

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 New Draft of S.P 561, L.D. 1554
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TENTH LEGISLATURE
6

7 **Legislative Document**

No. 2042

8
9 S. P. 897 In Senate, March 8, 1982
Reported by Senator Clark of Cumberland from the Committee on
Education and printed under Joint Rules No. 2.
MAY M. ROSS, Secretary of the Senate

10
11
12 **STATE OF MAINE**
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-TWO
16

17 **AN ACT to Revise the Education Laws.**
18

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

22 Whereas, revision of the educational laws is necessary
23 to clarify and enhance accessibility to existing law; and

24 Whereas, it is necessary to ease transition to the
25 recodified laws that the revision be effective early in the
26 session so that subsequent amendments enacted this session
27 to the educational laws will be made to the recodified ver-
28 sion; and

1 Whereas, the next fiscal school year begins July 1,
2 1982; and

3 Whereas, the revision must be in place before that date
4 to allow orderly transition to the next school year; and

5 Whereas, in the judgment of the Legislature, these
6 facts create an emergency within the meaning of the Consti-
7 tution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public
9 peace, health and safety; now, therefore,

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

11 Sec. 1. 20 MRSA §§1 - 1196, as amended, are repealed.

12 Sec. 2. 20 MRSA §1222 is repealed.

13 Sec. 3. 20 MRSA §§1231 - 3456, as amended, are
14 repealed.

15 Sec. 4. 20 MRSA §§3471 - 4758, as amended, are
16 repealed.

17 Sec. 5. 20-A MRSA is enacted to read:

18 TITLE 20-A

19 EDUCATION

20 PART 1

21 GENERAL PROVISIONS

22 CHAPTER 1

23 GENERAL PROVISIONS

24 §1. Definitions

25 As used in this Title, unless the context indicates
26 otherwise, the following terms have the following meanings.

27 1. Adult education. "Adult education" means education
28 programs primarily operated for individuals beyond the com-
29 pulsory school ages and administered by school administra-
30 tive units.

1 2. Approved private school. "Approved private school"
2 means a private school approved for attendance purposes
3 under chapter 117.

4 3. Board of directors. "Board of directors" means the
5 governing body with statutory powers and duties for a school
6 administrative district.

7 4. Commissioner. "Commissioner" means the Commis-
8 sioner of Educational and Cultural Services or his designee.

9 5. Community school district. "Community school dis-
10 trict" means a state-approved unit of school administration
11 composed of more than one municipality or school administra-
12 tive district which may provide public education for any
13 combination of kindergarten through grade 12.

14 6. Cooperative board. "Cooperative board" means the
15 governing body with statutory powers and duties for a voca-
16 tional region.

17 7. Department. "Department" means the Department of
18 Educational and Cultural Services.

19 8. District board of trustees. "District board of
20 trustees" means a body with statutory powers and duties for
21 a community school district.

22 9. District school committee. "District school com-
23 mittee" means the governing body with statutory powers and
24 duties for a community school district.

25 10. Elementary school. "Elementary school" means that
26 portion of a school that provides instruction in any combi-
27 nation of kindergarten through grade 8.

28 11. Elementary student. "Elementary student" means a
29 student enrolled in an elementary school.

30 12. Exceptional student. "Exceptional student" is de-
31 finied in section 7001.

32 13. Financial definitions. "Financial definitions" is
33 defined in section 15503.

34 14. Joint committee. "Joint committee" means the gov-
35 erning body with statutory powers and duties for implement-
36 ing a contract for secondary education under chapter 115.

1 15. Kindergarten. "Kindergarten" means a one-year or
2 2-year childhood education program immediately prior to
3 grade one.

4 16. Local allocation. "Local allocation" is defined
5 in section 15503, subsection 12.

6 17. Major capital costs. "Major capital costs" is de-
7 finied in section 15503, subsection 13.

8 18. Minor capital costs. "Minor capital costs" is de-
9 finied in section 15503, subsection 14.

10 19. Municipal school unit. "Municipal school unit"
11 means a state-approved unit of school administration com-
12 posed of a single municipality.

13 20. Parent. "Parent" means a parent, guardian or
14 legal guardian.

15 21. Principal. "Principal" means the person who
16 supervises the operation and management of a school and
17 school property as determined necessary by the superinten-
18 dent under policies established by the school board.

19 22. Private school. "Private school" means an acade-
20 my, seminary, institute or other private corporation or body
21 formed for educational purposes covering kindergarten
22 through grade 12 or any portion thereof.

23 23. Private school approved for tuition pur-
24 poses. "Private school approved for tuition purposes" means
25 a private school approved for the receipt of public funds
26 under sections 2951 to 2955.

27 24. Public school. "Public school" means a school
28 that is governed by a school board of a school administra-
29 tive unit and funded primarily with public funds.

30 25. School administrative district. "School adminis-
31 trative district" means a state-approved unit of school
32 administration, composed of one or more municipalities which
33 must provide public education to all public school students
34 in the district.

35 26. School administrative unit. "School administra-
36 tive unit" means the state-approved unit of school adminis-
37 tration and includes a municipal school unit, school admin-
38 istrative district, community school district or any other

1 municipal or quasi-municipal corporation responsible for
2 operating or constructing public schools.

3 27. School agent. "School agent" means an individual
4 appointed by the commissioner to serve in the capacity of a
5 superintendent.

6 28. School board. "School board" means the governing
7 body with statutory powers and duties for a school adminis-
8 trative unit.

9 29. School committee. "School committee" means the
10 governing body with statutory powers and duties for a munic-
11 ipal school unit.

12 30. School construction project. "School construction
13 project" is defined in section 15901, subsection 4.

14 31. School union. "School union" means a union com-
15 posed of school administrative units joined for the purpose
16 of providing joint administrative services, including a
17 joint superintendent.

18 32. Secondary school. "Secondary school" means that
19 portion of a school that provides instruction in any combi-
20 nation of grades 9 through 12.

21 33. Secondary student. "Secondary student" means a
22 student enrolled in a secondary school.

23 34. Special school district. "Special school dis-
24 trict" means a school district created by private and spe-
25 cial law for the purpose of constructing or adding to school
26 buildings, but which does not have the authority or respon-
27 sibility for operating public schools.

28 35. State allocation. "State allocation" is defined
29 in section 15503, subsection 20.

30 36. State board. "State board" means the State Board
31 of Education.

32 37. State and local allocation. "State and local
33 allocation" is defined in section 15503, subsection 21.

34 38. Subdistrict. "Subdistrict" means a geographic
35 area which is a subdivision of a school administrative dis-
36 trict for election purposes.

1 39. Superintendent. "Superintendent" means the person
2 in a school administrative unit or school union appointed
3 and having the authority and responsibility under this Title
4 and other applicable statutes.

5 40. Union committee. "Union committee" means the gov-
6 erning body with statutory powers and duties for a school
7 union.

8 41. Union school. "Union school" means a school oper-
9 ated by adjoining municipal school units under a joint
10 agreement.

11 42. Vocational center. "Vocational center" is defined
12 in section 8301, subsection 1.

13 43. Vocational education. "Vocational education" is
14 defined in section 8301, subsection 2.

15 44. Vocational region. "Vocational region" is defined
16 in section 8301, subsection 3.

17 45. Vocational satellite program. "Vocational satel-
18 lite program" is defined in section 8301, subsection 4.

19 §2. Policy on public education

20 The state policy on public education is as follows.

21 1. State responsibility for public education. In ac-
22 cordance with the Constitution of Maine, Article VIII, the
23 Legislature shall enact the laws that are necessary to
24 assure that all school administrative units make suitable
25 provisions for the support and maintenance of the public
26 schools. It is the intent of the Legislature that every
27 person within the age limitations prescribed by state stat-
28 utes shall be provided an opportunity to receive the bene-
29 fits of a free public education.

30 2. Local control of public education. It is the
31 intent of the Legislature that the control and management of
32 the public schools shall be vested in the legislative and
33 governing bodies of local school administrative units, as
34 long as those units are in compliance with appropriate state
35 statutes.

36 §3. Administrative procedures

1 The adopting of rules, conducting of adjudicatory
2 hearings and issuing of licenses by the state board, depart-
3 ment or commissioner shall be in accordance with the Maine
4 Administrative Procedure Act, Title 5, chapter 375, except
5 as specified in this Title.

6 §4. Rule of construction

7 Notwithstanding Title 1, section 71, subsection 7,
8 words of the masculine gender do not include the feminine
9 gender, except when they are part of an occupational title.

10 CHAPTER 3

11 DEPARTMENT OF EDUCATIONAL

12 AND CULTURAL SERVICES

13 SUBCHAPTER I

14 DEPARTMENT ADMINISTRATION

15 §201. Purpose of the department

16 The Department of Educational and Cultural Services is
17 established to:

18 1. Supervise public education. Supervise, guide and
19 plan for a coordinated system of public education for all
20 citizens of the State;

21 2. Interrelation with other programs. Interrelate
22 public education with other social, economic, physical and
23 governmental activities, programs and services;

24 3. Cultural services. Provide for a coordinated,
25 integrated system of cultural resources' programs and
26 projects;

27 4. Advancement of education. Encourage and stimulate
28 public interest in the advancement of education; and

29 5. Cultural and historical heritage. Support cultural
30 and historical heritage institutions and activities of the
31 State at both the state and local level.

32 §202. Department organization

33 The department shall include the following:

- 1 1. State Board of Education. The State Board of Edu-
2 cation;
- 3 2. Maine Education Council. The Maine Education Coun-
4 cil;
- 5 3. Maine State Commission for Higher Education Facili-
6 ties. The Maine State Commission for Higher Education
7 Facilities;
- 8 4. Maine Representatives to the New England Board of
9 Higher Education. The Maine Representatives to the New
10 England Board of Higher Education;
- 11 5. Maine School Building Authority. The Maine School
12 Building Authority;
- 13 6. Governor Baxter School for the Deaf. The Governor
14 Baxter School for the Deaf;
- 15 7. Maine State Commission on the Arts and the
16 Humanities. The Maine State Commission on the Arts and the
17 Humanities;
- 18 8. Arts and Humanities Bureau. The Arts and
19 Humanities Bureau;
- 20 9. Maine State Museum Commission. The Maine State
21 Museum Commission;
- 22 10. Maine State Museum Bureau. The Maine State Museum
23 Bureau;
- 24 11. State Historian. The State Historian;
- 25 12. Maine State Library. The Maine State Library;
- 26 13. Maine State Library Bureau. The Maine State
27 Library Bureau;
- 28 14. Maine Historic Preservation Commission. The Maine
29 Historic Preservation Commission;
- 30 15. Bureau of Vocational Education. The Bureau of
31 Vocational Education;
- 32 16. Other entities. Other entities authorized by the
33 Legislature; and

1 17. Other bureaus. Any other bureau the commissioner
2 establishes.

