

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

commissioner under Title 15, section 103, for the purposes specified in Title 15, section 104-A.

§1213. Release Review Advisory Committee

The commissioner shall establish a Release Review Advisory Committee consisting of 5 members, 3 of whom are not affiliated with the department. The committee shall examine the results of the modified release treatment, release and discharge of persons committed to the custody of the commissioner under Title 15, chapter 5. From the information gained in this review, and any other study the committee deems necessary to its task, the committee shall annually report to the commissioner its recommendations concerning criteria for predicting the future dangerousness of persons committed to the custody of the commissioner under Title 15, chapter 5. Members of the committee shall be compensated according to the provisions of Title 5, chapter 379.

Effective July 16, 1986.

CHAPTER 797

S.P. 957 - L.D. 2399

AN ACT to Amend and Improve the Education Laws of Maine.

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

Sec. 1. 5 MRSA §4602, sub-§1, ¶A, as enacted by PL 1983, c. 578, §3, is amended to read:

A. Exclude a person from participation in, deny a person the benefits of, or subject a person to, discrimination in any academic, extracurricular, research, occupational training or other program or activity;

Sec. 2. 5 MRSA §12004, sub-§8, ¶A, sub-¶(5-A) is enacted to read:

(5-A) Education Maine State Com- Expenses 27 MRSA §401
mission on the Only
Arts and the
Humanities

Sec. 3. 5 MRSA §12004, sub-§10, ¶A, sub-¶(15) is repealed.

Sec. 4. 13 MRSA §3167, as amended by PL 1973, c. 628, §5, is further amended to read:

§ 3167. Income to support schools

All income derived from such ministerial and school lands, and from the rents and profits of real and personal estate held under section 3166, shall be annually applied to the support of public schools in the town, or the schooling of resident students and expended like other school moneys money.

Sec. 5. 13 MRSA §4001, sub-§5, as amended by PL 1981, c. 698, §83, is further amended to read:

5. Institution. "Institution" means an incorporated or unincorporated organization organized and operated exclusively for educational purposes and subject to Title 20, ~~sections 2202-A to 2204-A~~ sections 20-A, sections 10701 to 10710.

Sec. 6. 20 MRSA §§1755 and 1756, as enacted by PL 1983, c. 470, §4, are repealed.

Sec. 7. 20-A MRSA §202, sub-§1-A is enacted to read:

1-A. Commissioner of Educational and Cultural Services. The Commissioner of Educational and Cultural Services.

Sec. 8. 20-A MRSA §202, sub-§15, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

15. Educational bureaus. The Bureau of Vocational Education, the Bureau of Instruction and the Bureau of School Management;

Sec. 9. 20-A MRSA §261 is enacted to read:

§261. Schooling privileges

The commissioner may adopt rules regarding tuition charges, accounting, audits, contracts and other aspects of schooling privileges between receiving schools approved for tuition purposes and sending school administrative units.

Sec. 10. 20-A MRSA §405, sub-§3, ¶¶P and Q, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

P. Establish a student loan insurance program;
and

Q. Serve as state agency for administering federal funds, and for construction of school facilities and for vocational education.

Sec. 11. 20-A MRSA §405, sub-§3, ¶R, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 12. 20-A MRSA §405, sub-§7 is enacted to read:

7. Federal vocational education aid. The state board shall administer any federal funds received for the benefit of vocational education programs in the State. As the designated state agency authorized to administer federal funds, the board shall develop a state plan, approve the State's application for vocational education funds and disburse federal money as authorized and required by applicable federal law.

Sec. 13. 20-A MRSA §1055, sub-§1, ¶D, as repealed and replaced by PL 1983, c. 422, §1 and c. 485, §6, is repealed and the following enacted in its place:

D. Issue vouchers showing the correctness of bills contracted on account of school appropriations.

Sec. 14. 20-A MRSA §1258, sub-§2, as amended by PL 1983, c. 859, Pt. A, §§5 and 25, is repealed and the following enacted in its place:

2. Contracts for secondary school programs. In addition to the provisions for a secondary school facility set forth in subsection 1, a district may contract with a nearby school administrative unit or with a private school approved for tuition purposes for all or part of its secondary school pupils. The contract may run from a period of 2 to 10 years. The contract shall also comply with section 2703 and may provide for the formation of a joint committee in accordance with section 2704.

Sec. 15. 20-A MRSA §1311, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Voter 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~~ 1351 to 1354, 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.

