

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

ing the recruitment and retention adjustment may not be subject to a reduction in pay.

C. To assist the director in making a determination under paragraphs A and B, a committee must be formed to evaluate each request from an agency or bargaining agent for a recruitment or retention adjustment. The committee must be composed of a representative of the bureau, a representative of the employing agency or agencies and a representative of the bargaining agent, if applicable. The committee shall evaluate the request against the criteria specified in paragraphs A and B and shall conduct studies as the committee considers necessary to evaluate the request. The committee shall, by majority vote, provide the director, the agency and the bargaining agent, if applicable, with a report recommending and documenting adjustments authorized under this subsection. The director, the agency and the bargaining agent, if applicable, shall act on this report. If a funding request is necessary to implement an approved adjustment, the director shall submit the cost items for inclusion in the Governor's next operating budget within 10 days after action on the report.

See title page for effective date.

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## CHAPTER 706

S.P. 733 - L.D. 1958

### An Act to Establish the Maine School of Science and Mathematics

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

#### PART A

**Sec. A-1. 5 MRSA §12004-C, sub-§6** is enacted to read:

<u>6. Board of Trustees, Maine School of Science and Mathematics</u>	<u>Expenses Only</u>	<u>20-A MRSA §8204</u>
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**Sec. A-2. 20-A MRSA §5205, sub-§8** is enacted to read:

**8. Students attending Maine School of Science and Mathematics.** For purposes of subsidy calculation only, students attending the Maine School of Science and Mathematics are not considered residents of the sending school administrative unit.

**Sec. A-3. 20-A MRSA §5805, sub-§3** is enacted to read:

**3. Maine School of Science and Mathematics.** The per pupil charge for all Maine pupils eligible under section 8205, subsection 11 is the adjusted tuition and insured value factor amount that is calculated by multiplying the state average tuition and state average insured value factor amount by 1.5. If necessary for bond repayment purposes described in Title 22, section 2053, subsection 4-B, the adjusted tuition and insured value factor amount is increased by no more than an additional 25% of the state average tuition and state average insured value factor amount.

**Sec. A-4. 20-A MRSA c. 312** is enacted to read:

## CHAPTER 312

### MAINE SCHOOL OF SCIENCE AND MATHEMATICS

#### §8201. School established

The Maine School of Science and Mathematics is established as a public, chartered school pursuant to this chapter for the purpose of providing certain high-achieving high school students with a challenging educational experience.

#### §8202. Intent; funding

The school is established as a public, residential school located in Limestone and the following provisions apply.

**1. Curriculum.** The school's curriculum is designed to exceed existing state educational standards.

**2. Tuition; funding.** Students from this State may attend the school free of tuition and room and board expense. Funding for these students is provided as follows.

For each pupil enrolled during the year of allocation, the State provides to the school the adjusted tuition and insured value factor amount described in section 5805, subsection 3. This amount must be provided in 4 equal payments and the payments must be made quarterly during the year of attendance. The first payment must be made by August 31st. The total amount provided for all pupils is limited to the amount appropriated for this purpose.

**3. Out-of-state tuition.** Students from other states and countries may attend the school on a space-available basis by paying the cost of tuition, fees and room and board as established by the board of trustees.

**§8203. Definitions**

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

**1. Board of trustees.** "Board of trustees" means the Board of Trustees of the Maine School of Science and Mathematics.

**2. Chartered school.** "Chartered school" means that the school may establish rules and regulations that delete, modify or add to current rules and regulations of the department.

**3. School.** "School" means the Maine School of Science and Mathematics.

**4. Sending school.** "Sending school" means any school administrative unit that has a student in attendance at the Maine School of Science and Mathematics.

**5. Trustee.** "Trustee" means a member of the Board of Trustees of the Maine School of Science and Mathematics.

**§8204. Board of trustees**

The board of trustees as established in Title 5, section 12004-C, subsection 6 is the policy-making authority and the governing body of the school.

**1. Membership.** In appointing members to the board of trustees, the Governor shall give proper consideration to achieving statewide geographical representation and gender equity. The board of trustees consists of 17 voting members and 2 nonvoting members as follows:

A. The Commissioner of Education or the commissioner's designee;

B. The Chancellor of the University of Maine System or the chancellor's designee;

C. The chair of the Limestone School Board;

D. One member who is a citizen of Limestone and has an active interest in education, appointed by the Governor;

E. The President of the Maine Technical College System or the president's designee;

F. Three members who are teachers, one of whom is a teacher at the school who is a nonvoting member and is annually elected by members of the school's faculty and 2 of whom are teachers in the State representing different geographic regions of the State, appointed by the Governor;

G. Eight members of the general public, at least 5 of whom must be scientists, engineers or mathematicians employed within the business or industrial community and one of whom must have expertise in instructional television, appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and subject to confirmation by the Legislature;

H. The President of the Maine Science and Technology Foundation or the president's designee;

I. One student member who has been elected as the presiding officer of the student body; and

J. The superintendent of the school, who serves as the clerk of the board of trustees and is a nonvoting member.

**2. Chair.** The board of trustees shall choose annually one of its members to serve as chair.

**3. Meetings.** The board of trustees shall meet at least 4 times a year at regular intervals.

**4. Quorum.** A quorum for the transaction of business is constituted by the members in attendance and all official actions of the board of trustees require a majority vote of those members present and voting.