3 §203. Appointment of directors; deputy commissioners and
4 others

5 Each bureau shall be under the direction of a person
6 appointed as follows.

7 1. Director of the Maine State Museum Bureau. The
8 Director of the Maine State Museum Bureau shall be qualified
9 by training or by experience in museum work and shall be
10 appointed by the Maine State Museum Commission with the
11 approval of the commissioner. The director shall serve for
12 an indefinite term, subject to removal for cause. Compensa-
13 tion shall be fixed by the Governor.

14 2. Director of the Arts and Humanities Bureau. The
15 Director of the Arts and Humanities Bureau shall be quali-
16 fied by training or by experience and shall be appointed by
17 the Maine State Commission on the Arts and the Humanities
18 with the approval of the commissioner. The director shall
19 serve for an indefinite term, subject to removal for cause.
20 Compensation shall be fixed by the Governor.

21 3. Director of the Maine State Library Bureau. The
22 Director of the Maine State Library Bureau shall be quali-
23 fied by training or by experience in library work and shall
24 be appointed by the commissioner with the approval of the
25 Governor. The director shall be known as the State Librar-
26 ian and shall serve for an indefinite term, subject to
27 removal for cause. Compensation shall be fixed by the Gov-
28 ernor.

29 4. Associate Commissioner of the Bureau of Vocational
30 Education. An associate commissioner shall direct the
31 Bureau of Vocational Education and shall be appointed by,
32 and serve at the pleasure of, the commissioner.

33 5. Other bureau directors. The director of any other
34 bureau shall be appointed by, and serve at the pleasure of,
35 the commissioner. These positions shall be subject to the
36 Personnel Law, except for the following:

37 A. The deputy commissioner;

38 B. The assistant to the commissioner;

39 C. The Associate Commissioner, Bureau of Instruction;
40 and

1 D. The Associate Commissioner, Bureau of School Man-
2 agement.

3 SUBCHAPTER II

4 COMMISSIONER

5 §251. Appointment; term

6 The appointment and term of service of the commissioner
7 shall be as follows.

8 1. Appointment. The commissioner shall be appointed
9 by the Governor from a list of 3 candidates prepared by the
10 state board. An appointment shall be subject to review by
11 the joint standing committee having jurisdiction over educa-
12 tion and to confirmation by the Legislature.

13 2. Term. The commissioner shall serve at the pleasure
14 of the Governor.

15 §252. Office

16 An office shall be provided for the commissioner at the
17 seat of government.

18 §253. Commissioner's duties

19 The duties of the commissioner shall be as follows.

20 1. General duties. The commissioner shall exercise
21 the powers and perform the duties granted to the department
22 in this Title and shall devote full time to the duties of
23 the office.

24 2. Hiring. The commissioner may hire personnel deemed
25 necessary to fulfill the duties of the department. These
26 personnel shall be subject to the Personnel Law, except as
27 provided in section 203.

28 3. Delegation. The commissioner may authorize a des-
29 ignee to carry out the assigned duties.

30 4. Specific duties. The commissioner also shall:

31 A. Coordinate, consolidate and prepare a budget for
32 the department;

33 B. Transfer personnel within the department to ensure
34 their efficient utilization;

1 C. Coordinate the purchase and use of all department
2 equipment; and

3 D. Review the function and operation of the department
4 to ensure that overlapping functions and operations are
5 eliminated.

6 5. Appointment of supervisors. The commissioner may
7 appoint supervisors to assist and direct elementary and
8 secondary teachers to work with school officers and school
9 boards on request and to perform other duties in the field
10 of education. The salary and necessary traveling expenses
11 of these supervisors shall be paid from an appropriation for
12 that purpose.

13 6. Agricultural education consultant. The commis-
14 sioner shall appoint, subject to the Personnel Law, an Edu-
15 cation Specialist II or agricultural education consultant to
16 be responsible for supervision of agricultural technical
17 education, including agribusiness and agriculture's relation
18 to the environment.

19 7. School nurse coordinator. The commissioner shall
20 appoint a school nurse coordinator with the qualifications
21 and duties defined in section 6401.

22 §254. Educational duties

23 The commissioner shall have the following educational
24 duties.

25 1. General duty. The commissioner may inspect and
26 have general supervision over all public schools and shall
27 advise and direct superintendents and school boards in the
28 discharge of their duties, by circular letters and personal
29 conferences.

30 2. In-service education. The commissioner shall
31 encourage in-service education and staff development for
32 teachers in cooperation with school officers.

33 3. Contracts for vocational educational programs. The
34 commissioner may:

35 A. Contract with a private school for the conduct of
36 vocational courses in accordance with section 3002; and

37 B. Reimburse the private schools for part of the cost
38 of conducting approved vocational courses from funds

1 available from the Federal Government for the purpose
2 of vocational education.

3 4. Superintendent conference. Annually the commis-
4 sioner shall hold a conference for the instruction of super-
5 intendents.

6 5. Medication. The commissioner may adopt or amend
7 rules for the administration of medication in public or
8 approved private schools. Medication may not be administer-
9 ed by unlicensed personnel at these schools, except as pro-
10 vided by the written prescription of a physician or dentist
11 or by the written permission of the parent or guardian of
12 the individual receiving the medication.

13 6. Other duties. The commissioner shall carry out all
14 other duties assigned in this Title.

15 §255. School administrative unit; reports, records, infor-
16 mation

17 1. Pamphlet of laws. The commissioner shall:

18 A. Compile the amended school laws of the State in
19 pamphlet form and distribute them to municipal and
20 school officers; and

21 B. Prepare and issue biennially, with such content as
22 the commissioner deems appropriate, circulars of infor-
23 mation and advice to school officers relating to new
24 school laws.

25 2. Record books. The commissioner shall furnish to
26 the school officers of each school administrative unit
27 proper blank books in which they shall keep complete and
28 itemized records of all matters relating to moneys appropri-
29 ated, received and expended for schools. These books shall
30 remain the property of the State.

31 3. Forms. The commissioner shall:

32 A. Prepare and print forms for all returns required by
33 law or deemed necessary by the commissioner;

34 B. On March 1st, forward to each superintendent forms
35 for the annual school return as provided in section
36 6004; and

37 C. On May 1st, forward to each superintendent forms
38 for the returns required by sections 6051 and 6052.

1 4. Maintaining records. The commissioner shall pre-
2 serve all school reports of this State and of other states
3 which he may receive, the returns from the various munici-
4 palities and institutions of learning and books, apparatus,
5 maps, charts, works on education, plans for school build-
6 ings, models and other articles of interest to school offi-
7 cers and teachers as may be obtained without expense to the
8 State.

9 5. Information. The commissioner shall:

10 A. Obtain information on school systems of other
11 states and countries and the condition and progress of
12 public school education throughout the world;

13 B. Disseminate this information, with practical hints
14 upon the conduct of schools, improved systems of
15 instruction and the true theory of education by public
16 addresses, circulars and articles prepared for the
17 press;

18 C. Disseminate this information by outlines, sugges-
19 tions and directions concerning the management, disci-
20 pline and methods employed in teaching to teachers and
21 school officers of the State; and

22 D. Do all in his power to awaken and sustain an inter-
23 est in education among the people and to stimulate
24 teachers to well directed efforts in their work.

25 §256. Miscellaneous duties

26 1. Report to Governor. The commissioner, annually,
27 shall report to the Governor the result of his inquiries and
28 investigations and the facts obtained from the school
29 returns, with any suggestions and recommendations to improve
30 public schools.

31 2. Joining educational organizations. The commis-
32 sioner may authorize the department to join educational
33 organizations and associations, both within and outside the
34 State, when he judges that the membership will increase the
35 efficiency or progress of education within the State.

36 3. Limit on authority. The commissioner may not exer-
37 cise or interfere with the exercise of discretionary authori-
38 ty granted to the Maine State Museum Commission and the
39 Maine State Commission on the Arts and the Humanities.

1 4. Control of gift-established schools. The commis-
2 sioner shall:

3 A. Assume the control and management of all public
4 schools established and maintained by gifts or
5 bequests, when the gifts or bequests are conditioned on
6 the commissioner assuming that control and management;
7 and

8 B. Carry out the provisions on which those gifts or
9 bequests are conditioned, when those conditions are
10 approved by the Governor.

11 5. Duties imposed by charters. The commissioner shall
12 perform all duties assigned by charter granted by the Legis-
13 lature to an educational institution.

14 §257. High school equivalency certificates

15 1. Issue. The commissioner may issue high school
16 equivalency certificates to residents of the State:

17 A. Who are at least 18 years of age;

18 B. Who:

19 (1) Have not been in attendance for one year or
20 more at a public school or a private school
21 approved by a state department of education or ac-
22 credited by a regional association of colleges and
23 secondary schools; or

24 (2) Have completed a formal training program
25 approved by the commissioner; and

26 C. Who demonstrate through procedures prescribed by
27 the commissioner that they have attained a general edu-
28 cational development comparable to that of secondary
29 school graduates.

30 2. Certificate status. Certificates shall have the
31 legal status of high school diplomas.

32 3. Fees. The commissioner may charge a fee sufficient
33 to defray operating costs for a certificate. An honorably
34 discharged or released veteran of the Armed Forces of the
35 United States or a person judged by the commissioner to be
36 economically disadvantaged shall be exempt from payment of a
37 fee. That fee shall be paid from the income of the Perma-
38 nent School Fund.

1 §258. Inspection of schools

2 The commissioner shall inspect schools.

3 1. Request. The commissioner shall inspect the
4 schools in a school administrative unit and report his find-
5 ings and recommendations to the school board when:

6 A. Petitioned by 60% of the parents of the children of
7 one school;

8 B. Requested by the school board or the superintendent
9 of schools; or

10 C. Petitioned by 20% of the legal voters of the unit.

11 2. Standards. The commissioner shall prepare a list
12 of standards of buildings, equipment organization and
13 instruction and give ratings based on these standards to
14 schools that are inspected as to their general condition,
15 equipment and grade of efficiency.

16 3. Extent of inspection. If petitioned, the commis-
17 sioner may determine the extent and conditions under which
18 an inspection shall be made.

19 §259. Student performance evaluation plan

20 The commissioner may establish a statewide student per-
21 formance evaluation plan, which shall be known as the "Maine
22 Assessment of Educational Progress."

23 1. Unit participation. A school administrative unit
24 may participate in the plan by paying to the department an
25 annual fee as set by the commissioner. The department shall
26 place this fee in a special, nonlapsing, revolving account.

27 2. Use of funds. The commissioner shall use the money
28 in the account established under subsection 1 to pay for the
29 costs of administering, analyzing and reporting the results
30 of the evaluations performed on behalf of the participating
31 units.

32 3. Education costs. Costs relating to the participa-
33 tion of a school administrative unit in the plan shall not
34 be considered in calculations of the actual costs of educa-
35 tion for purposes of reimbursement under chapter 605.

