

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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

J.S. McCarthy Company
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PUBLIC LAWS
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include a time schedule and program for planning, design, siting, construction, operation, and closure of each proposed facility.

Sec. C-2. 38 MRSA §2156, as amended by PL 1991, c. 243, §2, is further amended to read:

§2156. Facility development

1. Initial state facility required. On or before January 1, 1995, the office shall develop facilities sufficient to meet the projected needs for municipal solid waste identified in the analysis conducted under former section 1310-O and the state plan and to serve all geographic areas of the State. On or before January 1, 1995, the office may develop facilities sufficient to meet the projected needs for special waste identified in the analysis conducted under former section 1310-O and the state plan and to serve all geographic areas of the State.

2. Subsequent facility development. Subsequent to any facility development under subsection 1, the office shall ~~initiate the development of~~ develop municipal solid waste disposal facilities as it determines is necessary to meet the capacity needs identified in the state plan. In addition, the office may develop special waste disposal facilities as it determines is necessary to meet the capacity needs identified in the state plan. The office shall provide for solid waste disposal facilities by contracting with private vendors for facility design, construction or operation or, if necessary, undertaking facility development itself.

3. Agency ownership. The agency shall maintain ownership of any solid waste disposal facility it develops and shall maintain full control over the use of the facility or facilities.

This section does not preclude a municipality or regional association from developing and operating such facilities on its own initiative.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 28, 1991.

CHAPTER 518

H.P. 1152 - L.D. 1677

An Act to Clarify and Revise the Adult and Secondary Vocational Education Laws

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

Sec. 1. 20-A MRSA §8301, as amended by PL 1987, c. 98, §2, is repealed.

Sec. 2. 20-A MRSA §8301-A is enacted to read:

§8301-A. Definitions

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

1. Affiliated unit. "Affiliated unit" means a school administrative unit that is affiliated with another school administrative unit that operates a vocational center. An affiliated school administrative unit may have its secondary students served by a vocational center operated by a school administrative unit with which it is affiliated. An affiliated school administrative unit may also operate vocational satellite programs.

2. Budget failure. "Budget failure" means the failure of a vocational region, by August 1st of any fiscal year, to approve a budget for the vocational region that is at least equal to the sum of the total allocations for vocational education of the member school administrative units in the vocational region.

3. Center. "Center" means an administrative entity established pursuant to this chapter that provides vocational education to secondary students. Unless otherwise specifically provided for by this chapter, a vocational center is governed, operated and administered by a single school administrative unit. A vocational center shall make its programs available to serve secondary students from school administrative units with which it is affiliated. A vocational center may include within its administrative structure vocational satellite programs operated by school administrative units with which it is affiliated.

4. Municipality. "Municipality" has the same meaning as in section 15603, subsection 19.

5. Parent. "Parent" means a parent, as defined in section 1, subsection 20, with legal custody of a minor child.

6. Region. "Region" means a quasi-municipal corporation established by the Legislature to provide vocational education to secondary students that is comprised of all of the school administrative units within the geographical boundaries set forth for each vocational region in section 8451. A vocational region is governed by a cooperative board formed and operating in accordance with this chapter.

7. Residence. "Residence" means, with reference to a person's eligibility to receive vocational education, the school administrative unit in which is located the legal residence of the person's parent if the person has not reached 18 years of age, the legal residence of the person after the person reaches 18 years of age or the legal residence of the person after the person becomes an emancipated minor. A federal reservation is considered part of the school administrative unit in which it is located.

8. Satellite program. "Satellite program" means a program providing vocational education to secondary stu-

dents that is operated, under section 8403, by a school administrative unit affiliated with a vocational center.

9. State subsidy. "State subsidy" has the same meaning as in section 15603, subsection 26.

10. Unit. "Unit" means a school administrative unit.

11. Vocational education. "Vocational education" means a course or program of education designed to create or improve job-related skills that is part of a secondary school curriculum and approved by the commissioner according to this chapter. A school administrative unit shall make vocational education available to persons residing in the school administrative unit who are eligible to receive free public secondary education.

Sec. 3. 20-A MRSA §8305, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 4. 20-A MRSA §8305-A is enacted to read:

§8305-A. Eligibility

1. General right. A person eligible to receive free public secondary education may, consistent with this section and department rules:

A. Receive vocational education from a center, satellite program or region that serves the person's residence; or

B. Receive vocational education from a center, satellite program or region outside of the geographical area that serves the person's residence, subject to the approval of the commissioner and the governing bodies of the sending unit and receiving center, satellite program or region.

2. Admission standards. A region, center or satellite program shall determine, in accordance with its published admission standards, whether to admit a person to such a region, center or satellite program. Unless otherwise specifically provided for in this chapter, priority to enroll in any vocational education course of study offered by a region, center or satellite program, must be given first to persons eligible to receive a free public secondary education who are residents of municipalities served by that region, center or satellite program.

3. Adult participation in vocational education courses. Persons who are 20 years of age or older and who otherwise comply with the requirements of this section may receive vocational education in a vocational education course if, after all other eligible persons have been enrolled in that course, space exists to accommodate participation by persons who are 20 years of age or older. A region, center or satellite program may charge reasonable fees to persons who are 20 years of age or older and who receive vocational education pursuant to this section.

Sec. 5. 20-A MRSA §8306, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§8306. Powers and duties of State Board of Education

1. State plan. The State Board of Education state board shall approve or disapprove the state plans and update as it determines necessary a state plan for vocational education, in compliance with the requirements of applicable state and federal laws, rules and regulations. The state plan must be prepared by the commissioner.

2. Center and region plans. The state board shall approve center and region plans for a plan for the provision of vocational education by each center or region. The plans shall be prepared by each center or region at the time of its organization or reorganization, approved by the school board or cooperative board governing each center or region respectively, and include:

A. A survey of the educational vocational education needs nationally, statewide and in the geographic area served by the center or region;

B. A survey of employment opportunities nationally, statewide and in the geographic area served by the center or region;

C. A description of the programs to be offered by the center or region; and

C-1. A description of the manner in which academic courses will be used to augment trade-oriented skill courses for vocational education students at the center or region;

D. A description of the areas each geographic area served by the center or region and locations to be served; the location of each vocational education program to serve those areas; and

E. A description of the manner in which the vocational education programs offered by the center or region address the vocational education needs in the geographic area served by the center or region and employment opportunities nationally, statewide and in the geographic area served by the center or region.

3. Plans for vocational satellite programs. The state board may approve plans for a vocational satellite program if:

A. A vocational center requests a vocational satellite program;

B. The school board operating the vocational center approves the plan and supplies information documenting the need for a vocational satellite program; and

C. The request includes the commissioner's approval.

~~4. Boundaries of centers and regions. The board:~~~~A. Shall have the final authority to define the boundaries of vocational regions and centers; and~~~~B. May, in accordance with the procedures established in section 8307, approve:~~

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

5. Reorganizing centers and regions. The state board may, in compliance with section 8307:

A. Change existing boundaries of centers and regions;

B. Change the status of a center to a region or a region to a center;

C. Dissolve existing regions or centers;

D. Create new regions or centers; or

E. Create alternative organizational methods of delivering vocational education.

Sec. 6. 20-A MRS §8306-A is enacted to read:

§8306-A. Rules; approval of vocational education programs and courses

The commissioner may adopt rules to establish requirements for vocational education programs and courses, to establish procedures for approving vocational education programs and courses and to otherwise carry out the purposes of this chapter.

A program or course of vocational education may not be offered by a region, center or affiliated unit unless approved by the commissioner in compliance with rules adopted pursuant to this chapter.

Sec. 7. 20-A MRS §8307, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed.

Sec. 8. 20-A MRS §8307-A is enacted to read:

§8307-A. Reorganization procedures

The governing body of one or more units, or the commissioner, may prepare a plan for reorganizing the pro-

vision of vocational education in or among existing regions or geographic areas served by existing centers and present the reorganization plan to the state board for its approval. A unit may prepare a reorganization plan only for a region or center that serves or is proposed to serve the unit.

1. Contents of reorganization plan. The reorganization plan must:

A. Describe the deficiencies in the current method of providing vocational education in a region or geographic area served by a center that require reorganizing the provision of vocational education in that region or geographic area;

B. Present an alternative organizational method of providing vocational education in a region or geographic area served by a center;

C. Present a method for assigning title to and obligations for property and indebtedness respectively of any region or center affected by a reorganization plan;

D. Contain the applicable plan required by section 8306; and

E. Present any other information requested by the state board.

2. Assessment by the commissioner. The commissioner shall:

A. Assess the impact of the reorganization plan on the provision of vocational education in any region or geographic area served by a center that is affected by the reorganization plan;

B. Assess the fiscal impact of the reorganization plan on the State; and

C. Submit a written report of findings to the state board. In the report, the commissioner may suggest revisions to the reorganization plan as submitted or the commissioner may propose an alternative reorganization plan. In the report, the commissioner shall specifically recommend approval or disapproval by the state board of the reorganization plan as submitted, as revised or in alternative form.