Sec. 16. 20-A MRSA §1353, sub-§2, ¶A, as amended by PL 1983, c. 422, §10, is further amended to read:

A. The voting at referendum held in towns shall be held and conducted in accordance with Title 30, sections 2054, 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 any statewide election, the voting in towns shall be held and conducted in accordance with Title ~~21~~ 21-A, except that the duties of the Secretary of State shall be performed by the board. The absentee voting procedure of Title ~~21~~ 21-A shall be used, except the duties of the Secretary of State shall be performed by the board.

Sec. 17. 20-A MRSA §2701, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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 of the grades from 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 for a term of 2 to 10 years.

Sec. 18. 20-A MRSA §2703, sub-§1, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. Shall specify the duration of the contract from ~~one to 5~~ 2 to 10 years;

Sec. 19. 20-A MRSA §2703, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Tuition. Tuition shall be determined under chapter ~~209~~ 219.

Sec. 20. 20-A MRSA §2901, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Hygiene, health, safety. Meets the standards for hygiene, health and safety ~~under Titles 22 and 25 established by applicable law and rule;~~ and

Sec. 21. 20-A MRSA §2901, sub-§2, ¶B, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. Meets applicable requirements of this Title pertaining to private schools and the department's requirements for approval for attendance purposes adopted under section 2902.

Sec. 22. 20-A MRSA §2902, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

3. Courses required by law. Provide instruction in elementary schools as specified in sections 4701, 4706 and 4711 and in secondary schools as specified in sections 4701, 4706, 4722, 4723 and 4724.

Sec. 23. 20-A MRSA §2902, sub-§6, ¶E, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

E. Maintain adequate, ~~safety~~ safely protected records; and

Sec. 24. 20-A MRSA §2902, sub-§7, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

7. Approval rules. Meet the requirements applicable to the approval of private schools for attendance purposes ~~established~~ adopted jointly by the state board pursuant to section ~~405~~, subsection 3, ~~paragraph E~~ and the commissioner.

Sec. 25. 20-A MRSA §2951, sub-§3, as enacted by PL 1981, c. 693; §§5 and 8, is amended to read:

3. Incorporated. Is incorporated under the laws of the State of Maine or of the United States; and

Sec. 26. 20-A MRSA §2951, sub-§5, as enacted by PL 1983, c. 859, Pt. A, §§9, 25, is amended to read:

5. Additional requirements. Complies with the reporting and auditing requirements in sections 2952 and 2953 and the requirements adopted pursuant to section 2954-; and

Sec. 27. 20-A MRSA §2951, sub-§6 is enacted to read:

6. Student assessment. Any school which enrolls 60% or more publicly-funded students, as determined by the previous year's October and April average enrollment, shall participate in the statewide assessment program to measure and evaluate the academic achievements of students.

Sec. 28. 20-A MRSA §2954, as amended by PL 1983, c. 859, Pt. A, §§10 and 25, is further amended to read:

§2954. Rules of commissioner

The commissioner may adopt rules regarding tuition charges, accounting, audits, contracts and other aspects of schooling privileges arranged between a private ~~secondary~~ school and school administrative ~~unit relationships~~ units.

Sec. 29. 20-A MRSA §3273, sub-§3, as enacted by PL 1985, c. 490, §8, is amended to read:

3. Process. Warrants and legal process issued by a court to enforce this section may be directed to and executed by ~~the any~~ attendance officer ~~of the school administrative unit where the offense is alleged to have been committed~~ appointed by the commissioner.

Sec. 30. 20-A MRSA §3273, sub-§4, ¶B, as enacted by PL 1985, c. 490, §8, is amended to read:

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 Treasurer of State to be deposited in the Unorganized Territory School Fund for the support of schools in the unorganized territory.

Sec. 31. 20-A MRSA §4501, as enacted by PL 1983, c. 859, Pt. A, §§20, 25, is amended to read:

§4501. Duty of school units

In accordance with the policy expressed in section 2, every school administrative unit shall raise and support annually sufficient funds to maintain or support elementary and secondary schools to provide free education for its resident students at all grade levels. These schools shall meet the requirements of the basic school approval.

Sec. 32. 20-A MRSA §5204, sub-§4, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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 upon permission of officials of the receiving school. The school administrative unit where the students' parents reside shall pay tuition in the amount up to the legal tuition rate as defined in chapter 219.

Sec. 33. 20-A MRSA §5205, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~, determination on the request of ~~that the student's parent~~. The commissioner's decision shall be final and binding.

