to receive funds for training programs.

§9002. Advisory committee

An advisory committee shall be established to advise the commissioner in the administration of section 9001.

1. Establishment. The commissioner shall appoint a 13-member advisory committee as follows:

A. One municipal chief, one call chief and one volun-

teer chief recommended by the Maine Fire Chiefs' Association, Inc.;

B. One municipal firefighter, one call firefighter and one volunteer firefighter recommended by the Maine Federation of Firefighters, Inc.;

C. One city or town manager and one selectman recommended by the Maine Municipal Association, Inc.;

D. One member of an industrial or institutional fire brigade recommended by the Maine Safety Council;

E. One representative from the field of insurance recommended by the Maine Insurance Association, Inc.;

F. Two members recommended by the Maine Council of Firefighters, Inc.; and

G. One member of the general public.

2. Term of office. Members shall be appointed for a term of 3 years.

3. Chairman. The committee shall elect a member as chairman.

4. Expenses. The members shall be reimbursed for their expenses, but may not receive other compensation for service on the committee.

5. Nonvoting representative. The department's consultant for the fire service training program shall be a nonvoting representative of the department at the committee meetings.

§9003. State agents for federal programs

The following provisions shall apply to federal fire programs in the State.

1. Commissioner; state agent. The commissioner shall be the state agent to be contacted by the United States Fire Administration about matters dealing with the Federal Fire Prevention and Control Act of 1974, Public Law 93-498.

2. Department; testing; certification. The department shall be the state testing agency for the National Professional Qualification Board of the Joint Council of Fire Services Organizations. The commissioner may award certificates to personnel of municipal and incorporated volunteer

fire departments using competency standards established by the Joint Council of Fire Services Organizations.

CHAPTER 321

CORRESPONDENCE SCHOOLS

§9201. Certificate of approval; exemptions

1. Requirement for certificate of approval. Any privately owned correspondence school located either within or outside the State shall obtain a certificate of approval from the commissioner before soliciting or selling in Maine any correspondence course or collecting any tuition, fee or other charge. In addition, each correspondence school shall supply a listing of solicitors authorized by it to recruit in Maine.

2. Exceptions. Public institutions which are exempt from property taxation under Maine laws, and courses or programs of instruction conducted under contract with an employer for employees exclusively, are exempt from the requirements of this chapter.

§9202. Application form; fee; bond

1. Application requirements; certification period; bonding and revocation of certificate. The application for a certificate of approval required in section 9201 shall be made on forms furnished by the commissioner and shall be accompanied by a fee of \$50 and a surety bond in the penal sum of \$1,000.

A. A certificate shall be valid for the calendar year in which it is issued.

B. The bond shall be continuous and shall provide indemnification to any student suffering loss as a result of any fraud or misrepresentation by the school. the bond shall provide for written notification by the surety to the department in the event of cancellation. Cancellation of the bond by the surety shall result in the revocation of the certificate of approval.

2. Renewal. A fee of \$25 shall be charged for the renewal of a certificate.

3. General Fund. All fees collected for the issuance or renewal of a certificate shall be deposited in the State Treasury.

§9203. Penalty

Any firm, association or corporation, operating or conducting a private correspondence school, except by authority of a valid certificate of approval as required by this chapter, is guilty of a civil violation for which a forfeiture of not more than \$1,000 may be adjudged.

§9204. Rules

The commissioner is authorized to adopt rules for the administration and enforcement of this chapter.

CHAPTER 323TRADE AND TECHNICAL SCHOOLS§9501. Certificate of approval; exempt institutions

1. Requirement of certificate of approval. Any person, partnership, corporation or school located either within or outside the State shall obtain a certificate of approval from the commissioner before conducting any course of instruction or before collecting any tuition, fee or other charge for conducting or soliciting for any educational services or related training.

2. Exemptions. Schools of hairdressing and beauty culture which are subject to approval by the State Board of Cosmetology, educational programs related to the real estate professions which are subject to approval under Title 32, chapter 59, educational programs offered by any Maine non-profit corporation, any educational programs offered by any professional or trade association primarily for the benefit of its own members and any institution authorized by the laws of this State to grant a degree are exempt from the requirements of this chapter.

§9502. Application form; fee; bond

1. Application requirements; certification; bonding and cancellation of certificate. The application for a certificate of approval required in section 9501 shall be made on forms furnished by the commissioner and shall be accompanied by a fee of \$100 and a surety bond in the penal sum of \$1,000.

A. A certificate of approval is valid for the calendar year in which it is issued.

B. The bond shall be continuous and shall provide

indemnification to any student suffering loss as a result of any fraud or misrepresentation. The bond shall provide for written notification by the surety to the department in the event of cancellation. Cancellation of the bond by the surety shall result in the revocation of the certificate of approval.

2. Renewal fee. A fee of \$50 shall be charged for the renewal of a certificate.

3. General Fund. All fees collected for the issuance or renewal of a certificate shall be deposited in the State Treasury.

§9503. Penalty

Any person, partnership, corporation or school which operates or maintains a private business, trade or technical school in violation of this chapter, or represents itself as operating and maintaining such a school, is guilty of a Class E crime.

§9504. Rules

The commissioner may adopt rules for the administration and enforcement of this chapter.

PART 5

POST-SECONDARY EDUCATION

CHAPTER 401

GENERAL PROVISIONS

§10001. Hemophiliacs

1. Participation in physical activity. A post-secondary institution may not require a hemophiliac to participate in physical activity hazardous to his physical health, as a condition or requirement for a degree, unless the physical activity is approved by the state board as an essential prerequisite to that degree.

2. Admission. A post-secondary institution may not refuse admission to a hemophiliac solely because of his condition as a hemophiliac, unless that condition would prevent participation in required courses of study of physical activity.

§10002. Records of educational institutions

1. Preservation of records. The trustees or officers

of a post-secondary institution, on going out of existence or ceasing to function as an educational institution, shall turn over records of attendance and academic achievements by its students to the department. The department shall preserve these records.

2. Duty of the commissioner. The commissioner shall collect all attendance and academic records of post-secondary institutions within the State which are now extinct and deposit the records in a place of safety and accessibility for preservation and future use.

3. Preparation of transcript. When requested, the commissioner shall prepare transcripts of grade records from these records of extinct institutions, when they are needed by the former student for:

A. Further scholastic work at another institution of learning; or

B. Certification for teaching or for other professional positions.

4. Copy as best evidence. When a transcript is made from the original and certified by the commissioner, it shall be considered and accepted as legal evidence and, for all other purposes, as if it was the original.

5. Fee. The department shall charge a nominal fee for the actual cost of preparing those transcripts.

§10003. Fees for degrees

An officer of a post-secondary institution may not receive as prerequisite a fee for a degree granted by the institute. Fees of this type shall be paid into the institution treasury.

CHAPTER 403

VOCATIONAL-TECHNICAL INSTITUTES

§10101. Purpose and intent

1. Purpose. The purpose of this chapter is to:

A. Create vocational-technical institutes in Maine which will be able to respond to the needs of the people of the State for vocational, technical and occupational training; and

B. Provide for responsive administration of the vocational-technical institutes.

2. Intent. It is the intent of the Legislature that the vocational-technical institutes shall:

A. Provide vocational, technical and occupational education for those who demonstrate aptitude and need and who require training designed for service in a trade, industry or commerce;

B. Provide each graduate with job skills;

C. Provide the general education necessary to complement the requirements of specific vocational and technical skills;

D. Provide supplementary educational programs to upgrade those persons already employed or retrain persons for new employment opportunities; and

E. Provide special programs for disadvantaged and handicapped persons to permit them to take maximum advantage of their aptitudes and interests.

§10102. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Institute. "Institute" means a vocational-technical institute as established in section 10103.

§10103. Establishment of institutes

The following vocational-technical institutes are established and shall be located within the general vicinity of the municipalities named in the following subsections:

1. Central Maine Vocational-Technical Institute in the City of Auburn;

2. Eastern Maine Vocational-Technical Institute in the City of Bangor;

3. Kennebec Valley Vocational-Technical Institute in the City of Waterville;

4. Northern Maine Vocational-Technical Institute in the City of Presque Isle;

5. Southern Maine Vocational-Technical Institute in

the City of South Portland; and

6. Washington County Vocational-Technical Institute in the City of Calais.

§10104. State board's general duties and authority; establishment of additional institutes

1. General duties. The state board shall maintain and operate the institutes established in section 10103 and have policy-making and planning authority for them.

2. Authority. The state board may, in operating these institutes:

A. Offer courses of study;

B. Grant diplomas and certificates on completion of a course of study;

C. Confer associate degrees based upon 2 years of instruction with equipment and facilities which will safeguard the integrity of the degrees conferred;

D. Charge tuition and other reasonable fees;

E. Establish qualifications for admission; and

F. Accept and expend all funds for post-secondary vocational education received by the department from:

(1) The General Fund;

(2) Gifts and donations either from public or private sources which are offered unconditionally;
or

(3) Fees.

3. Establishment of additional vocational-technical institutes. The state board may establish, maintain and operate vocational-technical institutes to promote specialized training for persons who give evidence of special aptitude or need and who desire specialized training designed specifically to train for service in trade, industry or commerce.

§10105. Directors of institutes

1. Appointment of directors. The commissioner, with the approval of the state board, shall appoint the directors

of the institutes.

2. Salary range. The commissioner, with the approval of the state board, shall establish the salary range for directors and assistant directors.

3. Job title and salary range for new positions. The state board, consistent with Title 26, chapter 12, shall make recommendations to the Department of Personnel and the Bureau of the Budget concerning the appropriate job title and salary range for each newly-created position in the unclassified service at an institute. The recommendations shall be based on the level of job responsibilities of the position created.

4. Change of job title and salary range. The state board, consistent with Title 26, chapter 12, shall make recommendations to the Department of Personnel and the Bureau of the Budget to change the job title or salary range of any existing position in the unclassified service at an institute if an identifiable change in job responsibilities occurs.

§10106. Funding levels; capital construction plan; budget

1. Funding levels. Prior to September 1st of even-numbered years, the state board shall certify and present to the Governor the funding levels which it recommends for the operation of the institutes. It shall report those recommendations to the Legislature prior to November 15th of even-numbered years.

2. Long-range capital construction plan. With the requested funding levels, the state board shall submit a long-range capital construction plan in priority order. This plan shall be submitted to the Legislature with the required report.

3. Costs of maintenance, repairs and capital construction. Notwithstanding any other provision of law, the directors shall include the costs of maintenance, repairs and capital construction at the institutes in the funding level requests presented to the state board. In the preparation, development and submission of funding requests for maintenance, repairs and capital construction, the state board shall consult with the Bureau of Public Improvements. Funds appropriated for maintenance, repairs and capital construction at the institutes shall be allocated and expended only for authorized purposes.

§10107. Contingent account

There is established under Title 5, section 1507, a

contingent account for the institutes and the procedures for allocation of contingent account funds.

§10108. Operation of courses at a secondary vocational facility; administration; tuition charges

1. Courses offered. Institute vocational courses at grade levels 13 and 14 may be operated in vocational centers or vocational regions if approved by the state board.

2. Administration. If these courses are not part of an adult education program, they shall be administered as satellite programs of an institute designated by the state board.

3. Tuition. Tuition for these courses shall be charged directly to the students enrolled, at rates approved by the state board.

§10109. State scholarships at the vocational-technical institutes

1. Scholarships. The state board shall develop and administer a program of scholarships for students enrolled at an institute. A student selected to receive a scholarship shall fulfill the following qualifications:

A. Show evidence of the qualifications necessary to successfully complete the course of study and to become a competent craftsman in a trade or industrial pursuit;

B. Show demonstrated ability and willingness to support the expenses of training; and

C. Show demonstrated need of partial financial assistance to pay the cost of attendance at the institute.

2. Limitation. A scholarship may not exceed \$250 in one year.

3. Allocation of scholarships. Amounts available for these scholarships shall be distributed annually by the state board to the institutes as follows:

A. \$1,500 or the equivalent of 6 full scholarships to each institute; and

B. Allocation of the balance of the scholarship fund to each institute in the same proportion as the institute's enrollment is of all of the institutes for

the fall semester of the current year.

4. Awards. Awards shall be based on evidence of individual need and worth.

5. National Guard Scholarship Program. Members of the Maine National Guard with over 10 years' continuous service may be awarded scholarships at vocational-technical institutes not to exceed 3 credit hours or the equivalent each semester. The guard shall select those who will receive scholarships from among those members eligible for admission to a vocational-technical institute. The program shall be administered by the state board.

§10110. Journeyman's examinations

An individual may take a journeyman's examination conducted by the following boards in accordance with the following requirements.

1. Electricians' Examining Board. The individual:

A. Who has completed satisfactorily a course of instruction certified by the Electricians' Examining Board at a Maine vocational-technical institute may take the journeyman's examination and after passage of the examination and after working in the field of electrical installation for 4,000 hours under the supervision of a master electrician or the equivalent shall receive a journeyman's license. The board shall adopt a written criteria for certification of a course of instruction; or

B. Who is enrolled in a course of instruction at a Maine vocational-technical institute on January 1, 1982, is entitled to take a journeyman's examination. Upon the successful completion of that course of instruction and after passage of the examination, the student shall receive a journeyman's license.

2. Oil and Solid Fuel Board. The individual has completed an approved course of at least 1,000 hours of instruction related to the respective field at a Maine vocational-technical institute, a post-secondary satellite program at a vocational region or vocational center or an equivalent training approved by the Oil and Solid Fuel Board.

3. Plumbers' Examining Board. The individual has completed a course of instruction at a vocational institute in plumbing.

§10111. Police officer at institutes

1. Appointment. Subject to the Personnel Law, a director may appoint persons to act as police officers. These police officers shall, within the limits of the property owned by or under the control of the institutes, possess all the powers of police officers in criminal cases.

2. Guidelines. The state board may establish guidelines by which each director may make rules for the control, movement and parking of vehicles within the limits of the property owned by or under the control of the institute.

3. Rules. A director's rule shall be adopted or amended in accordance with section 3. It shall have the same force and effect as a municipal ordinance. District Courts may impose fines, not to exceed \$10, for each violation of these rules.

4. Evidence and waiver. The state board may adopt the provisions of Title 30, section 2151, subsection 3, paragraph A, relating to prima facie evidence and the establishment of a waiver of court action by payment of specified fees.

CHAPTER 405POST-SECONDARY EDUCATION COMMISSION OF MAINE§10301. Establishment

The Post-secondary Education Commission of Maine, hereafter in this chapter called the "commission," is established to exercise the powers and perform the duties set forth in this Title.

§10302. Short title

This chapter may be cited as the "PECOM ACT."

§10303. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Post-secondary education. "Post-secondary education" means formal instruction primarily for students who have completed grade 12 or the equivalent. It shall not be limited to programs leading to a degree and shall include vocational, technical and career education. It shall not include adult basic education programs administered by

school administrative units.

§10304. Membership of commission

The membership of the commission shall be as follows.

1. Membership. The Post-secondary Education Commission of Maine shall consist of 16 members drawn from the following groups.

A. Six members shall be members of principal public governing and administrative boards concerned with post-secondary education in Maine and the Maine Advisory Council on Vocational Education. The members shall be selected in accordance with the procedures of the bodies they represent. These positions shall be assigned as follows:

(1) Two positions for members of the Board of Trustees of the University of Maine;

(2) One position for a member of the state board;

(3) One position for a member of the Maine Advisory Council on Vocational Education;

(4) One position for a member of the Board of Trustees of the Maine Maritime Academy; and

(5) One position for a member of the Maine Delegation of the New England Board of Higher Education. This member shall not, at the time of appointment or during membership of the Post-secondary Education Commission of Maine, be the Chancellor of the University of Maine, the commissioner or an administrative officer or member of the governing board of a public, private nonprofit or proprietary post-secondary educational institution in Maine.

B. Three members shall represent private nonprofit institutions of post-secondary education in Maine. These representatives shall be appointed by a subcommittee of the Higher Education Council in Maine composed of private college members. This subcommittee shall not be limited in its choice of representatives to members of the Higher Education Council of Maine, but also shall consider administrative officers and members of the governing boards of any private nonprofit institution of post-secondary education.

C. One member shall represent proprietary institutions of post-secondary education in Maine. This representative shall be appointed by the Governor and shall be a chief executive officer or member of the governing board of a federally recognized proprietary institution of post-secondary education, as defined in the United States Higher Education Act of 1965, Public Law 89-329, United States Code, Title 20, Section 1070 (a), as amended.

D. Four members shall represent the general public. These members shall not be employees of, or members of the governing body of, a public, private nonprofit or proprietary institution of post-secondary education in this State. Representatives of the general public in this State shall be appointed by the Governor.

E. The Chancellor of the University of Maine and the commissioner shall serve as ex officio members of the commission.

2. Terms. Each member shall be appointed for a term of 4 years. A member shall serve until his successor has been duly appointed and qualified.

3. Eligibility. A position shall become vacant if the member appointed to it ceases to meet the qualifications for that position.

4. Vacancy. If a vacancy occurs prior to the expiration of a term, an eligible person may be appointed by the appointing authority to serve for the remainder of the unexpired term.

5. Expenses. Members shall serve without pay, but shall be reimbursed for travel and other expenses incurred in the performance of their official duties.

§10305. Appointment of the chairman and vice-chairman

The chairman and vice-chairman of the commission shall be appointed by the members of the commission from among the 4 public members. The terms of the chairman and vice-chairman shall be coterminous with their terms on the commission.

§10306. Meetings

Commission meetings shall be held at least quarterly or upon call of the chairman on 5 days' written notice to the members. If the chairman is absent or refuses to call a

meeting, any 4 members may call a meeting by similar notices in writing.

§10307. Staff

The appointment of an executive director and the employment and retirement status of other staff shall be as follows.

1. Executive director. The commission may appoint an executive director, who shall serve at the pleasure of the commission and shall maintain offices in Augusta. The compensation of the executive director shall be fixed by the Governor.

2. Other staff. The commission may employ other professional and clerical staff.

3. Retirement benefits. A commission employee shall be eligible to become a member of the Maine State Retirement System.

§10308. Powers and duties

The commission shall:

1. Comprehensive planning. Conduct comprehensive planning for post-secondary education in Maine, including planning in cooperation with the New England Board of Higher Education and other New England states. This planning shall assure the development, maintenance and accessibility of diversified post-secondary educational opportunities of high quality for Maine citizens. It shall seek efficient use of limited resources through promotion of voluntary coordination and cooperation among institutions and educational sectors and through encouragement of efforts to avoid unnecessary duplication of institutions, programs and facilities. This comprehensive planning shall take into consideration the educational, cultural, social and economic contributions to Maine of all of the post-secondary educational institutions in the State. It is the intent of the Legislature that this comprehensive planning shall lead to a cohesive system of post-secondary education involving all of the public, private nonprofit and proprietary post-secondary educational institutions in the State;

2. State commission under United States Higher Education Act, Section 1202. Serve as the state commission as required under the United States Code, Section 1202 of the United States Higher Education Act of 1965, Public Law 89-329, Title 20, United States Code, Section 1141, et seq,

as amended;

3. Annual report. Present a report annually, before December 31st, to the Governor and the Legislature on "The State of Post-secondary Education in Maine," in which it reviews the comprehensive planning for the previous year and makes recommendations based on this planning which might lead to the maximum realization of the objectives of subsection 1; and

4. Studies. Undertake studies on post-secondary education in this State, as requested by the Legislature and the Governor, and provide reports and information to legislative committees as requested.