36 CHAPTER 5

1 STATE BOARD OF EDUCATION

2 §401. State Board of Education

3 The appointments, terms and expenses of the State Board
4 of Education members shall be as follows.

5 1. Appointment. The state board shall consist of 9
6 members who shall be appointed by the Governor. Each
7 appointment shall be subject to review by the joint standing
8 committee having jurisdiction over education and to confir-
9 mation by the Legislature.

10 2. Composition. The membership of the state board
11 shall be broadly representative of the public. A person
12 whose income is derived in substantial portion from income
13 as a teacher or as an administrator in an educational insti-
14 tution, other than as a college president, may not be eligi-
15 ble for appointment to or service on the state board.

16 3. Expenses. Members of the state board shall serve
17 without pay, other than their actual expenses while carrying
18 out the functions of the board.

19 4. Term. The term of office of each member shall be 5
20 years. Any vacancy shall be filled for the remainder of the
21 unexpired term.

22 §402. Organization; meetings

23 The state board shall organize and meet as follows.

24 1. Organization. The state board shall organize annu-
25 ally by electing one of their members as chairman and one as
26 vice-chairman. They may also elect other officers.

27 2. Meetings. Meetings of the state board shall be
28 held quarterly in the offices of the department on call of
29 the chairman or the commissioner on 5 days' written notice
30 to members. If both the chairman and commissioner are ab-
31 sent, or refuse to call a meeting, any 3 members of the
32 state board may call a meeting by similar notices in writ-
33 ing.

34 3. Quorum. A majority of the state board members
35 shall be a quorum.

36 4. Rules. The state board may adopt or amend rules
37 for meeting procedures and administration of its duties.

1 §403. Seal

2 The state board shall adopt a seal. The seal may be
3 used by the commissioner to authenticate documents or copies
4 of documents.

5 §404. Records and reports

6 The state board shall be responsible for the following
7 records and reports.

8 1. Records. The state board shall keep in the office
9 of the commissioner a complete record of the minutes of its
10 meetings and other procedures.

11 2. Report. Biennially, on the first Monday of January,
12 the state board shall make a report to the Governor which
13 shall contain the report of the commissioner to the state
14 board. The state board shall print this report and distrib-
15 ute it to the members of the Legislature and to school offi-
16 cers. The cost of printing the report shall be paid from
17 the appropriation of the department.

18 §405. Powers and duties

19 The state board shall have the following powers and
20 duties.

21 1. General authority. The state board shall have only
22 the powers specifically stated in this Title.

23 2. Advisory role. The state board shall advise the
24 commissioner concerning matters contained in this Title.

25 3. Specific duties. The state board shall have the
26 following specific powers and perform the following duties:

27 A. Make recommendations to the Legislature for the
28 efficient conduct of the public schools;

29 B. Approve the formation of school administrative dis-
30 tricts;

31 C. Establish, maintain and operate
32 vocational-technical institute schools of practical
33 nursing;

34 D. Act on applications for additions to, dissolution
35 of, transfers among, withdrawals from and closing of

- 1 schools in school administrative districts and commu-
2 nity school districts;
- 3 E. Adopt or amend rules on requirements for approval
4 and accreditation of elementary and secondary schools;
- 5 F. Establish standards for the certification of teach-
6 ers;
- 7 G. Adjust the subsidy to a school administrative unit
8 when the expenditures for education in the unit show
9 evidence of manipulation to gain an unfair advantage or
10 are adjudged excessive;
- 11 H. Act on articles of agreement for creation of an
12 interstate school district;
- 13 I. Develop and adopt a plan for the establishment of
14 vocational centers and regions and act upon applica-
15 tions to alter the delivery of vocational education
16 within vocational regions and center areas;
- 17 J. Adopt or amend rules on standards for school con-
18 struction;
- 19 K. Approve projects for state construction aid;
- 20 L. Approve the formation of community school dis-
21 tricts;
- 22 M. Approve isolated secondary schools;
- 23 N. Obtain information regarding applications for
24 granting degrees and make a recommendation to the
25 Legislature;
- 26 O. Recommend funds to the Bureau of the Budget for
27 equalization of educational opportunity;
- 28 P. Establish a student loan insurance program;
- 29 Q. Serve as state agency for administering federal
30 funds; and
- 31 R. Under section 3, serve as an appeals board for
32 unclassified personnel.
- 33 4. Review of department decisions. On the written
34 request of an interested party, the state board shall review

1 decisions made by the department acting through the commis-
2 sioner or his duly authorized representative under sections
3 1403 to 1407, section 8351 and chapters 203, 205 and 505.
4 The written request shall be filed within 30 days from the
5 date of the department's decision.

6 5. Overseeing school administrative districts. The
7 state board shall oversee the establishment of school admin-
8 istrative districts as follows.

9 A. It shall develop and continually revise a state
10 plan for the creation of efficient school administra-
11 tive districts throughout the State. It shall use the
12 plan for approving applications for the organization of
13 school administrative districts.

14 B. It shall thoroughly study school conditions and
15 needs, to determine plans for the establishment of
16 appropriate school administrative districts in all
17 organized territory.

18 (1) It shall report its actions and recommenda-
19 tions to each regular session of the Legislature
20 on or before January 10th.

21 (2) The study and planning shall be directed by
22 the state board, but shall include all possible
23 participation and assistance by citizens and orga-
24 nizations at the local level.

25 (3) It is the intent of the Legislature that all
26 school administrative units not in school adminis-
27 trative districts and operating secondary schools
28 with less than 300 pupils in grades 9 to 12 shall
29 submit plans for school district reorganization to
30 the state board at least once in each 2-year
31 period until the process of reorganization is com-
32 pleted.

33 C. It shall evaluate the effect of consolidation on
34 valuation per pupil in the larger district, as compared
35 to the individual municipalities comprising the dis-
36 trict. It shall make definite recommendations with
37 respect to an eventual uniform minimum tax rate toward
38 the support of a foundation program of education when
39 these larger districts have been appropriately estab-
40 lished throughout the State.

1 D. It shall survey, as completely as possible, school
2 building needs and costs in the proposed districts
3 which are required to effectively accomplish the orga-
4 nization of the districts.

5 E. It shall expedite the reorganization of school
6 administrative units by receiving, filing, examining
7 and approving or disapproving applications by the
8 school boards of all the municipalities wishing to
9 establish a school administrative district.

10 F. It shall expedite the reorganization of administra-
11 tive units by recommending to the Legislature estab-
12 lishment of school administrative districts which are
13 not eligible for state board approval.

14 G. It may appoint and employ, under the Personnel Law,
15 personnel to carry out the duties imposed on it by this
16 subsection.

17 (1) It may fix the duties of these employees.

18 (2) It may make funds available to pay for their
19 salaries and expenses.

20 (3) It may use other state board employees to
21 carry out this subsection.

22 6. Recommendations to Legislature. The state board
23 shall recommend to the Legislature any new legislation or
24 amendments to existing legislation for the efficient conduct
25 of the public schools.

26 §406. Rules

27 The state board may adopt rules to carry out its
28 responsibilities under this Title.

29 CHAPTER 7

30 COMPACT FOR EDUCATION

31 SUBCHAPTER I

32 COMPACT

33 §601. Purpose and policy - Article I

34 1. Purpose. It is the purpose of this compact to:

1 A. Establish and maintain close cooperation and under-
2 standing among executive, legislative, professional,
3 educational and lay leadership on a nationwide basis at
4 the state and local levels;

5 B. Provide a forum for the discussion, development,
6 crystalization and recommendation of public policy
7 alternatives in the field of education;

8 C. Provide a clearinghouse of information on matters
9 relating to educational problems and how they are being
10 met in different places throughout the nation, so that
11 the executive and legislative branches of State Govern-
12 ment and local communities may have ready access to the
13 experience and record of the entire country, and so
14 that both lay and professional groups in the field of
15 education may have additional avenues for the sharing
16 of experience and the interchange of ideas in the
17 formation of public policy in education; and

18 D. Facilitate the improvement of state and local edu-
19 cational systems so that all of them will be able to
20 meet adequate and desirable goals in a society which
21 requires continuous qualitative and quantitative
22 advance in educational opportunities, methods and
23 facilities.

24 2. Policy. It is the policy of this compact to
25 encourage and promote local and state initiative in the
26 development, maintenance, improvement and administration of
27 educational systems and institutions in a manner which will
28 accord with the needs and advantages of diversity among
29 localities and states.

30 3. Interrelationships. The party states recognize
31 that each of them has an interest in the quality and quan-
32 tity of education furnished in each of the other states, as
33 well as in the excellence of its own education systems and
34 institutions, because of the highly mobile character of
35 individuals within the nation, and because the products and
36 services contributing to the health, welfare and economic
37 advancement of each state are supplied in significant part
38 by persons educated in other states.

39 §602. State defined - Article II

40 As used in this compact, "state" means a state, ter-
41 ritory or possession of the United States, the District of
42 Columbia or the Commonwealth of Puerto Rico.

1 §603. Commission - Article III

2 The Education Commission of the States is established
3 as follows.

4 1. Commission established. The Education Commission
5 of the States, hereafter in this chapter called "the commis-
6 sion" is hereby established.

7 2. Membership. The commission shall consist of 7 mem-
8 bers representing each party state: One member shall be the
9 Governor; 2 shall be members of the Legislature selected by
10 its respective houses and serving in such manner as the
11 Legislature may determine; and 4 shall be appointed by and
12 serve at the pleasure of the Governor, unless the laws of
13 the state otherwise provide. If the laws of a state prevent
14 legislators from serving on the commission, 6 members shall
15 be appointed by and serve at the pleasure of the Governor,
16 unless the laws of the state otherwise provide. In addition
17 to any other principles or requirements which a state may
18 establish for the appointment and service of its members of
19 the commission, the guiding principles for the composition
20 of the membership on the commission from each party state
21 shall be that the members representing that state shall, by
22 virtue of their training, experience, knowledge or affilia-
23 tions be in a position collectively to reflect broadly the
24 interests of the State Government, higher education, the
25 state education system, local education, lay and profes-
26 sional, public and nonpublic educational leadership. Of
27 those appointees, one shall be the head of a state agency or
28 institution, designated by the Governor, having responsibil-
29 ity for one or more programs of public education. In addi-
30 tion to the members of the commission representing the party
31 states, there may be, not to exceed, 10 nonvoting commis-
32 sioners selected by the steering committee for terms of one
33 year. These commissioners shall represent leading national
34 organizations of professional educators or persons concerned
35 with educational administration.

36 3. Voting. The members of the commission shall be
37 entitled to one vote each on the commission. No action of
38 the commission may be binding unless taken at a meeting at
39 which a majority of the total number of votes on the commis-
40 sion are cast in favor of the action. Action of the commis-
41 sion shall be only at a meeting at which a majority of the
42 commissioners are present.

43 4. Meetings. The commission shall meet at least once
44 a year. In its bylaws, and subject to such directions and

1 limitations as may be contained in those bylaws, the commis-
2 sion may delegate the exercise of any of its powers to the
3 steering committee or the executive director, except for the
4 power to approve budgets or requests for appropriations, the
5 power to make policy recommendations pursuant to Article IV
6 and adoption of the annual report pursuant to this Article.

