

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
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J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

The license fee for a clinical social worker shall be established by the board in an amount not to exceed \$125. All fees shall accompany the application.

Should the board deny the issuance of a license or certificate of registration to any applicant, the application and examination fees shall be nonrefundable.

Effective July 25, 1984.

CHAPTER 806

H.P. 1862 - L.D. 2467

AN ACT to Clarify Certain Laws Relating to Education.

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

Sec. 1. 20-A MRSA §255, sub-§4, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

4. Maintaining records. The commissioner shall preserve all school reports of this State and of other states which he the commission 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.

Sec. 2. 20-A MRSA §255, sub-§5, ¶D, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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

Sec. 3. 20-A MRSA §256, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Report to Governor. The commissioner, annually, shall report to the Governor the result of his the commissioner's inquiries and investigations and

the facts obtained from the school returns, with any suggestions and recommendations to improve public schools.

Sec. 4. 20-A MRSA §256, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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.

Sec. 5. 20-A MRSA §257, sub-§1, ¶B, as repealed and replaced by PL 1983, c. 151, is amended to read:

B. Are 17 years of age and have:

(1) A documented, immediate need; and

(2) Written approval from the local superintendent or ~~his~~ the superintendent's designee;

Sec. 6. 20-A MRSA §258, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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.

Sec. 7. 20-A MRSA §405, sub-§4, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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.

Sec. 8. 20-A MRSA §608, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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 or herself, shall serve as the members of the commission from his or her state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him or her.

Sec. 9. 20-A MRSA §652, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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 or her respective House.

Sec. 10. 20-A MRSA §1001, sub-§§9 and 11, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

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~~ the student 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.

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 smallpox, 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~~ the director's opinion epidemic occurrence of the particular illness makes the exclusion necessary for the protection of the public health.

Sec. 11. 20-A MRSA §1002, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

3. Appointment to civil office and other employment. No school board member may, during the term for which ~~he the member~~ 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.

Sec. 12. 20-A MRSA §1055, sub-§8, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

8. Full-time employment. The ~~superintendent shall devote his entire time~~ entire time of the superintendent shall be devoted to superintendence in the school supervisory unit which employs him the superintendent. 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.

Sec. 13. 20-A MRSA §1251, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~ a successor is elected and qualified.

Sec. 14. 20-A MRSA §1251, sub-§6, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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

Sec. 15. 20-A MRSA §1252, sub-§2, ¶C, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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

Sec. 16. 20-A MRSA §1254, sub-§3, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~ a successor is elected and qualified.

Sec. 17. 20-A MRSA §1255, sub-§10, ¶C, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~ a successor is elected and qualified at the next annual municipal election.

Sec. 18. 20-A MRSA §1256, sub-§7, ¶¶A and B, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

A. If the board receives written notice from a prospective donor or ~~his~~ a representative of the donor, 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~~ the donor's heirs.

Sec. 19. 20-A MRSA §1309, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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. The special budget meeting shall be held in accordance with sections 1302 to 1307.

Sec. 20. 20-A MRSA §1314, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~ the superintendent's absence or disability, by any director designated for the purpose by the chairman of the board of directors.

Sec. 21. 20-A MRSA §1653, sub-§1, ¶¶A and B, as repealed and replaced by PL 1983, c. 422, §12, are amended to read:

A. In a district which does not include grades one to 12, the school committee of each member town shall choose from its membership the representation on the community school district's school committee to which that town is entitled. Membership on the district's committee shall be coterminous with the member's term of office on the school committee of the town which he the member represents.

B. In a district which includes grades one to 12, the member towns shall elect their representatives directly to the district's school committee as follows.

(1) For the purpose of nominations, the members of the school committee shall be considered municipal officers and shall be nominated in accordance with Title 30, chapter 207, or in accordance with a municipal charter, whichever is applicable.

(2) Upon the election of the members to the school committee, the clerks of the several municipalities within the district shall forward the names of the members of the committee elected by each municipality to the secretary of the district's school committee.