§10309. Collection of information

The commission may request institutions of post-secondary education in Maine to submit information reasonably necessary for the commission to carry out responsibilities defined by federal and state law and to perform effective comprehensive planning. This authority shall be limited by safeguards necessary to protect the confidentiality of information related to specific persons.

§10310. Limitations of the authority of commission with respect to institutions

The provisions of this Title related to the authority, responsibilities and functions of the commission may not be construed as authorizing the commission to infringe on or substitute its authority for or otherwise modify the governing authority of any institution of post-secondary education.

§10311. Designation of PECOM as the state agency or state commission for the purposes of certain federal programs

The Post-secondary Education Commission of Maine shall be designated as the state agency or state commission for the following purposes.

1. Designation. The commission is designated as the state commission as required by the United States Code, Section 1202, subsection (a) of the United States Higher Education Act of 1965, as amended, Title 20, United States Code, Section 1142a.

2. Powers. The commission may develop plans, rules and procedures, and establish or designate advisory commit-

tees, councils or task forces to carry out the requirements of the federal laws and other programs for which the commission is assigned responsibility under this section.

3. Other functions. The commission may undertake other functions assigned by federal law or regulation to state commissions designated pursuant to the United States Code, Section 1202 of the United States Higher Education Act of 1965, as amended, Title 20, United States Code, Section 1142a.

4. Funds. The commission may accept and disburse all moneys in accordance with the United States Code, Section 1202, the United States Higher Education Act of 1965, as amended, for which the commission is assigned responsibility under this section.

CHAPTER 407

THE MAINE STATE COMMISSION FOR

HIGHER EDUCATION FACILITIES

§10501. Purpose

The purpose of this chapter is to authorize the Maine State Commission for Higher Education Facilities to conduct, either directly or through other appropriate agencies or institutions, comprehensive planning to assist the institutions of higher education in Maine to construct needed classrooms, laboratories and libraries in order to accommodate mounting student enrollments and to meet demands for skilled technicians and for advanced graduate education, as set forth under the United States Higher Education Facilities Act of 1963, Public Law 88-204, as amended by Public Law 89-752, Section 3.

§10502. Duties

The Maine State Commission for the Higher Education Facilities may establish plans and rules or amend existing plans and rules in accordance with the United States Higher Education Facilities Act of 1963, Public Law 77-204, as amended by Public Law 89-752, Section 3, and requirements of the Federal Government established under that Act, as amended. It may also accept and disburse all moneys in accordance with that Act.

CHAPTER 409

DEGREE-GRANTING INSTITUTIONS

§10701. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Academic credit. "Academic credit" means credit hours or some equivalent measure which may be awarded and which are applicable toward a degree.

2. Degree. "Degree" means a document of achievement at the associate level or higher conferred by a post-secondary educational institution authorized to confer that degree in its home state. It includes educational, academic, literary or professional degrees. It also includes associate, baccalaureate, masters or doctoral degrees.

3. Educational institution. "Educational institution" means any person, partnership, board, association, institution or corporation which offers academic, educational, literary or professional courses or programs.

§10702. Use of name "junior college," "college" or "university"

An educational institution may use the term "junior college," "college" or "university" in connection with its operation or use any other name, title or descriptive matter which might tend to indicate that it is an institution of higher learning with the authority to confer degrees, only if it:

1. Temporary approval. Is operating under a license or certificate of temporary approval from the state board in accordance with section 10703; or

2. Legislative authorization. Has legislative authorization to confer degrees in accordance with section 10704.

§10703. Temporary approval to use the name "junior college," "college" or "university"

1. Power. The state board may grant an applicant a certificate of temporary approval, permitting use of the term "junior college," "college" or "university" in its name until the earlier of:

A. The expiration of the academic year; or

B. The applicant is authorized by the Legislature to grant degrees in accordance with section 10704.

2. Extensions and renewals. The state board may extend or renew a certificate of temporary approval for not more than 2 years.

§10704. Authority to confer degrees

An educational institution may confer degrees if it has been granted authority under an Act of the Legislature.

§10705. Courses for credit

An educational institution may offer courses or programs for academic credit only if:

1. Legislative authority. It has been authorized by the Legislature to grant degrees;

2. State board authority. It has been given temporary authority by the state board to use the name "junior college," "college" or "university;" or

3. Out-of-state institution. It is:

A. Located in another state; and

B. Authorized by the state board to offer courses for academic credit.

An educational institution may offer courses or programs for academic credit if it offers coordinated courses or programs in conformity with section 10706.

§10706. Coordinated courses

An educational institution may offer courses or programs for academic credit which are coordinated with a Maine degree-granting educational institution and which have been approved by the state board.

§10707. Applications

1. Degree-granting authority. Applications for legislative authority to grant degrees shall be made on application to the state board on forms provided by the commissioner.

2. Temporary use of name. Applications for temporary state board authority to use the name "junior college," "college" or "university" shall be made to the state board on forms provided by the commissioner.

3. Courses for academic credit. Applications by out-of-state educational institutions to offer courses for academic credit shall be made to the state board on forms provided by the commissioner.

4. Coordinated programs. Applications to offer coordinated programs shall be made to the state board on forms provided by the commissioner.

5. Exempt status. Applications for exempt status under section 10708, subsection 2, shall be made to the commissioner.

§10708. Exemptions

This chapter does not apply to educational institutions which:

1. Prior to September 18, 1981. Have specific degree-granting authority granted to them by the Legislature prior to September 18, 1981;

2. Federal reservations. Offer programs or courses which are conducted solely on a federal reservation over which the Federal Government has exclusive jurisdiction. The commissioner shall authorize exempt status under this subsection; and

3. Noncredit courses. Offer courses or programs which are not for academic credit.

§10709. Penalties

Any educational institution conferring degrees within the State or offering courses or programs within the State which carry academic credit without being authorized or approved to do so in accordance with this chapter is subject to a civil penalty of not more than \$5,000, payable to the State, to be recovered in a civil act.

§10710. Rules

The state board shall, in accordance with section 3, adopt rules necessary to carry out the purposes of this chapter.

CHAPTER 411

UNIVERSITY OF MAINE

§10901. Definitions

As used in this chapter, unless the context otherwise

indicates, the following terms have the following meanings.

1. Trustees. "Trustees" means the Trustees of the University of Maine.

2. University. "University" means the University of Maine.

§10902. Public policy on higher education

The following shall be the fundamental policies adhered to in the state's public higher educational planning:"

1. Recognition. To recognize higher education as an organized program of instruction, research and service:

A. Primarily concerned with the field of organized knowledge, related theory and associated practice;

B. Offered by a collegiate institution, not necessarily of 4 years, authorized to award academic degrees; and

C. Administered and systematically pursued on a full-time or part-time basis by persons who have completed secondary school or who demonstrate equivalent competence;

2. Principles. To support the principles that each higher educational institution in the State, public and private:

A. Shall have control over its educational program and related activities, within its board of control;

B. That its faculty shall enjoy the freedom traditionally accorded to the faculty of higher educational institutions in teaching, research and expression of opinions; and

C. That the faculty shall be consulted in the formulation of academic policies pertaining to it;

3. Cohesive system. To develop, maintain and support a structure of public higher education in the State which will assure the most cohesive system possible for planning, action and service in providing higher educational opportunities, to which the highest priority for fiscal support shall be assigned;

4. Programs. To provide in its public higher educational institutions, or through cooperative arrangements with private institutions or institutions outside the State, the programs of study, research or experimentation that its citizens may require;

5. Encourage growth. To encourage the growth and development of existing or new private higher educational institutions within the State where studies justify their continuation or establishment;

6. All citizens eligible. To recognize that all citizens shall be considered eligible for the benefits of appropriate higher education, whether they are high school graduates or the equivalent, or those seeking retraining or training for new careers;

7. Public funds. To assign continually a high priority in the allocation of public funds to the development of services, programs and institutions designed to provide opportunities for those who do not now share equitably in the advantages of higher education, because of limiting economic, social, educational and cultural factors;

8. Financial support. To support financially the programs of public higher educational institutions through appropriations, grants and loans, based on comprehensive plans and budgets, both short-term and long-term;

9. Public accountability. To expect appropriate public accountability for this support;

10. Federal funds. To encourage all institutions, public and private, to make maximum use of federal funds available for the support of higher educational programs and activities, the State to provide matching funds, where necessary, initially and on a continuing basis;

11. Cooperative undertakings. To expect and request cooperative undertakings among the higher educational institutions, public and private, and between them and the business, industrial and labor interests, to further the development of quality and quantity in educational programs and services and the advancement of the state's economy;

12. Evaluation and research. To encourage a continuing program of evaluation and research with respect to higher educational opportunities in the State through financial support and the expectation of annual reporting;

13. Master plan. To give a high priority to the provisions of the master plan for higher education through legislative action and appropriate publicity; and

14. Commuter education. To make the most effective use possible of the financial resources allocated to public higher education by maximum emphasis on commuter facilities.

§10903. State agency

The university shall be an instrumentality and agency of the State for the purpose for which it was established and for which it has been managed and maintained under Private and Special Law 1865, chapter 532, and related supplementary legislation.

§10904. Trust funds

1. Accounting. Endowment, trust and other nonexpendable funds for investment held by the trustees, which have been or may be created and established by private donors for the benefit of the university or for any purpose directly related to the activities of the university, shall be preserved in their several separate identities in the books of account of the university and administered according to the terms of the gifts.

2. Management of individual funds. For the purpose of investment only, and in order to afford to each fund the advantage of a diversification of risk wider than can be obtained by preserving the investment unity of each fund, and in the absence of any conditions or restrictions to the contrary made by the donor, the trustees may combine, pool and merge these funds with other similar funds. The trustees shall account for profits, losses and income to each individual fund in the proportion which its value bears to the total value of the merged fund as of the date of merger.

3. Valuation of individual funds. If a new fund is merged into an existing combination of funds, the proportionate shares shall be determined by calculating the assets of the existing combination of funds at the then market value, and calculating the future shares of each individual fund in proportion to its value to the whole of the new combination.

§10905. Treasurer; compensation

The trustees shall appoint a full-time treasurer of the university. The treasurer shall give bond for the faithful

performance of his duties in an amount and with such conditions and sureties as the trustees may determine. The compensation of the treasurer shall be set by the trustees.

§10906. Powers and duties of treasurer

1. Receipt and custody of moneys, expenditures, authority to contract. The treasurer shall:

A. Receive and have custody of all moneys received for the university;

B. Make all expenditures upon vouchers authenticated and approved in a manner designated by the trustees; and

C. Have no authority to contract debts and obligations, except:

(1) Loans in anticipation of assured revenues when approved by vote of the trustees; and

(2) Other loans when directed by vote of the trustees and duly and properly authorized by the Governor.

2. Report of treasurer. The treasurer shall prepare a complete report for the period ending on June 30th of each year and forward a copy of the report to the Governor, the board of trustees and the members of the Legislature.

CHAPTER 413

NEW ENGLAND HIGHER EDUCATION COMPACT

SUBCHAPTER 1

COMPACT

§11001. Purposes - Article I

The purposes of the New England Higher Education Compact shall be to provide greater educational opportunities and services through the establishment and maintenance of a coordinated educational program for the persons residing in the several states of New England parties to this compact, with the aim of furthering higher education in the fields of medicine, dentistry, veterinary medicine, public health and in professional, technical, scientific, literary and other fields.

§11002. Board of Higher Education - Article II

1. Creation. There is created and established a New England Board of Higher Education, in this chapter known as the "board," which shall be an agency of each state party to the compact.

2. Powers. The board shall be a body corporate and politic, having the powers, duties and jurisdiction enumerated and such other and additional powers as shall be conferred upon it by the concurrent act or acts of the compacting states.

3. Composition. The board shall consist of 8 resident members from each compacting state, at least 2 of whom shall be members of the Legislature, chosen in the manner and for the terms provided by law of the several states parties to this compact.

§11003. Entry into force - Article III

This compact shall become operative immediately as to those states executing it whenever any 2 or more of the States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island and Connecticut have executed it in the form which is in accordance with the laws of the respective compacting states.

§11004. Officers; meetings; organization - Article IV

1. Officers. The board shall annually elect from its members a chairperson and vice-chairperson and shall appoint and at its pleasure remove or discharge said officers.

2. Employees. It may appoint and employ an executive secretary and may employ such stenographic, clerical, technical or legal personnel as shall be necessary and at its pleasure remove or discharge such personnel.

3. Rules. It shall adopt a seal and suitable bylaws and shall promulgate any and all rules which may be necessary for the conduct of its business.

4. Office. It may maintain an office or offices within the territory of the compacting states.

5. Meetings. It may meet at any time or place. Meetings shall be held at least once each year. A majority of the members shall constitute a quorum for the transaction of business, but no action of the board imposing any obligation on any compacting state shall be binding unless a majority of the members from the compacting state shall have voted in favor thereof. Where meetings are

planned to discuss matters relevant to problems of education affecting only certain of the compacting states, the board may vote to authorize special meetings of the board members of such states.

6. Accounts. The board shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the governor and the legislature of each compacting state, setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the compacting states which may be necessary to carry out the intent and purpose of this compact.

7. Credit. The board shall not pledge the credit of any compacting state without the consent of the Legislature thereof given pursuant to the constitutional processes of said state. The board may meet any of its obligations in whole or in part with funds available to it under Article VII of this compact; provided that board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the board makes use of funds available to it under Article VII, the board shall not incur any obligations for salaries, office, administrative, traveling or other expenses prior to the allotment of funds by the compacting states adequate to meet the same.

8. Audit. Each compacting state reserves the right to provide hereafter by law for the examination and audit of the accounts of the board.

9. Disbursements. The board shall appoint a treasurer and assistant treasurer who may be empowered to perform any and all duties of the treasurer. Fiscal disbursements of the board should be valid only when authorized by any 2 persons from among those authorized by the board to execute this authority, and when substantiated by vouchers signed and countersigned by any 2 members from among those authorized by the board to execute this authority.

10. Records. The executive secretary shall be custodian of the records of the board with authority to attest to and certify such records or copies thereof.

§11005. Powers and duties - Article V

The board may:

1. Data reports. Collect, correlate and evaluate data

in the fields of its interest under this compact; publish reports, bulletins and other documents making available the results of its research; and, in its discretion, charge fees for those reports, bulletins and documents;

2. Contractual agreements or arrangements. Enter into such contractual agreements or arrangements with any of the compacting states or agencies thereof and with educational institutions and agencies as may be required in the judgment of the board to provide adequate services and facilities in educational fields covered by this compact. It shall be the policy of the board in the negotiation of its agreements to serve increased numbers of students from the compacting states through arrangements with then existing institutions, whenever in the judgment of the board adequate service can be so secured in the New England region. Each of the compacting states shall contribute funds to carry out the contracts of the board on the basis of the number of students from such state for whom the board may contract.

Contributions shall be at the rate determined by the board in each educational field. Except in those instances where the board by specific action allocates funds available to it under Article VII, the board's authority to enter into such contracts shall be only upon appropriation of funds by the compacting states. Any contract entered into shall be in accordance with rules and regulations promulgated by the board and in accordance with the laws of the compacting states.

§11006. Appropriations - Article VI

Each state agrees that, when authorized by the legislature pursuant to the constitutional processes, it will from time to time make available to the board such funds as may be required for the expenses of the board as authorized under the terms of this compact. The contribution of each state for this purpose shall be in the proportion that its population bears to the total combined population of the states who are parties hereto as shown from time to time by the most recent official published report of the Bureau of the Census of the United States, unless the board shall adopt another basis in making its recommendation for appropriation to the compacting states.

§11007. Gifts - Article VII

The board for the purposes of this compact may receive grants, devises, gifts and bequests which the board may agree to accept and administer. The board shall administer property held in accordance with special trusts, grants and

bequests, and shall also administer grants and devises of land and gifts or bequests of personal property made to the board for special uses, and shall execute said trusts, investing the proceeds thereof in notes or bonds secured by sufficient mortgages or other securities.

§11008. Severability - Article VIII

The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact is held to be contrary to the constitution of any compacting state the compact shall remain in full force and effect as to all other compacting states.

§11009. Withdrawal - Article IX

This compact shall continue in force and remain binding upon a compacting state until the legislature or the governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action shall not be effective until 2 years after notice thereof has been sent by the governor of the state desiring to withdraw to the governors of all other states then parties to the compact. Such withdrawal shall not relieve the withdrawing state from its obligations accruing prior to the effective date of withdrawal. Any state so withdrawing, unless reinstated, shall cease to have any claim to or ownership of any of the property held by or vested in the board or to any of the funds of the board held under the terms of the compact. Thereafter, the withdrawing state may be reinstated by application after appropriate legislation is enacted by such state, upon approval by a majority vote of the board.

§11010. Defaults; suspension - Article X

If any compacting state shall at any time default in the performance of any of its obligations assumed or imposed in accordance with this compact, all rights and privileges and benefits conferred by this compact or agreement hereunder shall be suspended from the effective date of such default as fixed by the board. Unless such default shall be remedied within a period of 2 years following the effective date of such default, this compact may be terminated with respect to such defaulting state by affirmative vote of 3/4 of the other member states. Any such defaulting state may be reinstated by:

1. Performance. Performing all acts and obligations upon which it has heretofore defaulted; and

2. Approval. Application to and approved by a majority vote of the board.

SUBCHAPTER II

PROVISIONS RELATING TO COMPACT

§11051. Ratification

The Governor, on behalf of this State, may enter into a compact, substantially in the form provided in this chapter, with any one or more of the States of Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont, that compact to be effective upon the filing of a copy thereof in the office of the Secretary of State.

§11052. Purposes

The several New England states cooperatively deem it feasible to provide needed, acceptable, efficient, educational facilities to meet the needs of New England in the fields of medicine, dentistry, veterinary medicine and other fields of technical, professional and graduate training.

§11053. Board

1. Membership. Of the 8 members who shall represent this State:

A. One shall be the current Chancellor of the University of Maine, ex officio;

B. One shall be the commissioner, ex officio;

C. Four shall be named by the Governor for 2-year terms;

D. One shall be a member of the Senate appointed by the President of the Senate; and

E. One shall be a member of the House of Representatives appointed by the Speaker of the House.

2. Expenses. All members shall receive their actual expenses incurred in the performance of their official duties.

§11054. Duties of board

The board on the part of the State shall obtain accurate accounts of all the board's receipts and disbursements and shall report to the Governor and the Commissioner of Finance and Administration annually on or before the 15th day of September, setting forth in such detail as the commissioner may require the transactions of the board for the fiscal year ending on the preceding June 30th. They shall include in such report recommendations for any legislation as may be necessary or desirable to carry out the intent and purposes of the New England Higher Education Compact among the states joining.

§11055. Effective date

When the Governor shall have executed this compact on behalf of this State, and shall have caused a verified copy thereof to be filed with the Secretary of State, and when the compact shall have been ratified by one or more of the states named in section 11051 then this compact shall become operative and effective as between this State and such other state or states. The Governor shall take such action as may be necessary to complete the exchange and filing of official documents as between this State and any other state ratifying the compact, and to take such steps as may be necessary to secure the consent of the Congress of the United States to the compact.