7 5. Seal. The commission shall have a seal.

8 6. Organization. The commission shall elect annually,
9 from among its members, a chairman, who shall be a governor,
10 a vice-chairman and a treasurer. The commission shall pro-
11 vide for the appointment of an executive director. The
12 executive director shall serve at the pleasure of the com-
13 mission, and together with the treasurer and such other per-
14 sonnel as the commission may deem appropriate shall be
15 bonded in such amount as the commission shall determine.
16 The executive director shall be secretary.

17 7. Personnel. Irrespective of the civil service, per-
18 sonnel or other merit system laws of any of the party
19 states, the executive director, subject to the approval of
20 the steering committee, shall appoint, remove or discharge
21 such personnel as may be necessary for the performance of
22 the functions of the commission, and shall fix the duties
23 and compensation of such personnel. The commission in its
24 bylaws shall provide for the personnel policies and programs
25 of the commission.

26 8. Services. The commission may borrow, accept or
27 contract for the services of personnel from any party juris-
28 isdiction, the United States, or any subdivision or agency of
29 those governments, or from any agency of 2 or more of the
30 party jurisdictions or their subdivisions.

31 9. Grants. The commission may accept for any of its
32 purposes and functions under this compact any and all dona-
33 tions, and grants of money, equipment, supplies, materials
34 and services, conditional or otherwise, from any state, the
35 United States, or any other governmental agency, or from any
36 person, firm association, foundation or corporation, and may
37 receive, utilize and dispose of the same. Any donation or
38 grant accepted by the commission pursuant to this subsection
39 or services borrowed pursuant to subsection 8 shall be
40 reported in the annual report of the commission. The report
41 shall include the nature, amount and conditions, if any, of
42 the donation, grant or services borrowed, and the iden-
43 tity of the donor or lender.

1 10. Facilities. The commission may establish and
2 maintain such facilities as may be necessary for the trans-
3 acting of its business. The commission may acquire, hold
4 and convey real and personal property and any interest
5 therein.

6 11. Bylaws. The commission shall adopt bylaws for the
7 conduct of its business and shall have the power to amend
8 and rescind these bylaws. The commission shall publish its
9 bylaws in convenient form, and shall file a copy of those
10 bylaws and a copy of any amendment to those bylaws with the
11 appropriate agency or officer in each of the party states.

12 12. Reports. The commission annually shall make to
13 the Governor and Legislature of each party state a report
14 covering the activities of the commission for the preceding
15 year. The commission may make such additional reports as it
16 may deem desirable.

17 §604. Powers - Article IV

18 In addition to authority conferred on the commission by
19 other provisions of the compact, the commission may:

20 1. Information and data. Collect, correlate, analyze
21 and interpret information and data concerning educational
22 needs and resources;

23 2. Research. Encourage and foster research in all
24 aspects of education, but with special reference to the
25 desirable scope of instruction, organization, administration
26 and instructional methods and standards employed or suitable
27 for employment in public educational systems;

28 3. Proposals. Develop proposals for adequate financ-
29 ing of education as a whole and at each of its many levels;

30 4. Further research. Conduct or participate in
31 research of the type referred to in this Article in any
32 instance where the commission finds that such research is
33 necessary for the advancement of the purposes and policies
34 of this compact, utilizing fully the resources of national
35 associations, regional compact organizations for higher edu-
36 cation and other agencies and institutions, both public and
37 private;

38 5. Policies and plans. Formulate suggested policies
39 and plans for the improvement of public education as a
40 whole, or for any segment of public education, and make

1 recommendations with respect thereto available to the appro-
2 priate governmental units, agencies and public officials;
3 and

4 6. Other necessary things. Do such other things as
5 may be necessary or incidental to the administration of any
6 of its authority or functions pursuant to this compact.

7 §605. Cooperation with Federal Government - Article V

8 1. Federal membership. If the laws of the United
9 States specifically so provide, or if administrative provi-
10 sion is made therefor within the Federal Government, the
11 United States may be represented on the commission by, not
12 to exceed, 10 representatives. Any such representative or
13 representatives of the United States shall be appointed and
14 serve in such manner as may be provided by or pursuant to
15 federal law, and may be drawn from any one or more branches
16 of the Federal Government, but no representative may have a
17 vote on the commission.

18 2. Information. The commission may provide informa-
19 tion and make recommendations to any executive or legis-
20 lative agency or officer of the Federal Government concern-
21 ing the common educational policies of the states, and may
22 advise with any such agencies or officers concerning any
23 matter of mutual interest.

24 §606. Committees - Article VI

25 1. Steering committee. To assist in the expeditious
26 conduct of its business when the full commission is not
27 meeting, the commission shall elect a steering committee of
28 32 members which, subject to this compact and consistent
29 with the policies of the commission, shall be constituted
30 and function as provided in the bylaws of the commission.

31 A. One-fourth of the voting membership of the steering
32 committee shall consist of governors, 1/4 shall consist
33 of legislators and the remainder shall consist of other
34 members of the commission. A federal representative on
35 the commission may serve with the steering committee,
36 but without vote.

37 B. The voting members of the steering committee shall
38 serve for terms of 2 years, except that members elected
39 to the first steering committee of the commission shall
40 be elected as follows: Sixteen for one year and 16 for
41 2 years.

1 C. The chairperson, vice-chairperson and treasurer of
2 the commission shall be members of the steering commit-
3 tee and, anything in this subsection to the contrary
4 notwithstanding, shall serve during their continuance
5 in these offices.

6 D. Vacancies in the steering committee shall not
7 affect its authority to act, but the commission, at its
8 next regularly ensuing meeting following the occurrence
9 of any vacancy, shall fill it for the unexpired term.

10 E. No person may serve more than 2 terms as a member
11 of the steering committee; provided that service for a
12 partial term of one year or less shall not be counted
13 toward the 2-term limitation.

14 2. Advisory and technical committees. The commission
15 may establish advisory and technical committees composed of
16 state, local and federal officials, and private persons to
17 advise it with respect to any one or more of its functions.
18 Any advisory or technical committee may, on request of the
19 states concerned, be established to consider any matter of
20 special concern to 2 or more of the party states.

21 3. Other committees. The commission may establish
22 such additional committees as its bylaws may provide.

23 §607. Finance - Article VII

24 1. Budget. The commission shall advise the Governor,
25 or designated officer or officers of each party state, of
26 its budget and estimated expenditures for such period as may
27 be required by the laws of the party state. Each of the
28 commission's budgets of estimated expenditures shall contain
29 specific recommendations of the amount or amounts to be
30 appropriated by each of the party states.

31 2. Apportionment. The total amount of appropriation
32 requests under any budget shall be apportioned among the
33 party states. In making such apportionment, the commission
34 shall devise and employ a formula which takes equitable ac-
35 count of the populations and per capita income levels of the
36 party states.

37 3. Obligations. The commission shall not pledge the
38 credit of any party states. The commission may meet any of
39 its obligations in whole or in part with funds available to
40 it pursuant to Article III, provided that the commission
41 takes specific action setting aside such funds prior to

1 incurring an obligation to be met in whole or in part in
2 such manner. Except where the commission makes use of funds
3 available to it pursuant to Article III thereof, the commis-
4 sion shall not incur any obligation prior to the allotment
5 of funds by the party states adequate to meet the same.

6 4. Accounts. The commission shall keep accurate ac-
7 counts of all receipts and disbursements. The receipts and
8 disbursements of the commission shall be subject to the
9 audit and accounting procedures established by its bylaws.
10 All receipts and disbursements of funds handled by the com-
11 mission shall be audited yearly by a qualified public ac-
12 countant, and the report of the audit shall be included in
13 and become part of the annual reports of the commission.

14 5. Access to accounts. The accounts of the commission
15 shall be open at any reasonable time for inspection by duly
16 constituted officers of the party states and by any persons
17 authorized by the commission.

18 6. Audit or inspection. Nothing contained in this
19 chapter shall be construed to prevent commission compliance
20 with laws relating to audit or inspection of accounts by or
21 on behalf of any government contributing to the support of
22 the commission.

23 §608. Eligible parties; entry into and withdrawal - Article
24 VIII

25 1. Eligibility. This compact shall have as eligible
26 parties all states, territories and possessions of the
27 United States, the District of Columbia and the Commonwealth
28 of Puerto Rico. In respect of any such jurisdiction not hav-
29 ing a governor, the term "governor," as used in this com-
30 compact, shall mean the closest equivalent official of such
31 jurisdiction.

32 2. Entry. Any state or other eligible jurisdiction
33 may enter into this compact and it shall become binding
34 thereon when it has adopted the same; provided that in order
35 to enter into initial effect, adoption by at least 10 eligi-
36 ble party jurisdictions shall be required.

37 3. Adoption of compact. Adoption of the compact may
38 be either by enactment thereof or by adherence thereto by
39 the Governor; provided that in the absence of enactment, ad-
40 herence by the Governor shall be sufficient to make this
41 State a party only until December 31, 1969. During any
42 period when a state is participating in this compact through

1 gubernatorial action, the Governor shall appoint those per-
2 sons who, in addition to himself, shall serve as the members
3 of the commission from his state, and shall provide to the
4 commission an equitable share of the financial support of
5 the commission from any source available to him.

6 4. Withdrawal. Except for a withdrawal effective on
7 December 31, 1969 in accordance with subsection 3, any party
8 state may withdraw from this compact by enacting a statute
9 repealing the same, but no withdrawal may take effect until
10 one year after the governor of the withdrawing state has
11 given notice in writing of the withdrawal to the governors
12 of all other party states.

13 5. Liability. No withdrawal may affect any liability
14 already incurred by or chargeable to a party state prior to
15 the time of that withdrawal.

16 §609. Construction and severability - Article IX

17 This compact shall be liberally construed so as to
18 effectuate the purposes thereof. The provisions of this
19 compact shall be severable and if any phrase, clause, sen-
20 tence or provision of this compact is declared to be con-
21 trary to the constitution of any state of the United States,
22 or the applicability thereof to any government, agency,
23 person or circumstance is held invalid, the validity of the
24 remainder of this compact and the applicability thereof to
25 any government, agency, person or circumstance shall not be
26 affected thereby. If this compact shall be held contrary to
27 the constitution of any state participating therein, the
28 compact shall remain in full force and effect as to the
29 state affected as to all severable matters.

30 SUBCHAPTER II

31 ADMINISTRATIVE PROVISIONS

32 §651. Maine Education Council

33 1. Council established. There is established the
34 Maine Education Council composed of the members of the Edu-
35 cation Commission of the States representing this State, and
36 7 other persons appointed by the Governor.