3. Affected entities. For purposes of this section, the following entities are deemed affected by a reorganization plan:

A. A unit that is served, or is proposed to be served, by a region or center that is reorganized under a reorganization plan; and

B. A region or center that is reorganized under a reorganization plan.

For purposes of this subsection a "region or center that is reorganized under a reorganization plan" means a region or center that, as a result of a reorganization plan, undergoes a change in the units served by it or a change in the organizational structure by which it serves those units.

4. Additional information requested by state board.

As part of the commissioner's assessment of a reorganization plan, or as part of its own consideration of such a plan, the state board may request additional information from any region, center, unit or affiliated unit affected by such a plan.

5. State board approval. The state board may approve or disapprove the reorganization plan, based on the reorganization plan submitted to the state board, the assessment undertaken by the commissioner, any additional information requested by the state board and any public comments received by the state board in connection with that reorganization plan.

6. Local public hearings. If the reorganization plan is approved by the state board, the unit or units that prepared the reorganization plan shall hold at least one public hearing in each such unit or units and at least one public hearing in another unit affected by the reorganization plan and selected by the governing body of each center or region affected by the reorganization plan to present the plan to the voters residing in those units affected by the plan. If the reorganization plan is prepared by the commissioner and approved by the state board, the commissioner shall hold at least one public hearing in a unit affected by the reorganization plan and selected by the commissioner and at least one public hearing in another unit affected by the reorganization plan and selected by the governing body of each center or region affected by the reorganization plan to present the plan to the voters residing in units affected by the plan. The vocational director and the cooperative board of any region affected by a reorganization plan, and the vocational director, advisory committee and governing body of any center affected by a reorganization plan, must be invited to participate at the public hearings.

7. Local referendum. After the public hearings required by subsection 6, the school board of the unit or units that prepared the reorganization plan, or the commissioner if the commissioner prepared the reorganization plan, shall submit the proposal contained in that plan to the voters of each unit affected by the reorganization plan in accordance with the provisions for holding referendum elections under sections 1351 to 1354 and in Title 21-A and Title 30-A. The state board must approve the form of the question to be presented to the voters prior to its submission.

8. Local voter approval; issuance of certificate of approval by state board. If the referendum required by subsection 7 is approved by 2/3 or greater of the votes cast in a majority of the units affected by the reorganization plan, the state board shall issue a certificate of approval making effective the provisions of the reorganization plan. A reorganization plan that proposes creation of a new cen-

ter or region must also comply with the requirements of subchapters III and IV respectively prior to receiving a certificate of approval from the state board.

Sec. 9. 20-A MRSA §§8351 to 8353, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

§8351. State aid for centers and regions

State aid for vocational centers and vocational regions shall must be administered in accordance with ~~chapter 605~~ chapters 606 and 609 and Title 20, section 3457.

§8352. Department budget recommendations

1. Budget recommendation. ~~Before each regular session of the Legislature, the state board shall estimate the amounts necessary~~ Prior to December 15th of each year, the commissioner, with the approval of the state board, shall certify to the Governor and to the Bureau of the Budget the funding levels the commissioner recommends to carry out the purposes of ~~sections 8351, 8354~~ this subchapter and ~~8401 to 8405~~ subchapters III and IV. ~~¶ The commissioner shall include these amounts~~ funding levels in ~~the~~ department's request to the Legislature for appropriations from the General Fund to carry out the purposes of this chapter.

2. Budget limitation. This section shall does not apply to construction grants made under chapter 609 and Title 20, section 3460.

§8353. Tuition for students sent out of state

If a school administrative unit that serves a student's residence determines that a that student would be better served by attending receiving vocational education, on a tuition basis, at an out-of-state secondary level vocational school which that is located closer to that student's residence than a Maine vocational center, satellite program or region program available to serving that student student's residence, the State shall reimburse that school administrative subsidize the unit the same amount for each that student as would have been incurred by such a vocational center, satellite program or vocational region providing the same or similar vocational education to the student.

Sec. 10. 20-A MRSA §8354, as amended by PL 1983, c. 806, §67, is further amended to read:

§8354. Tuition computation for out-of-state students

The tuition charge for each nonresident out-of-state student shall be receiving vocational education at a center, satellite program or region is determined as follows.

1. Primary method. The per student cost shall be tuition charge is determined by:

A. Adding the amounts paid by the center, satellite program or region during the previous fiscal year for:

- (1) ~~Teacher's~~ Teachers' 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~~ Insurance; and
- (10) Compensation for the vocational director and the vocational director's assistants; and
- (11) Employee fringe benefits;

B. Adjusting the amounts in paragraph A by the allowable percentages set forth in section 5805, subsection 1, paragraph D; and

C. Dividing this sum by the average ~~daily attendance~~ number of all regularly enrolled students ~~in at the vocational center, satellite program or vocational region on October 1st and April 1st of the previous fiscal year.~~

2. Alternate method. When the cost of fuel, janitorial services, public utility services or insurance for ~~the vocational education facilities cannot~~ used to provide vocational education can not be separated from similar costs for other facilities not used to provide vocational education, these the costs shall be prorated on the basis of facilities used to provide vocational education are determined by prorating the square footage of floor space in the vocational education sections in relation used to provide vocational education to the total amount of floor space to which these expenditures apply at the facilities.

Sec. 11. 20-A MRSA §8401, as amended by PL 1989, c. 540, §1, is further amended to read:

§8401. Vocational centers

~~The vocational centers~~ Centers shall operate at Augusta₂; Bath₂; Biddeford₂; School Administrative District No. 61₂; (Bridgton)₂; Caribou₂; School Administrative District No. 46₂; (Dexter)₂; Ellsworth₂; School Administrative District No. 9₂; (Farmington)₂; School Administrative District No. 27 (Fort Kent)₂; Lewiston₂; Madawaska₂; Portland₂; School Administrative District No. 1₂; (Presque Isle)₂; Sanford₂; School Administrative District No. 54₂; (Skowhegan)₂; School Administrative District No. 24₂; (Van Buren)₂; Waterville; and

Westbrook. School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department are authorized to enter into a cooperative agreement ~~which provides to provide~~ for the construction and operation of a ~~vocational~~ center in School Administrative District No. 33.

Sec. 12. 20-A MRSA §8402, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§8402. Programs

~~A vocational center shall provide programs of vocational education and training in trade, industrial, agricultural, business, distributive and service occupations. Programs of vocational education are eligible to receive state subsidy pursuant to chapters 606 and 609. All programs of vocational education offered by a center must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the technical college or other college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of vocational education may also include training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A.~~

Sec. 13. 20-A MRSA §8403, as amended by PL 1983, c. 485, §§27 and 28, is repealed.

Sec. 14. 20-A MRSA §8403-A is enacted to read:

§8403-A. Satellite programs

1. Authority for vocational satellite programs. An affiliated unit may operate a vocational satellite program with the approval of the commissioner pursuant to subsection 2.

2. Procedure for authorizing vocational satellite programs. Any affiliated unit that wishes to operate a vocational satellite program shall submit a written request to operate such a satellite program to the governing body of the center with which the unit is affiliated. The request must fully document the perceived need for the operation of a satellite program. The governing body of the center with which the unit is affiliated shall consider the request and forward its recommendation to the commissioner concerning whether that request should be approved. The commissioner shall act on the request pursuant to section 8306-A.

3. Financial responsibility for satellite programs. A unit operating a satellite program shall assume full financial responsibility for paying the operating costs of that program and the unit is entitled to receive the state subsidy and tuition income for the program.

4. Facilities and equipment; school construction aid. A unit that operates a satellite program:

A. Shall furnish the necessary facilities and equipment for the satellite program; and

B. Is eligible for school construction aid if new facilities for the satellite program are required and approved.

5. Employment of teachers. The superintendent of a unit operating a satellite program shall, in consultation with the vocational director of the center with which the unit is affiliated, employ teachers for that satellite program in accordance with the procedures established by section 13201.

6. Supervision. The superintendent of a unit operating a satellite program shall, in consultation with the vocational director of the center with which the unit is affiliated, supervise personnel working for that satellite program.

7. Part-time instructors. A unit operating a satellite program may employ part-time instructors for such a program. A part-time instructor may be employed at separate satellite programs operated by different units. Such a part-time instructor employed at separate satellite programs operated by different units may be employed separately by each unit or employed solely by one unit under a reimbursement arrangement, approved by the commissioner, involving all units where that instructor is employed.