CHAPTER 415TUITION EQUALIZATION FUND§11201. Definition

As used in this chapter, unless the context clearly indicates otherwise, the term "eligible private institution of higher education" means an institution meeting the requirements as set forth in the United States Higher Education Act of 1965, Section 1201, as amended, 29 United States Code 1141, and the United States Higher Education Act of 1965, Section 491, as amended, 20 United States Code 1088, and the regulations and guidelines promulgated by the United States Secretary of Education pursuant to those provisions of federal law and published in the Federal Register. Also, the institution must be authorized to grant degrees in accordance with chapter 409.

§11202. Tuition equalization fund

1. Establishment. The State Tuition Equalization Fund shall be established in the department. The moneys in this fund shall be distributed, under rules adopted or amended by

the commissioner, to Maine high school graduates who are attending eligible private institutions of higher education in this State as full-time undergraduates.

2. Eligibility. To be eligible for a grant, a student shall demonstrate substantial need and have a family income, measured by taxable income for federal income tax purposes, of less than \$17,000. Individual grants shall not exceed \$1,000 for each school year.

§11203. Selection

The selection of grant recipients shall be made with the cooperation of the Higher Education Council.

CHAPTER 417

STUDENT LOANS

§11401. Purpose

The purpose of this chapter is to enable the state board to establish a student loan insurance program, meeting certain federal requirements, in order to secure loans to Maine students attending institutions of higher education, including vocational training institutions, in accordance with the direction in the Constitution of Maine, Article VIII, Part First, Section 2.

§11402. Loan insurance program established

The state board may establish a student loan insurance program to insure payment of loans to Maine students. This program shall meet the requirements of federal acts and statutes relating to federal, state and private programs of low-interest insured loans to students in institutions of higher education, as provided in the United States Higher Education Act of 1965 and regulations promulgated under the Act. To this end, the faith and credit of the State is pledged consistent with the terms and limitations of the Constitution of Maine, Article VIII, Part First, Section 2.

§11403. Student Loan Insurance Fund

1. Establishment. There is established a Student Loan Insurance Fund, which shall be used by the state board as a nonlapsing, revolving fund for carrying out this chapter.

2. Sum; charges and credits. The fund shall initially be in the sum of \$5,000. To this sum shall be:

A. Charged all expenses of the state board for their operations under this chapter, including interest and principal payments required by loan defaults; and

B. Credited all amounts received by the state board under this chapter.

3. Excess moneys. Moneys in the fund, not needed currently to meet the obligations of the state board as an insurer, shall be deposited with the Treasurer of State to the credit of the fund, or may be invested as provided by statute.

§11404. Additions to Student Loan Insurance Fund

1. Request of board. The state board may, in writing, request the Governor to provide additional funds to add to the Student Loan Insurance Fund to meet its obligations.

2. Transfer of funds. The Governor shall transfer to the fund sufficient moneys for the requested purpose from the State Contingent Account or from the proceeds of bonds to be issued as provided in this section.

3. Bonds. Bonds shall be issued as follows.

A. The Governor shall order the Treasurer of State to issue bonds in the amount requested, but not exceeding in the aggregate outstanding at any one time the amount set forth in the Constitution of Maine, Article VIII, Part First, Section 2.

B. Bonds shall mature serially or be made to run for such periods as the Governor may determine, but not for a term of more than 20 years.

C. The Governor shall determine the rates of interest and the terms and conditions of the bonds.

D. The bonds shall be deemed a pledge of the faith and credit of the State.

§11405. Powers and duties

Under this chapter, the state board may:

1. Rules. Adopt, amend or enforce rules to carry out the purposes of this chapter;

2. Agents. Choose a suitable agent to administer the affairs and activities required by this chapter or by appli-

cable federal provisions; and

3. Agreements. Enter into agreements with the United States Secretary of Education relating to federal, state and private programs of low-interest insured loans to students in institutions of higher education, within the United States Higher Education Act of 1965.

§11406. Loans to minors

Notwithstanding any other law, if the borrower on a loan insured under this program is a minor, an otherwise valid note or other written agreement executed by him for the purpose of the loan shall create a binding obligation.

CHAPTER 419

STUDENT INCENTIVE SCHOLARSHIP PROGRAM

§11601. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Academic year and in attendance. "Academic year" and "in attendance" means the same as the definitions of these terms contained in Section 1201 of the United States Higher Education Act of 1965, as amended, (29 United States Code 1141) and section 491 of the United States Higher Education Act of 1965, as amended, (20 United States Code 1088) and the regulations, guidelines and procedures promulgated by the secretary and published in the Federal Register pursuant to these sections of federal law.

2. Actual cost-of-attendance. "Actual cost-of-attendance" means the same as the definition contained in the Federal Basic Educational Opportunity Grant Program, Section 411 of the United States Higher Education Act of 1965, as amended, (20 United States Code, 1070a) and the regulations, guidelines and procedures promulgated by the secretary and published in the Federal Register. If the secretary does not publish regulations, guidelines and procedures, the commissioner shall adopt or amend rules to be used in determining "actual cost-of-attendance" for the purposes of the Maine Student Incentive Scholarship Program.

3. Expected family contribution. The "expected family contribution" means the amount which the family of a student may be reasonably expected to contribute toward his post-secondary education for the academic year for which the

student is seeking a state student incentive scholarship. The method of determining "expected family contribution" shall be uniformly applied to all students. It shall be established by rules of the department. In establishing the method, the department shall consider using the system as promulgated by the Secretary for the Basic Educational Opportunity Grant Program pursuant to Section 411 of the United States Higher Education Act of 1965, as amended, (20 United States Code 1070a) or methods commonly used by colleges and universities, such as those of the College Scholarship Service or American College Testing Service.

4. Institution of higher education. "Institution of higher education" means an institution of higher education located within this State, or within another state with which this State has a reciprocal agreement. The institutions shall meet the requirements of and conform to the definitions contained in Section 1201 of the United States Higher Education Act of 1965, as amended, (29 United States Code 1141) and Section 491 of the United States Higher Education Act of 1965, as amended, (20 United States Code 1088) and the regulations, guidelines and procedures promulgated by the secretary and published in the Federal Register pursuant to these sections of law.

§11602. Establishment

The commissioner shall administer a program of state student incentive scholarships.

§11603. Eligibility

The scholarships shall be given only to residents of the State who:

1. Graduated. Have graduated from an approved secondary school or matriculated at a post-secondary school prior to high school graduation, or have successfully completed a general educational development examination or its equivalent;

2. Accepted as undergraduate. Have been accepted for enrollment as undergraduates in, or are in good standing as undergraduates at, institutions of higher education according to the prescribed standards, regulations and practices of those institutions and have met the required academic standards for admission;

3. Applied for grants. Have applied for these grants according to schedules and procedures and on forms as the department may require;

4. Agreement on costs. Have agreed that costs not provided for by federal grants shall be covered by the student and the student's family in the form of self-help, such as loans and extra work, or by merit scholarships, veterans' benefits or other resources which the student has obtained by merit, previous service or similar personal efforts prior to the awarding of any scholarship under this chapter; and

5. Shown need. Have been determined by the department to be of substantial financial need according to the criteria set forth in section 11604.

The commissioner may adopt or amend rules to establish the criteria to demonstrate residency.

§11604. Determination of need

1. Method. The commissioner shall establish the need of a student for a state student incentive scholarship for an academic year for which the student applies, by determining the difference between:

A. The sum of the student's expected family contribution and the student's basic grant, if any, received under the Federal Basic Educational Opportunity Grant Program (20 United States Code 1070a) for the academic year for which the student is applying for a state student incentive scholarship. The commissioner may also consider the contributions of the student and the student's family in the form of self-help or in the form of merit scholarships, veterans' benefits or other resources which the student has obtained by merit, previous service or similar personal efforts or could reasonably be required to obtain, unless there is ample proof to the contrary that this latter requirement is impossible to fulfill; and

B. The actual cost-of-attendance at the institution of higher education at which the student has been accepted for enrollment, or at which the student is in good standing.

2. Determination. The student's need shall serve as the basis on which the commissioner determines the state student incentive scholarship to that student for an academic year.

§11605. Determination of grants

Grants to eligible students shall be determined as fol-

lows, subject to the limitations set forth in section 11604.

1. Full-time. In the case of an eligible student who is in attendance on a full-time basis, the amount of the scholarship awarded the student shall not exceed 50% of the need of that student, or \$1,500, whichever is less, for a single academic year.

2. Half-time. In the case of an eligible student who is in attendance less than fulltime, but at least halftime, the amount of the scholarship awarded to that student shall be reduced in proportion to which that student is not attending a full-time basis.

3. Minimum. A scholarship of less than \$200 a year may not be awarded to a student.

4. Less than half-time. A student who is in attendance on a less than half-time basis, as defined by the commissioner, may not be awarded a scholarship.

5. Withdrawal. If a recipient of a scholarship withdraws from an institution and if the student is entitled to a refund of tuition, fees or other charges, the institution shall pay directly to the State from that refund a sum which represents the portion of the scholarship paid to the student for the portion of the academic year that the student did not complete.

§11606. Schedule of reductions in grants

Prior to March 1st of each year, the commissioner shall evaluate the availability of state and federal funds for the scholarship program in relationship to the number of students eligible for grant assistance. If funds will be insufficient to pay scholarships under the conditions set forth in section 11605, the commissioner shall publish, no later than March 1st, a schedule of reductions in scholarships for the succeeding academic year. The schedule of reductions shall be effective for not longer than one academic year, except if renewed by republication by the commissioner prior to the following March 1st.

§11607. Length of grant; period of study

1. Length of grant. A scholarship grant shall be for a period not to exceed one academic year. A student may apply for a new grant for each year during the period required for completion of the undergraduate course of study being pursued by that student.

2. Period of study. A student may receive a scholarship during the period required for the completion of the undergraduate course of study being pursued by that student at the institution at which the student is in attendance. The period may not exceed 8 semesters or its equivalent for the full-time student and 16 semesters or 120 credit hours, whichever is completed first, for the part-time student. The period may be extended for not more than one additional academic year, if:

A. The student is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over 5 academic years; or

B. The student will be unable to complete a course of study within 4 academic years because of a requirement of the institution that the student enroll in a noncredit remedial course of study. The "noncredit remedial course of study" means a course of study for which no credit is given toward an academic degree and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to that degree.

§11608. Program administration

1. Responsibility of the department. The commissioner shall administer the scholarship program, including establishing and maintaining fund accounting and control procedures as required by state law, or as necessary for the State to be eligible to receive federal assistance under the Federal State Incentive Grant Program, Title IV, Part A, Subpart 3 of the United States Higher Education Act of 1965, as amended, (20 United States Code 1070C-1, 1070C-2 and 1070C-3).

2. Guidelines and rules. The following provisions shall apply to the program.

A. The commissioner shall develop rules, procedures, schedules and forms necessary to carry out the purposes of this program, including the adoption of reciprocal agreements with other states.

B. To the maximum extent possible consistent with the need for state control of this program, the commissioner shall use or follow the guidelines, rules, regulations, procedures, forms and schedules set forth by the Secretary for the Administration of the Federal Basic Educational Opportunity Grant Program, Title IV,

Part A, Subpart 1 of the United States Higher Education Act of 1965, as amended, (20 United States Code 1070a).

3. University of Maine; grant allocation. The department may allocate up to 25% of the state student incentive scholarship grants to eligible students attending the University of Maine. The balance of funds shall be granted to eligible students attending other institutions of higher education.

CHAPTER 421

POSTGRADUATE EDUCATION

IN THE FIELD OF MEDICINE

§11801. Legislative intent

1. Admission of Maine residents to educational institutions. It is the intent of the Legislature to assure, to the greatest extent possible, the admission of qualified Maine residents to educational institutions providing programs of instruction leading to doctoral degrees in allopathic medicine, dentistry, optometry and veterinary medicine.

2. Responsibility for program. It is the intent of the Legislature, consistent with the purposes of this chapter, that the commissioner shall administer the program and develop a plan which assures, to the extent practicable, that Maine contract students, or a similar number of out-of-state medical school graduates, return to practice their profession within the State, particularly in primary care in underserved areas.

3. Advisory committee. It is the intent of the Legislature, consistent with the purposes of this chapter, to establish an Advisory Committee on Medical Education to assist the commissioner in planning and administration of the professional health program and particularly in the development of clinical education sites and continuing education, which are funded primarily by sources other than patient charges.

§11802. Definitions

For the purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Clinical education site. "Clinical education site"

includes both clinical clerkship sites and preceptorship sites.

A. "Clinical clerkship site" means an on-location teaching environment in conjunction with residency training.

B. "Preceptorship site" means a training site ranging from a one-to-one training site between a physician and medical student to a training site in a health clinic or hospital without a residency program.

2. Final determination of residency. "Final determination of residency" means the decision on residency made subject to rules of the department. Criteria for these rules shall include length of residence, secondary school attended, legal residence of parent, voting registration and place where taxes are paid.

3. Primary care. "Primary care" means the practice of general or family medicine, internal medicine, pediatrics, obstetrics and gynecology.

4. State capitation payment. "State capitation payment" means the amount agreed on between the State and the institution for the purchase of the student space.

5. State contract student. A "state contract student" means a Maine resident who is enrolled in an educational program at an educational institution for which program the State:

A. Has entered into a contractual arrangement with the institution; and

B. Expends funds under this arrangement in return for a guarantee on the part of the institution that student positions will be made available to Maine residents.

6. Underserved areas. "Underserved areas" means those geographic locations which meet the Health Maintenance Organization Act definition of medically underserved areas as described in the Federal Register, Vol. 42, number 201, October 15, 1976, or its successor.

§11803. Agreement of state contract student with the State; September 1, 1977, to June 30, 1981

1. Agreement. State contract students commencing their professional education between September 1, 1977, and June 30, 1981, shall, as a condition precedent to the com-

mencement of that education, enter into an agreement with the State under which the student shall agree:

A. To pay tuition to the institution;

B. That, on the conclusion of his professional education, including internship, residency and obligated public health service and Armed Forces' service, he shall pay the State an amount of money equal to the state capitation payment for the student position which he occupied. The commissioner may adopt or amend rules to define the conclusion of professional education; and

C. The payments shall be payable at 6% simple annual interest in not more than 10 equal annual installments.

2. Forgiveness of indebtedness. The agreement shall provide that 1/4 of the indebtedness shall be forgiven for each year in which the state contract student practices his profession within the State in primary care or other specialized areas as determined by the commissioner, with the advice of the Advisory Committee on Medical Education. For other state contract students returning to practice their profession in Maine, 1/4 of their indebtedness shall be forgiven for each of the first 2 years of practice.

§11804. Agreement for contract students after July 1, 1981

Any state contract student commencing professional education on or after July 1, 1981, shall, as a condition precedent to the commencement of the education, enter into an agreement with the State under which the student shall agree:

1. Tuition to institution. To pay tuition to the institution; and

2. Repayment to State: Upon the conclusion of professional education, including internship, residency and obligated public health service, to pay the State an amount of money equal to the state capitation payment expended by the State in purchasing the state contracted position which the student occupied.

A. This amount shall be payable at 9% simple annual interest in not more than 10 annual equal installments.

B. These installment payments shall commence upon conclusion of the state contract student's professional education under rules promulgated by the commissioner.

§11805. Positions

1. Negotiations. The commissioner shall, directly or through the New England Board of Higher Education, negotiate with educational institutions to secure positions for state contract students in the fields of allopathic medicine, dentistry, optometry and veterinary medicine.

2. Purchase of positions at medical schools; September 1, 1977, and June 30, 1981. Money to purchase positions at medical schools may be expended between September 1, 1977 and June 30, 1981 as follows.

A. The commissioner may expend appropriated money between September 1, 1977, and June 30, 1981, for the purchase of positions at accredited medical schools, for not more than:

(1) A total of 40 positions each year, divided among the University of Vermont College of Medicine, Tufts University School of Medicine, Dartmouth Medical School or other accredited medical schools, to a total of 160;

(2) A total of 10 positions each year divided among Tufts School of Dental Medicine or other accredited dental schools, to a total of 25;

(3) A total of 4 positions each year, divided among the University of Pennsylvania School of Veterinary Medicine, the New York State College of Veterinary Medicine at Cornell University, Tufts University School of Veterinary Medicine or other accredited schools of veterinary medicine, to a total of 16;

(4) A total of 2 positions each year at the New England College of Optometry, to a total of 8; and

(5) A total of 10 positions each year at the New England College of Osteopathic Medicine, to a total of 40.

B. The department shall not exceed the total number of spaces, but may allocate the number of spaces at the various institutions based on the spaces available for the academic school years, the cost of securing the student space, the number of applications and the primary care residency program needs.

3. Purchase of positions at medical schools after July

1, 1981. Money to purchase positions at medical schools may be expended after July 1, 1981 as follows:

A. The Department of Educational and Cultural Services may expend the money appropriated by the Legislature, for the purchase of positions at accredited medical schools to purchase:

(1) Up to 18 positions each year, to a total of 72 positions, at accredited schools of allopathic medicine;

(2) Up to 2 positions each year, to a total of 8 positions, at accredited schools of dentistry;

(3) Up to 2 positions each year, to a total of 8 positions, at accredited schools of veterinary medicine; and

(4) Up to one position each year, to a total of 4 positions, at accredited schools of optometry.

B. The department shall not exceed the total number of spaces identified in this subsection for students commencing their professional education on or after July 1, 1981, but may allocate the number of spaces at the various institutions based on:

(1) The spaces available for the academic school years;

(2) The cost of securing the student's space;

(3) The number of applications; and

(4) The primary care residency program needs.

§11806. Instate clinical education programs; development of a plan

1. Return to practice in Maine. The commissioner shall develop a plan which assures, to the extent practicable, that contract students, or a similar number of out-of-state medical school graduates, return to practice their profession within the State, particularly in primary care in underserved areas of the State. This plan shall be completed and presented to the Legislature and the Governor before February 1st each year.

2. Plan. This plan shall include:

A. The development of a coordinated mechanism for the administration of the compact;

B. The projected number of student spaces needed and projected costs in all professional health fields;

C. Recommendations for the future need of this program;

D. The development of sites for student clinical training;

E. The percentage of the total amount expended for the purchase of the space at the contract institutes that will return with the student undertaking clinical education in the State;

F. The development of incentives to practice in primary care and underserved areas; and

G. Recommendations for utilizing contract funds to provide assistance to Maine residency programs.

3. Coordination. To avoid duplication in the undertaking of this plan, the commissioner shall coordinate all activities with other professional health agencies and organizations.

§11807. Advisory Committee on Medical Education

1. Committee. The Advisory Committee on Medical Education shall assist the commissioner in developing the plan.

2. Members. The advisory committee shall consist of 15 members, who shall be appointed by the commissioner and subject to approval by the committee having jurisdiction over education. Membership of the advisory committee shall include representatives from those health care agencies and associations, public and private, whose activities are relevant to the objectives of the plan, as determined by the commissioner. Members shall be appointed for a 2-year term.

3. Vacancies. In the case of vacancies or resignations, appointments shall be made as for a new member to fill the vacancies until the expiration of the terms.

§11808. Nonlapsing fund

Any unexpended money appropriated by the Legislature under section 11805 shall not lapse, but shall be carried forward to the following year to be expended by the depart-

ment for the purpose of purchasing positions at medical schools. Moneys returned to the State shall be deposited in a revolving account, to be expended for the purpose of purchasing contract spaces at medical schools.