37 2. Appointments. The Governor shall appoint: Two
38 members for one year; 2 members for 2 years; and 3 members
39 for 3 years. Upon the expiration of each term the appoint-
40 ment shall be for 3 years. Vacancies shall be filled for

1 the full term. The appointees shall be selected so as to be
2 broadly representative of professional and lay interest
3 within this State having the responsibilities for knowledge
4 with respect to, and interest in, educational matters. The
5 chairman shall be designated by the Governor from among its
6 members.

7 3. Meetings. The council shall meet on the call of
8 its chairman or at the request of a majority of its members,
9 but in any event the council shall meet not less than 3
10 times in each year. The council may consider any and all
11 matters relating to public educational policy and any mat-
12 ters relating to recommendations of the Education Commission
13 of the States and the activities of the members in repre-
14 senting this State thereon.

15 §652. Members of Legislature, selection and tenure

16 The 2 members of the Legislature on the Education Com-
17 mission of the States shall be appointed by the presiding
18 officer of the respective House and shall serve on the com-
19 mission during such time each is a member of his respective
20 House.

21 §653. Bylaws filed

22 Pursuant to Article III, the commission shall file a
23 copy of its bylaws and any amendment thereto with the office
24 of the commissioner.

25 CHAPTER 9

26 PUBLIC BROADCASTING

27 SUBCHAPTER I

28 ADVISORY COMMITTEE ON MAINE

29 PUBLIC BROADCASTING

30 §801. Committee; expenses

31 1. Committee. The Advisory Committee on Maine Public
32 Broadcasting shall facilitate the development of public
33 broadcasting in the State.

34 2. Membership. The committee shall consist of 7 mem-
35 bers to be appointed by the Governor for a full term of 5
36 years. One member shall be a representative of the depart-

1 ment. One member shall be a representative of the Univer-
2 sity of Maine and the remaining members shall be citizens of
3 the State. A vacancy in the membership shall be filled for
4 the unexpired term by appointment by the Governor.

5 3. Expenses. Members shall be reimbursed for their
6 actual expenses necessarily incurred in the performance of
7 their duties.

8 §802. Organization; quorum

9 The committee shall elect a chairman, secretary, vice-
10 chairman and treasurer, each of whose terms of office shall
11 be 2 years. The committee shall adopt bylaws and rules for
12 the calling and holding of meetings and the administration
13 of its affairs. A majority of the membership of the commit-
14 tee shall constitute a quorum.

15 §803. Powers and duties

16 The Advisory Committee on Maine Public Broadcasting may
17 act as follows:

18 1. Recommendations. To recommend to the trustees of
19 the University of Maine relating to the appointment of pro-
20 fessional, clerical or other assistants, location of public
21 broadcasting stations and construction and equipment of
22 those stations necessary to carry out the purposes of this
23 chapter; and

24 2. Programs. To advise the trustees of the University
25 of Maine for the public broadcasting programs to be trans-
26 mitted by the network.

27 SUBCHAPTER II

28 GIFTS, CONSTRUCTION AND PROGRAMMING

29 §851. Gifts

30 The Governor may accept a gift of money, real or per-
31 sonal property, from any source, and grants-in-aid from the
32 Federal Government to assist in carrying out the purposes of
33 this chapter.

34 §852. Construction of statewide network

35 1. Authority. The University of Maine may acquire
36 real estate, construct, operate, manage and equip radio,

1 transmission and microwave television facilities and inter-
2 connect with any other radio or television network or sta-
3 tion within or without this State for the purpose of provid-
4 ing a statewide public broadcasting network for the trans-
5 mission of public broadcasting to pupils in the schools,
6 colleges, university and adult audiences throughout the
7 State.

8 2. Contracts. The University of Maine may enter into
9 contracts for the construction of those facilities, con-
10 tracts for personal services necessary for the management
11 and operation of those facilities and any other contracts
12 deemed necessary to carry out the purposes of this chapter.

13 §853. Commissioner's programs

14 The commissioner may produce or contract for educa-
15 tional television programs.

16 PART 2

17 SCHOOL ORGANIZATION

18 CHAPTER 101

19 GENERAL PROVISIONS

20 SUBCHAPTER I

21 SCHOOL BOARDS

22 §1001. Duties of school boards

23 School boards shall perform the following duties.

24 1. General duties. They shall have the duties pre-
25 scribed to them in this Title.

26 2. Management of schools. They shall manage the
27 schools and provide custody and care, including repairs and
28 insurance on school buildings and all school property in the
29 school administrative units.

30 3. Selection of superintendent. They shall select a
31 superintendent in accordance with section 1051.

32 4. No prohibition on use for political activity. The
33 use of school buildings may not be denied to a person solely
34 because use is requested for a political activity.

1 5. Insurance premiums. They may pay the premium of
2 life, health, accident, hospitalization, major medical
3 insurance in behalf of their employees and liability insur-
4 ance for employees and school officials.

5 6. General course of instruction; textbooks. They
6 shall direct the general course of instruction and approve a
7 uniform system of textbooks. A textbook thus approved may
8 not be changed for 3 years unless by vote of the school
9 board.

10 7. Tuition payment for attendance by those resident on
11 territory ceded to United States. They shall prescribe the
12 tuition for attendance of persons of the required age, resi-
13 dent in territory the jurisdiction of which has been ceded
14 to the United States, included in or surrounded by the
15 administrative unit.

16 8. Determine those to attend each school. They shall
17 determine which students shall attend each school, classify
18 them and transfer them from school to school where more than
19 one school is maintained at the same time.

20 9. Students expelled or suspended. They shall expell
21 any student who is deliberately disobedient or deliberately
22 disorderly or for infractions of violence or possession,
23 furnishing or trafficking of any scheduled drug as defined
24 in Title 17-A, chapter 45, after a proper investigation of
25 the student's behavior, and due process, if found necessary
26 for the peace and usefulness of the school; and readmit him
27 on satisfactory evidence that the behavior which was the
28 cause of the student being expelled will not likely recur.
29 The school committee may authorize the principal to suspend
30 students up to a maximum of 10 days for infractions of
31 school rules.

32 10. Physiology and hygiene. They shall make provi-
33 sions for the instruction of all pupils in public schools or
34 approved private schools in physiology and hygiene, with
35 special reference to the effects of alcoholic drinks, stimu-
36 lants and narcotics upon the human system.

37 11. Persons not immunized excluded. They shall
38 exclude, when requested to do so by the Director of the
39 Bureau of Health or if they deem it expedient, any person
40 not having evidence of current immunization against small-
41 pox, or diphtheria, tetanus, pertussis (whooping cough),
42 poliomyelitus, rubeola (measles), rubella (German measles)
43 or any other communicable illness for which immunization is

1 available, unless the parent of the person shall present a
2 signed statement that the parent is opposed to the
3 immunization or a statement signed by a licensed physician
4 indicating that the immunization is not medically advisable
5 for the person. Should either of these statements be sub-
6 mitted, the person shall be excluded from school at the
7 request of the Director of the Bureau of Health when in his
8 opinion epidemic occurrence of the particular illness makes
9 the exclusion necessary for the protection of the public
10 health.

11 12. Salaries of persons absent. They may adjust the
12 salaries of teachers, principals and other persons legally
13 employed by them who are compelled to be absent from their
14 school duties. No reduction in pay may be made if absence
15 is caused by the bona fide observance of designated holidays
16 in the church of their faith. This subsection and section
17 13604 shall apply only in cases of persons who are employed
18 on yearly contracts or on tenure of service and who hold the
19 legal qualifications necessary for the positions.

20 §1002. Prohibited appointments and employment

21 The following provisions apply to members of a school
22 board.

23 1. Definition. "Full-time employee" means a person
24 regularly employed on a weekly basis regardless of remunera-
25 tion or the number of hours worked.

26 2. Employment by school administrative unit, school
27 union, academy. A member of a school board or spouse of a
28 member may not be employed as a full-time employee in a
29 public school within the jurisdiction of the school board to
30 which the member is elected or contract high school or acad-
31 emy located within a supervisory union in which the member
32 is a representative on the union committee.

33 3. Appointment to civil office and other employ-
34 ment. No school board member may, during the term for which
35 he has been elected and for one year thereafter, be
36 appointed to any civil office of profit or employment posi-
37 tion, which shall have been created or the compensation of
38 which shall have been increased by the action of the school
39 board during such term.

40 §1003. Commencement of term of office

41 The term of newly elected school board members shall
42 start:

1 1. After election. Immediately upon being elected and
2 sworn in; or

3 2. Fixed date. On a fixed date established by the
4 voters on an appropriate article at a properly called town
5 meeting, the date shall be between the municipal election
6 and July 1st.

7 §1004. Conflict of interest; contracts

8 A contract made by a school board shall follow the re-
9 quirement of Title 30, section 2251.

10 SUBCHAPTER II

11 SUPERINTENDENTS

12 §1051. Selection of superintendents

13 The following provisions shall apply to the selection
14 of superintendents.

15 1. Eligibility requirements. Only those persons who
16 hold a state certificate of superintendence grade may be
17 eligible to become superintendents. Members of the school
18 board may not be eligible to become superintendent in the
19 school administrative unit which they represent.

20 2. Appointment. The school board shall elect, by
21 majority vote of the full membership, the superintendent.
22 The school board, upon notification by the commissioner,
23 shall meet during December of the year preceding the expira-
24 tion of the superintendent's contract, at a day and place
25 determined by the chairman. When a vacancy occurs, the
26 school board shall meet as soon as possible to choose a
27 superintendent.

28 3. Term. The superintendent's term shall be estab-
29 lished by the school board.

30 A. The term may not exceed 5 years.

31 B. The term shall expire on June 30th of the year of
32 expiration.

33 4. Failure to elect. If the school board fails to
34 elect a superintendent by June 30th, the school board may
35 appoint a competent and qualified agent, with the advice and
36 consent of the commissioner, to serve in that capacity until
37 a superintendent is elected.

1 5. Notice to the commissioner. Annually and when a
2 new superintendent is chosen, the chairman and secretary of
3 the school board shall certify under oath to the commis-
4 sioner, on forms provided by the commissioner, all facts
5 relating to the unit's selection of a superintendent.

6 6. Election in certain units. The following provi-
7 sions shall apply to the election of superintendents by cer-
8 tain units.

9 A. In a school union, the union committee shall per-
10 form the functions of a school board.

11 B. In a school administrative unit governed by a pri-
12 vate and special law that provides for the election of
13 a superintendent, the governing board shall elect a
14 superintendent in the manner provided in that law.

15 C. In a community school district the district school
16 committee shall elect the superintendent.

17 §1052. Discharge

18 A school board may discharge a superintendent before
19 the expiration of the contract term.

20 1. Requirements. The superintendent may be discharged
21 only:

22 A. For cause;

23 B. After due notice and investigation; and

24 C. By a majority vote of the full membership of the
25 school board.

26 2. Salary. On discharge, the superintendent's salary
27 shall cease.

28 3. Appeal. The superintendent may appeal the school
29 board's decision to the commissioner. The commissioner
30 shall hold a hearing as part of the appeal.