Sec. 15. 20-A MRSA §8404, as amended by PL 1989, c. 878, Pt. A, §45, is further amended to read:

§8404. Center advisory committee

~~There shall be~~ Each center must have an advisory committee responsible for ~~coordinating~~ advising the vocational director concerning the provision of vocational education in each vocational by the center.

1. Membership. Membership on the advisory committee ~~shall consist~~ consists of:

A. The superintendents of the participating secondary schools or the superintendents' representatives superintendent of each unit governing or affiliated with the center or the superintendent's designee; and

B. ~~One board~~ A member chosen from each participating of the school board by its membership. for each unit governing or affiliated with the center, chosen by that school board; and

C. If approved by the school board of each unit governing or affiliated with the center, representatives, on either a voting or nonvoting basis, of private secondary schools approved for tuition purposes and served by the center.

2. Meetings. The advisory committee shall meet at least quarterly 6 times per calendar year.

3. Duties. The advisory committee:

A. Shall ~~prepare and submit~~ advise and assist the center and its satellite programs in the preparation and submission of an annual report on the vocational center and vocational satellite programs; to the state board commissioner and to each municipality served by the center or satellite programs;

B. ~~May~~ Shall develop a cooperative agreement which shall delineate delineating the duties and powers of the advisory committee and devise a formula for sharing costs. The agreement is subject to ratification by all of the school boards of the participating administrative units. A cooperative agreement or any amendment to the agreement must be ratified by the school board of each unit or affiliated unit served by the center. This A cooperative agreement shall must be reviewed annually, with a copy being by the advisory committee and submitted by the center and its affiliated units to the commissioner; and

C. ~~It~~ Shall, in the event that the school boards of School Administrative District No. 27, School Administrative District No. 33; and Madawaska School Department enter into a cooperative agreement pursuant to section 8401 and a new vocational center in Maine School Administrative District No. 33 becomes operational, the devise a cost sharing formula for the new vocational center established thereby shall pertain pertaining to the cost of vocational educational programs which exceed expenditures made for those programs in the base year as adjusted pursuant to section 15603, section subsection 5 and to the local share of debt service costs attributable to construction of the vocational center in School Administrative District No. 33; and

D. May devise a formula for sharing costs of the center among the units served by that center. Such a formula or any amendment to the formula must be ratified by the school board of each unit or affiliated unit served by the center. Any such unit may withdraw, subject to obligations incurred by the unit for any debt issued previously by or for the benefit of the center, from such a cost-sharing formula at the end of any fiscal year following one year's written notice to all other units served by the center. Following withdrawal by such a unit, the center shall, if the unit wishes, continue to serve that unit under a financial arrangement approved by the center that does not assess the unit a per pupil assessment that exceeds the per pupil assessments of the other participating units.

Sec. 16. 20-A MRSA §8405, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§8405. Director

A ~~school administrative~~ unit operating a vocational center shall employ ~~on the staff of the center~~ a local certified vocational director of vocational education.

1. Qualifications. The vocational director shall ~~must~~ meet the qualifications prescribed by the state board.

2. Administrative status. The vocational director shall serve as chief administrative officer of the center ~~and its satellites~~ and ~~have all~~ has the authority ~~and obligations~~ of a ~~secondary school~~ principal in the ~~school administrative~~ unit operating the center.

Sec. 17. 20-A MRSA §8451, as amended by PL 1989, c. 700, Pt. A, §57, is further amended to read:

§8451. Vocational regions

1. Legislative intent. It is the intent of the Legislature that ~~the each~~ each vocational ~~regions~~ region shall ~~deliver~~ provide vocational education ~~to their respective areas~~ in accordance with this chapter; and ~~they~~ shall function as ~~extensions~~ an extension of the secondary schools located within ~~their region~~ the region's boundaries.

2. Boundaries. The vocational regions shall have boundaries as follows.

B. Region 2. SOUTHERN AROOSTOOK COUNTY. Units located in this ~~area~~ shall region include: Bancroft; Benedicta; Crystal; Dyer Brook; Hersey; Island Falls; Linneus; Ludlow; Merrill; Moro Plantation; New Limerick; Oakfield; Orient; Smyrna; School Administrative District No. ~~14-Danforth~~ 14 (Danforth and Weston); School Administrative District No. ~~25-Mt.~~ 25 (Mt. Chase Plantation, Patten, Sherman and Stacyville); School Administrative District No. ~~29-Hammond~~ 29 (Hammond Plantation, Houlton, Littleton and Monticello); and School Administrative District No. ~~70-Amity~~ 70 (Amity, Cary Plantation, Haynesville and Hodgdon).

C. Region 3. NORTHERN PENOBSCOT COUNTY. Units located in this ~~area~~ shall region include: Carroll Plantation; Codyville; Drew Plantation; East Millinocket; Glenwood Plantation; Lakeville Plantation; Macwahoc Plantation; Medway; Millinocket; Reed Plantation; Topsfield; Vanceboro; Woodville; School Administrative District No. ~~30-Lee~~ 30 (Lee, Prentiss Plantation, Springfield, Webster Plantation and Winn); School Administrative District No. ~~31-Burlington~~ 31 (Burlington, Edinburg, Enfield, Howland, Lowell, Maxfield, Passadumkeag and Seboeis Plantation); and School Administrative District No. ~~67-Chester~~ 67 (Chester, Lincoln and Mattawamkeag).

D. Region 4. SOUTHERN PENOBSCOT COUNTY. Units located in this ~~area~~ shall region

include: Alton; Amherst; Aurora; Bangor; Bradley; Brewer; Dedham; Glenburn; Great Pond Plantation; Greenbush; Greenfield; Hermon; Millford; Old Town; Orono; Orrington; Osborn Plantation; Veazie; School Administrative District No. ~~22-Hampden~~ 22 (Hampden, Newburgh and Winterport); School Administrative District No. ~~23-Carmel~~ 23 (Carmel and Levant); School Administrative District No. ~~38-Dixmont~~ 38 (Dixmont and Etna); School Administrative District No. ~~63-Clifton~~ 63 (Clifton, Eddington and Holden); and School Administrative District No. ~~64-Bradford~~ 64 (Bradford, Corinth, Hudson, Kenduskeag and Stetson).

F. Region 7. WALDO COUNTY. Units located in this ~~area~~ shall region include: School Administrative District No. ~~3-Brooks~~ 3 (Brooks, Freedom, Jackson, Knox, Liberty, Monroe, Montville, Thorndike, Troy, Unity and Waldo); School Administrative District No. ~~34-Belfast~~ 34 (Belfast, Belmont, Morrill, Northport, Searsmont and Swanville); and School Administrative District No. ~~56-Frankfort~~ 56 (Frankfort, Searsport and Stockton Springs).

G. Region 8. KNOX COUNTY. Units located in this ~~area~~ shall region include: Appleton; Hope; Islesboro; Lincolnville; School Administrative District No. ~~5-Owls~~ 5 (Owls Head, Rockland and South Thomaston); School Administrative District No. ~~7-North~~ 7 (North Haven); School Administrative District No. ~~8-Vinalhaven~~ 8 (Vinalhaven); School Administrative District No. ~~28-Camden~~ 28 (Camden and Rockport); School Administrative District No. ~~40-Friendship~~ 40 (Friendship, Union, Waldoboro, Warren and Washington); and School Administrative District No. ~~50-Cushing~~ 50 (Cushing, St. George and Thomaston).

H. Region 9. NORTHERN OXFORD COUNTY. Units located in this ~~area~~ shall region include: Gilead; Hanover; Peru; ~~Rumford~~; Upton, so long as it sends its secondary students to schools operated by administrative units within the region; School Administrative District No. ~~21-Canton~~ 21 (Canton, Carthage and Dixfield); School Administrative District No. ~~43-Byron~~ 43 (Byron, Mexico and Roxbury and Rumford); and School Administrative District No. ~~44-Andover~~ 44 (Andover, Bethel, Greenwood, Newry and Woodstock).

I. Region 10. EASTERN CUMBERLAND-SAGADAHOC COUNTY. Units located in this ~~area~~ shall region include: Brunswick; Freeport; and School Administrative District No. ~~75-Bowdoin~~ 75 (Bowdoin, Bowdoinham, Harpswell and Topsham). ~~This region and the vocational center at Bath shall coordinate programs and activities.~~

J. Region 11. SOUTHERN OXFORD COUNTY. Units located in this ~~area~~ shall region include: School Administrative District No. ~~17-Harrison~~ 17 (Harrison),

Hebron, Norway, Otisfield, Oxford, Paris, Waterford and West Paris); and School Administrative District No. ~~39-Buckfield~~ 39 (Buckfield, Hartford and Sumner). ~~This region and the vocational center at School Administrative District No. 61 (Bridgton) shall coordinate programs and activities.~~

3. Central Aroostook County. Central Aroostook County ~~shall~~ is also be a vocational region.

A. Public secondary schools located at: Ashland; Caribou; Easton; Fort Fairfield; Limestone; Mars Hill; Presque Isle; and Washburn ~~shall be~~ are served by ~~regional-vocational~~ centers located in Presque Isle and Caribou.