§11809. Annual review

The legislative committee having jurisdiction over appropriations and financial affairs shall annually review the program established under this chapter.

CHAPTER 423

LOANS FOR CANDIDATES FOR

PRACTICE OF OSTEOPATHIC MEDICINE

§12001. Purpose

1. Purpose. The purpose of this chapter is to provide for persons who desire to practice osteopathic medicine in this State.

2. Findings. The provision of financial assistance in securing this type of higher education is an important public purpose. Many qualified youth are deterred by financial considerations from securing this type of higher education resulting in irreparable loss to the State in maintaining the health of its residents.

§12002. State Osteopathic Loan Fund

1. Creation. The State Osteopathic Loan Fund shall be used by the commissioner as a nonlapsing, revolving fund for carrying out this chapter. The fund shall initially be in the sum of \$40,000.

2. Continuity. The program shall be a continuing one. The commissioner shall include in his biennial budget an appropriate request adequate to fund the loan program.

3. Excess. Moneys in the fund, not needed currently to meet the obligations under this chapter shall be deposited with the Treasurer of State to the credit of the fund, or may be invested in any manner provided for by statute.

§12003. Eligibility for loans

An applicant shall be eligible for a loan under this chapter when the commissioner, after consultation with the executive committee of the Maine Osteopathic Association,

finds that the applicant:

1. Residency. Has been a resident of this State for a minimum of 3 years at any time prior to application;

2. Qualifications. Is attending or will immediately attend an osteopathic college or university accredited by the American Osteopathic Association;

3. Financial resources. Will, in the absence of a loan, be deterred by financial considerations from beginning or completing a course of study at an osteopathic college or university; and

4. Return to Maine. Shows a genuine interest in returning to this State to practice osteopathic medicine.

§12004. Repayment for pre-June 30, 1981 students

1. Agreement. A student commencing professional education between September 1, 1977 and June 30, 1981, as a condition of receiving a loan, shall enter into an agreement with the State that the student, after the completion of an internship, residency, obligated public health service or Armed Forces' service, shall enter in the practice of osteopathic medicine in this State and continue in that practice for a period of one year for each \$2,000 of the loan utilized.

2. Initial interest. The loan shall be granted to the applicant with no interest or principal payments until one year after he has ended his attendance at that osteopathic college or university.

3. Breach of contract. If a recipient of a loan fails to comply with the terms of the agreement with the State for reasons other than death, the recipient shall immediately be liable to the State for all loan payments received plus interest on each payment at the rate of 6% each year compounded semiannually.

4. Repayment process. If a recipient of a loan practices osteopathic medicine in a community in this State for only a part of the total compensatory practice agreed upon, the recipient shall be liable to the State only for the amount granted under the loan plus interest at the rate of 6% each year compounded semiannually. This amount shall be reduced by a credit at the rate of \$2,000 plus interest for each year the recipient has actually practiced in the State. The loan shall be repaid within 12 years of graduation.

§12005. Agreement for osteopathic loan students after July 1, 1981

1. Agreement. Any osteopathic loan student commencing professional education on or after July 1, 1981, shall, as a condition precedent to receiving the loan, enter into an agreement with the Commissioner of Educational and Cultural Services stating that, following completion of professional education, including internship, residency and obligated public health service, the student shall pay the State an amount of money equal to the loan received.

2. Repayment. This amount shall be payable at 9% simple annual interest in not more than 10 annual equal installments. These installment payments shall commence at such time as the state contract student concludes professional education under rules promulgated by the commissioner.

CHAPTER 425NATIONAL DEFENSE EDUCATION PROGRAM§12201. Acceptance of program

The State, having accepted the provisions and benefits of the United States National Defense Education Act of 1958, Public Law 85-864, shall observe and comply with that Act.

§12202. Custodian of funds

The Treasurer of State shall be the custodian of all moneys received by the State from the Federal Government for administration, supervision and assistance to subdivisions of the State, in the expansion and improvement of educational programs. The treasurer may receive and provide for the proper custody of moneys and make disbursements on the order of the commissioner.

§12203. State agency

The state board shall be the sole state agency to administer and supervise national defense activities under the United States National Defense Education Act of 1958, Public Law 85-864. Subject to the approval of the state board, its executive officer:

1. Rules. May make rules subject to section 3;
2. Agreements. Shall enter into agreements with state and federal agencies providing educational services related

to national defense; and

3. Plans. Shall prepare, issue and amend state plans for the administration of titles of the Act requiring state plans.

§12204. Appropriation

The state board may accept federal and other funds made available for purposes of education, and may cooperate with the United States Department of Health and Human Services in carrying out the United States Defense Education Act of 1958, Public Law 85-864, and other federal programs as may concern the expansion or improvement of educational programs to meet national needs.

CHAPTER 427

NORTH AMERICAN INDIAN SCHOLARSHIPS

§12401. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. North American Indians residing in Maine. "North American Indians residing in Maine" means those persons:

A. Whose names are included on the current tribal census of either the Passamaquoddy Tribe or Penobscot Nation; or

B. Who are members of the Maliseet and Micmac Tribes and:

(1) Individually prove 1/4 Indian blood; and

(2) Have resided in this State during 5 consecutive years immediately preceding their application for a scholarship.

2. Properly accredited institutions. "Properly accredited institutions" means secondary and post-secondary institutions of learning which are:

A. Approved or accredited by the Department of Education of the state in which they are located;

B. Approved or accredited by a regional association of secondary schools and colleges; or

C. Approved for payment of tuition by the United States Veterans' Administration.

§12402. Scholarship fund

The North American Indian Scholarship Fund shall assist North American Indians residing in this State to obtain a secondary or post-secondary education, or both, from properly accredited institutions.

§12403. Committee

1. Purpose. The Indian Scholarship Committee may approve grants under this chapter.

2. Composition. The Indian Scholarship Committee shall be composed as follows:

A. The superintendent of schools of Maine Indian education;

B. One representative of the Passamaquoddy Tribe at Indian Township chosen by the tribal council;

C. One representative of the Passamaquoddy Tribe at Pleasant Point chosen by the tribal council;

D. Two representatives of the Penobscot Nation, chosen by the tribal council of the Penobscot Nation;

E. Two representatives of the Association of Aroostook Indians, Inc., chosen by the board of directors of the Association of Aroostook Indians, Inc.;

F. Two representatives of Central Maine Indian Association, Inc., one Micmac and one Maliseet, chosen by the board of directors of the Central Maine Indian Association, Inc.; and

G. A representative of the Chancellor of the University of Maine.

3. Term of service. The term shall be for one, 2 or 3 years, as determined by the appointing authority.

4. Acceptance of funds. The committee may accept funds for scholarships.

§12404. Application

A student meeting the requirements of properly accred-

ited institutions may apply for a grant, not exceeding \$3,000 a year, for the purpose of paying his tuition, room, board, books and other costs of attending that institution.

§12405. Institutional grant

An institution that enrolls a grant recipient may apply for a grant, not to exceed \$1,000 per enrolled grant recipient, to establish and conduct a program of support services for the grant recipient.

§12406. Grant limitation

If funds are available from the Federal Bureau of Indian Affairs, a grant may not be given to any Penobscot or Passamaquoddy student or to any institution when the student is enrolled in a 4-year post-secondary degree-granting program. This limitation shall not apply to Micmac or Maliseet Indians who are not eligible for Federal Bureau of Indian Affairs Scholarship assistance.

PART 6

TEACHERS

CHAPTER 501

CERTIFICATION AND REGISTRATION OF TEACHERS

§13001. Duties of the state board

1. Policy for certification. The state board shall establish policies under which the commissioner may:

A. Certify teachers and other professional personnel for service in a public school or in an approved private school;

B. Certify adult education teachers and other teaching and professional personnel in publicly supported educational programs other than those in the public schools, post-high school institutions, colleges and universities;

C. Approve the employment of teacher aides, teacher assistants or other semiprofessional personnel for service in schools;

D. Seek a revocation of a certificate in the Administrative Court; and

E. The state board may adopt rules to carry out this subsection.

2. Specific policies. The policies established by the state board shall include:

A. The interstate agreement in chapter 511; and

B. The requirement that:

(1) All applicants furnish evidence of good moral character; and

(2) Applicants for elementary school teaching furnish evidence of training in physiology and hygiene, with special reference to the effects of alcohol stimulants and narcotics upon the human system.

3. Persons holding certificates from other states. Certificates may be granted to persons holding certificates granted by authority of other states.

4. Renewal of certification; permits and special licenses. Certification permits and special licenses shall be renewed as follows.

A. The renewal of a teaching certificate shall be conditional on the completion of at least 6 hours of professional study within each period of 5 years.

B. The following teachers may be declared eligible for a 10-year term certificate, renewal of which is conditional on the presentation of evidence of professional improvement acceptable to the commissioner:

(1) Teachers qualifying for standard grade certificates, completing 18 credit hours of post-baccalaureate study, and teaching successfully for not less than 4 years; and

(2) Certified teachers who have taught successfully for not less than 25 years.

§13002. Duties of the commissioner

The commissioner shall carry out the duties assigned by the state board under the policies and rules established under section 13001.

§13003. Mandatory certification; penalty

1. Certification. A person must be certified by the commissioner under section 13002 in order to:

A. Teach in any public elementary or secondary school in the State; or

B. Teach in any private school receiving basic approval under section 2901.

2. Penalty. A person who teaches in a public school without first obtaining a teacher's certificate shall be barred from receiving pay or wages for that teaching. The person shall forfeit to the school administrative unit the amounts received as wages for this teaching.

3. Exception. This section does not apply to teachers in secondary schools approved under section 2901, subsection 2, paragraph A.

4. Rules. The state board may adopt rules to carry out this section.

§13004. List of persons certified; records confidential

1. Records. The commissioner shall keep a list of certified teachers. This list shall be a public record. The commissioner shall send copies of the list to school boards and superintendents on their request.

2. Records confidential. Transcripts, recommendations and other documents submitted in support of an application for certification and maintained in the office of the commissioner shall be confidential. They may only be made available to the following:

A. School boards and superintendents;

B. Authorized personnel of the department in fulfilling assigned duties; and

C. Individuals and their representatives who request to examine their own records.

3. Duplication costs. Individuals requesting copies of their records shall bear the costs of copying them.

4. Rules. The state board may adopt rules to carry out this section.

§13005. Registration; list furnished; fee

1. Application. A person eligible to receive or holding a state teacher's certificate, may register as a candidate for employment as a teacher in the public schools on application to the commissioner and payment of \$5. The commissioner may prescribe the manner of the application.

2. Providing information. On request, the commissioner shall furnish:

A. Information relative to registered persons to school boards or superintendents; and

B. Information relative to vacancies in positions in public schools to registered persons.

3. Responsibility of commissioner. The commissioner or a person employed under the commissioner's direction may not be held responsible for, nor be understood to vouch for, the fitness or success of a teacher who may secure a position in a public school through the operation of this section. The acceptance of this enrollment and the payment of the required fee may not be construed as a guarantee for securing employment as a teacher.

4. Fee. The fee shall entitle registration for one year.

§13006. Clerical assistance; disposition of fees

1. Rules. The commissioner may adopt or amend rules for carrying out section 13004 and for obtaining information required as to the experience, qualifications and character of persons seeking employment as teachers. A teacher may be eligible for consideration for employment only so long as the teacher complies with these rules.

2. Accounting. The commissioner shall:

A. Collect and give a receipt for all registration fees; and

B. Report and pay these fees to the Treasurer of State. These fees shall be credited to the General Fund.

3. Clerical assistants. The commissioner may employ clerical and other assistants, subject to the Personnel Law. They shall perform their duties under the general supervision of the commissioner.

CHAPTER 503
TEACHER EMPLOYMENT

§13201. Nomination and election of teachers; teacher con-
tracts

The superintendent shall nominate all teachers, subject to such regulations governing salaries and the qualifications of teachers as the school board shall make. Upon the approval of nominations, by the school board, the superintendent may employ teachers so nominated and approved for such terms as the superintendent may deem proper, subject to the approval of the school board. In case the superintendent of schools and the school committee or school directors fail to legally elect a teacher, the commissioner shall have the authority to appoint a substitute teacher who shall serve until such election is made.

After a probationary period not to exceed 2 years, subsequent contracts of duly certified teachers shall be for not less than 2 years. Unless a duly certified teacher receives written notice to the contrary at least 6 months before the terminal date of the contract, the contract shall be extended automatically for one year and similarly in subsequent years. The right to an extension for a longer period of time through a new contract is specifically reserved to the contracting parties.

Just cause for dismissal or nonrenewal may be a negotiable item in accordance with the procedure set forth in Title 26, chapter 9-A, for teachers who have served beyond the probationary period.

After a probationary period of 2 years, any teacher, who receives notice in accordance with this section that his contract is not going to be renewed, may during the 15 days following such notification request a hearing with the school board. The teacher may request reasons. The hearing shall be private except by mutual consent and except that either or both parties may be represented by counsel. That hearing must be granted within 30 days of the receipt of the teacher's request.

The right to terminate a contract, after due notice of 90 days, is reserved to the school committee or school directors when changes in local conditions warrant the elimination of the teaching position for which the contract was made.

§13202. Teacher dismissal

A school board, after investigation, due notice of

hearing and hearing thereon, shall dismiss any teacher, although having the requisite certificate, who proves unfit to teach or whose services the board deems unprofitable to the school; and give to that teacher a certificate of dismissal and of the reasons for the dismissal, a copy of which the board shall retain. That dismissal shall not deprive the teacher of compensation for previous services.

CHAPTER 505

TEACHERS' SALARIES

§13401. Equal pay

In assigning salaries to teachers of public schools, discrimination may not be made between male and female teachers with the same training and experience employed in the same grade or performing the same kinds of duties.

§13402. Minimum salaries

1. Minimum salary schedule. A school administrative unit shall pay those teachers, except substitute teachers as defined by the commissioner, the following minimum salaries.

<u>Years of teaching experience</u>	<u>Certified teachers</u>	<u>Teachers with 3 years of professional study beyond high school</u>	<u>Teachers with 4 years of study beyond high school and with a bachelor's degree</u>	<u>Teachers with an earned master's degree</u>
<u>0</u>	<u>\$3,500</u>	<u>\$4,000</u>	<u>\$5,000</u>	<u>\$5,300</u>
<u>1</u>	<u>3,600</u>	<u>4,200</u>	<u>5,200</u>	<u>5,500</u>
<u>2</u>	<u>3,700</u>	<u>4,400</u>	<u>5,400</u>	<u>5,700</u>
<u>3</u>	<u>3,800</u>	<u>4,600</u>	<u>5,700</u>	<u>6,100</u>
<u>4</u>	<u>3,900</u>	<u>4,800</u>	<u>6,100</u>	<u>6,500</u>
<u>5</u>	<u>4,000</u>	<u>5,000</u>	<u>6,500</u>	<u>6,900</u>
<u>6</u>	<u>4,100</u>	<u>5,200</u>	<u>6,700</u>	<u>7,100</u>
<u>7</u>	<u>4,200</u>	<u>5,400</u>	<u>6,900</u>	<u>7,300</u>
<u>8</u>	<u>4,300</u>	<u>5,600</u>	<u>7,100</u>	<u>7,500</u>
<u>9</u>	<u>4,400</u>	<u>5,800</u>	<u>7,300</u>	<u>7,700</u>
<u>10</u>	<u>4,500</u>	<u>6,000</u>	<u>7,500</u>	<u>8,000</u>

2. Increase. Notwithstanding other provisions of this section, a school administrative unit may not be required to increase the salary of any teacher more than \$500 in one school year.

3. Substitute teachers. Substitute teachers with 4 years of study beyond high school and with a bachelor's degree and a teacher's certificate and substitute teachers who have retired after a minimum of 15 years of teaching shall be compensated at the rate of not less than \$20 for each day of service.

4. Annuity contract premiums. Money paid by a school administrative unit as a premium for an annuity contract for the benefit of an employee shall, for purposes of minimum salaries for teachers, be considered part of that employee's salary.

5. Reimbursement for additional professional training. When a certified teacher completes, within any 2-year period, 6 credit hours of additional professional work approved by the superintendent, the school administrative unit shall pay that teacher not less than \$100.

6. Permits or special licenses. If the employment of teachers under permit or other special license is authorized by the commissioner, the commissioner may prescribe minimum salaries and other rules for this class of teachers.

CHAPTER 507

LEAVES OF ABSENCE

§13601. Sick leave

1. Minimum annual sick leave. A school administrative unit shall grant all certified teachers, except substitute teachers as defined by the commissioner, a minimum annual sick leave of 10 school days, cumulative to a minimum of 90 school days, without loss of salary.

2. Transferrance of sick leave. A school administrative unit which employs certified teachers who have accumulated sick leave in the teacher's immediately previous position in a public school system within the State shall accept up to 20 days of that sick leave for transfer to the employing school administrative unit. This sick leave shall be credited and made effective upon achieving continuing contract status in the employing unit, provided that:

A. There shall have been no break in service in that teacher's public school employment within the State; and

B. The teacher was eligible to receive sick leave in his previous position at the time of his termination of

employment.

3. Alternate sick leave plans. The commissioner may approve another plan of sick leave which provides at least equal benefits to those of subsections 1 and 2.

4. Teachers' assistants and aides. Full-time teachers' assistants and teachers' aides shall be granted minimum annual sick leave of 10 school days.

§13602. Leave of absence as Legislators

A school administrative unit shall grant a certified teacher, except a substitute teacher as defined by the commissioner, leave of absence without pay and without forfeiture of continuing contract status and other accumulated benefits to fulfill the duties of a Legislator, provided that the teacher provides a written notice of intent to become a candidate for the Legislature at the time teacher contracts are issued.

§13603. Military leave of absence of teachers

Teachers who are members of the National Guard or other authorized state military or naval forces, and those teachers who are members of the Army, Air Force, Marines, Coast Guard or Naval Reserve may take a leave of absence from their respective duties, without net loss of income during periods of annual training not to exceed 17 calendar days in any calendar year as specified under the National Defense Act or Armed Forces Reserve Act of 1952, provided that the teachers have made every reasonable effort to perform their annual training during the period when school is not in session.

§13604. Sabbatical leave

To increase the efficiency of the public schools and to permit teachers, principals or other persons to pursue a further course of study or to travel to be better qualified by education and culture for the position they hold in the schools, school boards may grant to any teacher, principal or other person regularly employed by them a leave of absence for a period of not to exceed one year and for not more than half pay. A leave of absence may be granted only after 7 years and under those conditions and rules determined by the school board.

CHAPTER 509

MISCELLANEOUS

§13801. Residency requirement; collective bargaining

If an administrative unit engages in collective bargaining as required in Title 26, then it shall not enact any ordinance which requires employees to reside within the boundaries of the unit as a condition for employment. A collective bargaining agreement may include a residency requirement for persons not yet employed at the time the agreement becomes effective. If an administrative unit does not engage in collective bargaining as required in Title 26, then any ordinance it enacts which requires employees to reside within the boundaries of the unit shall not apply to persons already employees at the time the regulation becomes effective.