31 §1053. Allocation of services

32 1. School unions. The union committee shall determine
33 the relative amount of service to be performed by the super-
34 intendent in each unit, including the minimum number of
35 visits to be made each term to each school.

1 2. Community school district. In community school
2 districts, the district school committee shall also deter-
3 mine the relative amount of service to be performed by the
4 superintendent in each school administrative unit.

5 §1054. Office and salary

6 1. Office. The school board or union committee shall
7 provide for an office for the superintendent, office assis-
8 tants, supplies, utilities and other office expenses.

9 2. Salary. The school board or union committee shall
10 fix the superintendent's salary.

11 §1055. Superintendent; powers and duties

12 The superintendent shall be ex officio secretary of the
13 school board and school building committee chosen by the
14 administrative unit and shall perform duties as the school
15 board or school building committee direct.

16 1. Records, orders, vouchers. The superintendent
17 shall:

18 A. Keep a permanent record of all the votes, orders
19 and proceedings;

20 B. Place all orders for materials and supplies pur-
21 chased by vote of the school building committee or
22 school board;

23 C. Keep all financial records and accounts; and

24 D. Issue vouchers showing the correctness of bills
25 contracted on account of school appropriations. A bill
26 may not be allowed for payment by the municipal offi-
27 cers unless:

28 (1) They have been approved by a majority vote of
29 the full membership of the school board; or

30 (2) In school administrative districts, approved
31 by a majority vote of the full membership of the
32 school board or a finance committee selected by
33 the board.

34 2. Inspect schools; annual report. The superintendent
35 shall:

1 A. Inspect the schools and review the operating rules,
2 the discipline and the proficiency of the students;

3 B. Visit each school at least the minimum number of
4 times each term required by the school board or union
5 committee; and

6 C. Annually, make and send to the commissioner a writ-
7 ten report of the condition of the schools for the
8 prior year, including a statement of the condition of
9 school buildings, the progress made by the students and
10 an evaluation of the methods of instruction and govern-
11 ment.

12 3. Financial and building report. The superintendent
13 shall keep an accurate account of school finances and send a
14 written report, at least once a term, to each school board
15 member. The report shall include a financial statement and
16 a statement of the repair, cleanliness and sanitary arrange-
17 ments of school buildings and outbuildings.

18 4. Selection and purchase of textbooks. The superin-
19 tendent shall select textbooks, supplies and apparatus with
20 the approval of the school board and shall make all these
21 purchases under rules adopted by the school board.

22 5. Distribution and accounting of supplies. The
23 superintendent shall assure that all necessary apparatus and
24 supplies are seasonably distributed to each school, accu-
25 rately accounted for and economically used.

26 6. Display of flags. The superintendent shall:

27 A. Ensure that the United States and Maine flags are
28 displayed from public school buildings every school day
29 and on appropriate occasions; and

30 B. Report annually to the school board the amount
31 necessary to furnish the public schools with suitable
32 flags and flagstuffs. The school administrative unit
33 shall appropriate the necessary funds.

34 7. Enforce rules of the school board. The superinten-
35 dent shall enforce or cause to be enforced all rules of the
36 school board.

37 8. Full-time employment. The superintendent shall
38 devote his entire time to superintendence in the school
39 supervisory unit which employs him. The superintendent may

1 perform educational service outside of the supervisory unit
2 with the approval of the commissioner and with the consent
3 of the school board.

4 9. Report to the commissioner. The superintendent
5 shall report, under oath, to the commissioner before August
6 1st. The report shall contain:

7 A. The amount appropriated and expended on elementary
8 and secondary education in the preceding fiscal year;

9 B. The number of weeks schools were open;

10 C. The number of students registered;

11 D. The average attendance; and

12 E. The amount received for tuition.

13 10. Supervise teachers. The superintendent shall
14 direct and supervise the work of all teachers.

15 CHAPTER 103

16 SCHOOL ADMINISTRATIVE DISTRICTS

17 SUBCHAPTER I

18 PURPOSE

19 §1101. Organization of school administrative units

20 It is declared policy of the State to encourage the
21 development of school administrative units of sufficient
22 size to provide:

23 1. Opportunity. A more equalized educational oppor-
24 tunity for pupils;

25 2. Programs. Satisfactory school programs;

26 3. Tax rates. A greater uniformity of school tax
27 rates among the units; and

28 4. Public funds. A more effective use of the public
29 funds expended for the support of public schools.

30 SUBCHAPTER II

1 ORGANIZATION

2 §1201. Criteria for establishing a school administrative
3 district

4 The following criteria shall apply to establishing a
5 school administrative district.

6 1. Number of municipalities. The district shall have
7 2 or more member municipalities.

8 2. Number of students. The district shall have, as
9 recorded in the last return under section 6004:

10 A. Three hundred or more resident public secondary
11 school students;

12 B. One hundred or more resident public secondary
13 school students, if the state board determines the
14 formation of a larger district is educationally, eco-
15 nomically or geographically not feasible;

16 C. Fifty or more resident public secondary school stu-
17 dents if:

18 (1) The proposed district has on file with the
19 state board a duly authorized and executed 2-year
20 to 10-year contract offer from a municipality hav-
21 ing 100 or more resident public secondary school
22 students; and

23 (2) If the combined number of resident public
24 secondary school students in these 2 school admin-
25 istrative units exceeds 300; and

26 D. Any number of secondary school students, if the new
27 district is composed in whole or in part of a community
28 school district:

29 (1) Offering a program of education for grades 9
30 through 12; and

31 (2) Formed on or before, and operating on April
32 1, 1957.

33 §1202. Formation of district

34 The residents of 2 or more municipalities may form a
35 school administrative district which shall be a body politic

1 and incorporate by completing the following steps.

2 1. Application vote. At a duly called special or
3 regular meeting or city election the voters of a municipal-
4 ity may instruct its school board to file an application
5 with the state board. The article to be inserted in the
6 warrant for the meeting shall be in the following form:

7 "To see if the municipality will vote to instruct its
8 school board to file an application with the State
9 Board of Education for the purpose of forming a school
10 administrative district with the following towns:

11 _____
12 (naming them)"

13 2. Initial application. If the article is approved,
14 the school board shall file an initial application with the
15 state board.

16 A. The application shall include a list of the names
17 of the municipalities that propose to form the school
18 administrative district, an adequate study outlining
19 the desirability and the educational feasibility of the
20 proposed district and whatever other information the
21 state board may deem necessary and proper.

22 B. In municipalities which have less than 300, but
23 more than 99 resident pupils, the application shall
24 state in detail the educational, economic and geo-
25 graphic reasons for the formation of the proposed
26 school administrative district.

27 C. An application shall be filed on a form prepared by
28 the state board.

29 3. Calling of a joint meeting. If the state board
30 finds the proposed school administrative district eligible
31 and approves its initial application, the state board shall
32 notify the municipal officers and the members of the school
33 boards in the municipalities within the proposed district of
34 a date, time and place of a joint meeting of the municipal
35 officers and the school board members from each municipal-
36 ity.

37 A. The notice shall be in writing and sent by regis-
38 tered or certified mail, return receipt requested, to
39 the addresses as shown on the application.

40 B. The notice shall be mailed at least 10 days prior
41 to the date set for the meeting.

1 4. Joint meeting. The following shall govern the
2 joint meeting.

3 A. At least 1/2 of the total number of municipal offi-
4 cers and school committee members eligible to vote at
5 the joint meeting shall be present to constitute a quo-
6 rum. If there is no quorum those present shall report
7 to the state board that a quorum was not present and
8 request the state board to issue a new notice.

9 B. The school boards and municipal officers of each
10 municipality shall each caucus and select 3 of their
11 members to represent their municipality in the joint
12 meeting. Other members may not vote in the joint meet-
13 ing.

14 C. Those with voting rights shall, by majority vote:

15 (1) Elect a chairman and a secretary;

16 (2) Determine the total number of school direc-
17 tors to represent each municipality and the method
18 of apportioning voting power among directors con-
19 sistent with this section and sections 1251 and
20 1252;

21 (3) Determine the method of sharing costs under
22 section 1301; and

23 (4) Determine the date when all the municipali-
24 ties in the proposed district shall vote on the
25 articles of district formation. The date shall be
26 at least 60 days from the date on which it is
27 determined.

28 D. The chairman and secretary shall prepare a report
29 describing the number of directors and the representa-
30 tion from each municipality. They shall sign and for-
31 ward that report to the state board.

32 5. Calling municipal elections. If the state board
33 finds the report of the joint meeting to be in order, the
34 state board shall order the municipal officers of the munic-
35 ipalities involved to call town meetings or city elections
36 on the date established pursuant to subsection 4, paragraph
37 C, subparagraph (4) for the purpose of voting on the ques-
38 tions required by this subchapter relating to the formation
39 of a school administrative district.

1 A. Municipalities voting on the questions of district
2 formation under Title 30, sections 2061 to 2064 shall
3 open the polls at 10 a.m. and shall close the polls at
4 7 p.m.

5 B. In other municipalities the municipal officers
6 shall direct that the town meeting or city election
7 shall open at 7:30 p.m.

8 C. All school administrative units shall vote upon the
9 questions of school district information in the same
10 fashion as the units conduct other business at regular
11 or special town meetings, except that school adminis-
12 trative units electing municipal officers by secret
13 ballot may use that method for electing school board
14 directors.

15 6. Articles to be voted on. The articles to be voted
16 on shall be in the following form.

17 A. "Article : To see if the municipality will
18 vote to join with the municipalities of (naming them)
19 to form a school administrative district."

20 B. "Article : To see if the municipality will
21 vote to approve the allocation of representation with
22 the district on the Board of School Directors as recom-
23 ended by the school committees and municipal officers
24 as follows: The total number of directors shall be
25 "
26 (number)"

27 C. "Article : To choose (number) school director(s)
28 (number)
29 to represent the municipality (or subdistrict) on the
30 board of school directors of the school administrative
31 district."

32 D. If the state board has authorized an alternative
33 method of sharing costs, the municipality shall vote on
34 the following article.

35 Article : To see if the costs of operating
36 " (name) Community School District" shall
37 (name)
38 be shared among the towns of
39 (naming them)

1 in accordance with (per pupil, state valuation, a
2 combination thereof or any other formula author-
3 ized by the Legislature).

4 E. If coterminous school districts exist or there is
5 outstanding indebtedness for school construction or
6 other school property in any of the municipalities con-
7 cerned, the following additional article must also be
8 acted on.

9 "Article _____ : To see if the municipality will
10 vote to authorize the district to assume full
11 responsibility for amortizing the following listed
12 indebtedness now outstanding in the school admin-
13 istrative units planning to form the school admin-
14 istrative district."

15 (The list must include the name of the obligated
16 school administrative unit, type of obligation,
17 amount unpaid, interest rate and the payment
18 schedule for all outstanding school indebtedness
19 of all the school administrative units comprising
20 the school administrative district under consider-
21 ation.)