B. Notwithstanding provisions of sections 8452 to 8459, these ~~regional~~ centers ~~shall be~~ are governed by ~~their respective~~ the school boards of the units operating such centers, but ~~shall~~ have an advisory committee, as defined in section 8404, responsible for coordinating vocational education for the Central Aroostook County ~~area as defined in section 8404~~ region.

4. Validation. Each vocational region authorized and organized under Public Law 1973, chapter 605, is hereby validated, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity which may have occurred in the organization of the region or in the selection of the cooperative board of that region.

5. Northern Aroostook County. Northern Aroostook County ~~shall~~ is also be a vocational region ~~and shall be organized in the following manner.~~

A. Public secondary schools located at Van Buren, Madawaska, St. Agatha, Fort Kent and Allagash ~~shall be~~ are served by ~~regional-vocational~~ centers located in Van Buren, Madawaska and Fort Kent, provided that in the event that the school boards of School Administrative District No. 27 (Fort Kent), School Administrative District No. 33 (St. Agatha) and Madawaska enter into a cooperative agreement pursuant to section 8401, the agreement ~~shall~~ must provide that if a new ~~vocational~~ center located in Maine School Administrative District No. 33 becomes operational, vocational students from Maine School Administrative District No. 10 (Allagash) ~~shall~~ must be allocated slots in the vocational programs at the center as tuition students on the same basis as students from the 3 participating units and that vocational students from School Administrative District No. 24 (Van Buren) ~~shall~~ must be permitted to attend that ~~vocational~~ center on a tuition basis to the extent that there are unused slots available in the vocational programs at the center.

B. Notwithstanding sections 8452 to 8459, these ~~regional~~ centers ~~shall be~~ are governed by ~~their respective~~ the school boards of the units operating the cen-

ters, but ~~shall~~ have an advisory committee, as defined in section 8404, for the ~~northern~~ Northern Aroostook County ~~area~~ region, provided that in the event that the school boards of School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a cooperative agreement pursuant to section 8401, the ~~northern~~ Northern Aroostook County advisory committee ~~shall~~ must be made up of representatives of those 3 administrative units and the advisory committee ~~shall have~~ has authority to review applications for employment and personnel records relating to the vocational director and teachers in the vocational ~~program~~ programs of the center in order for the advisory committee to make employment recommendations to the Superintendent of Schools of Maine School Administrative District No. 33.

C. In the event that School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a cooperative agreement pursuant to section 8401, not later than June 30, 1989, the school boards of the 3 participating units shall, in conjunction with the advisory committee, develop and submit a plan to the ~~Commissioner of Education~~ commissioner for delivery of providing secondary vocational services education within the 3 participating units. The plan ~~shall~~ must include:

(1) A proposal for the construction of a new ~~vocational~~ center in School Administrative District No. 33;

(2) Provisions for assignment without loss of salary of all continuing contract vocational teachers employed by School Administrative District No. 27 and Madawaska School Department to School Administrative District No. 33 if a new ~~vocational~~ center in School Administrative District No. 33 becomes operational; and

(3) Assurances that all 3 participating administrative units and School Administrative District No. 10 on a tuition basis, shall have access to programs at the new ~~vocational~~ center in proportion to the number of high school ~~juniors and seniors~~ students in each administrative unit.

D. The plan developed under paragraph C ~~shall~~ must be submitted to the ~~Commissioner of Education~~ commissioner for approval. The commissioner may make necessary recommendations to the participating units to assist in the implementation of the plan for the school year 1991-92. ~~The plan shall be approved by the commissioner by August 30, 1989.~~

E. If the school boards of School Administrative District No. 27, School Administrative District No.

33 and Madawaska enter into a cooperative agreement pursuant to section 8401 and if a plan developed under paragraph C is approved by the commissioner, School Administrative District No. 33 ~~shall~~ has the authority to undertake school construction projects for vocational education in accordance with the provisions of chapter 609 and to borrow money and issue bonds and notes of the district for school construction projects in accordance with section 1311 and sections 1351 to 1354.

F. Section ~~8304~~ 8301-A, subsection ~~5 6~~ and sections 8452 to 8467 ~~shall do~~ not apply to the ~~vocational~~ region established for ~~northern~~ Northern Aroostook County under this section.

Sec. 18. 20-A MRSA §8451-A is enacted to read:

§8451-A. Programs

A region shall provide programs of vocational education. Programs of vocational education are eligible to receive state subsidy pursuant to chapters 606 and 609. All programs of vocational education offered by a region must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the technical college or college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of vocational education may also include training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A.

Sec. 19. 20-A MRSA §8452, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§8452. Cooperative board; formation

~~The~~ Each vocational ~~regions shall be~~ region is administered by a cooperative board organized as follows.

1. **Structure of cooperative board.** The school boards of the ~~school administrative units located in a region~~, at a joint meeting called by the commissioner, shall ~~determine~~ decide for the region by majority vote:

- A. The size of the cooperative board;
- B. The number of members of the cooperative board to serve from ~~represent~~ each unit or group of units;
- C. The method of selecting ~~representatives from members of the cooperative board to represent~~ each unit or group of units; and
- D. The method of sharing costs; ~~and~~ of vocational education among the units in the region.

~~E. The number of units to be jointly represented by a cooperative board member.~~

2. **Role of municipal officers.** The municipal officers of each ~~school administrative unit within~~ in the region ~~shall must~~ be invited to the joint meeting to present testimony on cooperative board membership and on the methods of sharing costs among the units in the region.

3. **Voting.** ~~Each~~ The school board of each unit shall caucus with the municipal officers within of that unit. ~~In~~ Thereafter, in the joint meeting, ~~the each~~ school board shall cast ~~their its~~ votes on the issues identified in subsection 1 in accordance with the majority vote of the caucus of ~~their the~~ school board and municipal officers. Each school board has one vote on each of the issues identified in subsection 1.

4. **Process of appeal.** ~~A~~ Within 30 days of the date of the joint meeting, a school board may appeal ~~decisions on the method of sharing cost and the method of apportioning representatives on the cooperative board to the state board any decision reached at the joint meeting on an issue identified in subsection 1.~~ The state board decision ~~shall be~~ is final and binding on the school administrative units within the region.

5. **Appointment of cooperative board members.** ~~When~~ After the ~~member school administrative school boards of the units of a cooperative board in a region have determined~~ decided the representation and the method of sharing costs issues identified in subsection 1, the ~~superintendents~~ superintendent of each unit in the region shall call ~~meetings~~ a meeting of the school boards board for the unit. ~~The~~ At that meeting the school boards board shall appoint their its authorized number of representatives members to the cooperative board.

6. **Organization of the cooperative board.** ~~The organization of the cooperative board shall occur~~ is organized as follows.

A. The superintendents of the units within the region shall call a meeting of the cooperative board members ~~to organize~~ appointed pursuant to subsection 5.

B. The cooperative board members shall:

- (1) Elect a ~~chairman~~ chair and ~~vice-chairman~~ vice-chair;
- (2) Elect a secretary, who ~~does need not have to~~ need not have to be a member of the cooperative board;
- (3) Adopt a constitution or bylaws ~~for the calling of and conducting of board meetings;~~ and
- (4) Elect a treasurer, who need not be a member of the cooperative board. The treasurer

shall give a bond to the cooperative board with the sum and sureties established by the cooperative board. This bond ~~shall~~ must be deposited with the chairman chair. The expenses expense of the bonds shall bond must be paid by the cooperative board. ~~The treasurer does not have to be a member of the cooperative board.~~

7. Filing return with state board. The secretary of the cooperative board shall immediately file a return with the state board ~~listing~~ identifying the names of the members and officers of the cooperative board and certifying that the cooperative board has been properly organized.

8. Issuance of certificate of approval. ~~The~~ In response to a return filed pursuant to subsection 7, the state board ~~may~~ shall issue a certificate of approval for the organization ~~or reorganization for each vocational~~ of the region. The issuance of the certificate ~~shall be~~ is conclusive evidence of the lawful organization of the region. The original certificate ~~shall~~ must be kept on file by with the secretary of ~~each~~ the region, and copies ~~shall~~ must be placed on file in the office of the commissioner.

Sec. 20. 20-A MRSA §8453, as amended by PL 1991, c. 80, is repealed.

Sec. 21. 20-A MRSA §8453-A is enacted to read:

§8453-A. Membership on cooperative board

1. Requirements. Each member of a cooperative board must:

A. Represent a unit or group of units within the region;

B. Represent a unit in which the member resides; and

C. Represent approximately the same number of persons residing within the region as each other member of the cooperative board or, by means of weighted voting, cast a vote on the cooperative board that is approximately equal to the number of persons in the region represented by the member relative to the number of persons in the region as a whole.