Sec. 34. 20-A MRSA §5601, sub-§3, as amended by PL 1985, c. 490, §17, is repealed and the following enacted in its place:

3. Unorganized territory. The commissioner may pay the board of students from the unorganized territory as provided in sections 3252 and 3253-A.

Sec. 35. 20-A MRSA §5803, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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 take enforcement action as authorized by section 6801-A.

Sec. 36. 20-A MRSA §6051, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

§6051. School administrative units

1. Audit. A school board shall provide for an annual audit of the school administrative unit. The audit shall include the following:

A. Accountability of all revenues and expenditures;

B. A determination of whether or not proper budgetary controls are in place;

C. A determination of whether or not the annual financial report submitted to the department is correct;

D. An audit of all federal programs in accordance with applicable federal law;

E. A determination as to whether the school administrative unit has complied with applicable provisions of the Maine School Finance Act; and

F. Any other information which the commissioner may require.

2. Fiscal year. The fiscal year of an audit shall be from July 1st to June 30th, except that audits of federal programs shall conform to federal requirements.

3. Auditors. Audits shall be conducted by either the Department of Audit or qualified certified public accountants or public accountants registered by the Board of Accountancy.

4. Report to the commissioner. On or before December 1st, the school board shall provide the commissioner with:

A. A copy of the audit; and

B. Written assurance that the audit has been conducted in accordance with applicable state and federal law relating to financial and compliance audits.

5. Records. Financial records and accounts shall be kept for 7 years after the end of the fiscal year and shall be available to the auditors and any other upon request.

Sec. 37. 20-A MRSA §6202, first ¶, as enacted by PL 1983, c. 859, Pt. D, §§3 and 4, is amended to read:

The commissioner shall establish a statewide assessment program to measure and evaluate on a continuing basis the academic achievements of students at grades 4, 8 and 11 in the public elementary and secondary schools and in all private schools approved for tuition purposes whose school enrollments include at least 60% publicly-funded students, as determined by the previous school year's October and April average enrollment. The assessment program shall be adapted to meet the needs of exceptional students as defined in section 7001, subsection 2 or other students as defined under rules by the commissioner. The program shall include the following components.

Sec. 38. 20-A MRSA §6401, sub-§2, ¶D, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

D. To clarify legal issues, define liability and interpret new legislation to assist local school nursing personnel in understanding new legislation and to refer to appropriate department legal staff questions of legal liability and other legal issues;

Sec. 39. 20-A MRSA §6801-A, sub-§5, as enacted by PL 1983, c. 859, Pt. A, §§24 and 25, is amended to read:

5. Complaint process. A complaint, that alleges that a school administrative unit is not in compliance with the requirements of this Title or of rules adopted by the department, shall be filed pursuant to the requirements for a petition under section 258 258-A.

Sec. 40. 20-A MRSA §6803, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

§6803. Fraud; false certification

Any school officer, employee or agent who makes a written false statement on a report or document submitted to the department pursuant to this Title shall, upon conviction in a criminal proceeding, be subject to the applicable penalties in Title 17-A.

Sec. 41. 20-A MRSA §7207-B, sub-§4, as enacted by PL 1985, c. 318, §3, is amended to read:

4. Hearing officers, immunity. The State shall train impartial hearing officers. For purposes of the Maine Tort Claims Act only, Title 14, chapter 741, hearing officers, while they are carrying out their official duties as hearing officers, shall be considered state employees and shall be entitled to the immunity provided state employees under the Maine Tort Claims Act.

Sec. 42. 20-A MRSA §§8302, 8303 and 8304, as enacted by PL 1981, c. 693, §§5 and 8, are repealed.

Sec. 43. 20-A MRSA §8457, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~ 11-A and 12; section 1002; section 1256, subsections 1, 2 and 4 to

7; section 1257; sections 1313 to 1315; section 2501; section 4801; section 13201; and section 13202.

Sec. 44. 20-A MRSA §8461, sub-§2, ¶C, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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 to pledge the credit of the district 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.

Sec. 45. 20-A MRSA c. 316 is enacted to read:

CHAPTER 316

DRIVER EDUCATION

§8701. Driver education

Approved secondary schools may offer courses in driver education.

§8702. Curriculum

A driver education course offered to meet the requirements of Title 29, section 583, shall meet the curriculum requirements prescribed by the commissioner, include both classroom instruction and practice driving and be approved by the commissioner.