CHAPTER 511

INTERSTATE AGREEMENT ON QUALIFICATIONS OF
EDUCATIONAL PERSONNEL

SUBCHAPTER I

AGREEMENT

§13901. Purpose, findings and policy - Article I

1. Purpose. The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. Findings. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of profes-

sionally prepared, and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

§13902. Definitions - Article II

As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. Accept. "Accept," or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

2. Designated state official. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his state, contracts pursuant to this agreement.

3. Educational personnel. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

4. Originating state. "Originating state" means a state, and the subdivision thereof, if any, whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

5. Receiving state. "Receiving state" means a state, and the subdivisions thereof, which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

6. State. "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

§13903. Interstate educational personnel contracts - Article III

1. Contracts. The designed state official of a party state may make one or more contracts on behalf of that state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the

period of its duration shall be applicable to and binding on the state whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this Article only with states in which the official finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in that official's own state.

2. Provisions. Any such contract shall provide for:

A. Its duration;

B. The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state;

C. Such waivers, substitutions and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards;

D. Any other necessary matters.

3. Term. No contract made pursuant to this agreement shall be for a term longer than 5 years but any such contract may be renewed for like or lesser periods.

4. Acceptance. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. Revocation or suspension. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. Review. A contract committee composed of the des-

ignated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

§13904. Accepted and approved programs - Article IV

1. Training requirements. To the extent that contracts made pursuant to this agreement deal with the academic or other educational training requirements for the proper qualification of educational personnel, the principles set forth in this Article shall govern.

2. Effect of approval. The approval, by the appropriate state or local authorities pursuant to the laws of a sending state, of a program of educational training shall have such effect on the qualification of educational personnel within that state as its laws provide.

3. Acceptance. Acceptance of a program of educational preparation or training for purposes of this agreement shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

§13905. Interstate cooperation - Article V

The party states agree that:

1. Multi-lateral contracts. They will, so far as practicable, prefer the making of multi-lateral contracts pursuant to Article III of this agreement.

2. Cooperation. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations and associations interested in certification and other elements of educational personnel qualification.

§13906. Agreement evaluation - Article VI

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes.

§13907. -other arrangements - Article VII

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party

state or states to facilitate the interchange of educational personnel.

§13908. Effect and withdrawal - Article VIII

1. Effective. This agreement shall become effective when enacted into law by 2 states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

2. Withdrawal. Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. Obligations. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

§13909. Construction and severability - Article IX

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the Constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the Constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.

SUBCHAPTER II

PROVISIONS RELATING TO COMPACT

§13951. Designated state official

The commissioner shall be the "designated state official" for this State and may enter into contracts pursuant to Article III of the agreement only with the approval of the specific text thereof by the state board.

§13952. True copies files

True copies of all contracts made on behalf of this State pursuant to the agreement shall be kept on file in the office of the Commissioner of Educational and Cultural Services and in the office of the Secretary of State. The Commissioner of Educational and Cultural Services shall publish all such contracts in convenient form.

PART 7

SCHOOL FINANCE

CHAPTER 601

GENERAL PROVISIONS

§15001. Definitions

As used in this Title and Title 20, unless the context indicates otherwise, the following terms have the following meanings.

1. Aggregate attendance. "Aggregate attendance" means the total number of days of attendance for one school year in elementary and secondary schools of each regularly enrolled pupil resident of the municipality.

2. Membership. "Membership" means active participation in the program of a school from the date of enrollment to the time the student withdraws or is absent from the school for 10 consecutive days for reasons other than illness.

3. Teaching positions. "Teaching positions" means positions in elementary and secondary schools filled by classroom teachers, assistant classroom teachers, school principals, school nurses, supervisors, assistants to supervisors and teachers of special subjects, except for a position used as a basis for payment of state aid for vocational education, or as a position filled by a person devoting less than half of the school day to the duties of that position.

A. In a secondary school, the number of teaching positions for each municipality shall be determined as follows:

<u>number of each municipality's secondary school teaching positions</u>	=	<u>aggregate attendance of resident secondary school in the municipality</u> <u>number of teaching positions in the schools</u>
		<u>aggregate attendance of all secondary school pupils</u>

B. If a teaching position is maintained for only part of a school year, it shall be counted as follows:

$$\begin{array}{r}
 \text{teaching position} \\
 \text{count}
 \end{array}
 =
 \frac{\text{number of weeks the} \\
 \text{position is maintained}}{\text{total number of weeks} \\
 \text{the schools in the town} \\
 \text{were maintained}}$$

4. Pupil. "Pupil" means elementary or secondary school student.

§15002. Permanent school fund

1. Definition. As used in this section unless the context indicates otherwise, the following terms have the following meanings.

A. School lands are lands which were set aside for school purposes in unincorporated areas by the Commonwealth of Massachusetts in 1788 and subsequently addressed by the Laws of Maine, 1831, Public Laws chapter 492.

B. Permanent school fund:

(1) Shall be the moneys derived from the sale, lease or other use of school lands; and

(2) May include other moneys appropriated or given to a permanent school fund for school purposes.

2. Trustee of fund. The lands or funds shall be:

A. Managed by a board of trustees in a town incorporated since 1788. The board shall be composed of the selectmen, treasurer and clerk of the town; or

B. Managed by a land agent appointed by the State.

The Treasurer of State shall keep a separate account of all moneys paid into the State Treasury and shall invest the money in securities which are legal investments for savings banks under Title 9.

3. Use of funds. Funds shall be used as follows.

A. The interest from the school fund shall be exclusively used for school purposes.

B. The commissioner may use the interest from the funds under state control for the purpose of surveying school systems and developing school plans. The allocations shall not exceed 1/2 the cost of the surveys or plans.

§15003. School fiscal year

Notwithstanding any statute or charter provision to the contrary, a school administrative unit shall annually adopt a school budget for a period beginning on July 1st and ending on June 30th.

§15004. Unexpended balances

The unexpended balance of all moneys raised by a school administrative unit, received: From the State for general-purpose aid or for other educational programs; from the Federal Government directly or from the Federal Government through the State; from tuition payments made by other units, the State, or by individuals; and other receipts for school purposes shall be carried forward and credited to the unit for educational programs for the ensuing year.

§15005. Apportionments

1. Apportionments. Apportionments to school administrative units and private schools, unless specifically directed by statute, shall be made annually commencing in July in the following manner. An amount not to exceed 1/12 of the subsidy shall be paid each month no later than the last day of the month. Any balance shall be paid in the last month of the annual period.

2. Vocational centers. Payments may be made to vocational centers at the times and in the amounts as the commissioner may authorize.

3. Return required. An apportionment provided in this chapter, chapters 109, 205, 505 and 605, and section 13601, and Title 20, section 3457, may not be paid to a school administrative unit by the Treasurer of State until returns required by law have been filed with the commissioner.

4. Failure to file return. When the information required by the chapters and sections listed in subsection 3 is not available because of the failure of the school administrative unit, through its officers, to make the returns required by law, or because of the loss or destruction of the school records of the unit, the commissioner may use a basis for apportionment numbers on which the apportionment

for the unit was made for the preceding year less 10%.

CHAPTER 603

FEDERAL AID

§15301. State acceptance of federal constructions aid laws

The State may accept an Act of Congress providing for financial assistance to states for the construction of school facilities or other similar purposes. If accepted, the State shall comply with the provisions of the Act of Congress, including regulations published by the United States Department of Education under the Act which have the force of law when published in the Federal Register.

§15302. State board as state agency

The state board shall be the sole agency for administering funds allotted under a federal act providing for financial assistance in the operation and constructions of school facilities, including higher educational facilities. It may certify to the United States Department of Education information necessary to entitle the State to receive the benefits of the Act. The state board may elect that a portion of a federal allotment be in the form of the commitment by the Federal Government to make payments of interest and principal on debts of local agencies for the construction of school facilities or other similar purpose.

§15303. Treasurer of State as custodian

The Treasurer of State shall be custodian for moneys received by the State from appropriations allotted under the authority of a federal act providing for financial assistance for constructing school facilities or other similar purpose. The Treasurer of State may receive and provide for the proper custody of these funds and make disbursements from them on the order of the state board, its executive officer or other legal authority.

§15304. Appropriations authorized

Where federal law requires matching by state funds, the state board may estimate the appropriations necessary to comply with the requirements of the federal law and include those estimates in the budget request of the department for appropriations to be made by the Legislature.

1. .No obligation. Nothing in this chapter may be construed as obligating the State to make these appropriations

if the Legislature, in its judgment, shall deem it in the best interest of the State not to make such appropriations and to waive any allotments of federal funds the allotment of which is contingent upon state appropriations.

2. Local funds. To the maximum extent possible under a federal act, school construction assistance presently authorized and paid under Title 20, section 3457 shall be considered as state funds used to match federal funds.

CHAPTER 605

THE SCHOOL FINANCE ACT

§15501. Short title

This chapter may be cited as the "School Finance Act."

§15502. Intent

1. Contributions from General Fund. It is the intent of the Legislature to provide at least 50% of the cost of the basic education allocation from General Fund revenue sources or a percentage no less than that provided in the year prior to the year of allocation, whichever is greater.

2. Amount of basic education allocation. It is the intent of the Legislature that the basic education allocation for elementary and secondary operating costs, as annually established by the Legislature, shall be an amount sufficient to meet the level of the costs in the year prior to the year of allocation.

3. Transportation costs for nonprofit private schools. It is the intent of the Legislature to reduce the transportation costs incurred on behalf of the nonprofit private schools in this State by reducing those costs to the extent and in the manner permitted by section 15510, subsection 6.

§15503. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Actual education costs. "Actual education costs" means the state and local expenditures during the base year for the programs and adjustments specified in section 15504.

2. Average elementary per pupil operating costs. "Average elementary per pupil operating costs" means the costs 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.

Special education students for whom tuition is paid in programs approved by the commissioner shall not be counted nor otherwise included in determining the average elementary per pupil operating costs.

3. Average secondary per pupil operating costs. "Average secondary per pupil operating costs" means the costs computed by dividing secondary operating costs for the base year by the average number of resident secondary pupils on October 1st and April 1st in the base year.

A. Special education students for whom tuition is paid in programs approved by the commissioner shall not be counted nor otherwise included in determining the average secondary per pupil operating costs.

B. A student graduating from grade 12 during the base year prior to April 1st shall be counted as though he were in attendance on April 1st of that year.

4. Base year. "Base year" means the 2nd year prior to the year of allocation of funds.

5. Basic education allocation. "Basic education allocation" means the total amount of the state-local allocation for the following programs:

A. Elementary operating costs;

B. Secondary operating costs;

C. Special education programs operated by the school administrative unit;

D. Special education tuition and board, excluding medical costs, for pupils placed by the school administrative unit;

E. Vocational education;

F. Transportation; and

G. Debt service.

6. Basic education appropriation. "Basic education appropriation" means the amount appropriated from General Fund revenue sources for all public education programs established by the Legislature under section 15507.

7. Basic elementary per pupil operating rate. "Basic elementary per pupil operating rate" means the rate established by the Legislature in section 15507, subsection 1.

8. Basic secondary per pupil operating rate. "Basic secondary per pupil operating rate" means the rate established by the Legislature in section 15507, subsection 2.

9. Debt service costs. "Debt service costs," for subsidy purposes, includes:

A. Principal and interest costs for approved major capital projects;

B. The portion of the tuition costs applicable to the insured value factor computed under section 5806; and

C. Lease costs for school buildings when the leases have been approved by the commissioner.

10. Elementary grades. "Elementary grades" includes a childhood educational program, as defined by section 5201, through grade 8.

11. Institutional resident. "Institutional resident" means a person between the ages of 5 and 20 who is attending a public school of the school administrative unit and who is committed or otherwise legally admitted to, and residing at, a state-operated institution. It shall not include students attending private facilities, regardless of the means of placement.

12. Local allocation. "Local allocation" means a school administrative unit's portion of the state-local allocation.

13. Major capital costs. "Major capital costs" means costs relating to school construction projects as defined in section 15901.

14. Minor capital costs. "Minor capital costs" means costs relating to maintenance of plant and minor remodeling and site development not in conjunction with a construction project.

A. Minor capital costs shall not include construction of new buildings or the purchase of land.

B. Funds expended to repay funds borrowed for maintenance of plant and minor remodeling shall be considered minor capital costs in the year which these funds are

repaid.

15. Municipality. "Municipality" includes cities, towns and organized plantations.

16. Operating costs. Except as listed in this subsection, "operating costs" includes all costs minus applicable tuition receipts. It includes minor capital costs. The following costs shall not be included as "operating costs:"

A. Transportation costs;

B. Community service costs;

C. Major capital costs;

D. Debt service costs;

E. Expenditures from all federal revenue sources except for amounts received under Public Law 874;

F. Special education costs in subsection 19;

G. Vocational education costs in subsection 24; and

H. Costs of maintaining:

(1) The Governor Baxter State School for the Deaf;

(2) The Maine Youth Center; and

(3) Schools in the unorganized territories as defined in section 3201.

17. State allocation percentage. "State allocation percentage," for all programs contained in the basic education allocation, means the rate computed by dividing the state allocation by the state-local allocation, expressed as a percentage.

18. Secondary grades. "Secondary grades" means grades 9 through 12.

19. Special education costs. "Special education costs," for subsidy purposes, includes:

A. The costs of certified professionals, assistants and aides or persons contracted to perform a special education service;

B. The costs of tuition and board to other schools for programs which have been approved by the commissioner; and

C. The cost of programs for gifted and talented students which have been approved by the commissioner.

20. State allocation. "State allocation" means the amount allocated from General Fund revenue sources to fund the state's portion of the state-local allocation.

21. State-local allocation. "State-local allocation" means the total amount allocated to a school administrative unit during the year of allocation for the programs and adjustments computed in sections 15508 and 15509. A state-local allocation shall include a school administrative unit's share of vocational region debt service, if any.

22. State-operated institution. "State-operated institution" means any residential facility or institution which is operated by the Department of Mental Health and Mental Retardation.

23. Subsidy index. "Subsidy index" means the equivalent of a mill rate which, if applied to the state valuation of all municipalities and as limited by section 15511, subsection 1, paragraph C, would raise not more than 50% of the basic education allocation.

This index may not be levied but shall be used for the purpose of computed allocations.

24. Vocational education costs. "Vocational education costs," for subsidy purposes, means all costs incurred by the vocational regions, centers or satellites, in providing approved secondary school vocational education programs as defined in section 8305, subsection 3.

25. Year. "Year" means a fiscal year starting July 1st and ending June 30th of the succeeding year.

\$15504. Notification of actual education costs; other information; mandatory reports; audit adjustments

1. Notification; items. Prior to December 1st of each year, the commissioner shall notify the Legislature and the Bureau of the Budget of actual education costs. This notification shall include the following items:

A. Elementary operating costs;

B. Secondary operating costs;

C. Special education costs for programs operated by school administrative units;

D. Special education tuition and board, excluding medical costs, defined as follows:

(1) Tuition and board for pupils placed by school administrative units;

(2) Tuition and board for pupils placed directly by the State in accordance with rules adopted or amended by the commissioner;

(3) Special education tuition and other tuition for institutional residents of state-operated institutions attending programs in school administrative units in accordance with rules adopted or amended by the commissioner; and

(4) Adjustment under section 15509, subsection 6;

E. Vocational education costs;

F. Transportation costs;

G. Debt service costs;

H. Costs of unusual enrollment adjustments;

I. Costs of geographic isolation adjustments;

J. Costs of adjustments for small school administrative units;

K. Costs of reimbursement for private school services;

L. Audit adjustments;

M. Local and state funds raised under section 15511, subsection 3;

N. Local funds raised under section 15512; and

O. Cost of state expenditures for teachers' retirement benefits.

2. Additional information. The commissioner shall provide additional information requested by the Legislature.

3. Required reports; subsidy payments withheld. A school administrative unit shall provide the commissioner with information the commissioner requests to carry out the purposes of this chapter, according to time schedules which the commissioner shall establish.

The commissioner may withhold monthly subsidy payments from a school administrative unit when information is not filed within specified time schedules.

4. Audit adjustments. The commissioner may correct errors revealed by audit in a school administrative unit when compiling actual education costs.

§15505. Commissioner's recommendation for funding levels; computation; guidelines

1. Annual certification. Prior to December 15th of each year, the commissioner, with the approval of the state board, shall certify to the Bureau of the Budget the funding levels the commissioner recommends for section 15504, subsection 1, paragraphs A to L, and for the state's maximum obligation under section 15511, subsection 3.

2. Funding level computations. The following are funding level computations.

A. The requested funding levels of section 15504, subsection 1, paragraph C; paragraph D, subparagraph (1) and paragraphs E and K; transportation operating costs under paragraph F; and the insured value factor under paragraph G shall be the actual costs for the base year.

B. The requested funding levels of section 15504, subsection 1, paragraph D, subparagraphs (2) and (3), shall be computed by estimating those costs in the year of allocation of funds.

C. The requested funding level for the purchase of buses under section 15504, subsection 1, paragraph F, shall be the level of purchases approved by the commissioner for the year prior to the year of allocation.

D. The requested funding level of principal and interest payments under section 15504, subsection 1, paragraph G, shall be computed by adding both known obligations and the estimate of anticipated principal and interest costs for the year of allocation of funds.

E. The requested funding level for leases under

section 15504, subsection 1, paragraph G, shall be the level of leases approved by the commissioner for the year prior to the year of allocation.

3. Estimate guidelines for elementary and secondary operating costs. The recommendation for elementary and secondary operating costs shall reflect the commissioner's best estimate as to changes in pupil enrollment, economic factors, adjustments based on actual changes in education costs and any other considerations which effect a change in the costs of education. The commissioner shall be ever conscious of the need for prudent restraint in educational financing.

§15506. Governor's recommendation for funding levels

The Bureau of the Budget shall annually certify to the Legislature the funding levels which the Governor recommends for section 15504, subsection 1, paragraphs A to K and the state's maximum obligation under section 15511, subsection 3. The Governor's recommendations shall be transmitted to the Legislature within the time schedule set by Title 5, section 1666.

§15507. Actions by the Legislature

The Legislature shall annually, prior to May 1st, enact legislation which shall:

1. Basic elementary per pupil operating rate. Establish the basic elementary per pupil operating rate;

2. Basic secondary per pupil operating rate. Establish the basic secondary per pupil operation rate;

3. Basic education allocation. Establish the basic education allocation;

4. Subsidy index. Establish a subsidy index for the year of allocation;

5. Appropriation for basic education allocation. Appropriate the necessary funds for the state's share of the basic education allocation as defined in section 15503 and computed in sections 15508 and 15509, subsections 1 and 3;

6. Appropriation for state share of local leeway. Appropriate the necessary funds to meet the maximum state obligation under section 15511, subsection 3;

7. Appropriation for unusual enrollment. Appropriate

the necessary funds for the contingent account for unusual enrollment adjustments established by section 15509, subsection 4;

8. Appropriation for geographic isolation. Appropriate the necessary funds for adjustments due to geographic isolation as determined by section 15509, subsection 2;

9. Appropriation for small administrative units. Appropriate the necessary funds for adjustments to small school administrative units which qualify in accordance with section 15509, subsection 8;

10. Appropriation for audit adjustments. Appropriate the necessary funds for audit adjustments under section 15509, subsection 7;

11. Appropriation for private school student services. Appropriate the necessary funds for reimbursement for private school student services under section 15510, subsection 6; and

12. Appropriation for pupils placed directly by the State for institutional residents. Appropriate the necessary funds for:

A. Tuition and board for pupils placed directly by the State in accordance with rules adopted or amended by the commissioner; and

B. Special educational tuition and other tuition for institutional residents of state-operated institutions attending programs in school administrative units in accordance with rules adopted or amended by the commissioner.