(3) The terms of office shall be determined by lot as follows: One-third of the members of the school committee shall serve one-year terms; $1/3$ shall serve 2-year terms; and $1/3$ shall serve 3-year terms. In the event the number of members is not evenly divisible by 3, the terms of the members represented by the integer obtained by dividing the number of members by 3 shall be determined by the preceding sentence; if one member remains, he that member shall serve a 3-year term; if 2 members remain, one shall serve a 3-year term; and one shall serve a 2-year term, to be determined by lot. The members of the school committee shall serve their terms as determined and an additional period until the next regular election of the municipalities. Thereafter, their terms of office shall date from the time of each municipality's regular election. In a city where elections are held biennially, the term of each member shall be for 4 years, dating from the time of the regular city election and, following the initial election, the members shall choose by lot to see who will serve for 4 years and who will serve for 2 years. Thereafter, each member shall be elected to serve for 4 years.

Sec. 22. 20-A MRSA §1653, sub-§2, ¶¶A and B, as repealed and replaced by PL 1983, c. 422, §12, are amended to read:

A. A vacancy on a school committee of a district which does not include grades one to 12, whether caused by death, by resignation or by a member having changed his residence from the town which he represents the member was elected to represent, shall be filled by the school commit-

tee of the town in which the vacancy occurs. A similar vacancy on a school committee of a district which includes grades one to 12 shall be filled by the municipal officers of the municipality in which the member resided. The municipal officers shall select a new member from the municipality in which the old member resided to serve until the next annual municipal election. Evidence that an individual is registered to vote in a municipality is prima facie evidence of that individual's residency.

B. If any representative on the school committee in a community school district which does not include grades one to 12 is absent from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists and the school committee in the representative's town may choose from among its members another representative to the community school committee. He The new member shall be chosen on the basis of seniority.

Sec. 23. 20-A MRSA §1705, sub-§1, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. When the district school committee receives written notice from a prospective donor or his a representative of the donor 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.

Sec. 24. 20-A MRSA §1705, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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 a representative of the donor 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.

Sec. 25. 20-A MRSA §2305, sub-§4, ¶B, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. Whenever the remaining members of the school committee fail to appoint a person to fill a vacancy, by election at a town meeting called for the purpose.

Sec. 26. 20-A MRSA §2352, as amended by PL 1983, c. 422, §15, is repealed.

Sec. 27. 20-A MRSA §2704, first ¶, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A joint committee if established pursuant to section ~~2003~~ 2703:

Sec. 28. 20-A MRSA §2952, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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~~ the commissioner may require.

Sec. 29. 20-A MRSA §3305, sub-§6, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

6. Appeals. If the owner is aggrieved at the location of the lot or the damages awarded, ~~he~~ that owner 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.

Sec. 30. 20-A MRSA §3605, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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 committees. 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 or her 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 appoint-

ing 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~~ may be disqualified because he or she 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.

Sec. 31. 20-A MRSA §3618, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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 or her in the records of the interstate school district.

Sec. 32. 20-A MRSA §3619, first ¶, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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 or her designate, shall preside in the first instance, and the following business shall be transacted:

Sec. 33. 20-A MRSA §3624, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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 or her 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~~ may be eligible to any district office unless he or she 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.

Sec. 34. 20-A MRSA §3625, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~ may be disqualified to serve as a member of an interstate board because he or she is at the same time a member of the school board of a member district.

Sec. 35. 20-A MRSA §3626, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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 or her.

Sec. 36. 20-A MRSA §3627, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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 or she shall represent a member district in a state other than that represented by the chairman. He or she shall preside in the absence of the chairman and shall perform such other duties as may be assigned to him or her by the interstate board.

Sec. 37. 20-A MRSA §3628, as enacted by PL 1981, c. 693, §5 and 8, is amended to read:

§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 or her 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 or her by the board.

Sec. 38. 20-A MRSA §3629, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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 or she may prescribe rules of procedure; but such rules may be altered by the district. He or she may administer oaths to district officers in either state.

Sec. 39. 20-A MRSA §3631, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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 or she 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 or she shall make a report to the interstate district, giving a particular account of all receipts and payments during the year. He or she shall furnish to the interstate directors, statements from his or her books and submit his or her books and vouchers to them and to the district auditors for examination

whenever so requested. He or she shall make all returns called for by laws relating to school districts. Before entering on his or her 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.

Sec. 40. 20-A MRSA §3656, sub-§3, ¶¶B and C, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. See that each teacher or professional staff employee selects the retirement system of his or her choice at the time his or her 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 or her jurisdiction so that each may be enrolled in the retirement system of his or her preference.