§8703. Instructors

Instructors shall hold certification to teach driver education.

1. Regular certification. Only persons certified by the commissioner as a driver education teacher may be employed by a school unit or private school to teach driver education.

2. Temporary certification. If a certified instructor is not available to teach driver education and the school board or private school so requests, the commissioner shall grant a temporary certificate to any person who holds a Class A license issued by the Board of Commercial Driver Education pursuant to Title 32, section 9601, subsection 2 and section 9603.

3. Contracts. A school unit or private school may contract with a commercial driver education school to provide driver education as part of the secondary school curriculum provided that any instructor must be properly certified.

§8704. Fee charged

A public secondary school may provide driver education after the regular school day during the school year as part of its secondary course of study and may charge a fee based upon per pupil costs, but may not allow credit toward a high school diploma for that paid instruction.

§8705. Departmental personnel

The commissioner shall employ necessary personnel, subject to the terms of the Personnel Law, to implement this chapter.

§8706. Rules

The commissioner shall adopt rules to implement this chapter.

Sec. 46. 20-A MRS §8801, as amended by PL 1983, c. 806, §73, is further amended to read:

§8801. Summer schools; standards; approval

Standards for summer schools shall be as follows.

1. Standards. The state board and the commissioner shall jointly adopt or amend rules to establish standards consistent with section 4401 basic school approval requirements for summer schools offering credit toward graduation from a Maine elementary or secondary school.

2. Approval. The state board shall direct an inspection commissioner may inspect any summer school after which they the commissioner may approve and grant a certificate to a school that maintains these

approval standards. The expense of inspection shall be paid by the department.

Sec. 47. 20-A MRSA §11401, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§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, and to parents of these students, in accordance with the direction in the Constitution of Maine, Article VIII, Part First, Section 2.

Sec. 48. 20-A MRSA §12004, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Agreement. A student commencing professional education between September 1, ~~1977~~ 1971 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.

Sec. 49. 20-A MRSA §13014, sub-§5, as enacted by PL 1983, c. 845, §4, is repealed and the following enacted in its place:

5. Effective date. Notwithstanding the July 1, 1988, reference in section 13011, the state board shall establish as a target date, September 1, 1987, to adopt rules governing the issuance of master teacher certificates. Following the effective date of these rules, eligible teachers may apply to qualify for a master teacher certificate. Master teacher certificates may be issued starting in July 1988.

Sec. 50. 20-A MRSA §13201, first ¶, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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~~ school board 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.

Sec. 51. 20-A MRSA §13201, last ¶; as amended by PL 1983, c. 147, §2, is further amended to read:

The right to terminate a contract, after due notice of 90 days, is reserved to the ~~school committee or school directors~~ school board when changes in local conditions warrant the elimination of the teaching position for which the contract was made. The order of layoff and recall shall be a negotiable item in accordance with the procedures set forth in Title 26, chapter 9-A, provided that in any negotiated agreement, the criteria negotiated by the ~~school committee or school directors~~ school board and the bargaining agent to establish the order of layoff and recall may include, but shall not be limited to, seniority.

Sec. 52. 20-A MRSA §13507-A is enacted to read:

§13507-A. State collective bargaining

1. Teacher recognition grants. The state-funded teacher recognition grants shall not be considered during collective bargaining for the purposes of setting teachers' salaries in state-operated schools.

2. Minimums. Notwithstanding any other provision of law, the State and the bargaining agent for teachers in state-operated schools and related classifications shall at a minimum, in accordance with bargaining procedures set forth in Title 26, chapter 9-B, negotiate as to the impact of implementation of sections 13403 and 13404. The negotiations shall be limited to salaries.

Sec. 53. 20-A MRSA §§15006 and 15007 are enacted to read:

§15006. School money; finance committees

1. Municipal schools. No money appropriated for public schools for educational purposes may be paid from the treasury of any municipality except upon written order of its municipal officers. No such or-

der may be drawn by the municipal officers except upon presentation of a properly avouched bill of items which has first been certified by the superintendent of schools and approved by a majority of the school board or by a financial committee appointed or otherwise duly elected by the school board.

2. Quasi-municipal corporations. No money appropriated for public schools or educational purposes may be paid out by a school administrative unit other than a municipality, except upon written order of its treasurer. No such order may be drawn by the treasurer, except upon presentation of a properly avouched bill of items which has first been certified as to correctness by the superintendent of schools and approved by a majority of the school board or by a financial committee appointed or otherwise duly elected by the school board.