§15508. Computation of the state-local allocation prior to adjustments

The commissioner shall compute the state-local allocation for each school administrative unit prior to adjustments under section 15509, as follows:

1. Elementary educational allocation. The elementary educational allocation shall be determined by multiplying 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 educational tuition pupils, by the basic elementary per pupil operating rate, as established in section 15507.

2. Secondary educational allocation. The secondary educational allocation shall be determined by multiplying the average number of resident secondary pupils in the school administrative unit on April 1st and October 1st of the calendar year immediately prior to the year of allocation, excluding special educational tuition pupils, by the basic secondary per pupil operating rate as established in section 15507. Pupils enrolled in programs for school dropouts and truants shall be counted in the manner provided in section 5104 and pupils enrolled in adult educational programs eligible for state subsidies shall be counted in the manner provided in section 8605.

3. Basis of state-local allocation for special education, vocational education, transportation and debt service; legislative changes; transportation costs. The following are provisions for the basis of state-local allocation for special education, vocational education, transportation and debt service, legislative changes and transportation costs.

A. A school administrative unit's state-local allocation for each of the items identified in subsections 4 to 7, except as otherwise specified, shall be 100% of actual expenditures during the base year as is contained in the commissioner's recommendation of educational costs.

B. If the Legislature increases or decreases the commissioner's recommendation for an item, the unit allocation shall be increased or decreased by the same percentage.

C. If the Legislature appropriates for the transportation of pupils an amount which differs from the commissioner's recommendation, the percentage of increase or decrease in the amount shall apply only to the operating cost and not to the purchase of buses.

4. Special educational allocation; state wards. The following provisions apply to special educational allocation and state wards.

A. The special educational allocation shall be the expenditures for special educational programs operated or contracted for by the school administrative unit and the expenditures for special educational tuition or board, or both. Medical costs shall not be allowable as a part of a tuition charge.

B. Special educational tuition and board for state wards and other pupils placed directly by the State

shall be paid by the State in the year of allocation at 100% of the actual cost.

5. Vocational educational allocation; billing authority; appeal to commissioner; payment of state subsidy. The following provisions apply to vocational educational allocation, billing authority, appeals to commissioner and payment of state subsidy.

A. The vocational educational allocation shall be the expenditures for vocational educational programs serving the school administrative unit.

B. The vocational center or region may bill other school administrative units as follows.

(1) A vocational center may bill its member units for any legislatively approved reduction in vocational educational subsidies in proportion to the number of students served on October 1st and April 1st of the school year immediately prior to the year of allocation. A vocational region may bill vocational centers for students who are sent to the region for vocational educational programs in the same manner.

(2) If a bill is not paid within 30 days after submission, the vocational center or region may appeal to the commissioner under section 5810.

6. Transportation allocation; bus purchases. The following provisions apply to transportation allocation and bus purchases.

A. The transportation allocation shall be the unit's expenditures for transportation operating costs.

B. Reimbursement for expenditures for bus purchases shall be limited to the total of expenditures for purchases approved by the commissioner and made during the year prior to the year of allocation.

7. Debt service allocation; reimbursement for major capital projects; reimbursement for lease costs; vocational region debt service. The following provisions apply to debt service allocation, reimbursement for major capital projects, reimbursement for lease costs and vocational region debt service.

A. Debt service allocation shall be limited to lease

expenditures approved by the commissioner, insured value factor expenditures and principal and interest costs for major capital projects.

B. Principal interest costs for major capital projects shall be reimbursed in the year of allocation.

C. Reimbursement for lease costs shall be limited to total lease expenditures approved by the commissioner and made during the year prior to the year of allocation.

D. State allocation for vocational region debt service shall be computed as follows.

(1) A member school administrative units' prorated share of the region's debt service payment shall be determined by the region's cost-sharing agreement and shall be included in the member unit's state-local allocation.

(2) The state allocation percentage, as defined in section 15503, subsection 17, for a member school administrative unit shall be multiplied times the unit's prorated share of the region's debt service payments to establish the state allocation for vocational region debt service for that member unit.

(3) The sum of the member school administrative units' state allocations for vocational region debt service shall be the region's state allocation for debt service.

§15509. Adjustments included in state-local allocation

Adjustments to the state-local allocation shall be made as allowed in subsections 1 to 8. A school administrative unit may not be eligible for the adjustments identified in subsections 2, 4, 5, 6 and 8 unless it has raised the maximum amount of its local allocation.

1. Equalizing adjustments; below and above average per pupil operating costs. The following provisions apply to equalizing adjustments, and below and above average per pupil operating costs.

A. If a school 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 unit's per pupil state-local

allocation for elementary or secondary pupils respectively shall be limited to an amount which equals:

(1) The unit's average elementary or secondary per pupil operating costs for the base year; plus

(2) An amount equivalent to 1/3 of the difference between:

(a) The unit's per pupil elementary or secondary cost for the base year, as adjusted; and

(b) The basic elementary or secondary per pupil operating rate respectively.

B. If a school administrative unit's average elementary or secondary per pupil operating cost for the base year is above the basic elementary or secondary per pupil operating rate, the per pupil allocation for elementary or secondary pupils respectively shall be the basic elementary or secondary per pupil operating rate. If the 1973-74 expended local average elementary or secondary per pupil operating cost exceeds the average elementary or secondary per pupil operating rate, the per pupil allocation for elementary or secondary pupils shall be increased by 1/2 the lesser amount of the following differences:

(1) The difference between the basic elementary or secondary per pupil operating rate and the local average elementary or secondary per pupil operating cost; or

(2) The difference between the basic elementary and secondary per pupil operating rate and the local average elementary or secondary per pupil operating cost expended during the 1973-74 school year.

2. Geographic isolation; determination; adjustment limitation. The following provisions apply to geographic isolation, determination and adjustment limitation.

A. The commissioner, with the approval of the state board, shall determine geographic isolation if a school administrative unit operates a school which is located an unreasonably long distance from another school facility or is situated in a location which has unique problems in transporting students to another school administrative unit.

B. If the school administrative unit is declared to be geographically isolated, the commissioner shall adjust the elementary and secondary per pupil allocation to that unit to meet the educational needs of that unit.

C. The geographic isolation adjustment shall not exceed the amounts expended by the school administrative unit in the base year which were in excess of the basic elementary and secondary per pupil operating rates in the year of allocation.

3. Pupils on federal land; adjustment; limitation. The following provisions apply to pupils on federal land, adjustment and limitation.

A. A school administrative unit which enrolls eligible pupils under the United States Laws of September 30, 1950, Chapter 1124, United States Code, Section 236, et seq., Public Law 81-874, shall count those pupils as resident pupils for purposes of this chapter.

B. The state-local allocation to that school administrative unit shall be adjusted by subtracting the receipts under the United States Laws of September 30, 1950, Chapter 1124, United States Code, Section 236, et seq., Public Law 81-874, in the same proportion that total local revenues under the state equalization program are to total local revenues for education in that unit.

C. The amount subtracted under paragraph B may not exceed 90% of the school administrative unit's entitlement for the year prior to the year of allocation or the base year, whichever is less. In adjusting the allocation, the amounts subtracted for pupils residing on land under control of the Federal Government or a federal agency, or on a federal military reservation shall not exceed 1/2 of the national average expenditure per pupil, as computed by the Federal Government, multiplied by the number of the students in the school administrative unit.

4. Unusual enrollment, computation of adjustment; proration; local authorization; contingent account. The following provisions apply to unusual enrollment, computation of adjustment, proration, local authorization and contingent accounts.

A. A school administrative unit may qualify for an unusual enrollment adjustment to the state and local allocation when the increase in pupils between October

1st of the year of allocation of funds and October 1st of the year prior to the year of allocation of funds is 3% or more. The number of pupils in excess of a 3% increase shall be multiplied by the appropriate per pupil rate as established in this section to determine the allowable adjustment.

B. All school administrative units shall be prorated if necessary to remain within the sum appropriated for that adjustment.

C. A school administrative unit may expend any funds received through this adjustment without calling for a special meeting of the local legislative body.

5. Decrease in enrollment; guaranteed allocation. A school administrative unit which experiences a decrease in enrollment in either elementary or secondary educational programs of 33% or greater between April 1st of the base year and October 1st of the year prior to the year of allocation shall have its state-local allocation based on the basic elementary or secondary per pupil operating rate.

6. Special educational adjustment; guidelines; limits; local authorization. The following provisions apply to special educational adjustment, guidelines, limits and location authorization.

A. If a school administrative unit petitions the commissioner and demonstrates that the unexpected costs of placement for educational purposes of a student in a special educational program will cause a budgetary hardship, the commissioner may adjust the unit's allocation to include an amount not to exceed the educational cost of the placement under rules adopted or amended by the commissioner.

B. The funds for the adjustment shall be limited to the amount appropriated by the Legislature for that purpose.

C. School boards may expend the funds allocated without seeking approval from their legislative bodies.

7. Audit adjustments; limits. The following provisions apply to audit adjustments and limits.

A. If errors are revealed by audit and corrected by the commissioner under section 15504, subsection 4, the school administrative unit's state-local allocation shall be adjusted to include corrections.

B. The funds for these adjustments shall be limited to the amount appropriated by the Legislature under section 15507, subsection 10.

8. Small unit subsidy adjustments; legislative intent. A school administrative unit may qualify for one of the following small unit subsidy adjustments.

A. If a school administrative unit is operating an elementary school with 25 pupils or less in kindergarten through grade 8 during the school year immediately prior to the year of allocation, it shall receive a minimum allocation for operating costs equal to $\frac{5}{3}$ of the state average elementary teachers' salary in the school year immediately prior to the year of allocation as determined by the commissioner.

B. If a school administrative unit is not operating an elementary school or a secondary school and has 25 pupils or less in kindergarten through grade 8 during the school year immediately prior to the year of allocation, it shall receive a minimum allocation computed by multiplying the elementary or secondary pupil enrollment on October 1st in the year of allocation by the state average elementary or secondary adjusted per pupil operating rate or the actual cost of tuition payment in the year of allocation, whichever is less.

C. The small unit subsidy adjustment shall guarantee a minimum subsidy payment for operating costs to those school administrative units which qualify and it shall be made only after the adjustments in subsections 1 to 7 have been made.

§15510. Schedules of payment of state allocation; appeals; limitation of use

1. Schedules of payment of state allocation. The commissioner shall authorize state allocation payments to the school administrative units to be made in accordance with time schedules set forth in section 15005, sections 15901 to 15910 and Title 20, sections 3457 to 3460.

2. Notification of allocation; commissioner's duty; superintendent's duty. The following provisions apply to notification of allocation, commissioner's duty and superintendent's duty.

A. The commissioner shall annually prior to May 21st notify each school board of the amount allocated to the school administrative unit.

- B. Each superintendent shall report to the municipal officers whenever the school administrative unit is notified of the allocation or a change is made in the allocation resulting from a December or June adjustment.
3. Payments of state allocation to unit's treasurer; basis. State allocation payments shall be made directly to the treasurer of each school administrative unit. They shall be based on audited financial reports submitted by school administrative units.
4. Computation of state allocation payments to community school districts. If a community school district is organized to educate some, but not all, of the grades from kindergarten through grade 12, the commissioner shall compute state allocation payments for the member municipalities as follows:
- A. Compute the average number of resident pupils in the municipality on April 1st and October 1st of the calendar year prior to the year of allocation;
- B. Compute the average number of resident pupils during this period who were not educated by the community school district;
- C. Multiply the ratio of paragraph B divided by paragraph A times the state valuation for the municipality as determined by the State Tax Assessor. The result shall be the part of the member municipality's valuation which the department shall use to compute state aid for the municipality; and
- D. The sum of the remaining valuation of each member municipality shall be the total state valuation which the department shall use to compute state aid for the community school district.
5. State allocation payments to vocational regions. State allocations for debt service on bonds issued by the cooperative boards of vocational regions shall be paid directly to the treasurers of the boards, notwithstanding any other statute.
6. Nonpublic school service reimbursements. The following provisions apply to nonpublic school service reimbursements.
- A. Notwithstanding any other provision of this chapter, if students attend nonpublic schools that are not

operated for profit in whole or in part, the commissioner shall reimburse 50% of the expenditures of the base year for providing services to these nonpublic school students as authorized by Title 30, section 5104, subsections 5 to 8. Municipal officers shall report these expenditures to the commissioner on forms provided by him.

B. The total amount reimbursed under this section shall not exceed the level of funds appropriated for this item under section 15507, subsection 11.

C. Municipal officers shall submit documentation demonstrating the amount of money appropriated for nonpublic school student services for the base year.

D. The commissioner may adopt or amend rules to assure that:

(1) All sums reimbursed were utilized and actually expended for programs authorized pursuant to Title 30, section 5104, subsections 5 to 8;

(2) No municipality receives reimbursement for a student who attends school at public expense; and

(3) All services provided to nonpublic school students that require professional personnel are provided by public employees.

7. Direct special educational payments. The commissioner may make tuition and board payments directly to private special educational boarding schools which receive state wards or other pupils placed directly by the State.

8. Education of institutional residents. The commissioner may pay tuition to school administrative units for institutional residents within the limits of the appropriation made under section 15507, subsection 12.

9. Appeals. A school board may appeal the computation of state allocation for the school administrative unit to the state board in writing within 30 days of the date of notification of the computed amount. The state board shall review the appeal and make an adjustment if, in its judgment, an adjustment is justified. The state board's decision shall be final as to facts supported by the record of the appeal.

10. School purpose expense requirement. Notwithstanding any other public or private statute, money allocated for

school purposes shall be expended only for school purposes.

11. Balance of allocations. Notwithstanding any other public or private statute, balances of allocations at the end of a school administrative unit's fiscal year shall be carried forward to meet the next year's school needs.

§15511. Local allocation and appropriations

1. Local allocation computation; recorded vote; limit. The following provisions apply to local allocation computation, recorded vote and limitation.

A. The commissioner shall compute the local allocation using the subsidy index established under section 15507, subsection 4, and the state valuation of the municipalities within each school administrative unit.

B. The legislative body of each school administrative unit may vote to raise and appropriate an amount up to the local allocation. This action shall be taken by a recorded vote.

C. The commissioner's computation of the local allocation for each school administrative unit shall not exceed the state-local allocation as adjusted by section 15509 for that unit.

(1) Beginning July 1, 1981, the commissioner's computation of the local allocation for each single school administrative unit or for each member municipality within a school administrative district or community school district shall not exceed the state-local allocation.

(2) The member municipality's share of a district's state-local allocation shall, for the purpose of this paragraph, be determined on the basis of the average number of resident pupils in the calendar year prior to the year of allocation.

D. The provisions of subsection 2 shall not apply to a school administrative unit whose local allocation is equal to or greater than its state-local allocation, but that unit shall report to the commissioner the amount of the appropriation for the state-local allocation.

2. Local appropriation of state-local allocation. An article in substantially the following form shall be used when a school administrative unit is considering the appro-

priation of the state-local allocation:

"Article : To see what sum the municipalities/district will appropriate from the state-local allocation for school purposes (Recommended \$) and to see what sum the municipality/district will raise as the local share (Recommended \$)."

3. Local leeway. The following provisions apply to local leeway.

A. The legislative body of a school administrative unit may, in addition to that unit's state-local allocation, authorize an additional expenditure for elementary or secondary pupils, or both, not to exceed a local appropriation for each municipality of 1.2 mills on the state valuation in effect on July 1st or \$125 per pupil, whichever is less, for the 1980-81 year of distribution. A school administrative unit may not participate in local leeway unless it has raised the minimum amount of its local allocation, as computed by the commissioner under subsection 1, paragraph A, or as provided under subsection 1, paragraph D.

B. A school administrative unit may appropriate local leeway funds no later than 90 days following the final adoption of the school budget. A school administrative unit may file a request for a waiver of this requirement with the state board. If a school administrative unit demonstrates to the satisfaction of the state board that unusual circumstances require additional local leeway appropriations to avoid serious educational hardship in that unit, the state board may grant that unit a waiver and authorize these additional appropriations.

C. The local appropriations shall be divided equally over a 12-month period.

D. The funds appropriated under this subsection shall be called "local leeway."

(1) The purpose of local leeway appropriations shall be to provide that all school administrative units may raise and appropriate at least the amount per pupil established at the computed mill rate for that year to supplement the adjusted allocation when necessary in the judgment of the unit.

(2) The amount appropriated by the Legislature

under section 15507, subsection 6, shall be the maximum state obligation under this subsection.

E. A school administrative unit may establish an "accounts receivable" in anticipation of state aid under this subsection when the fiscal year closes on June 30th.

F. If the local leeway authorization by a school administrative unit exceeds the maximum levy for a municipality within that unit, the commissioner shall add to allocation of the unit for its fiscal year a sum which equals the excess over the maximum levy of the municipality within the unit.

G. If the local leeway appropriation fails to produce the amount per pupil established at the computed mill rate for that year under this subsection, the commissioner shall add to the allocation of the school administrative unit for its fiscal year a sum which, when combined with the local leeway appropriation, shall equal the amount per pupil established at the computed mill rate for that year. This sum shall be paid annually to the unit no later than December 31st for the previous 12-month period.

H. If a school administrative unit raises less than the local leeway maximum, the levy on a municipality within the school administrative unit shall be in the same proportion as the municipality's share is to the total when the maximum amount allowed is raised.

I. If a school administrative unit raises less than the local leeway maximum, the State shall pay its share in the same proportion to the maximum state share that the amount raised locally is to the maximum local share.

J. An article in substantially the following form shall be used when a municipality, school administrative district or community school district is considering the appropriation of local leeway funds:

"Article : To see what sum the municipality or district shall appropriate from local leeway for school purposes (Recommended total \$, local share \$, state share \$), and to see if the municipality or district shall raise the local share of \$."

K. The provisions of paragraph I shall not apply to a

school administrative unit whose local allocation is equal to or greater than its state-local allocation. That unit shall report to the commissioner the amount of the appropriation for local leeway.

§15512. Local funds without state participation

1. Authorization. A school administrative unit may raise and expend funds for educational purposes in addition to the funds available under section 15508 to 15511.

2. Calculation of operating costs. For the purposes of this chapter, moneys raised under subsection 1 shall be included in any future calculation of the school administrative unit's elementary and secondary per pupil operating costs, but shall not be included in any future calculations of the state average or total operating costs.

3. Administrative costs for units with no pupils. If a school administrative unit is required to pay administrative costs and has no allocation of state and local funds, that unit may raise and expend funds for administrative costs.

§15513. Municipal assessment paid to district

1. Presentation of assessment schedule. The assessment schedule based on the budget approved at a community school district of school administrative district budget meeting shall be presented to the treasurer of each municipality which is a member of the district.

The assessment schedule shall include each member municipality's share of the district's local allocation, local leeway and local appropriation without state participation.

2. Municipal treasurer's payment schedule. The treasurer of the member municipality, after being presented with the assessment schedule, shall forward 1/12 of that member municipality's share to the treasurer of the district on or before the 20th day of each month of the fiscal year beginning in July.

