

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

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Augusta, Maine
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CHAPTER 588

S.P. 791 - L.D. 2143

**An Act Regarding the Local
Governance of School Administrative
Units**

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

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

1-A. Agent. "Agent" means an individual appointed to serve in the capacity of a superintendent.

Sec. 2. 20-A MRSA §1, sub-§6-A is enacted to read:

6-A. Courses of study. "Courses of study" means the courses of study for the elementary and secondary schools that are in alignment with the system of learning results as established in section 6209 and consistent with the requirements of this Title.

Sec. 3. 20-A MRSA §1, sub-§27, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 4. 20-A MRSA §1001, sub-§1-A is enacted to read:

1-A. Adoption of policies. They shall adopt policies that govern the school administrative units.

Sec. 5. 20-A MRSA §1001, sub-§§2 and 3, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

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

3. Selection of superintendent. They shall select a superintendent in accordance with section 1051 to carry out the duties specified in section 1055.

Sec. 6. 20-A MRSA §1001, sub-§6, as amended by PL 2001, c. 454, §7, is further amended to read:

6. Courses of study. They shall adopt ~~and direct~~ the ~~general~~ courses of study in alignment with the system of learning results as established in section 6209 and in accordance with the requirements of this Title.

Sec. 7. 20-A MRSA §1001, sub-§10-A, as enacted by PL 1983, c. 859, Pt. C, §§3 and 7, is amended to read:

10-A. Educational materials. They shall ~~approve a uniform system of textbooks~~ adopt a policy governing the selection of educational materials and may approve educational materials. ~~A textbook thus approved may not be changed for 3 years unless by vote of the school board.~~

Sec. 8. 20-A MRSA §1001, sub-§14, as enacted by PL 1993, c. 423, §1, is amended by amending the first paragraph to read:

14. Insurance purchase by competitive bidding. Except as otherwise provided by waiver, a school board shall ~~purchase~~ oversee the purchasing of insurance by competitive bidding. On each insurance policy, a competitive bid must be sought at least once every 5 years. To take advantage of commercial package policies in the marketplace, a school board shall group qualifying lines of insurance into a single competitive bid process. Each policy secured by competitive bidding must be issued with a 3-year policy term or, if this is not possible, a commitment for 3 one-year policy terms must be secured with an option for 2 additional one-year policy terms, subject to annual review and adjustment.

Sec. 9. 20-A MRSA §1001, sub-§14, ¶C, as enacted by PL 1993, c. 423, §1, is amended by amending subparagraph (2), first paragraph to read:

(2) In the same time frame, the school board shall ~~also develop~~ approve a request for proposal, referred to in this paragraph as the "proposal." The proposal must contain at a minimum:

Sec. 10. 20-A MRSA §1001, sub-§16, as enacted by PL 1999, c. 351, §2, is amended to read:

16. Crisis response plan. ~~Working with local public safety, mental health and law enforcement officials, they shall develop a crisis response plan~~ They shall annually approve a plan developed by the school unit administration working with local public safety, mental health and law enforcement officials to deal with crises and potential crisis situations involving violent acts by or against students in each school in the school administrative unit.

Sec. 11. 20-A MRSA §1051, sub-§1, as amended by PL 1991, c. 655, §1, is further amended to read:

1. Eligibility requirements. Only those persons who hold a state certificate of superintendence grade, issued in accordance with chapter 501 or 502, ~~may be~~ are eligible to become superintendents. Members of

the school board ~~may~~ are not be eligible to become superintendent in the school administrative unit that they represent. Superintendents' certificates ~~may~~ must be revoked in accordance with section 13020. Grounds for revocation include, but are not limited to, the employment or retention of uncertified personnel in a school administrative unit in violation of this Title or of any rules adopted pursuant to this Title.

Sec. 12. 20-A MRSA §1051, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Appointment. The school board shall elect, by majority vote of the full membership, the superintendent. The school board, upon notification by the commissioner, shall meet ~~during~~ no later than December 31st of the year preceding the expiration of the superintendent's contract, at a day and place determined by the ~~chairman~~ chair of the school board. When a vacancy occurs, the school board shall meet as soon as possible to choose a superintendent.