22 F. If a school administrative district is to be formed
23 under section 1202, subsection 2, paragraph D, or if
24 the proposed school administrative district plans to
25 contract with a designated private school for the edu-
26 cation of its students in grades 9 through 12, voters
27 shall act on the following article.

28 "Article _____ : To see if the municipality will
29 vote to join with the municipalities of
30 _____ to form a school administrative
31 (naming them)
32 district, which district is hereby authorized and
33 directed to accept the contract offer of
34 _____ for the schooling
35 of pupils in grades 9 through 12."

36 7. Majority vote. Approval of each article shall be
37 by a majority vote of those voting in each municipality on
38 each article.

39 8. Special provision for community school districts.
40 A community school district may be changed to a school
41 administrative district if each municipality within the dis-
42 trict acts affirmatively on the following articles.

1 A. Existing community school districts may become
2 school administrative districts on approval of the
3 state board and may suspend operation as a community
4 school district if each of the participating municipal-
5 ities acts affirmatively on an article similar in form
6 to the following, prior to accepting the other articles
7 required in this section.

8 "Article : To see if the municipality will
9 vote to authorize the

10 (name)

11 Community School District, of which this municipi-
12 ality is a part, to suspend operation as a commu-
13 nity school district and organize and operate as a
14 school administrative district in accordance with
15 action on the following article."

16 B. Municipalities, including all of those participa-
17 ting in an existing community school district, may form
18 a school administrative district on approval of the
19 state board and suspend the operation of the community
20 school district if each of the participating municipal-
21 ities acts affirmatively on an article similar in form
22 to the following, and acts affirmatively on each of the
23 other articles required in this section.

24 "Article : To see if the municipality will
25 vote to authorize the suspension of the

26 Community School District

27 (name)

28 in order to organize and operate as a part of a
29 larger school administrative district."

30 C. In approving one of these articles, all acts of a
31 community school district in contracting their
32 indebtedness shall be ratified and confirmed.

33 D. The board of directors of the school administrative
34 district shall pay to the trustees of the former commu-
35 nity school district within their jurisdiction suffi-
36 cient funds each year to amortize all outstanding capi-
37 tal indebtedness existing at the time the community
38 school district was suspended.

39 §1203. Issuance of a certificate of organization

40 Certificates of organization shall be issued as fol-
41 lows.

1 1. Report of vote. The clerks of the municipalities
2 which have voted on the questions regarding the formation of
3 the school administrative district shall report to the state
4 board the results of the vote in a manner determined by the
5 state board.

6 2. Finding recorded. If the state board finds that a
7 majority of voters in each school administrative unit form-
8 ing the school administrative district have voted in favor
9 of each of the articles of formation, elected the necessary
10 school directors and taken all other necessary steps in the
11 formation of the proposed school administrative district in
12 conformity with law, the state board shall make and record
13 its finding that the school administrative district is in
14 compliance.

15 3. School administrative district number assigned. The
16 state board, having made its finding, shall assign a number
17 to each school administrative district in the order of their
18 formation. The official title of the school administrative
19 district shall be "School Administrative District No.
20 _____."

21 4. Certificate of organization. The state board
22 shall, immediately after making its finding, issue a certifi-
23 cate of organization.

24 5. Certificate issued, filed and recorded. The orig-
25 inal certificate shall be delivered to the school directors
26 on the day that they organize and a copy, attested by the
27 secretary of the state board, shall be filed and recorded in
28 the office of the Secretary of State.

29 6. Issuance of certificate evidence of organiza-
30 tion. The issuance of the certificate shall be conclusive
31 evidence of the lawful organization of the school adminis-
32 trative district.

33 §1204. Transfer of property and assets

34 The transfer of school property and assets shall be as
35 follows.

36 1. Board of directors. The directors of a school
37 administrative district shall determine what school property
38 of the municipalities and former school administrative units
39 in their district are necessary to carry out the functions
40 of their district and:

1 A. Request in writing that the school board of each
2 school administrative unit or the municipal officers
3 transfer title of their school property and buildings
4 to the school administrative district; or

5 B. Assume all the duties and liabilities under lease
6 agreements with the Maine School Building Authority if
7 the title is held by the authority.

8 2. Transfer. The school board or municipal officers
9 shall make the transfer notwithstanding any other provision
10 in the charter of the school administrative unit or municipi-
11 ality or other provision of law.

12 3. Maine School Building Authority. The Maine School
13 Building Authority, on the completion of all rental payments
14 and other conditions in the lease, shall transfer the title
15 to the school administrative district notwithstanding any
16 provision in the lease or other provision of the law.

17 4. Financing assumed debts. If a school administra-
18 tive district has assumed the outstanding indebtedness of a
19 former school administrative unit:

20 A. The directors of the school administrative district
21 may, notwithstanding any other statute or any provision
22 of any trust agreement, use any sinking fund or other
23 money set aside by the school administrative unit to
24 pay off the indebtedness for which the money was dedi-
25 cated;

26 B. The municipality within a school administrative
27 district may, by vote of its voters, raise, appropriate
28 and transfer money to the school administrative dis-
29 trict solely for school construction purposes; and

30 C. A municipality, within a proposed school adminis-
31 trative district that has applied to the state board,
32 may, by vote of its voters, raise and appropriate money
33 for school construction purposes to be transferred to
34 the proposed school administrative district, if and
35 when the district takes over the operation of the
36 public school within its jurisdiction.

37 The municipality may only withdraw this appropriation:

38 (1) If the formation of the district fails to be
39 approved by the municipalities within the district
40 or by the state board; or

1 (2) If 9 months or more after the original vote,
2 the electorate of the town vote to withdraw the
3 appropriation.

4 §1205. Operational date and transfer of authority

5 The operational date and transfer of authority of a
6 school administrative district shall be as follows.

7 1. Operational date. A school administrative district
8 shall become operative on the date set by the state board as
9 provided in section 1253.

10 2. Transfer of governing authority. The school direc-
11 tors shall, on the date established in subsection 1, assume
12 the management and control of the public schools within the
13 former school administrative units within the district and
14 these former school administrative units shall on that date
15 have no further responsibility for the operation or control
16 of the public schools within the district.

17 3. Transfer of school accounts. Notwithstanding
18 section 10004 or any charter of a community school district
19 or coterminous district, the balance remaining in the school
20 accounts of the municipalities, community school district or
21 coterminous school districts within the school administra-
22 tive district shall be paid to the treasurer of the district
23 in equal monthly installments over the remainder of the
24 fiscal year in which the district is formed.

25 4. Teacher contracts. The contracts between the
26 municipalities within the district and all teachers shall
27 automatically be assigned to the school administrative dis-
28 trict as of the date the district becomes operative. The
29 district shall assign teachers to their duties and make pay-
30 ments upon their contracts.

31 5. Superintendent contracts. The contracts between
32 the superintendents and municipalities within the district
33 shall be transferred to the school administrative district.
34 The board of directors shall determine the superintendents'
35 duties within the district and pay that proportion of the
36 salaries paid for by the former school administrative units
37 in the district.

38 §1206. Application of general law

39 Schools operated by legally established school adminis-
40 trative districts shall be the official schools of the

1 participating municipalities. The provisions of general law
2 relating to public education shall apply to these schools.
3 State funds for public schools shall be paid directly to the
4 treasurer of the school administrative district.

5 SUBCHAPTER III

6 SCHOOL DIRECTORS

7 §1251. Board of directors

8 Provisions for a board of directors shall be as fol-
9 lows.

10 1. Size. The size shall be determined by the joint
11 meeting under section 1203 or by the reapportionment commit-
12 tee under section 1255, but shall not be less than 5. It
13 shall include at least one director from each municipality
14 or subdistrict.

15 2. Term of office. In municipalities with annual
16 elections, directors shall serve a 3-year term. In municipi-
17 palities with biennial elections, directors shall serve a
18 4-year term. A director shall serve until his successor is
19 elected and qualified.

20 3. Terms of office under district formation. The
21 newly elected directors under a district formation or reap-
22 portionment plan shall meet and draw lots for the length of
23 term specified as follows.

24 A. In municipalities with annual elections, 1/3 of the
25 directors shall serve one-year terms, 1/3 shall serve
26 2-year terms and 1/3 shall serve 3-year terms. If the
27 number of directors is not evenly divisible by 3, the
28 first remaining director shall serve a 3-year term and
29 the 2nd a 2-year term.

30 B. In municipalities with biennial elections, 1/2 of
31 the directors shall serve a 4-year term and 1/2 a
32 2-year term. If the number of directors is not divis-
33 ible by 2, the remaining director shall serve a 4-year
34 term.

35 C. The directors shall serve their terms as determined
36 at the organizational meeting and an additional period
37 until the next regular election of the municipalities.
38 Thereafter, the directors' terms of office shall date
39 from the time of each municipality's regular election.

1 4. Compensation. Compensation for attendance at a
2 school board meeting shall be between \$10 and \$25 per meet-
3 ing. Whenever the directors recommend to increase their
4 compensation, they shall submit their recommendation to the
5 district voters for approval.

6 A. On notification by the school board, the municipal
7 officers shall, at the next regular or special town
8 meeting or city election, prepare a warrant or ballot
9 for the purpose of voting on the proposed increase.

10 The question shall be in the following form.

11 "Should the School Administrative District
12 No. _____ directors be paid compensation at the
13 rate of \$ _____ for each meeting which each direc-
14 tor attends?"

15 B. No increase in compensation is effective unless
16 approved by a majority of the voters voting on the
17 question.

18 5. Secretary and treasurer. The superintendent shall
19 serve as secretary and treasurer of the school board and
20 shall give a bond to the district of a sum and with the
21 sureties as the school board shall determine. The bond
22 shall be deposited with the chairman. The expense of that
23 bond shall be paid by the district. The bond premium, com-
24 penetration paid directors for attendance at meetings and
25 expenses of the district shall be paid from funds of the
26 district by the treasurer on vouchers presented and certi-
27 fied by the superintendent and approved by a majority of the
28 school board or a finance committee duly elected annually by
29 that board.

30 6. Oath of office. Before their first meeting, newly
31 elected directors shall take the following oath or affirma-
32 tion before a dedimus justice or notary public.

33 "I do swear that I will faithfully
34 discharge to the best of my abilities the duties incumbent
35 on me as a school director of School Administrative District
36 No..... according to the Constitution and laws of this
37 State. So help me God."

38 A. A director shall make a certificate documenting
39 that he has taken the oath or affirmation and return it
40 to the secretary of the district to place in the dis-
41 trict records.

1 B. If a director is conscientiously scrupulous of
2 taking an oath, the word "affirm" shall be used instead
3 of "swear" and the words "this I do under the pains and
4 penalty of perjury" instead of the words "so help me
5 God."

6 7. Election of officers. The board of directors
7 shall elect a chairman and vice-chairman and other officers
8 as may be necessary.