**5. Compensation.** Members are compensated pursuant to Title 5, section 12004-C, subsection 6.

**6. Terms.** The terms of the members of the board of trustees who are appointed by the Governor are for 4-year terms unless otherwise designated. The terms of the 2 teachers appointed by the Governor are staggered. Of the initial appointees, one is appointed for a term of 2 years and one appointed for a term of 4 years.

The terms of the 8 members of the general public are staggered. Of the initial appointees, 4 are appointed for terms of 2 years and 4 for terms of 4 years. Members may be appointed for consecutive terms.

**§8205. Powers and duties of the board of trustees**

The powers and duties of the board of trustees include the following:

**1. Policies.** To develop and adopt policies and rules necessary for the operation of the school;

**2. Administration.** To oversee the administration of the school, including the hiring of teachers and administrative support staff;

**3. Financial management.** To accept donations, bequests or other forms of financial assistance

for any educational purpose from a public or private person or agency and to comply with rules and regulations governing grants from the Federal Government or from any other person or agency;

**4. Budget development.** To prepare and adopt an annual budget for the operation of the school and to exercise budgetary responsibility and allocate for expenditure by the school and programs under its jurisdiction all the resources available for the operation of the school and its programs;

**5. Indemnification.** To indemnify the trustees, officers, teaching staff and employees affiliated with the school and to purchase and maintain insurance to indemnify any such person to the extent provided in Title 13-B, section 714;

**6. Bonds.** To require security for the faithful performance of duties by the officers, trustees, employees and other agents of the school who are entrusted with the custody of the school securities or authorized to disburse the funds of the school. The security must consist of a bond, either a blanket bond or individual bond with a surety bond, or bonds having a minimum limitation of \$100,000 coverage for each insured person. The expense of a bond is assumed by the school;

**7. Property management.** To acquire by purchase any property, lands, buildings, structures, facilities or equipment and make improvements to facilities necessary to fulfill the purposes of this chapter. The community of Limestone retains ownership of the Limestone Elementary School and the Limestone Junior Senior High School and shares those facilities with the school;

**8. Certificates and diplomas.** To offer courses of study and grant diplomas and certificates on completion of courses of study. This may be done in cooperation with the sending school;

**9. Contracts and agreements.** To enter into any contracts and agreements, to the extent that funds are available, in the execution of its powers under this chapter;

**10. Delegation.** To delegate duties and responsibilities as necessary for the efficient operation of this chapter;

**11. Criteria for enrollment.** To establish criteria to be used in determining eligibility of applicants for enrollment. The criteria must include methods of ensuring gender equity for students selected;

**12. Student conduct.** To prepare and adopt procedures, rules and regulations to ensure the smooth operation of student conduct standards;

**13. Geographical basis.** To develop and adopt an admissions policy to ensure that students from all over the State have an equal opportunity to attend the school;

**14. Fees and charges.** To establish and collect necessary fees and to set policies relating to other appropriate charges for students;

**15. Benchmarks and assessments.** To establish benchmarks and methods of assessing progress in the levels of academic achievement in mathematics and science for students who participate in school programs and to establish benchmarks and methods of assessing progress in the professional development of teachers who participate in school programs; and

**16. Report.** To report biennially to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters on the results of the assessment in subsection 15 by the board of trustees and the general status of the school.

#### **§8206. Programs and operations**

The programs and operations of the school include:

**1. School year.** Operating on a calendar year that meets or exceeds the minimum number of statewide student instructional days;

**2. Courses of study; programs; plan.** By February 15, 1995, a plan must be submitted to the joint standing committee of the Legislature having jurisdiction over education matters that outlines the statewide education programs provided by the school and guarantees opportunities and access to students and educators not residing full time at the school.

The plan, to be implemented in September 1995, must include, but is not limited to, offering short courses, workshops, seminars, weekend instructional programs, distance learning and various other programs of short duration for teachers and students. The plan may include other innovative programs that meet the purpose of the school and assist in the professional development of the State's science and mathematics teachers.

**3. School admission.** Admittance of high school juniors and seniors; early admittance of students whose abilities or special circumstances are so exceptional as to warrant early entry; and consideration by the board of trustees for admittance of sophomore students after the junior and senior year programs are fully implemented. Students who apply and are accepted by the school are allowed to attend as provided in section 5205, subsection 6;

**4. Extracurricular activities.** Participation in all extracurricular activities offered at Limestone Junior Senior High School; and

**5. Telecommunications.** Integration of the University of Maine System interactive television system to allow transmission of certain specialty courses conducted at the school for the benefit of high-achieving students attending school units throughout the State.