Sec. 41. 20-A MRSA §3661, sub-§3, ¶B, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. See that each teacher or professional staff employee selects the retirement system of his or her choice at the time his or her contract is signed;

Sec. 42. 20-A MRSA §4008, sub-§3, ¶B, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~ the client; or

(2) There is clear and imminent danger to the client or others.

Sec. 43. 20-A MRSA §4204, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

3. Advisory committee. The commissioner shall appoint a committee of professional and lay people to advise him give advice in the adoption of standards.

Sec. 44. 20-A MRSA §4402, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Commissioner may remove basic approval. Notwithstanding any other provisions of law, the commissioner may remove basic approval from any private school for failure to meet applicable approval requirements.

Sec. 45. 20-A MRSA §4406, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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 throughout the school year. A junior high school may be maintained in connection with or as a part of an approved or accredited secondary school.

Sec. 46. 20-A MRSA §4601, sub-§6, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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. These students do not need to meet these the graduation requirements in subsection 1, paragraph A and subsection 2.

Sec. 47. 20-A MRSA §4602, sub-§4, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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, the United States Code Annotated, Title 20, Section 880b-17}~~ 3221, et seq., that is, programs which do not include students of limited English speaking ability.

Sec. 48. 20-A MRSA §5001, as amended by PL 1983, c. 485, §22, is repealed.

Sec. 49. 20-A MRSA §5001-A is enacted to read:

§5001-A. Compulsory attendance

Attendance at school shall be required of persons in the State as follows.

1. Requirement. Persons 7 years of age or older and under 17 years shall attend a public day school during the time it is in regular session.

2. Exceptions. Attendance at school shall not be required of the following:

A. A person who graduates from high school before that person's 17th birthday;

B. A person who has:

(1) Reached the age of 15 years or completed the 9th grade;

(2) Permission to leave school from that person's parent;

(3) Permission to leave school from the school board or its designee; and

(4) Agreed in writing with that person's parent and the school board or its designee to meet annually until that person's 17th birthday to review that person's educational needs. When the request to be excused from school has been denied pursuant to this paragraph, the student's parent may appeal to the commissioner; or

C. A person whose absence is excused under section 5051. The parent of an habitual truant who has been denied a waiver of this paragraph, may appeal to the commissioner in accordance with section 5051, subsection 2, paragraph E.

3. Alternatives to attendance at public day school. Alternatives to attendance at public day school are as follows.

A. Equivalent instruction alternatives are as follows.

(1) A person shall be excused from attending a public day school if the person obtains equivalent instruction in a private school or in any other manner arranged for by the school board and if the equivalent instruction is approved by the commissioner.

(2) If any request to be excused is denied by a school board, an appeal may be filed with the commissioner. The commissioner shall review the request to be excused to determine whether the school board has been correct in its finding that no equivalent instruction is available to the person. If the commissioner finds that equivalent instruction is available to the person, the commissioner shall approve the request to be excused.

(3) A student shall be credited with attendance at a private school only if a certificate showing the name, residence and attendance of the person 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 student resides.

B. A person may be excused to attend an alternate program under section 5002 or 5051 or an adult education program under section 8605.

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 adults having a person of compulsory school age under their control shall cause the person to attend school as provided in this section.

6. Noncompliance. An absence of 1/2 day or more shall be considered noncompliance with this section.

Sec. 50. 20-A MRSA §5002, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

§5002. Alternate programs

The following provisions govern suitable programs of work, work-study or training for which students may be excused from attendance in regular school programs.

1. Approval. Students of compulsory school age may be excused from regular school programs 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 consent; and

D. Have obtained permission of the school principal.

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 an alternative program.

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 Standards.

Sec. 51. 20-A MRSA §5003, sub-§1 and 2, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

1. School board's responsibility. School boards shall administer this ~~subchapter~~ chapter.

2. Rules. School boards shall adopt rules to carry out this ~~subchapter~~. They ~~chapter and~~ shall file a copy with the commissioner.

Sec. 52. 20-A MRSA §5051, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Definition. A student is a an habitual truant if ~~he~~ the student is:

A. Subject to section ~~5001 or 5002~~ 5001-A; 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.

Sec. 53. 20-A MRSA §5051, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Procedure. The following provisions ~~apply to~~ govern the procedure to be followed when a student is ~~a~~ an habitual truant.

A. If a principal of a public school determines that a student is ~~a~~ an 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 student's 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~~ The parent's right to inspect student's attendance records and principal's reports; and

(4) The necessity of ~~their~~ the parent's and student's presence at the hearing.