2. Appointments by school boards. A person appointed to a cooperative board is not required to be a member of a school board that appoints that member to that cooperative board.

3. Conflicts of interest. A member of a cooperative board may not:

A. Hold any office the duties of which are incompatible with those of a member of the cooperative board;

B. During the term for which that member serves on the cooperative board and for one year thereaf-

ter, be appointed to any civil office of profit or employment position that is created or the compensation of which is increased by the action of the cooperative board during that term; or

C. Be employed as a full-time employee of the region governed by the cooperative board to which the member has been appointed, nor may the spouse of a member be so employed. For purposes of this subsection, "full-time employee" means a person regularly employed on a weekly basis regardless of remuneration or the number of hours worked.

A contract made by a cooperative board must comply with the requirements of Title 30-A, section 2605.

Sec. 22. 20-A MRSA §8454, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

§8454. Oath of office

1. Oath. Before taking any official action, a newly appointed member of a cooperative board shall take the following oath or affirmation before a dedimus justice or notary public.

"I (name) do swear that I will faithfully discharge to the best of my abilities the duties incumbent on me as a member of the cooperative board of Vocational Education Region No. according to the Constitution of Maine and laws of this State, so help me God."

2. Certificate. A member of a cooperative board shall make a certificate documenting that the member has taken the oath or affirmation and return it to the secretary of the cooperative board who shall keep it on file at the office of the cooperative board.

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

Sec. 23. 20-A MRSA §8455, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§8455. Vocational region considered a political subdivision

A vocational region ~~shall be~~ is a political subdivision within the meaning of Title 5, section 4222 19002, subsection 6, and a quasi-municipal corporation within the meaning of Title 30-A, section 5701, and all the provisions of ~~that section shall be applicable~~ those sections apply to them it.

Sec. 24. 20-A MRSA §8456, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§8456. Voter approval of cooperative board articles

~~Vocational regions may~~ A region shall vote on articles submitted by the cooperative board using the procedures set forth in sections 1351 to 1354. For such purposes, references in those sections to "school administrative district" or "district" mean vocational region; references in those sections to "board of directors," "board," "school board," "school directors" or "school director" mean cooperative board; and references in those sections to "they" mean either, as appropriate in the context, cooperative board or members of the cooperative board.

Sec. 25. 20-A MRSA §8457, as amended by PL 1987, c. 98, §3, is further amended to read:

§8457. Cooperative board authority

1. General powers and duties. A cooperative board ~~shall have~~ has all of the rights powers and duties of a school board as provided in section 1001, subsections 1, 2, 4 to 7, 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. For such purposes, references in those sections to "school administrative unit," "administrative unit," "school unit," "unit," "school administrative district" or "district" mean vocational region; references in those sections to "school board," "school committee," "board," "board of directors" or "directors" mean cooperative board; references in those sections to "director" mean a member of a cooperative board; and references in those sections to "they" mean either, as appropriate in the context, cooperative board or members of the cooperative board.

2. Cooperative agreement. The cooperative board shall adopt a cooperative agreement incorporating at a minimum each of the items listed under section 8452, subsection 1. The cooperative board, with the superintendents' advisory committee, shall annually review the cooperative agreement. ~~¶~~ The cooperative board may amend the agreement with respect to the administration of vocational education in the region. A revision of the agreement shall be, subject to approval by a majority vote of the school boards of the units served by the region in accordance with the one-man vote principle. A copy of the cooperative agreement and any amendments shall to the agreement must be filed with the commissioner.

3. Authority to borrow, expend and accept funds. A cooperative board may:

A. Borrow funds in anticipation of the a member unit's payment of its share of the ~~vocational~~ regional budget. ~~Loans~~ Such borrowing:

(1) ~~Shall~~ Must be repaid within one year; and

(2) May not at any time exceed 3/4 of the region's annual approved budget approved by the member units of the region;

B. ~~May expend~~ Expend available ~~revenue funds~~ to meet pay debt service and , security and maintenance of property costs; and

C. Accept and expend special grants from state and federal sources.

4. Compensation. ~~Cooperative~~ A cooperative board member may be paid up to \$10 for each meeting ~~attended~~ of the cooperative board or its subcommittees that the member attends.

5. Meetings. A cooperative board shall meet at least 6 times per calendar year.

Sec. 26. 20-A MRSA §§8458 to 8460, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

§8458. Vocational director; chief administrative officer

1. Employment of vocational director. The cooperative board shall employ a certified vocational director who shall administer, in compliance with this section, the provision of vocational education in the region. ~~The board may appoint the director to serve as the:~~

A. Administrative officer of the region; and

B. Treasurer and secretary to the board.

2. Duties. ~~The administrative officer may nominate teachers and shall perform other duties as assigned by the board.~~

3. Ex officio administrative officer. ~~If the cooperative board does not designate the vocational director to serve as administrative officer, the board may enter into an agreement with a superintendent within the region to serve as ex officio administrative officer for the region with the duties under subsection 2.~~

4. Appointment of chief administrative officer. The cooperative board shall appoint a chief administrative officer who shall administer the region in compliance with policy set by the cooperative board, nominate teachers and other employees for employment by the region and perform such other duties as are assigned to the chief administrative officer by the cooperative board. The cooperative board shall appoint as the chief administrative officer either:

A. The vocational director; or

B. The superintendent of a unit in the region.

5. Appointment of treasurer and secretary. The cooperative board may appoint the vocational director or the chief administrative officer as treasurer or secretary, or both, of the cooperative board.

§8459. Superintendents' advisory committee

The superintendents of the units within each region shall serve as an advisory committee to the cooperative board. This committee ~~shall~~:

1. Right to attend cooperative board meetings. ~~Be invited to attend and receive~~ Must receive notice of and must be invited to attend all meetings ~~held by~~ of the cooperative board; and

2. Meeting with vocational director. ~~Meet~~ Shall meet with the vocational director of the region at least 4 times each calendar year to review current and proposed programs, budgets and issues relating to vocational education in the region.

§8460. Budget

~~The vocational region~~ Each region's budget ~~shall~~ must be prepared and approved as follows:

1. Duties of the cooperative board. The cooperative board shall:

A. Prepare and approve a budget for the ~~vocational~~ region;

B. Hold ~~2~~ a public hearing hearing in each of 2 separate municipalities in the region, prior to submitting the budget for ~~adoption~~ approval by the region's voters in accordance with one of the methods of voting set forth in subsection 2;

C. Prepare ~~2~~ articles, or ~~2~~ orders for municipal council meetings, in substantially the ~~following~~ form set forth in subparagraphs (1) and (2):

(1) "Shall the regional vocational operating budget as approved by the cooperative board for the year _____ be approved in the amount of \$ _____?"; and

(2) "Shall the vocational region approve a budget for adult education in the amount of \$ _____ for the year _____?";

D. Select the method of submitting the articles or orders for budget ~~adoption~~ approval from those ~~outlined~~ set forth in subsection 2; and

E. Select the date of the budget vote, if the regional budget meeting method is used.

2. Methods of budget approval. The cooperative board shall submit the ~~final~~ budget for approval by the voters in a region as follows:

A. The articles, or orders, for the vocational education operating budget and adult education ~~portions of the budget shall for the region~~ must be submitted for ~~adoption~~ approval by one of the following methods prior to July 1st:

(1) The school administrative unit method ~~outlined~~ described in section 8461;

(2) The referendum method ~~outlined~~ described in sections 1351 to 1354; ~~and~~ or

(3) The regional budget meeting method ~~outlined~~ described in section 8462; and

B. For the purpose of approving money to repay bonds issued by the region, each school administrative unit within ~~a~~ the region shall include as part of the debt service portion of its regular school budget an amount sufficient to ~~cover that~~ pay such school administrative unit's debt service.

3. Budget reconsideration. If the articles or orders are not ~~adopted~~ approved pursuant to subsection 2, the cooperative board shall:

A. Prepare a revised budget and budget articles; and

B. Submit the revised budget articles for voter approval under the regional budget meeting method before August 1st.

Sec. 27. 20-A MRSA §8461, as amended by PL 1985, c. 797, §44, is further amended to read:

§8461. School administrative unit method

1. Role of the school administrative unit. The legislative body of each ~~school administrative unit in the~~ a region shall vote on the articles submitted by the cooperative board.

A. The vote ~~of on~~ the budget ~~shall be completed~~ articles by each unit must occur at the same time as the vote on the unit's regular school budget.

B. The vote ~~of the legislative body shall on each budget article~~ must be to accept or reject each such article as appearing in the budget warrant. No portion of a warrant may be amended.