§15514. Special school districts

1. School administrative unit. For the purposes of section 15517 and Title 20, sections 3457 to 3460, a special school district shall be deemed to be a school administrative unit.

2. Debt service. Debt service on bonds or notes issued by a special school district shall be included in the school budget of the school administrative unit which operates the schools constructed by that district. The school board for the school administrative unit which operates the special district's schools shall pay to the special school district all sums necessary to meet the payments of principal and interest on bonds or notes when due and to cover maintenance or other costs for which the special school district is responsible.

§15515. School budget; budget formats

1. Content. A school administrative unit shall include in its school budget document:

A. Its state-local allocation, its local leeway and any additional expenditures authorized by statute; and

B. A summary of anticipated revenues and estimated school expenditures for the fiscal year.

2. Budget deadlines. The following time limitations shall apply to adoption of a budget.

A. At least 7 days before the initial meeting of the legislative body responsible for adopting a budget, a detailed budget document shall be available to that legislative body and to any person residing within the geographic area served by the school administrative unit.

B. Notwithstanding a provision of statute or charter to the contrary, school administrative units may adopt an annual budget prior to June 30th, except that the school budgets for vocational regions shall be adopted on or before August 1st.

3. Budget format. The following provisions shall apply to a budget format.

A. Except as provided in subsection 4, the budget format shall be that prescribed by a majority of the school board until an article prescribing the school budget format is approved by a majority of voters in an election in which the total vote is at least 20% of the number of votes cast in the municipality in the last gubernatorial election, or 200, whichever is less.

B. The format of the school budget may be determined in accordance with section 1306.

C. It is the intent of the Legislature that a school board shall attempt to obtain public participation in the development of the school budget.

4. Budget format; town or city charter. In a municipality where the responsibility for final adoption of the school budget is vested by municipal charter in a council, the school budget format may be changed through amendment of the charter under the home rule procedures of Title 30, sections 1911 to 1920, except that the amendment shall be approved by a majority of voters in an election in which the total vote is at least 20% of the number of votes cast in the municipality in the last gubernatorial election.

5. Budget format; town meeting. When the final budget authority is vesting in a town meeting operating under the general enabling procedures of Title 30, the format of the school budget may be determined by the town meeting or under the procedures of Title 30, section 2053 or 2061.

6. Budget format; community school district. The following provisions shall apply to the budget format of a community school district.

A. An article containing the district's proposed budget format shall be placed on the next warrant issued or ballot printed if:

(1) A majority of the district school committee votes to place it on the warrant or ballot; or

(2) A written petition of at least 10% of the number of voters voting in the last gubernatorial election in each municipality within the community school district requests it to be on the warrant or ballot.

B. The article containing the budget format may be voted on by secret ballot at an election conducted in accordance with Title 30, sections 2061 to 2065.

C. The district school committee shall:

(1) Issue a warrant specifying that the municipal officers of the municipalities within the community school district to place the budget format article on the secret ballot; and

(2) Prepare and furnish the required number of ballots for carrying out the election, including absentee ballots.

7. Budget format; articles. The articles prescribed in this chapter shall be included in the budget format and voted on in the adoption of the budget in order to determine state and local cost sharing.

8. Change in budget format. Any change in the budget format shall be voted on at least 90 days prior to the budget year for which that change is to be effective.

§15516. Actions on budget

The following provisions shall apply to approving a budget.

1. Checklist required. Prior to the articles dealing with school appropriations being voted on, the moderator of a 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.

2. Reconsideration. Notwithstanding another statute to the contrary, in school 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 as follows.

A. It shall be held within 30 days of the regular budget meeting.

B. In a school administrative district or community school district, it shall be called by the school board, or as follows:

(1) At least 10% of the number of voters voting in the last gubernatorial election in member municipalities of the school administrative unit, or 100 voters, whichever is less, shall present a signed petition within 15 days of the regular budget meeting to the school board, specifying the article or articles to be reconsidered; and

(2) On receiving the petition, the school board shall call the special reconsideration budget meeting to be held within 15 days of the date the petition was received.

C. In a municipality the meeting shall be called by the municipal officers:

(1) Within 15 days after receipt of a request

from the school board, if the request is received within 15 days of the budget meeting and it specifies the article or articles to be reconsidered; or

(2) Within 15 days after receipt of a petition presented in accordance with Title 30, section 2065, if 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. If 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 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 a school board 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.

\$15517. Bonds; notes; other

All bonds, notes or other evidences of indebtedness issued for school purposes by a school administrative unit, as defined in section 15001, for major capital expenses or for current operating expenses, including tax or other revenue anticipation notes, shall be general obligations of the unit.

1. Tax assessments. The municipal officers or school board shall require the sums which may be necessary to meet in full the principal of and interest on these bonds, notes or other evidences of indebtedness payable in each year to be assessed and collected in the manner provided by law for the assessment and collection of taxes.

2. Reduction. The sums to be assessed and collected shall be reduced by the amount of an allocation of funds appropriated by the Legislature to pay the principal and interest owed by the unit in a given year as certified to the school administrative unit by the commissioner. The commissioner shall certify the amount due to the unit within 30 days of its appropriation by the Legislature.

3. Collection. After assessment and reduction, the remaining sum shall be payable from ad valorem taxes which may be levied without limit as to rate or amount upon all the taxable property within the unit.

§15518. Compliance with federal and state laws and regulations

1. Commissioner's duty. The commissioner shall assure that federal or state funds distributed to a school administrative unit are spent in compliance with:

A. Provisions of federal laws and regulations, United States Code, Title 31, Section 1242, as amended, and the Code of Federal Regulations, Title 31, Part 51, subpart 8, chapter 1, revenue sharing;

B. Title 9 of the Education Amendments of 1972, 20 United States Code, Section 1681 et seq., and the Code of Federal Regulations, Title 45, Part 86;

C. Title 6 of the United States Civil Rights Act of 1964, Title 42 of the United States Code 2000d and the Code of Federal Regulations, Title 45, Part 80;

D. Title 5, chapter 337, Human Rights Act and the rules adopted or amended under Title 5, sections 4551 to 4632; and

E. Title 5, section 781 to 790, Code of Fair Practices and Affirmative Action.

2. Assistance. On request of the commissioner, the Human Rights Commission and the Department of the Attorney General shall assist the department in meeting its obligation to respond to complaints raised under this section.

CHAPTER 607MAINE SCHOOL BUILDING AUTHORITY§15701. Short title

This chapter may be known and may be cited as the "Maine School Building Authority Act."

§15702. Purpose

The purpose of the "Maine School Building Authority," shall be to promote the diffusion of the advantages of education, which is essential to the preservation of the rights and liberties of the people, and to aid in the provision of public school buildings in the State.

§15703. Definitions

As used in this chapter, unless the context otherwise

indicates, the following terms have the following meanings.

1. Authority. "Authority" means the Maine School Building Authority.

2. Cost. "Cost" as applied to a project includes:

A. The cost of construction or acquisition;

B. The cost of the acquisition of land, rights-of-way, property rights, easements and interests acquired by the authority for the construction or acquisition;

C. The cost of demolition or removing buildings or structures on acquired lands, including the cost of acquiring lands to which the buildings or structures may be moved;

D. The cost of furnishings and equipment, financing charges, insurance, interest prior to and during construction and for up to one year after completion of construction;

E. The cost of architectural and legal expenses, plans, specifications, estimates of cost, administrative expense and other expenses necessary or incidental to the construction or acquisition;

F. The financing of the construction or acquisition and the placing of the project in operation; or

G. Any other obligation or expense incurred in connection with the construction or acquisition of a project.

3. Project or school construction project. "Project" or "school construction project" means a public school building or an extension or enlargement of a building, including land, furniture and equipment for use as a public school, together with the property rights, easements and interests which may be acquired by the authority for the construction or the operation of that building.

4. School building. "School building" means, but shall not be limited to, a structure used or useful for schools and playgrounds, including facilities for physical education.

§15704. Organization

1. Establishment. The Maine School Building Authority shall be a public instrumentality of the State. The exer-

cise by the authority of the powers conferred by this chapter shall be the performance of essential governmental functions.

2. Membership. The authority shall consist of:

A. Nine members of the state board;

B. The Treasurer of State or his deputy, ex officio, as a nonvoting member; and

C. The commissioner.

3. Administration. The commissioner shall be chairman of the authority. The authority shall elect one of its members as a vice-chairman, and shall also elect a secretary and treasurer who need not be a member of the authority, to serve at the pleasure of the authority. The secretary and treasurer shall be bonded as the authority directs.

4. Quorum. Six members of the authority shall constitute a quorum and the affirmative vote of 5 members shall be necessary for an action. A vacancy in the membership may not impair the right of the quorum to exercise all rights and perform all duties of the authority.

5. Expenses. Members of the authority shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

§15705. Powers

The authority may:

1. Bylaws. Adopt bylaws for the regulation of its affairs and the conduct of its business;

2. Seal. Adopt or alter an official seal;

3. Office. Maintain an office;

4. Sue and be sued. Sue and be sued in its own name. Civil actions against the authority shall be brought only in the county in which the principal office of the authority shall be located;

5. Construct, repair or alter school projects. Construct or acquire, extend, enlarge, repair or improve school projects, if:

A. The board of directors of a school administrative

district has certified the need for the facilities to the authority;

B. The school board of a municipal school administrative unit has certified the need for the facilities to the municipal officers of the unit, together with their recommendations for school construction and these recommendations have been approved by the municipal officers and state board; or

C. The district school committee of a community school district has certified the need for these facilities to the board of trustees of the community school district, together with the recommendations for school construction and these recommendations have been approved by the district board of trustees and the state board;

6. Revenue bonds. Issue revenue bonds of the authority for its corporate purposes, payable, except as provided in this chapter, solely from the rentals and revenues pledged for their payment; and to:

A. Refund its bonds; and

B. Secure a bond issued by a trust agreement by and between the authority and a corporate trustee. A trustee may be a trust company or bank having the powers of a trust company within or without the State;

7. Temporary loans. Make temporary loans to finance individual projects until the authority issues revenue bonds;

8. Rentals and charges. Fix, alter, charge and collect rentals and other charges at reasonable rates for the use of school projects. These rates shall be determined by the authority to fund:

A. The expenses of the authority;

B. The improvement, repair and maintenance of these projects;

C. The payment of the principal of and the interest on its revenue bonds; and

D. To fulfill the terms and provisions of agreements made with the purchasers or holders of these bonds;

9. Acquire and dispose of property. Acquire, hold and dispose of real and personal property;

10. Acquire land; eminent domain. Acquire in the name of the authority, by purchase or otherwise, on the terms and conditions and in the manner it deems proper, or by the exercise of the power of eminent domain, land or property rights. Using eminent domain, the authority may not take more than 25 acres for one project. In using eminent domain, the authority shall be governed by Title 35, chapter 263;

11. Contracts, leases and agreements. Make and enter into contracts, leases and agreements necessary or incidental to the performance of its duties;

12. Utilize services of other departments. Utilize the services of agencies and departments of the State whenever feasible;

13. Employees. Employ other persons and agents, and fix their compensation;

14. Supplement lease agreements. As funds are appropriated, make a grant to a school administrative unit if the borrowing capacity of the unit, the lease or rental policies of the authority, and other available funds are not sufficient to finance the minimum classroom facilities needed.

A. The authority shall adopt or amend rules to determine eligibility for these grants. The authority's determination of eligibility shall become final on approval of the Governor.

B. The grant of state-appropriated funds shall be considered as matching funds for a federal law requiring matching funds for school construction assistance.

C. The authority may make an additional grant to units extending school opportunities to children living in unorganized territories by adding to the grant the percentage determined by dividing the number of pupils enrolled in the unit from unorganized territories on the preceding April 1st by the total unit enrollment reported in the latest annual report required under section 6004.

D. It is the intent of the Legislature that grants under this subsection shall be made only as supplementary financial aid to those units which cannot finance minimum needed classroom facilities within the maximum loan limit policy of the authority. Grants may not be considered as a precedent for granting general major or minor capital cost funds for school construction; and

15. Other acts. Do all acts necessary or convenient to carry out the powers expressly granted in this chapter.

§15706. Contracts

1. Authorization. The authority may authorize a school administrative unit to design and construct a project, and to acquire the necessary land, furnishings and equipment for it. This authorization shall be subject to the supervision and approval of the authority.

A. A school administrative unit may convey to the authority property rights, easements and other interests, which may be necessary or convenient for the construction and operation of the project on terms agreed on between the authority and the unit.

B. A school administrative unit, notwithstanding the prior creation of a special school district coterminous with that unit, may contract with the authority for the lease or use of a project for a period and for consideration and on terms and conditions as agreed on between the unit and the authority. Rentals or other charges provided by these contracts to be paid for the lease or use of a project shall be current operating expenses of the unit, but shall be excluded in the computation for state school subsidy.

2. Approval. A contract, lease or agreement between a school administrative unit and the authority may not be valid unless first approved by the vote of a majority of:

A. The residents of a municipality voting on this question;

B. In a community school district, the residents of each municipality within the district; or

C. The residents of a school administrative district in the manner provided in sections 1351 to 1354.

3. Delinquency. If a school administrative unit is delinquent in its payments to the authority, the department shall make payment to the authority in lieu of the unit from amounts properly payable to that unit by the department. This payment shall not exceed the amount then presently due to the authority from the unit. If the amounts properly payable to a community school district are less than the amount then presently due to the authority, the department shall pay the balance to the authority from the amounts properly payable to the participating municipalities in the

district. The amount withheld from each of the municipalities shall be proportional to the balance of that municipality's state valuation divided by the total state valuation of all of the municipalities within the district.

4. Delays. Notwithstanding any other law, a delay in the actual completion of a project beyond the date as estimated by the authority, or any damage to or destruction of the whole or a portion of the project may not operate to relieve the school administrative unit of its obligation to pay the rentals and other charges as provided in the contract, lease or agreement.

5. Confirmed agreements. A contract, lease or agreement entered into in accordance with this section shall be ratified and confirmed.

§15707. Revenue bonds

The authority may provide by resolution for the issuance of revenue bonds. These bonds may not exceed \$25,000,000 outstanding at any one time.

1. Payment of principal and interest. Except as provided in this chapter, the principal and interest on those bonds shall be payable solely from the funds provided for this payment.

2. Dates; redemption. The bonds of each issue:

A. Shall be dated;

B. Shall bear interest at rates determined by the authority;

C. Shall mature at a date not to exceed 40 years from their date of issue; and

D. May be made redeemable before maturity, at the option of the authority, at a price and under terms established by the authority prior to their issuance.

3. Form. The authority shall determine the form of the bonds, including interest coupons to be attached, the denomination of the bonds and the places of payment of principal and interest. The authority may designate a bank or trust company within or without the State for these payments. The bonds and attached coupons shall be signed by the chairman of the authority or shall bear his facsimile signature. The official seal of the authority shall be impressed on the bonds and attested by the secretary and

treasurer. If any officer whose signature or a facsimile of whose signature appears on bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes.

4. Bonds as negotiable instruments. The authority's bonds shall have all the qualities and incidents of negotiable instruments under Title 11, sections 1-101 to 10-108. Bonds may be issued in coupon or in registered form, or both. Provision may be made for the registration of coupon bonds as to principal or as to both principal and interest, and for the reconversion into coupon bonds or bonds registered as to both principal and interest.

5. Bond sales. The authority may sell bonds either at public or at private sale. It may determine the sale price of bonds.

6. Proceeds of bonds. The proceeds of the bonds shall be used solely for the payment of the cost of projects.

A. The authority shall determine the manner of disbursement of the proceeds. The authority may restrict the disbursement by authorizing resolution or by trust agreement securing the issuance of the bonds.

B. The authority may, under similar restrictions, issue interim receipts, notes or temporary bonds prior to the preparation of definitive bonds with or without coupons. These interim notes may be exchangeable or definitive bonds when these bonds are available for delivery.

C. The authority may provide for the replacement of bonds which become mutilated, destroyed or lost.

D. Bonds may be issued without obtaining the consent of any agency of the State, and without any other proceedings or conditions, except as specifically required by this chapter.

§15708. State credit

Except as provided in this section, issued revenue bonds may not be deemed to constitute a debt or pledge of credit of the State. The bonds shall be payable solely from the funds provided for payment, and a statement to that effect shall be placed on the face of the bonds.

1. Exceptions. The authority, acting on behalf of the

State, may insure the payment of its revenue bonds. To this end, the faith and credit of the State shall be pledged, consistent with the terms and limitations of the Constitution of Maine, Article IX, Section 14-C. The authority shall, in the resolution authorizing the issuance of these revenue bonds, provide that the payment of these revenue bonds shall be insured by the State. On the adoption of the resolution, the payment of these revenue bonds shall be deemed to have been insured by the State and the faith and credit of the State to have been pledged to that payment. The insurance shall take effect without obtaining the consent of any agency of the State, and without any other proceedings or conditions except as specifically required by this chapter.

2. State payments. If moneys are required to pay the revenue bonds so insured, the authority shall, in writing, request the Governor to provide the necessary funds. The Governor shall transfer sufficient moneys to the authority from the State Contingent Account or from the proceeds of bonds. If bonds are to be issued for that payment, the Governor shall order the Treasurer of State to issue bonds in the amount requested subject to the following conditions.

A. The aggregate of the bonds may not exceed the amount set forth in the Constitution of Maine, Article IX, Section 14-C.

B. The bonds shall mature at a time not to exceed 20 years from the date of issue.

C. The Governor shall determine the interest rates and terms for the issue of the bonds.

D. The bonds shall constitute a pledge of the faith and credit of the State.

§15709. Trust funds

Notwithstanding any other law, all moneys received under this chapter whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this chapter. The resolution authorizing the bonds or trust agreement securing these bonds shall provide that a person with which these moneys are deposited shall act as trustee of the moneys, and shall hold and apply the moneys for the purposes and subject to the conditions of this chapter.

§15710. Revenue refunding bonds

1. Authorization. The authority may provide by reso-

lution for the issuance of revenue refunding bonds for:

A. Refunding bonds then outstanding which shall have been issued under this chapter, including the payment of a redemption premium or accrued interest; or

B. Constructing enlargements, extensions or improvements by the original project.

2. Conditions. The issuance of these bonds, their maturities and other details, the rights of the holders and the rights, duties and obligations of the authority shall be governed by this chapter, insofar as they may be applicable.

3. Insurance. The provisions of section 15708 shall apply to these revenue refunding bonds.

§15711. Transfer

When bonds have been paid, or a sufficient amount for the payment of the bonds and the interest has been set aside in trust for the benefit of the bondholders, the project shall be conveyed by the authority to the lessee school administrative unit.

§15712. Investment

Revenue bonds and revenue refunding bonds shall be securities in which public officers and public bodies of the State and its political subdivisions, insurance companies, trust companies and their commercial departments, banking associations, investment companies, savings banks, executors, trustees and other fiduciaries and other persons who are now or may be authorized to invest in bonds or other obligations of a similar nature, may properly and legally invest funds, including pension and retirement funds or capital under their control or belonging to them. The bonds shall be securities which may properly and legally be deposited with and received by a state or municipal officer or an agency or political subdivision of the State for a purpose for which the deposit of bonds may be authorized by law.

§15713. Other bonding authority

This chapter shall not be regarded as in derogation of any power now existing. The issuance of bonds need not comply with the requirements of other laws applicable to the issuance of bonds.