D. If the school board determines that the student is ~~a~~ an habitual truant, it shall either:

(1) Instruct the student to ~~comply with~~ section 5001, subsection 1, attend school as required by section 5001-A and advise the ~~parent or guardian~~ parents of their responsibility under section ~~5001~~ 5001-A, subsection ~~3~~ 5 to assure the student's attendance; or

(2) Waive the requirements of section ~~5001, subsection 1~~ 5001-A, if the student is 14 years of age or older.

E. A parent or guardian may appeal to the commissioner the decision of the school board to the commissioner which denies to an habitual truant at least 14 years old a waiver of section 5001-A.

(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 on a waiver of section 5001-A.

Sec. 54. 20-A MRSA §5053, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Offenses. Each of the following acts shall constitute a civil violation under this subchapter and subchapter ~~###~~ chapter:

A. Having control of a student who is an habitual truant and being primarily responsible for that truancy;

B. Inducing a student to violate section 5051, subsection 1 be absent from school; or

C. Harboring or concealing a student who is in violation of section 5001 when the student is absent from school.

Sec. 55. 20-A MRSA §5201, sub-§§ 1 and 4, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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 where the student resides as defined in section 5202.

4. Rules. A school board may adopt rules to carry out this ~~section~~ chapter.

Sec. 56. 20-A MRSA §5202, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Definitions. For the purposes of this ~~section~~ chapter, "parent" means the parent or guardian with legal custody.

Sec. 57. 20-A MRSA §5202, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. General rule. ~~A person~~ Persons shall be considered ~~a resident~~ residents of the school administrative unit where ~~his parent resides~~ their parents reside. A federal installation shall be considered part of the school administrative unit in which it is located.

Sec. 58. 20-A MRSA §5601, sub-§2, ¶D, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~ by the commissioner 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.

Sec. 59. 20-A MRSA §6004, sub-§2, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~ the students 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.

Sec. 60. 20-A MRSA §6101, sub-§3, as enacted by PL 1983, c. 470, §5, is amended to read:

3. Commissioner's review. The commissioner shall have access to any of the records or documents designated as confidential in this section in carrying out ~~his~~ the commissioner's duties pursuant to sections 13001 to 13003.

Sec. 61. 20-A MRSA §6351, sub-§3, ¶C, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~ the student can return to school.

Sec. 62. 20-A MRSA §6807, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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~~ the student at the expense of the school administrative unit, ~~his~~ the student's 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.

Sec. 63. 20-A MRSA §7202, sub-§6, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

6. Compliance. Provide the commissioner with the information ~~he~~ the commissioner may require to determine compliance with this chapter;

Sec. 64. 20-A MRSA §7204, sub-§3, as enacted by PL 1981, c. 693, §§ 5 and 8, is amended to read:

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~~ the commissioner determines appropriate;

Sec. 65. 20-A MRSA §7206, sub-§3, ¶D, as repealed and replaced by PL 1983, c. 130, §2, is amended to read:

D. If the written findings of the hearing held pursuant to subsection 3, paragraph C, are that the unit is in violation of this chapter, the commissioner shall, within 60 days after the complaint was filed with ~~him~~ the commissioner, issue a written order specifying the steps which the unit shall take to comply with the requirements of this chapter and specify the exact date on which the corrective steps shall be completed.

Sec. 66. 20-A MRSA §7206, sub-§5, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. May withhold financial aid from the school administrative unit until it complies ~~with his order~~; and

Sec. 67. 20-A MRSA §8354, sub-§1, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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 the director's assistants;

Sec. 68. 20-A MRSA §8462, sub-§1, ¶B, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. The warrant shall be directed to any resident living within the vocational region by name ordering ~~him~~ the resident to notify all voters

within the region to assemble at the time and place appointed.

Sec. 69. 20-A MRSA §8462, sub-§2, ¶H, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

H. The secretary of the cooperative board, or ~~in his absence~~ his if absent the secretary's designee, shall record accurately all the votes of the meeting.

Sec. 70. 20-A MRSA §8605, sub-§2, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. A student ~~between the 16th and 20th anniversaries of his birth~~ age 16 through 20 years, who enrolls in a semester adult evening school course, shall be counted as .1 of a student.

Sec. 71. 20-A MRSA §8608, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§8608. Teacher education reimbursement

The commissioner shall add to ~~his~~ the commissioner's 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.