C. Following the ~~annual budget meeting of a school administrative vote on the budget articles by a~~ unit, the clerk of ~~that~~ the unit shall notify, in writing, the member or members of the cooperative board ~~which that represent that~~ the unit of the results of the vote.

2. Role of the cooperative board. The role of the cooperative board is as follows:

A. Within 5 days after the last unit in the region has ~~acted~~ voted on the budget, the ~~chairman~~ chair of the cooperative board shall call a meeting of the cooperative board to tally the results of the vote votes of the units in the region.

B. ~~The~~ Each cooperative board ~~members~~ member shall report in writing ~~and shall cast their ballots~~ the

number of units represented by the member that voted on the budget articles in the affirmative or in the negative and shall cast a vote in accordance with the vote of the majority vote of the school administrative units represented by that member.

C. The chairman chair shall add tally these votes of the cooperative board members and the cooperative board shall make a finding of fact and enter in its records the total vote number of members that voted in the affirmative and the number of members that voted in the negative.

(1) If the total number of members that voted in the affirmative votes exceed exceeds the total number of members that voted in the negative votes, the cooperative board shall declare that the region's budget has been approved.

(2) If any article within the budget fails to pass be approved by a majority of the members on the cooperative board, or if a special budget meeting is called to pledge the credit of the district region after the cooperative board has declared that an emergency exists, the cooperative board may prepare a new budget or special budget and submit the necessary articles to a regional budget meeting of the vocational region called in the manner set forth described in section 8462.

3. School administrative districts and community school districts. A municipality which that is a member of a secondary community school district or a school administrative district in a region shall appropriate the costs of vocational education allocable to the municipality under the approved budget for the region as part of the municipality's secondary school budget.

Sec. 28. 20-A MRSA §8462, as amended by PL 1983, c. 862, §61, is further amended to read:

§8462. Regional budget meeting approval method

1. Method of notice. A regional budget meeting shall must be called by a warrant. The warrant shall must be signed by a majority of the cooperative board membership. The following procedures shall apply to the warrant.

A. The warrant shall must specify the time and place of the regional budget meeting.

B. The warrant shall must be directed by name to any resident living within the vocational region by name ordering the resident to notify all voters within the region to assemble at the time and place appointed specified for the regional budget meeting.

C. The warrant shall must include the budget articles that the cooperative board considers necessary

to place before the voters and the authorization to expend funds of the region for the fiscal year.

D. An attested copy of the warrant shall must be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities municipality within the vocational region at least 7 days before the regional budget meeting.

E. The person who gives notice of the regional budget meeting by posting the warrant shall complete the return on the warrant stating the manner of notice; and location and time of posting in each community municipality within the region.

F. A detailed supportive budget document shall must accompany the warrant and be made available in sufficient quantities to the legislative body which has responsibility for final budget approval of each municipality in the region and to the voters present at the regional budget meeting. The supportive document shall must contain a summary of anticipated estimated revenues and estimated expenditures for the fiscal year that is the subject of the budget.

2. Procedure. The procedure at and immediately prior to a regional budget meeting shall must be as follows.

A. The cooperative board shall appoint a resident of a municipality within the region to act as the registration clerk for the regional budget meeting.

B. The registration clerk shall make and keep a voting list of all residents in the region eligible to vote. The clerk shall compile the voting list from the voting lists of all the municipalities within the region.

C. Each municipal clerk within the region shall deliver to the registration clerk, 5 business days prior to the regional budget meeting, a certified corrected copy of the voting list of the member municipality. Additions to or deletions from the list may not be made during the 5 business days prior to the regional budget meeting. Only the citizens persons whose names appear on the voting list may vote at the regional budget meeting on the budget articles presented by the cooperative board.

D. The chairman chair of the cooperative board; or, if the chair is absent, the chairman's chair's designee, shall open the regional budget meeting by calling for the election of a moderator, by receiving and counting the votes for each person nominated to such position and by swearing in the nominee person receiving a plurality of the votes cast.

E. The moderator shall preside over the regional budget meeting.

F. The A vocational education budget article may be adopted approved only by a majority vote of those

present and voting. The vote on each budget article must be to accept or reject each such article as appearing in the budget warrant, or as amended by vote of the regional budget meeting.

G. The moderator shall appoint from those persons whose names appear on the certified voting lists as many ballot clerks as necessary for the efficient operation of the regional budget meeting. The ballot clerks shall must be sworn in by the moderator.

H. The secretary of the cooperative board, or, if the secretary is absent, the secretary's designee, shall record accurately all the votes of the regional budget meeting.

I. The cooperative board shall, immediately upon the adoption approval of a budget, compute the share to be paid by each municipality within the region and shall notify the school officials each unit within the region to include their its share of the region's budget in the school-administrative unit's annual school budget. A region's budget shall must be adopted approved by the method described in this section on or before August 1st.

J. The school officials of each unit in the region shall place on the school warrant for payment the first of each month a sum equal to 1/12 of the school administrative unit's share of the vocational school region's budget.

Sec. 29. 20-A MRSA §§8463 and 8464, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

§8463. Assessment and appropriation of municipal funds

Local Municipal funds shall must be assessed and appropriated for a region's budget as follows.

1. Operating, construction and debt service costs. Each region shall, in accordance with the region's written agreement for sharing costs adopted pursuant to section 8457, appropriate the necessary local funds to pay assess each unit within the region that unit's share of the region's annual budget for the operating and construction costs for vocational region programs as may be required by this subsection and sections 8460 and 8465.

2. Deduction of federal grants. Anticipated grants from federal sources to be received by the regional cooperative board shall must be deducted from the gross region's annual budget before prior to making the assessments to the individual municipalities within the region pursuant to subsection 1.

3. Raising and appropriating local municipal funds. Each municipality within a region shall raise and appropriate sufficient funds to pay for its share of the region's annual budget assessed pursuant to subsection 1.

§8464. Budget failure

The following ~~provisions apply~~ applies in the event of a budget failure as defined in section ~~8301~~ 8301-A.

1. Submission of a contingency plan. If a budget failure exists after August 1st of any fiscal year, the cooperative board shall submit to the state board a financial statement with an operational plan indicating how the ~~program will be phased out or reorganized~~ cooperative board intends to reorganize or terminate the region's vocational education programs.

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

3. Expenditure of available funds. If a budget failure exists after June 30th, the cooperative board may expend balances and available revenues until the region is reorganized or terminated or until a budget is approved pursuant to this chapter.

4. Anticipatory borrowing. The cooperative board may borrow funds not to exceed 50% of the state subsidy anticipated state allocation to be received in the fiscal year by units in the region. Such borrowing shall must be repaid within the same fiscal year.

Sec. 30. 20-A MRSA §8465, as amended by PL 1987, c. 98, §4, is further amended to read:

§8465. Bonding authority

Bonds A region may issue bonds and notes for school construction purposes. The cooperative board shall decide whether the issuance of bonds or notes by the region for school construction purposes is necessary. The cooperative board shall administer the process of determining whether the issuance of bonds or notes is authorized, and, if so, it shall issue the bonds or notes and administer the proceeds of, and the payment of principal of and interest on, those bonds or notes after issuance. A region may issue bonds and notes for school construction purposes only be issued under the following provisions.

1. Regional referendum. If the cooperative board decides ~~to issue that issuance of~~ issuance of bonds or notes ~~of by~~ by the region for school construction purposes is necessary:

A. The cooperative board shall call a regional referendum using the procedures set forth in sections 1351 to 1354 to authorize issuance of the bonds or notes. References For such purposes, references in this section those sections to laws pertaining to "school administrative district" or "district" mean vocational region; and references in those sections to "board of directors," means vocational region and "board,"

“school board,” “school directors,” or “school director” mean cooperative board, respectively and references in those sections to “they” mean either, as appropriate in the context, cooperative board or members of the cooperative board;

B. The results of the referendum vote in each municipality ~~shall~~ must be reported immediately to the secretary of the cooperative board; and

C. The cooperative board shall meet and make an appropriate finding the determinations and declarations of fact as required in by section 1353, subsection 2 3.

2. Bond resolutions. If the cooperative board determines from the regional referendum vote that bonds or notes ~~shall~~ are authorized to be issued for school construction purposes, then the following shall apply applies.

A. ~~The cooperative board shall pass a resolution to that effect setting forth stating that bonds or notes for school construction purposes have been authorized and stating the dollar amount and purposes of the proposal and the purposes for which the proceeds were authorized bonds or notes authorized.~~

B. Bonds or notes ~~shall~~ must be issued in the manner described in section 1311, except that any reference therein to “school administrative district” or “board of school directors” ~~shall mean vocational region or “district” means vocational region, and reference therein to “board of directors” or “board” means cooperative board, respectively and any reference therein to “assistant superintendent” means secretary of the cooperative board.~~

C. ~~Indebtedness shall of a region for school construction purposes may not exceed 4% of the total state valuation of all the municipalities comprising in the region. That indebtedness shall be is outside the debt limitations of the individual municipalities of in the region.~~

3. Prior bonds and notes. All actions taken in connection with bonds and notes for school construction purposes by vocational regions and their officers prior to October 1, 1975 ~~shall~~ continue to be valid.