§15714. Remedies

A holder of bonds or coupons and the trustee under a trust agreement, except to the extent the rights may be restricted by that trust agreement, may, by civil action, protect and enforce all his applicable rights and may enforce and complete the performance of all duties required by this chapter.

§15715. Preliminary expenses

A school board may, with the approval of the authority, expend out of funds available for the purpose, moneys necessary for preliminary expenses, including architectural and other services. Expenses incurred by the school board prior to the issuance of revenue bonds shall be paid by the board and charged to the appropriate project. The school board shall keep proper records of accounts showing each amount charged. On the issuance of revenue bonds for the project, the funds expended by the school board for the project shall be reimbursed from the proceeds of the bonds.

§15716. Direct payment

The commissioner may pay to the authority funds due to a school administrative unit as part of its state allocation as follows.

1. Application. If a school administrative unit is obligated to make payments to the authority on December 1st, its school board may apply in writing to the commissioner setting forth:

A. The amount due;

B. The date due;

C. The name of the trustee of the authority who shall receive the payment; and

D. Their statement that they desire that the amount specified be paid directly to the designated trustee from moneys apportioned to the unit.

If the commissioner and the Treasurer of State approve the request, the specified amount shall be paid directly to the designated trustee prior to the due date. It shall also be deducted from the amount due to the school administrative unit from the State.

§15717. Exemption from taxation

As the exercise of the powers granted by this chapter will be in all respects for the benefit of the people of the State and for the improvement of their educational facilities, and as projects constructed under this chapter constitute public property, the authority may not be required to pay taxes or assessments on its property, a project or on income from property or projects. Bonds issued under this chapter, their transfer and their income, including profit made on their sale, shall at all times be free from taxation within the State.

§15718. Liberal construction

This chapter, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect its purposes.

CHAPTER 609

SCHOOL CONSTRUCTION

§15901. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Concept approval. "Concept approval" means the initial approval of a school construction project by the state board which indicates:

A. Acknowledgment of the local need;

B. Approval of the preliminary design;

C. Approval of estimated costs; and

D. The state board's intent to issue final approval subject to a favorable local vote and approval of final cost estimates.

2. Maintenance of plant. "Maintenance of plant" means those activities concerned with keeping the grounds, buildings and equipment at their original condition of completeness or efficiency either through repairs or by replacement of property.

3. Major capital cost. "Major capital cost" means school construction projects and may include the cost for equipment approved under a school construction project.

4. School construction project. "School construction

project" means:

A. On-site additions to existing schools;

B. New schools;

C. The cost of land acquisition;

D. The building of or acquisition of other facilities related to the operation of school administrative units;

E. Major renovations of existing schools, which in the judgment of the commissioner are more feasible than new construction; and

F. Off-site construction may only be included within the meaning of this term if, in the judgment of the commissioner, it is economically in the best interests of the State or there is no other practical way to complete a project.

5. Total cost of school construction projects. "Total costs of school construction projects" means all costs related to or incidental to the project, except financing costs and proceeds from insured losses.

§15902. Administrative units

1. Building committee. The legislative body of a school administrative unit may at a regular or specially called meeting establish a special building committee. If the legislative body does not establish a special building committee, then the school board shall act as the building committee and may delegate the powers and duties of the building committee to the superintendent.

2. School board approval. A plan for a school construction project voted for by a school administrative unit shall be approved by the school board.

3. Authority to sell bonds. A school administrative unit may sell bonds to raise the local share of project costs.

4. Final report to commissioner. On the completion of a school construction project, the building committee shall certify to the commissioner that the construction project has been completed in conformity with the approved plans and specifications.

§15903. Approval of plans and specifications

1. Application. A school construction project or the minor capital costs of a project with an estimated cost of more than \$25,000 shall meet the requirements of this section.

2. Requirements. The plans and specifications shall contain suitable provision for the health, welfare and safety of persons who will utilize the project.

3. Approval. Before acceptance by a school board, the plans and specifications shall be approved by the following:

A. The Bureau of Public Improvements, Department of Finance and Administration;

B. The department;

C. The Department of Human Services; and

D. The State Fire Marshal.

4. Changes. Changes in the plans and specifications shall be approved by the department.

5. Inspection and compliance. If it appears to the commissioner that the school construction project has not been completed in conformity with the approved plans and specifications, the commissioner may cause an inspection of the project to be made. The commissioner shall notify the building committee of the findings of the investigation and of any changes required. The building committee shall make the changes within a reasonable period of time. Failure to do so shall render the school administrative unit liable to the penalties provided in section 6801.

§15904. Local vote

Prior to final approval by the state board, a school construction project must receive a favorable vote conducted in accordance with the following.

1. Councils. In a municipality where the responsibility for final adoption of the school budget is vested in a municipal council by municipal charter or in a town meeting, the vote shall be by secret ballot in accordance with the appropriate provisions set forth in Title 21 and Title 30.

2. School administrative districts. In a school administrative district or vocational region the vote shall be conducted in accordance with sections 1351 to 1354.

3. Community school districts. In a community school district, the vote shall be conducted in accordance with Title 30, sections 2061 to 2065. The district school committee shall:

A. Issue a warrant ordering the municipalities within the district to place the school construction article on the ballot; and

B. Prepare and furnish the required number of ballots for carrying out the vote.

4. Form. The article shall indicate:

A. That the initial local share of the total cost of the project shall be 5% of the total cost or one mill multiplied by the school administrative unit's state valuation, whichever is less;

B. The actual initial local share;

C. That the entire additional operating costs of the new project during its first 2 years shall be borne by revenues raised by the school administrative unit;

D. The estimated amount of the additional operating costs during each of the first 2 years; and

E. The state allocation percentage in the year in which the project received concept approval.

§15905. State board

1. Approval authority. The state board must approve a school construction project.

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15503, subsection 9, paragraph A, to exceed \$30,000,000 in a subsequent fiscal year.

B. Nonstate funded projects, such as school construction projects or portions of projects financed by proceeds from insured losses, money from federal sources, other noneducational funds or local funds which shall not be reimbursed by the State, shall be outside the total cost limitations set by the Legislature.

2. Secondary school construction project limitations. The state board may approve a secondary school construction project designed to accommodate fewer than 300 pupils only

if the state board has determined that the school will have an adequate educational program. The board may not approve a secondary school construction project if fewer than 10 full-time teachers will be employed at the school, unless the location of the school would be geographically isolated.

3. Certificate of approval. A certificate of approval shall be issued for each project approved by the state board. The certificate shall bear the amount of state aid and other stipulations or conditions. The certificate shall be signed by the commissioner and shall be conclusive evidence of the facts stated on it.

4. Rules. The state board may adopt or amend rules relating to the approval of school construction projects.

§15906. Suits challenging school bond issues, security required

In any action challenging the validity of the issuance of bonds for a school construction project authorized and approved under this chapter, or seeking to enjoin the commencement, construction or completion of any such school construction project, the following shall apply.

1. The plaintiff to provide security. If the court has granted a motion to dismiss or has granted summary judgment against the plaintiff, the court may require the plaintiff to provide security during the period of any appeal from that judgment to cover any costs or damages as may be incurred or suffered by any party resulting from delay of the project, including any loss of purchasing power during the period of delay.

2. The amount of security. In determining the amount of security to be required, the court shall consider a recognized index of building costs, the consumer price index and other relevant evidence concerning the cost of the project and the estimated period of delay during the appeal.

§15907. Payment

1. Payment of state's share. The state allocation for debt service costs shall be paid by the commissioner to each unit according to that unit's debt retirement schedule.

2. Payment of local share. A school administrative unit shall pay the local share of their project costs.

3. Local funds ineligible for state aid. Notwithstanding any other law, the initial local share of school

construction projects shall not be considered educational costs for purposes of computing the state and local allocation under chapter 605.

§15908. Design limits

1. Technical assistance. In order to provide the technical assistance required by the state board in assessing proposed school construction projects, the Bureau of Public Improvements may contract for the services of a professional engineer whenever the bureau is not employing qualified personnel on a full-time basis.

2. Energy conservation standards. The state board shall approve only those projects which have been designed in accordance with rigorous standards for the conservation of energy.

3. Life-cycle costs. The department and the Bureau of Public Improvements may not approve the plans and specifications of a project which does not meet the requirements of Title 5, chapter 153, subchapter I-A.

§15909. Financing

1. Rate of construction aid. A school administrative unit's initial local share of the total cost of a project shall be either 5% of the total cost or the equivalent of one mill multiplied by the unit's state valuation, whichever is less.

A. The one mill shall be calculated on the state valuation in effect at the time the project is first approved by the state board.

B. The unit's initial local share shall be applied to the project costs during the period of construction.

C. The unit's initial local share may be derived from local appropriations or gifts.

D. The unit's initial local share shall not be considered an educational cost for purposes of subsidy reimbursement under chapter 605.

2. Bonds. A school administrative unit shall sell bonds in its name for the total cost of the project minus the amounts listed in paragraph A. Bond sales shall be consistent with rules adopted or amended by the state board.

A. The amount to be bonded shall be determined as fol-

lows. The total cost of the project shall be reduced by:

- (1) The initial local share;
- (2) Proceeds from insured losses;
- (3) Money from federal sources; and
- (4) Other noneducational funds, except gifts and moneys from federal revenue sharing sources.

B. A school administrative unit may borrow money for projects in anticipation of bond sales. Borrowing shall be consistent with rules adopted or amended by the state board.

3. Deductions; cost of project. Proceeds from insured losses, money from federal sources and other noneducational funds shall be deducted from the total cost of the project to determine the amount on which the state's share shall be calculated. Proceeds from gifts or moneys from federal revenue sharing sources shall be treated as local appropriations.

§15910. Requirements

The following requirements shall apply to a school construction project.

1. Applications. An application for approval of a project shall include the information required by the state board.

2. Reports. A school administrative unit shall file:

A. A copy of the debt retirement schedule with the commissioner as soon as bonds are sold; and

B. A final report on a project to include any information the commissioner may require. This report shall be made within the time specified by rule by the commissioner.

3. Penalty. Failure to submit accurate reports within specified times shall be deemed sufficient cause for withholding school construction aid until the school administrative unit complies.

4. Time of signing. A school administrative unit may not sign a contract for construction or begin construction

until the final plans and specifications have been approved by the commissioner, the Bureau of Public Improvements, the Department of Human Services and the State Fire Marshal.

§15911. Community services; conditions of approval

The state board may approve construction of school buildings without obligating the State to pay a share of the costs of those buildings, if those portions are to be constructed to fulfill a community service need.

1. Community service. "Community service" means a service which does not fulfill an educational purpose or which is not restricted to a school-age population.

2. Breakdown of costs. If construction of facilities to meet a community service need occurs in conjunction with a school construction project, the board shall:

A. Require a breakdown of costs for the entire project; and

B. Approve a plan as to how operating costs, including repairs, shall be shared by agreement between the municipal officers and the school board.

3. Findings. The state board's finding shall become a part of the certificate of approval and shall be the basis on which all costs shall be apportioned between the municipality and the school administrative unit for as long as that portion of the project shall:

A. Continue to serve that community need; and

B. Remain under the control of persons other than the school board.

4. Application. An application from a school administrative unit for approval of a school construction project shall include evidence that approval will result in meeting or helping to meet the total construction and program needs of the area to be served.

§15912. Inspection of facility; compliance

If it appears that a school administrative unit has failed to maintain a school facility which protects the health, welfare and safety of the persons utilizing the facility, the commissioner may cause an inspection to be made. The commissioner shall notify the school administrative unit of the findings of the investigation and of any

changes to be made. The school administrative unit shall make the changes promptly. If it fails to make the changes, it shall be liable to the penalties provided in section 6801.

§15913. School bus shelters

1. Placement. School bus shelters for school children, when approved by the school board of the unit in which they are located, may be placed or maintained outside the right-of-way and at least 33 feet from the center line of a highway.

2. Requirement. A shelter shall be:

A. Constructed of steel or other durable material with concrete floor raised above ground level;

B. Kept clean, well painted or otherwise suitably maintained at all times; and

C. Kept free from snow.

3. Removal. The school board may order its removal if it does not meet these requirements.

CHAPTER 611

CONDEMNATION

§16101. Authority for condemnation

1. Conditions. A school administrative unit may condemn land for the construction or enlargement of school buildings and playgrounds when:

A. The owner of the property refuses to sell;

B. The parties are unable to agree on a price within 60 days of the first offer; or

C. The owner of the property resides outside the State and has no authorized agent or attorney within the State.

2. School administrative units. The following school administrative units may condemn land for school construction:

A. Municipalities;

B. School administrative districts; and

C. Community school districts.

3. Restrictions. A school administrative unit may not condemn lots exceeding 25 acres for one project.

§16102. Procedures

1. Authority to condemn. When the location of a school lot has been legally determined by a school administrative unit, the land may be condemned:

A. In a municipality by the municipal officer;

B. In a school administrative district by a school board; and

C. In a community school district by the district board of trustees.

2. Appraisal. Damages for condemnation shall be determined:

A. As provided for laying out town ways for municipalities; or

B. As provided for laying out county ways in Title 23, sections 2052 and 2054, for school administrative districts and community school districts, except that notice need not be given to the Department of Transportation.

3. Payment of damages. The school board may take lots for school construction after payment of these damages. If the owner of the condemned property resides outside the State the damages shall be deposited in the municipal treasury for municipalities and in the county treasury for other school administrative units.

4. Description. The school board shall cause a plan and description of the lots, as they have laid them out, to be recorded in the registry of deeds where the land lies, within 30 days of payment or deposit of damages.

5. Notice. The school board shall serve on the owner a certified copy of the vote directing the condemnation. This notice shall be served according to the Maine Rules of Civil Procedure.

§16103. Reversion

If land taken under this chapter has ceased to be used

for school purposes for 2 successive years, the lot shall revert to the owner, the owner's heirs or assigns, on demand. The request for reversion shall be made in writing to the school board. The school board may enter the lot and remove the school buildings within 6 months after the demand.

§16104. Appeals

If the owner is aggrieved at the damages awarded him under this chapter, he may appeal to the Superior Court of the county in which the land or any part of it lies.

1. Procedure. The owner shall file a complaint in the court and serve the school administrative unit with a copy within 90 days of the date of recording of the description of the lot in the registry of deeds. The complaint shall set forth substantially the facts, but shall not state the amount of the damages previously awarded to the owner.

2. Determination of damages. The damages may be determined in the Superior Court by a committee of reference if the parties so agree, or by a jury verdict.

3. Costs. If the damages are increased, the school administrative unit shall pay the damages and costs; otherwise, the costs shall be paid by the appellant.

4. Committee of reference compensation. A committee of reference shall be allowed a reasonable compensation for its services. This compensation shall be fixed by the court upon the presentation of its report and paid from the county treasury upon the certificate of the clerk of courts.

5. Further appeal. An appeal may be taken by a party from the judgment of the court to the Supreme Judicial Court.

§16105. School lots; erroneous description

1. Reappraisal. If a school administrative unit has designated, located and described a lot upon which to construct or enlarge a school and by mistake or omission has failed to comply with the law whereby the location has been rendered invalid, 3 legal voters and taxpayers of that unit may apply in writing to the school board and have the lot, so designated or described, reappraised by them.

2. Notice. The school board to whom an application has been made shall give not less than 7 nor more than 20

days' notice to the municipal clerks and to the person owning or having charge of the real estate. The notice shall contain the time and place for the hearing. After examination and hearing of all interested, the school board shall appraise and affix a fair value to the lot as set out, exclusive of improvements made by the school administrative unit. As soon as practicable, the school board shall notify the municipal clerks and the person owning or having charge of the real estate of the appraisal.

3. Assessment and collection. The sum fixed as the value of the lot shall be assessed, collected and paid over as other school money.

4. Tender. A sum which has been tendered and is in the hands or under the control of the persons owning or having charge of the land shall be allowed in payment of the appraisal.

5. Appeal by either party. The school board or the person owning or having charge of the land reappraised may appeal within 10 days if they are dissatisfied with the reappraisal.

A. The claim for appeal shall be submitted to the county commissioners of the county in which the land lies, and shall include a copy of the proceedings.

B. The determination of the appeal shall be by a majority of the commissioners who are not residents of the school administrative unit.

C. The determination may be appealed by an aggrieved party to the Superior Court as provided under section 16104.

6. Improvements inure to units. If a school administrative unit has erected or moved a building on or improved a lot, the improvement shall inure to the benefit of the school administrative unit. The building or improvements may be as completely occupied and controlled by the school administrative unit as it would have been if the location had been in strict conformity to law.

7. Tax not affected. The legality of a tax assessed to build, repair or remove a school building and to pay for a lot shall not be affected by a mistake or error in designation or location of a lot.

Sec. 6. Transition. The following provisions shall apply to the transition from the Revised Statutes, Title 20

to Title 20-A.

1. Definition. For the purposes of this section:

A. "Management board" means a school board, advisory committee, cooperative committee, joint committee or other governing body of a school unit; and

B. "School unit" means a school administrative unit, vocational region, school union, union school and vocational-technical institutes.

2. Personnel. This Act shall have no effect on the terms or appointment of an employee of the department, of a school unit or management board operating under this Title.

3. Funds and equipment transferred in department. Notwithstanding the provisions of the Revised Statutes, Title 5, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in an account or subdivision of an account of the Department of Educational and Cultural Services shall be transferred to the proper place under this Act by the State Controller on the request of the Commissioner of Educational and Cultural Services and the State Budget Officer, and with the approval of the Governor.

4. Funds and equipment transferred in school unit. Notwithstanding the provisions of the Revised Statutes, Title 5, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in an account or subdivision of an account of a school unit shall be transferred to the proper place under this Act on the approval of the management board.

5. Agreements, leases, contracts, authorizations or bonds. All agreements, leases, contracts, authorizations, notes or bonds, issued under the Revised Statutes, Title 20, prior to the effective date of this Act shall continue to be valid under the terms of issuance until they expire or are rescinded, amended or revoked.

6. Dedicated revenues. This Act shall not be construed to change the status of any dedicated revenues. All dedicated revenues existing prior to this Act shall not lapse because of this Act, but shall be transferred to the funds of the same name which are created by this Act.

Sec. 7. Legislative intent. It is the intent of the Legislature that this Act shall be considered a revision of the Department of Educational and Cultural Services' governing statutes.

Sec. 8. Effective date. This Act shall take effect on July 1, 1983.

Effective July 1, 1983.

CHAPTER 694

H.P. 1959 - L.D. 1932

AN ACT to Establish Standard Procedures Enabling the Formation of Municipal Power Districts.

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

Sec. 1. 35 MRSA §69 is amended by adding at the end a new paragraph to read:

This section does not apply to municipal power districts organized in accordance with chapter 241, unless by the express terms of chapter 241 the provisions of this section are made applicable to those districts.

Sec. 2. 35 MRSA c. 241 is enacted to read:

CHAPTER 241

MUNICIPAL POWER DISTRICTS

§2951. Short title

This chapter may be cited as the "Municipal Power District Enabling Act."

§2952. Purpose

The purpose of each municipal power district formed under this chapter is to generate, supply or extend the efficient use of electric energy for public purposes and for the health, welfare, comfort and convenience of the inhabitants of the district.

§2953. Formation of district

A municipal power district may be formed under the following provisions.