Sec. 72. 20-A MRSA §8610, sub-§6, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~ The commissioner's decision is final and binding.

Sec. 73. 20-A MRSA §8801, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Approval. The state board shall direct an inspection after which ~~he~~ they may approve and grant a certificate to a school that maintains those standards. The expense of inspection shall be paid by the department.

Sec. 74. 20-A MRSA §10001, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§10001. Hemophiliacs

1. Participation in physical activity. A post-secondary institution may not require a hemophiliac to participate in physical activity hazardous to his or her 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 or her condition as a hemophiliac, unless that condition would prevent participation in required courses of study of physical activity.

Sec. 75. 20-A MRSA §10101, sub-§2, ¶¶D and E, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

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; and

Sec. 76. 20-A MRSA §10101, sub-§2, ¶F is enacted to read:

F. Develop programs with the goal of enabling recipients of Aid to Families with Dependent Children to achieve educational and skill levels that will allow them to compete for employment which can eliminate their dependency on public assistance.

Sec. 77. 20-A MRSA §10110, sub-§3, ¶A, as enacted by PL 1983, c. 468, §1, is amended to read:

A. Who has satisfactorily completed one academic year of instruction in plumbing at a Maine vocational-technical institute may take the journeyman's examination and after passage of the examination shall receive a journeyman-in-training license. After a minimum of 2,000 hours of work in the field of plumbing installation as a journeyman-in-training under the supervision of a master plumber, that person shall receive a journeyman's license, provided that the work experience is obtained within 4 years of the date upon which he the individual was issued his a journeyman-in-training license; or

Sec. 78. 20-A MRSA §10112 is enacted to read:

§10112. Educational opportunities for recipients of
Aid to Families with Dependent Children

In conjunction with the Maine Aid to Families
with Dependent Children Coordinating Committee estab-
lished pursuant to Title 22, section 3773, the
vocational-technical institute shall:

1. Placement. Promote opportunities for educa-
tional placement for recipients of Aid to Families
with Dependent Children who meet admissions require-
ments; and

2. Supportive services. Within available funds
for supportive services, make available to Aid to
Families with Dependent Children recipients admitted
to the institute opportunities for supportive ser-
vices which may include, but are not limited to, re-
medial courses and other prevocational preparation,
day care services, counseling services and other pro-
grams and services consistent with the policy and in-
tent of Title 22, chapter 1054.

Sec. 79. 20-A MRSA §10902, sub-§§16 and 17, as
enacted by PL 1983, c. 97, §2, are amended to read:

16. Uniform course numbering. To provide for a
uniform system of the numbering of courses for equiv-
alent courses between the various units of the Uni-
versity of Maine; and

17. Uniform course descriptions. To provide for
a uniform system of course descriptions for equiva-
lent courses between the various units of the Univer-
sity of Maine; and

Sec. 80. 20-A MRSA §10902, sub-§18 is enacted to
read:

18. Aid to Families with Dependent Children re-
cipients. To develop programs with the goal of en-
abling recipients of Aid to Families with Dependent
Children to achieve educational and skill levels that
will assist them to compete for employment which can
eliminate their dependency on public assistance.

Sec. 81. 20-A MRSA §10905, as enacted by PL
1981, c. 693, §§5 and 8, is amended to read:

§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.

Sec. 82. 20-A MRSA §10908 is enacted to read:

§10908. Educational opportunities for recipients of
Aid to Families with Dependent Children

In conjunction with the Maine Aid to Families
with Dependent Children Coordinating Committee oper-
ating pursuant to Title 22, chapter 1054, the Univer-
sity of Maine:

1. Placement. Shall promote opportunities for
educational placement for recipients of Aid to Fami-
lies with Dependent Children who meet applicable ad-
missions requirements; and

2. Supportive services. Within the limits of
available funds for supportive services, shall make
available to Aid to Families with Dependent Children
recipients admitted as students opportunities for
supportive services which may include, but are not
limited to, remedial educational courses, day care
services, counseling services and other programs and
services consistent with the policy and intent of Ti-
tle 22, chapter 1054.

Sec. 83. 20-A MRSA §11406, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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~~ the borrower for the purpose of the loan shall create a binding obligation.

Sec. 84. 20-A MRSA §11601, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

3. Expected family contribution. The "expected
family contribution" means the amount which the fami-
ly of a student may be reasonably expected to con-
tribute toward his or her post-secondary education
for the academic year for which the student is seek-
ing a state student incentive scholarship. The meth-
od of determining "expected family contribution"
shall be uniformly applied to all students. It shall
be established by rules of the department. In estab-
lishing 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.