Sec. 31. 20-A MRSA §§8466 and 8467, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

§8466. Transfer or lease of school property to a vocational region

~~The following shall apply to transfer of school property to a vocational region:~~

1. Authority. A ~~school board of a school administrative unit within a vocational region may transfer or lease~~

~~unused school property owned by of the unit to the vocational region for vocational education purposes.~~

2. Definitions. For the purposes of this section, a special school district ~~shall be is~~ considered ~~to be a school administrative unit.~~

§8467. Sale of vocational region capital assets

~~The following provisions apply to the sale of vocational region capital assets:~~

1. Sale of capital assets. ~~Vocational regions A region may, in case of a shutdown, sell any of its buildings and, equipment owned by the vocational regions when or other capital assets if the sale is in compliance with the conditions of any indebtedness issued to finance such assets and if the sale is approved by the state board.~~

2. Use of proceeds of sale. ~~The funds raised by the proceeds of a sale in authorized by subsection 1 shall must~~ be used as follows:

A. The proceeds of the sale ~~shall~~ must first be used to ~~reduce any pay or assure payment of~~ outstanding indebtedness on the capital asset;

B. Any remaining receipts ~~shall~~ proceeds must then be used to meet outstanding obligations of the region; and

C. Any remaining surplus ~~shall~~ proceeds must then be returned paid to the department.

Sec. 32. 20-A MRSA §8468, as enacted by PL 1989, c. 132, §4, is amended to read:

§8468. Reserve fund

~~Vocational regions may establish a reserve fund as follows:~~

1. Establishment. A vocational region may establish a reserve fund for a school construction projects project, financing the acquisition or reconstruction of a specific item or type of capital improvement or financing the acquisition of a specific item or type of capital equipment by including a request establishing such a reserve fund in the region budget and receiving approval pursuant to this chapter. The cooperative board ~~shall be is~~ the trustee of the such a reserve fund. ~~The reserve fund shall be deposited or invested by the treasurer under the direction of the cooperative board.~~

2. Deposit or investment. All region funds, including reserve funds and trust funds to the extent that the terms of the instrument or vote creating the fund do not prohibit, ~~shall~~ must be deposited or invested by the treasurer of the cooperative board under the direction of the cooperative board according to the requirements for the deposit or investment of municipal funds contained in Title 30-A, section 5706.

3. Expending money from a reserve fund. The cooperative board may expend the a sum in the a reserve fund ~~as a result of a request~~ if permitted by the conditions of any indebtedness secured by the reserve fund and if approved in the region budget which is approved. A separate article for that purpose must be ~~set out~~ included in the region budget proposal.

Sec. 33. 20-A MRSA §8601-A is enacted to read:

§8601-A. Definitions

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

1. Adult education. “Adult education” has the same meaning as in section 1, subsection 1 and also means courses of instruction approved in accordance with this chapter in the following categories: general adult courses; adult vocational education courses; handicapped adult courses; high school completion courses; and basic literacy courses.

2. Adult education program costs. “Adult education program costs” means those costs identified in section 8607-A.

3. Center. “Center” has the same meaning as in section 8301-A, subsection 3.

4. Foundation year. “Foundation year” means the fiscal year 2 years prior to the fiscal year in which funds are allocated.

5. Maximum allowable expenditures. “Maximum allowable expenditures” means, for state subsidy purposes, an amount not to exceed the sum of funds appropriated through taxation and expended in accordance with section 8607-A in the foundation year, plus the amount of subsidy paid by the State during the foundation year.

6. Municipality. “Municipality” has the same meaning as in section 15603, subsection 19.

7. Parent. “Parent” means a parent, as defined in section 1, subsection 20, with legal custody of a minor child.

8. Region. “Region” has the same meaning as in section 8301-A, subsection 6.

9. Residence. “Residence” means, with reference to a person’s eligibility to receive adult education, the school administrative unit in which is located the legal residence of the person’s parent if the person has not reached 18 years of age, the legal residence of the person after the person reaches 18 years of age, or the legal residence of the person after the person becomes an emancipated minor. A federal reservation is considered part of the school administrative unit in which it is located.

10. Unit. “Unit” means a school administrative unit.

11. Vocational education. “Vocational education” has the same meaning as in section 8301-A, subsection 11.

Sec. 34. 20-A MRSA §8602, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§8602. Rules

The commissioner ~~shall~~ may adopt or ~~amend~~ amend rules to establish ~~program definitions~~ requirements for adult ~~vocational courses, general adult courses, handicapped adult courses, high school completion courses and basic literacy education~~ courses, to establish procedures for approving adult education courses offered by units, regions or centers and to otherwise carry out the purposes of this chapter.

Sec. 35. 20-A MRSA §8602-A is enacted to read:

§8602-A. Courses; approval

Adult education courses may be offered by units, regions or centers with the approval of the commissioner.

Sec. 36. 20-A MRSA §§8603 and 8604, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

§8603. Authority to raise, appropriate, receive and expend money

A school administrative unit may:

1. Fund adult education and educational activities. Raise, appropriate, receive and appropriate expend money for the support of adult education classes and educational activities. These classes Adult education and educational activities shall be are under the direction and supervision of the school board; and

2. Fund tuition costs. Raise, appropriate, receive and expend money to cover the pay tuition costs resulting from its residents attending charged to any resident of a municipality served by the unit who attends an adult education courses in course offered by another school administrative unit, if the courses are adult education course is not offered by the unit of that serves the person’s residence.

§8604. Authority to operate programs not receiving state subsidy

A school board unit may make available facilities for adults for day and evening educational and recreational activities not ~~reimbursed~~ reimbursable by the State. These courses and activities may be financed by tuition fees, by funds ~~voted~~ made available by the school administrative unit, by funds from other sources or by a combination of these.

Sec. 37. 20-A MRSA §8605, as amended by PL 1989, c. 415, §32, is further amended to read:

§8605. Eligibility

1. General right. ~~A person who is 17 years of age or older and who is not attending public schools~~ The following persons may attend local adult education courses offered by a unit, region or center in accordance with local that entity's published program criteria; and admission standards:

~~A. The commissioner shall grant exceptions under this subsection in admitting students to adult education programs at the local level to a student~~ A person who is not yet 17 years of age who has withdrawn from school under the provisions of section 5001-A, subsection 2, paragraph B, on the recommendations of the school board;

~~A-1. A person who is 17 years of age or older and who is not attending a public school; or~~

~~B. Prior to requesting an exception, the school board shall seek and consider the recommendations of the dropout prevention committee.~~

~~C. Students~~ A secondary school student enrolled in a public day school programs may participate in adult education programs or adult vocational programs program, if that student's attendance at an adult education course is designed to supplement the student's regular day school program on an exception basis and if attendance is in accordance with rules adopted or amended by the commissioner.

Notwithstanding paragraphs A and A-1, a person who is not yet 18 years of age may be issued a state high school equivalency diploma only in compliance with the requirements established for such persons by section 257.

Priority to enroll in any adult education course offered by a unit, region or center must be given first to residents of municipalities served by that unit, region or center.

2. Secondary school age person count; subsidy; tuition. ~~School age students may enroll in adult evening school courses~~ A secondary school age person who is not attending a public school and who is enrolled in an adult education course must be treated for state subsidy and tuition purposes as follows.

~~A. A student age 16 through 20 years; Such a person who enrolls in a semester adult evening school education course, shall be~~ is counted as .1 of a student for each such course.

~~B. The school administrative unit in which such a student person resides shall~~ must be reimbursed in accordance with chapter 605 606.

~~C. If a unit in which a person resides does not offer an appropriate adult evening school education course appropriate for such a person, the student person may enroll in a neighboring school administrative an~~

adult education course offered by another unit or private school, subject to the approval of the sending unit's superintendent. The sending unit shall pay tuition to the receiving unit in an amount no greater than .1 of the present per student subsidy allocation for secondary students in the sending unit.