**Sec. A-5. 22 MRSA §2053, sub-§4-B,** as enacted by PL 1979, c. 680, §4, is repealed and the following enacted in its place:

**4-B. Institution for higher education.** "Institution for higher education" means:

A. Any private, nonprofit or charitable institution or organization engaged in the operation of or formed for the purpose of operating, an educational institution within this State that, by virtue of law or charter, is an educational institution empowered to provide a program of education beyond the high school level; and

B. The Maine School of Science and Mathematics, as established in Title 20-A, chapter 312. To repay any necessary outstanding construction bonds, the adjusted tuition and insured value factor amount defined in Title 20-A, section 5805, subsection 3, may be increased as specified in that definition. The adjustment may be used solely to repay bonds from the authority and expires when the bond is retired.

## PART B

**Sec. B-1. Task force; establishment.** The Task Force on the Maine School of Visual and Performing Arts, referred to in this Part as the "task force," is established to develop a plan to implement a school for the arts in the greater Portland area to open in September of 1996.

**Sec. B-2. Task force; membership.** In appointing members to the task force, the Governor shall give proper consideration to achieving statewide geographical representation and gender equity. The task force consists of the following 20 members, to be appointed by the Governor:

1. One member representing the Legislature;
2. One member representing the State Board of Education;
3. One superintendent of schools;
4. One school principal;

5. One member representing the Portland Museum of Art;

6. One member representing the Portland Ballet Company;

7. One member representing the Portland Symphony Orchestra;

8. One member representing the Portland Stage Company, the Mad Horse Theater Company or the Young People's Theater Group in Brunswick;

9. The Chancellor of the University of Maine System or the chancellor's designee;

10. One member representing the Maine Alliance for Arts Education;

11. One professional visual artist or professional musician;

12. One member representing the Portland School Committee or a school board from the greater Portland area;

13. One member representing the Maine College of Art;

14. One member representing the greater Portland business community;

15. One member representing the greater Portland corporate community;

16. The Commissioner of Education;

17. One member representing the Maine Arts Commission;

18. One member representing Maine public broadcasting; and

19. Three members representing the Maine Art Education Association.

**Sec. B-3. Appointments; meetings; chair; subcommittees.** All appointments must be made no later than 30 days following the effective date of this Part. The task force shall select a chair from among its members. When the appointment of the members is completed, the Governor shall call the first meeting within 30 days. The task force may form subcommittees within its membership to advise the task force on its assigned duties and other related issues.

**Sec. B-4. Duties.** The task force is directed to make recommendations regarding the establishment of a school for the arts, to be located in the greater Portland area and to develop an implementation plan for the school. The plan must include a curriculum component that provides the opportunity for study in

the visual arts, including graphics, ceramics, crafts, sculpture and painting; the media arts, including advertising, television, film and photography; dance; theater; music; and creative writing. The plan must also provide for a program of instruction that meets the curriculum requirements and the high school diploma standards pursuant to the Maine Revised Statutes, Title 20-A, chapter 207-A, for 11th and 12th grade students. The plan must also include, but is not limited to, the following other components:

1. The policy-making authority and governing body of the school;
2. Administration and staffing;
3. Student selection procedures;
4. Tuition;
5. Transportation and housing;
6. Capital and operational budgets;
7. Funding provisions and sources;
8. The role of the school as a statewide resource in arts education; and
9. Plans for assessing and reporting on pupil achievement and teacher development.

**Sec. B-5. Staff assistance.** The Department of Education shall provide necessary technical assistance and staff support to the task force.

**Sec. B-6. Compensation.** The members of the task force are not entitled to per diem, but those members who are not state employees may be reimbursed for expenses, as defined in the Maine Revised Statutes, Title 5, section 12002, upon application to the Commissioner of Education for those expenses.

**Sec. B-7. Funding.** The task force is authorized to accept funds and may contract for services in carrying out the duties set forth in section B-4.

**Sec. B-8. Report.** The task force shall present its report together with any implementing legislation to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters and the Executive Director of the Legislative Council by December 15, 1994.

See title page for effective date.

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**CHAPTER 707**

**H.P. 1306 - L.D. 1761**

**An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995**

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

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

**Whereas,** certain obligations and expenses will become due and payable on or immediately after July 1, 1993; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. A-1. Supplemental appropriations from General Fund.** There are appropriated from the General Fund for the fiscal years ending June 30, 1994 and June 30, 1995, to the departments listed, the following sums.

	1993-94	1994-95
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Budget - Bureau of the</b>		
All Other		\$3,515
Provides funds for participation in the Youth Apprenticeship Program. This request also provides for the transfer of funds from the Bureau of Taxation in fiscal year 1994-95 to continue the Youth Apprenticeship Program.		
<b>Elderly Tax Deferral Program</b>		
All Other		(70,000)