3. Finance committees. School boards which do not otherwise have authority to appoint a finance committee under this Title may appoint 2 or more members of the board and the superintendent to act as the finance committee of the administrative unit.

§15007. Ministerial and school lands

All income derived from ministerial and school lands within a municipality and from rents and profits of real and personal estate held under Title 13, section 3166, shall be annually applied to the support of public schools in the municipality or the schooling of resident students and expended like other school money.

Sec. 54. 20-A MRSA c. 603, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 55. 20-A MRSA c. 603-A is enacted to read:

CHAPTER 603-A

FEDERAL AID

§15401. Administration of federal aid

1. Authorization to administer funds. The department may administer all allotments of federal funds pertaining to schools, educational programs and institutions of higher education. The commissioner shall act for the department except where otherwise specified in the law.

2. Award of subgrants. The department may award subgrants to school administrative units, private schools, nonprofit corporations, institutions of higher learning or other persons for purposes related to education out of federal grant funds when those subgrants are permitted by the terms under which the federal funds are available. Those subgrants shall be made in conformity with applicable federal requirements and with appropriate state accounting requirements and in accordance with rules of the department.

3. Rulemaking. The department may adopt rules to implement this section.

Sec. 56. 20-A MRSA §15603, sub-§2, ¶A, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

A. Program costs for special education costs in subsection 22, vocational education costs in subsection 30, transportation operating costs in subsection 29 and bus purchase costs in subsection 7 and early childhood costs in subsection 10;

Sec. 57. 20-A MRSA §15603, sub-§26, as enacted by PL 1983, c. 859, Pt. G; §§2 and 4, is amended to read:

26. State subsidy. "State subsidy" means the total of the state share of the foundation allocation, and the state share of the debt service allocation, if any, and the state share of the bus purchase allocation, if any.

Sec. 58. 20-A MRSA §15605, sub-§1, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

1. Annual certification. Prior to December 15th of each year, the commissioner, with the approval of the state board, shall certify to the Governor and the Bureau of the Budget the funding levels which the commissioner recommends for sections 15604 and ~~15613~~ 15612.

Sec. 59. 20-A MRSA §15608, sub-§2, ¶E is enacted to read:

E. The early childhood portion of the program costs allocation shall be the actual expenditures for early childhood in section 15603, subsection 10, as adjusted.

Sec. 60. 20-A MRSA §15612, first ¶, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

Adjustments to the state share of the foundation allocation shall be made as allowed in subsections 1 to 4 for each school administrative unit that has raised the maximum amount of its local share of the foundation allocation ~~for operating costs.~~

Sec. 61. 20-A MRSA §15613, sub-§9, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

9. Balance of allocations. Notwithstanding any other public or private statute, general operating fund 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. Unallocated balances in excess of 3% of the previous year's school budget shall be used to reduce the state and local allocations for the purpose of computing state subsidy.

Sec. 62. 20-A MRSA §15915 is enacted to read:

§15915. Federal construction aid

The state board shall be the designated agency to administer any federal funds made available to assist in the construction of facilities for schools, educational programs or institutions of higher education.

Sec. 63. 25 MRSA §2399, 2nd ¶, as amended by PL 1983, c. 43, is further amended to read:

Every fire insurance company or association which does business or collects premiums or assessments in the State shall pay to the State Tax Assessor, in addition to the taxes now imposed by law to be paid by those companies or associations, .95 of 1% of the gross direct premiums for fire risks written in the State, less the amount of all direct return premiums thereon and all dividends paid to policyholders on direct fire premiums. That tax shall be paid as provided for insurance premium taxes as specified in Title 36, section 2521-A, except that the tax prescribed by this section shall be paid on an estimated basis at the end of each quarter starting with the first quarter of 1983, with each installment equal to at least 25% of the estimated total tax to be paid for the current calendar year. The State Tax Assessor shall pay over all receipts from that tax to the

Treasurer of State daily. These funds shall be used to defray the expenses incurred by the Commissioner of Public Safety in administering all fire preventive and investigative laws, rules and regulations and in educating the public in fire safety and are appropriated for those purposes and to carry out the administration and duties of the Office of State Fire Marshal. In addition, 10.5% of these funds shall also be used to defray the expenses of the fire ~~service~~ training and education program as established in Title 20 20-A, chapter 315 319.