Sec. 38. 20-A MRSA §8606-A, as repealed and replaced by PL 1987, c. 769, Pt. A, §62, is amended to read:

§8606-A. Reimbursement procedures

~~**1. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings:~~

~~A. "Adult education program costs" includes expenditures for salaries and supplies as identified in section 8607.~~

~~B. "Foundation year" means the 2nd school year prior to the year of allocation of funds.~~

~~C. "Maximum allowable expenditures," for state subsidy purposes, means an amount not to exceed the sum of funds raised through taxation and expended in accordance with section 8607 in the foundation year, plus the amount of subsidy paid by the State during the foundation year.~~

2. Budget recommendation. ~~Prior to December 15th of each year, the commissioner shall prepare and certify to the Legislature Governor and to the Bureau of the Budget a recommendation for the funding level levels for the various program categories in adult education for payment in the next fiscal year. The commissioner shall include these funding levels in the department's request to the Legislature for appropriations from the General Fund to carry out the purposes of this chapter.~~

~~A. The requested recommended funding level shall must be for the authorized reimbursement rates established in section 8607 8607-A and may not exceed the maximum allowable expenditures in the foundation year, adjusted pursuant to paragraph C.~~

~~B. A school administrative unit shall provide the commissioner with information which requested by the commissioner shall request to carry out the purpose of this chapter according to time schedules which the commissioner shall establish. The commissioner may withhold state subsidy payment or a portion of the state subsidy payment from a school administrative unit when if the unit does not provide requested information is not filed to the commissioner in compliance with the specified format and , content and within the specified time schedule established by the commissioner.~~

C. ~~The recommendation in this certificate shall the~~ commissioner's funding level certification must include local program cost adjustment to the equivalent of the year prior to the year of allocation. This adjustment is calculated according to the same guidelines established, for purposes of chapter 606, by section 15605, subsection 3.

3. State reimbursement. State reimbursement for expenditures on adult education programs ~~shall be~~ is based on each administrative unit's actual adult education program costs in the foundation year.

A. The state reimbursement shall be ~~is~~ based on the unit's expenditures for the foundation year in accordance with the maximum allowable expenditures and the local program cost adjustment as in subsection 2 to the equivalent of the year prior to the year of allocation.

B. State reimbursement ~~shall~~ must be paid to each eligible ~~school administrative unit~~ during the 2nd quarter of the State's fiscal year.

4. Action by Legislature. The Legislature shall appropriate the necessary funds to meet the ~~state~~ State's obligation for reimbursement of adult education program costs as defined provided in subsections 1 and 2 this section.

~~**5. Rule-making authority.** The commissioner shall have the authority to promulgate rules to administer this section. Upon the effective date of this provision, the commissioner shall begin to promulgate rules which ensure that the maximum allowable expenditures for the initial foundation year accurately reflect the total costs of adult education for that year.~~

6. State administration. The commissioner shall add to the ~~budget request~~ funding level certification an amount sufficient to provide for the administration of this section.

Sec. 39. 20-A MRSA §8607-A, as enacted by PL 1987, c. 496, §4, is amended to read:

§8607-A. Reimbursement rates

Reimbursement rates ~~shall be~~ are as follows.

1. Administrative costs. ~~School administrative units shall be~~ Units are reimbursed 70% of the administrative costs for ~~evening and day school classes~~ adult education and educational activities for adults in the year following the expenditure for those costs. Administrative costs ~~shall~~ include administrative, supervisory and clerical salaries, the costs of maintaining and operating citizens' advisory committees, administrative fringe benefits as required for salaried positions and administrative travel to state meetings ~~related to the support of the administrative function~~ administering adult education courses and educational activities.

2. Adult vocational education courses. Adult vocational education courses ~~shall be~~ offered in compliance with section 8610 are reimbursed at the rate of 75% of the cost of required instructional salaries and fringe benefits required for salaried costs those courses and 50% of the cost of consumable supplies and textbooks used in those courses.

3. Handicapped adult courses. Handicapped adult courses ~~shall be~~ are reimbursed at the rate of 75% of the cost of required instructional salaries and fringe benefits required for salaried costs those courses and 50% of the cost of consumable supplies and textbooks used in those courses.

4. High school completion courses. High school completion courses ~~shall be~~ are reimbursed at the rate of 75% of the cost of required instructional salaries and fringe benefits required for salaried costs those courses and 50% of the cost of consumable supplies and textbooks used in those courses.

5. Basic literacy courses. Basic literacy courses ~~shall be~~ are reimbursed at the rate of 75% of the cost of required instructional salaries and fringe benefits required for salaried costs those courses and 50% of the cost of consumable supplies and textbooks used in those courses.

6. General adult courses. Courses provided for the general public in vocational, leisure and life skill programs ~~shall be~~ are reimbursed at the rate of 50% of the cost of required instructional salaries and fringe benefits required for salaried costs those courses.

7. Other administrative costs. Other administrative costs, including program promotion and related publicity, mailing and postage and telephone expenses related to program development, promotion and implementation for courses and programs described in subsections 2 to 6, shall be are reimbursed at the rate of 50% of these costs.

Sec. 40. 20-A MRSA §8608, as amended by PL 1983, c. 806, §71, is further amended to read:

§8608. Teacher education reimbursement

The commissioner shall add to the commissioner's ~~budget request~~ funding level certification a sum not to exceed 5% of the sum recommended in the certification for reimbursement to ~~school administrative units~~ for preservice and in-service education activities for teachers in of adult education.

Sec. 41. 20-A MRSA §8609, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§8609. Fees for adult education

Fees for adult education ~~shall be~~ are as follows.

1. Registration fee. A ~~school administrative unit,~~ with the approval of the commissioner, shall establish a

registration fee schedule for adult education courses and determine the use of those registration fees.

2. Materials fee. A ~~school administrative~~ unit may charge a ~~student person~~ attending ~~a~~ an adult education course a fee to cover the ~~actual~~ cost of materials used in such a course.

Sec. 42. 20-A MRSA §8610, as amended by PL 1983, c. 806, §72, is repealed.

Sec. 43. 20-A MRSA §8611, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§8611. Transportation

A ~~school administrative~~ unit may provide transportation for adults to and from adult education ~~programs~~ courses.

See title page for effective date.

CHAPTER 519

S.P. 639 - L.D. 1687

An Act to Clarify the Solid Waste Landfill Remediation and Closure Program

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

Sec. 1. 38 MRSA §1310-C, sub-§4, ¶¶A to C, as enacted by PL 1987, c. 517, §25, are amended to read:

A. "Abandoned" with reference to a solid waste landfill means ~~not no longer~~ handling solid waste on or after ~~the effective date of this article~~ February 1, 1976 when the cessation of handling operations has not been approved by the department.

B. "Closed" with reference to a solid waste landfill means ~~not no longer~~ handling solid waste ~~on or after~~ the effective date of this article when the cessation of handling operations has occurred in accordance with the provisions of a permanent closure plan approved by the department.

C. "~~Municipal~~ Open-municipal solid waste landfill" means a solid waste landfill owned by a municipality or group of municipalities, the Passamaquoddy Tribe, the Penobscot Nation or a quasi-municipal entity, such as a county or legislatively chartered village corporation, handling solid waste on or after February 1, 1976.

Sec. 2. 38 MRSA §1310-C, sub-§4, ¶D, as enacted by PL 1987, c. 517, §25, is repealed.

Sec. 3. 38 MRSA §1310-C, sub-§4, ¶E, as enacted by PL 1987, c. 517, §25, is amended to read:

E. "Solid waste landfill" means a waste facility for the permanent disposal of solid waste on or in land. This term does not include land spreading sites used in programs approved by the department, but includes publicly owned sludge landfills.

Sec. 4. 38 MRSA §1310-D, sub-§2, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §236, is further amended to read:

2. Evaluation. ~~In the order of response to the priorities established in the initial open-municipal solid waste landfill ranking and the objectives of paragraphs A to D C,~~ the commissioner shall conduct and complete by January 1, 1993, subject to the availability of funding, environmental evaluations of each open-municipal solid waste landfill. The commissioner may employ private consultants to avoid additions to departmental staff and to accomplish the evaluations in a timely manner. The commissioner may utilize existing analyses of facilities, subject to the provisions of this subsection. When the commissioner has sufficient knowledge of existing hazards to the environment and public health posed by a specific site, the commissioner may take measures necessary to effect proper remediation and closure of the landfill, notwithstanding the site's listed priority. In those cases, the commissioner shall ensure that the requirements of this subsection are substantially met. The commissioner shall ~~design~~ ensure that each evaluation ~~to achieve~~ achieves the following objectives:

A. To identify the actual hazards, if any, to the environment and public health posed by the landfill and to determine the closure and remediation requirements of the landfill;

B. ~~To~~ When appropriate, to establish a ground-water monitoring system, including which may include monitoring wells and test borings sufficient to assure ensure identification and monitoring of potential hazards;

C. When potential hazards are identified, to provide:

(1) A complete description of the movement of surface ~~and~~ waters, ground waters and landfill gases on or near the landfill;

(2) An identification of pollutants in those waters;

(3) An evaluation of the scope, direction and rate of movement of the contamination plume, if any; and

(4) Any other information that the commissioner determines necessary to prepare the clo-