Sec. 85. 20-A MRSA §11803, sub-§1, ¶B, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. That, on the conclusion of his or her professional education, including internship, residency and obligated public health service and Armed Forces' service, he or she shall pay the State an amount of money equal to the state capitation payment for the student position which he or she occupied. The commissioner may adopt or amend rules to define the conclusion of professional education; and

Sec. 86. 20-A MRSA §11803, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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 or her 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.

Sec. 87. 20-A MRSA §11804, sub-§3, as enacted by PL 1983, c. 422, §22, is amended to read:

3. Forgiveness. Any student who, upon the conclusion of his or her professional education, including, if applicable, internship, residency and obligated public health service, elects to serve as a general, family, pediatric or veterinary practitioner in an underserved rural geographic area in the State shall be forgiven 20% of the indebtedness, as determined in subsection 2, for each of the first 5 years of that service.

Sec. 88. 20-A MRSA §12002, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Continuity. The program shall be a continuing one. The commissioner shall include in his the commissioner's biennial budget an appropriate request adequate to fund the loan program.

Sec. 89. 20-A MRSA §12004, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Initial interest. The loan shall be granted to the applicant with no interest or principal payments until one year after he or she has ended his or her attendance at that osteopathic college or university.

Sec. 90. 20-A MRSA §12404, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§12404. Application

A student meeting the requirements of properly accredited institutions may apply for a grant, not exceeding \$3,000 a year, for the purpose of paying his or her tuition, room, board, books and other costs of attending that institution.

Sec. 91. 20-A MRSA §13003, sub-§2, as repealed and replaced by PL 1983, c. 39, §2, is amended to read:

2. Penalty. A person not certified under section 13001 is barred from receiving any salary or fringe benefits if he or she teaches or performs any other professional function in a public school and:

A. He or she has never held the required certificate; or

B. He or she knew or should have known that his or her certificate had expired. Prima facie evidence of that knowledge would be records on file in either the department or the employing school administrative unit that he or she was notified that his or her certificate had lapsed or that it would be lapsing on a given date.

The person shall forfeit to the employing school administrative unit any salary or fringe benefits received in violation of this subsection.

Sec. 92. 20-A MRSA §13004, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Records confidential. Transcripts, recommendations and other documents submitted in support of

an application for certification or collected by the department for verification of certification records 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.

Sec. 93. 20-A MRSA §13201, 4th ¶, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

After a probationary period of 2 years, any teacher, who receives notice in accordance with this section that his or her 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.

Sec. 94. 20-A MRSA §13601, sub-§2, ¶B, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

- B. The teacher was eligible to receive sick leave in his or her previous position at the time of his or her termination of employment.

Sec. 95. 20-A MRSA §13902, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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 or her state, contracts pursuant to this agreement.

Sec. 96. 20-A MRSA §15503, sub-§3, ¶B, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

- B. A student graduating from grade 12 during the base year prior to April 1st shall be counted as though he the student were in attendance on April 1st of that year.

Sec. 97. 20-A MRSA §15510, sub-§6, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~ the commissioner.

Sec. 98. 20-A MRSA §15519 is enacted to read:

§15519. Approval to expend school funds 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.

Sec. 99. 20-A MRSA §15704, sub-§2, ¶B, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. The Treasurer of State or his or her deputy, ex officio, as a nonvoting member; and

Sec. 100. 20-A MRSA §15707, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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 or her 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.

Sec. 101. 20-A MRSA §15714, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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 or her applicable rights and may enforce and complete the performance of all duties required by this chapter.

Sec. 102. 20-A MRSA §16104, first ¶, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

If the owner is aggrieved at the damages awarded him or her under this chapter, he or she may appeal to the Superior Court of the county in which the land or any part of it lies.

Effective July 25, 1984.

CHAPTER 807

H.P. 1769 - L.D. 2336

AN ACT Concerning the Funding of the Department of Inland Fisheries and Wildlife.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

Whereas, the Department of Inland Fisheries and Wildlife forseees revenues insufficient to meet its expenditures in the near future; and

Whereas, this shortage will result in a severe cash-flow problem for the department; and

Whereas, the Legislature finds a need to strengthen legislative oversight concerning the ex-