Sec. 64. 29 MRSA §583, as amended by PL 1983, c. 455, §21, is further amended to read:

§ 583. Driver education required for minors

No operator's license, except to operate a moped only, ~~shall~~ may be issued to any person under 17 years of age unless such person shall present a certificate of successful completion of a driver education course and examination given by ~~the a public secondary schools and academies receiving tuition students as described in Title 20, section 1291~~ school or an approved private secondary school; or certificate of successful completion of a driver education course and examination given by some person or persons licensed by the Department of Business, Occupational and Professional Regulation, Board of Commercial Driver Education. No license ~~shall~~ may be required of certified teachers conducting a driver education course in ~~a public secondary schools or academies receiving tuition students as described in Title 20, section 1291~~ school or an approved private secondary school. All licenses expire on December 31st of the year of issue.

Successful course completion certificates may be issued to any person permitted by law to have a license provided such course, given by ~~the a public secondary schools and academies receiving tuition students as described in Title 20, section 1291,~~ ~~shall meet~~ school or an approved private secondary school meets teacher qualification, course content and standards approved adopted by the State Board of Education Department of Educational and Cultural Services. Successful course completion certificates shall not be issued to any person who was not at least 15 years of age at the commencement of the driver education course.

After September 1, 1977, no motorcycle or motor driven cycle learner's permit or permission or re-

restriction to operate a motorcycle or motor driven cycle ~~shall~~ may be issued to any person under 17 years of age, unless such person shall present a certificate of successful completion of a motorcycle driver education course and examination given by ~~the a public secondary schools and academies receiving tuition students as described in Title 20, section 1291~~ school or an approved private secondary school; or certificate of successful completion of a driver education course and examination, which includes demonstration of the ability to operate a motorcycle safely, given by a public secondary school or ~~academy including a demonstration of ability to safely operate a motorcycle~~ approved private secondary school; or certificate of successful completion of a driver education course and examination given by some person or persons licensed by the Secretary of State. No license ~~shall~~ may be required of certified teachers conducting a motorcycle driver education course in a ~~public secondary schools or academies receiving tuition students as described in Title 20, section 1291~~ school or approved private secondary school. All licenses expire on December 31st of the year of issue.

Any person between the ages of 15 and 17, who satisfies the Secretary of State that no readily available means of transportation exists to and from a public or approved private secondary school or academy which he is attending, may be issued, upon passing the regular driver's examination as provided in section 581, a special permit authorizing such person to drive to and from such school ~~or academy~~.

Sec. 65. 30 MRSA §5104, sub-§1, as amended by PL 1967, c. 425, §20, is further amended to read:

1. Public schools. Providing for public schools and libraries, including construction, extensions, enlargements, repairs, improvements or maintenance to buildings for which a municipality has a contract, lease or agreement with the Maine School Building Authority pursuant to Title 20, ~~sections 3501 to 3517~~ 20-A, sections 15702 and 15718.

Sec. 66. 30 MRSA §5104, sub-§4 is amended to read:

4. Maintenance. Providing for the construction, repairs and maintenance of buildings and equipment for educational institutions with which a municipality has a contract as provided in Title 20, ~~section 1289~~ 20-A, section 2703.

Sec. 67. 32 MRSA §303-A, first ¶, as enacted by PL 1985, c. 389, §10, is amended to read:

No person may be engaged to instruct in any of the branches of barbering unless that person has a certificate to practice barbering issued under this chapter and a certificate of registration as instructor of barbering issued under the chapter.

Sec. 68. 32 MRSA §9502, sub-§3, as enacted by PL 1981, c. 456, Pt. A, §113, is amended to read:

3. Commercial driver education school. "Commercial driver education school" means any person or persons engaged in teaching driver education for remuneration, except a public or private school approved by the State Board of Education Commissioner of Educational and Cultural Services.

Effective July 16, 1986.

CHAPTER 798

H.P. 1642 - L.D. 2320

AN ACT to Restore Retirement Credit to
Employees Previously Receiving such
Credit.

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

Sec. 1. 5 MRSA §1094, sub-§4, as amended by PL 1973, c. 571, §3, is further amended to read:

4. Amount of service per year. The board of trustees shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall it allow credit for a period of absence without pay of more than a month's duration if a full-time position, nor shall more than one year of service be creditable for all service in one calendar year. Service rendered for the full normal working time in any year shall be equivalent to one year's service. For the purpose of determining prior service credits, actual time worked in any year shall be deemed to be the normal working time. For evening school credits, any teacher who teaches a full accredited year in any evening school duly accepted and approved by the Com-