Sec. 13. 20-A MRSA §1053, sub-§§1 and 2, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

1. School unions. The union committee shall ~~determine~~ establish a policy to guide the relative amount of service to be performed by the superintendent in each unit, ~~including the minimum number of visits to be made each term to each school.~~

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

Sec. 14. 20-A MRSA §1055, first ¶, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

The superintendent is responsible for the ongoing administration of the school administrative unit and for ensuring that the operation of the schools conforms to policies and rules as adopted by the school board and to state laws and rules. The superintendent ~~shall~~ be also is the ex officio secretary of the school board and school building committee chosen by the administrative unit and shall perform duties as the school board or school building committee direct.

Sec. 15. 20-A MRSA §1055, sub-§1, as amended by PL 1985, c. 797, §13, is further amended to read:

1. Records, orders, vouchers. The superintendent ~~shall~~ is responsible for:

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

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

C. ~~Keep~~ Keeping all financial records and accounts; and

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

Sec. 16. 20-A MRSA §1055, sub-§§2 to 5, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

2. Inspect schools; annual report. The superintendent ~~shall~~ is responsible for:

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

B. ~~Visit~~ Visiting each school at least the minimum number of times each term required by the school board or union committee as established by the policy adopted under section 1053; and

C. Annually, ~~make and send~~ reporting to the commissioner a ~~written~~ report of the condition of the schools for the prior year, ~~including a statement of the condition of school buildings, the progress made by the students and an evaluation of the methods of instruction and government on the progress of the comprehensive education plan required under section 4502, subsection 6.~~

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

4. Educational materials. The superintendent shall select textbooks, supplies and apparatus with the approval of the school board and shall make all these purchases under rules adopted by the school board is responsible for carrying out the policies of the school board established pursuant to section 1001, subsection 10-A for the selection and purchase of all educational materials.

5. Distribution and accounting of supplies. The superintendent shall ~~assure~~ ensure that all necessary apparatus and supplies are ~~seasonably~~

distributed to each school, accurately accounted for and economically used.

Sec. 17. 20-A MRSA §1055, sub-§10, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

10. Supervise school employees. The superintendent ~~shall direct and supervise the work~~ is responsible for the evaluation of all teachers and other employees of the school administrative unit.

Sec. 18. 20-A MRSA §1205, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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

Sec. 19. 20-A MRSA §1256, sub-§3, as amended by PL 1983, c. 485, §11, is further amended to read:

3. Operating schools. ~~May operate~~ authorize and oversee the operation of elementary schools;

Sec. 20. 20-A MRSA §1256, sub-§7, ¶B, as amended by PL 1987, c. 737, Pt. C, §§39 and 106 and PL 1989, c. 6, c. 9, §2, c. 104, Pt. C, §§8 and 10, is further amended to read:

B. If the gift is in trust, the board shall ~~deposit cause the trust funds to be deposited or invest those trust funds invested~~ according to Title 30-A, chapter 223, subchapter III-A.

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

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

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

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

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

See title page for effective date.

CHAPTER 589

H.P. 1664 - L.D. 2169

An Act to Ensure Proper Disbursement of Matching Funds under the Maine Clean Election Act

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

Sec. 1. 21-A MRSA §1017, sub-§3-B, ¶B, as corrected by RR 2001, c. 1, §25, is amended to read:

B. A nonparticipating candidate with a Maine Clean Election Act opponent shall file the following additional reports detailing the candidate's total campaign contributions, obligations and expenditures to date, unless that candidate signs an affidavit by the date the report is due, attesting that the candidate has not received, spent or obligated an amount sufficient to require a report under paragraph A:

(1) A report filed not later than 5 p.m. on the 42nd day before the date on which an election is held and complete as of the ~~49th~~ 44th day before that date;

(2) A report filed no later than 5 p.m. on the 21st day before the date on which an election is held and complete as of the ~~28th~~ 23rd day before that date; and

(3) A report filed no later than 5 p.m. on the 12th day before the date on which an election is held and complete as of the ~~19th~~ 14th day before that date.

Sec. 2. 21-A MRSA §1017, sub-§3-B, ¶C is enacted to read:

C. A candidate who is required to file a report under paragraph A must file with the commission an updated report that reports single expenditures in the following amounts that are made after the 14th day before an election and more than 48 hours before 5:00 p.m. on the date of that election:

(1) For a candidate for Governor, a single expenditure of \$1,000;