9 §1252. Methods of representation

10 The following are methods of representation.

11 1. Method A: Subdistrict representation. Directors
12 shall represent subdistricts.

13 A. The subdistricts, as far as practicable, shall be
14 whole municipalities. If the municipalities are
15 divided into subdistricts, then they shall be divided
16 into subdistricts of approximately equal size as deter-
17 mined by the latest Federal Decennial Census or Federal
18 Estimated Census. The municipal officers shall provide
19 a separate voting place for each subdistrict of the
20 municipality.

21 B. The boundaries of each subdistrict shall be deter-
22 mined by a majority vote of the joint meeting or reap-
23 portionment committee. Each subdistrict shall have one
24 director, except that in a municipality comprised of 2
25 or more subdistricts, the joint meeting may authorize
26 the election of directors-at-large.

27 2. Method B: Weighted votes. Directors shall cast
28 weighted votes.

29 A. The committee shall apportion 1,000 votes among all
30 the members of the board. The ratio of the number of
31 votes cast by the directors representing a municipality
32 in relation to the number 1,000 shall be the same ratio
33 to the nearest whole number as the population of the
34 municipality is in relation to the population of all
35 municipalities in the district, as determined by the
36 latest Federal Decennial Census or Federal Estimated
37 Census.

38 B. To assure the use of whole numbers, the 1,000 votes
39 apportioned among the board members may be increased or
40 decreased by not more than 5 votes.

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

5 D. In a municipality served by 2 or more directors,
6 the votes cast by them shall be divided equally among
7 them. The directors shall be elected at large within
8 the municipality unless otherwise provided by municipal
9 charter.

10 3. Method C: At-large voting. Directors shall be
11 elected at large by all of the voters in the district.

12 4. Method D: Other. Directors may be elected by any
13 other method that meets the requirements of the one-man,
14 one-vote principle that is not included in Methods A, B or
15 C.

16 §1253. Election

17 For the purpose of nominations, school directors shall
18 be considered municipal officials and shall be nominated in
19 accordance with Title 30, chapter 207, or with a municipal
20 charter, whichever is applicable.

21 1. Initial meeting on district formation. On the
22 election of the school directors, the clerk of each municipi-
23 ality within the school administrative district shall forward
24 the names of the directors elected for that municipali-
25 ty to the state board with other data with regard to their
26 election as the state board may require. On receipt of the
27 names of all of the directors, the state board shall set a
28 time, place and date for the first meeting of the directors
29 and give notice to the directors in the manner set forth in
30 section 1203, subsection 3, paragraph A.

31 2. Special provisions. In the election for repre-
32 sentation under the methods provided in section 1252 the
33 following shall apply.

34 A. Under Methods A and B:

35 (1) Within 30 days after notification by the
36 board of directors of the approval or reapportionment
37 plan, the municipal officers shall call a
38 special election to elect directors to serve under
39 the plan for the school administrative district;

1 (2) Nomination papers shall be furnished by the
2 secretary of the district. Notwithstanding any
3 other section of this Title, directors shall be
4 nominated by obtaining a minimum of 25 and a maxi-
5 imum of 50 signatures of registered voters residing
6 within the subdistrict. The secretary shall
7 notify the municipal officers of the names of candi-
8 dates in each subdistrict;

9 (3) The municipal officers shall prepare ballots
10 to be used in their municipality for the election;

11 (4) The clerks of each municipality shall forward
12 to the secretary the results of the vote by sub-
13 district;

14 (5) The board of directors shall meet and total
15 the votes cast for each candidate within each sub-
16 district and shall immediately notify the clerks
17 in each municipality, the candidates and the com-
18 missioner of the results of the vote;

19 (6) The terms of the directors elected under the
20 original municipal representation system shall
21 cease on the date that the newly elected directors
22 are sworn into office; and

23 (7) Notwithstanding any other provision of stat-
24 ute, directors shall be elected by secret ballot.
25 The ballots shall be prepared for and distributed
26 to the municipalities or subdistricts by the
27 secretary of the district.

28 B. Under Method C:

29 (1) Nominations for directors shall be made on
30 petitions provided by the district secretary. The
31 petitions shall be signed as provided in Title 30,
32 section 2061, subsection 3, or if the candidate is
33 a voting resident in a municipality having less
34 than 200 population, signed by at least 20% of the
35 registered voters of that municipality;

36 (2) The petitions shall be submitted to the
37 registrar of voters in the respective municipali-
38 ties for certification of the voting residence of
39 the director nominated and of the voters signing
40 the petition;

1 (3) The registrar of voters shall return the cer-
2 тифицид petitions to the district secretary not
3 later than 30 days prior to the date of the annual
4 election to be held in the municipality;

5 (4) The ballot shall be prepared and distributed
6 by the district secretary. It shall give the
7 number of offices to be filled and list the candi-
8 dates by municipalities or subdistricts in which
9 they are resident;

10 (5) Notwithstanding any other provision of law,
11 school directors shall be elected by secret bal-
12 lot;

13 (6) If all member municipalities do not conduct
14 the election for directors on the same date, then
15 all ballots cast in the elections shall be
16 impounded by the clerk of each municipality:

17 (a) After all municipalities have voted, the
18 clerks and one or more election supervisors
19 designated by the municipal officers of each
20 municipality shall meet at an agreed upon
21 location and tally the ballot;

22 (b) The tally shall be completed within one
23 day of the last member municipality election;

24 (c) The election supervisors shall select
25 from among their members a chairman who shall
26 supervise the tally of ballots; and

27 (d) The clerk of each municipality shall as
28 promptly as possible after the election cer-
29 tify to the board of directors the result of
30 the voting in that municipality; and

31 (7) Any recount petitions shall be filed with the
32 secretary of the board of directors and recounts
33 shall be conducted in each member municipality in
34 accordance with the applicable laws.

35 §1254. Vacancies

36 Declaration and filling of vacancies shall be as fol-
37 lows.

38 1. Definition of vacancy. A vacancy occurs:

1 A. When the term of the office of a school director
2 expires;

3 B. When a school director changes residency from the
4 municipality or subdistrict from which elected. Evi-
5 dence that an individual is registered to vote in a
6 municipality is prima facie evidence of that
7 individual's residency;

8 C. On the death of a school director; or

9 D. When a school director resigns.

10 2. School board. The board of directors shall notify
11 the municipal officers of the municipalities within the dis-
12 trict before the annual town meeting or before the regular
13 city election of the vacancy.

14 3. Filling vacancies. Vacancies shall be filled as
15 follows.

16 A. The municipal officers of the municipality in which
17 the director resided shall select an interim director
18 for the municipality or subdistrict to serve until the
19 next annual municipal election. The interim director
20 shall serve until his successor is elected and quali-
21 fied.

22 B. The municipal officers shall provide at the next
23 municipal or subdistrict election for the election of a
24 director to fill the vacancy.

25 §1255. Reapportionment

26 The state board shall determine the necessity for reap-
27 portionment.

28 1. Duties of the state board. The state board shall
29 determine if a district is apportioned in accordance with
30 the principles of one man, one vote, if:

31 A. It receives a request by the board of directors;

32 B. It receives a petition signed by district voters
33 equal to at least 10% of the voters who voted in the
34 last gubernatorial election in the district; or

35 C. It determines a district is not apportioned accord-
36 ing to the principles of one man, one vote.

1 2. Awaiting census results. If the state board
2 receives a request within 12 months before a Federal Decen-
3 ennial Census or Federal Estimated Census, the board may wait
4 until after the new census figures are available to make a
5 determination.

6 3. Findings and order. If the state board finds the
7 district's representation is not apportioned in accordance
8 with the principle of one man, one vote, it shall, within 7
9 days of that decision, notify the municipal officers in each
10 municipality in the district and the school board to create
11 a reapportionment committee. The notification shall include
12 the time and place for the first meeting of the committee
13 which shall be held not later than 20 days after the
14 notificaton.

15 4. Reapportionment committee membership. The reappor-
16 tionment committee shall consist of one municipal officer
17 and one citizen at large from each member municipality, cho-
18 sen by the municipal officers, and one diretor from each
19 municipality, chosen by the board of directors. The
20 appointments shall be made prior to the first meeting of the
21 committee.

22 5. Quorum. A majority of the committee shall be a
23 quorum.

24 6. Duties of the commissioner. The commissioner shall
25 provide the committee with the most recent Federal Decennial
26 Census or Federal Estimated Census figures for each munici-
27 pality in the district and at least one recommended appor-
28 tionment plan.

29 7. Duties of the reapportionment committee. The com-
30 mittee shall:

31 A. Elect a chairman and secretary and may adopt suit-
32 able rules of procedure;

33 B. Consider and by majority vote adopt a plan includ-
34 ing the method of representation, total number of
35 directors and number of directors representing each
36 municipality or subdistrict; and

37 C. Within 90 days of the first meeting, send a report
38 of their plan to the state board for approval. It may,
39 within the 90-day limit, submit alternative plans for
40 apportionment.

1 8. State board approval. The state board shall
2 approve or disapprove the committee plan within 30 days of
3 receiving it.

4 9. Failure to gain state board approval. If a plan
5 has not been adopted by the committee or approved by the
6 board within the time limits, the commissioner shall prepare
7 a suitable plan and submit it to the state board for
8 approval.

9 10. Putting the approved plan into effect. On
10 approval of a plan by the state board, the commissioner
11 shall send a certified copy to the municipal officers and
12 school directors. The original plan shall be retained in
13 the state board files.

14 A. The approved plan shall be effective immediately.
15 The committee shall determine the terms of the direc-
16 tors who shall be elected at the next annual municipal
17 elections so as to comply with section 1253.

18 B. If the approved plan requires a reduction of the
19 number of directors to be elected in a municipality,
20 all of the existing directors representing the municipi-
21 ality shall, within 7 days after the date of approval
22 and under the supervision of the board of directors,
23 choose by lot which directors' terms shall terminate.

24 C. If the approved plan requires that additional
25 directors be elected in a municipality, the municipal
26 officers shall fill the vacancies by appointment. A
27 new director shall serve until his successor is elected
28 and qualified at the next annual municipal election.

29 D. The current board of directors shall serve until
30 the next annual municipal elections.

31 E. The reapportionment committee shall thereupon be
32 dissolved.

33 11. Duties of present directors during reapportion-
34 ment. The board of directors, during the reapportionment of
35 its membership, shall serve as legal representatives of the
36 district until the reapportionment is completed. The board
37 shall carry out all business of the district, including the
38 borrowing of necessary funds which may be required during
39 the period of reapportionment.

40 §1256. Powers and duties

1 The board of directors:

2 1. School district name. May select an unofficial
3 name of the district;

4 2. Finance committee. May elect a 3-member finance
5 committee whose members shall be directors;

6 3. Operating schools. May operate elementary school
7 units;

8 4. Purchase of land outside the district. May pur-
9 chase land outside of the geographical limits of the dis-
10 trict and erect a school on it if, because of the location
11 of other schools within the school district or transporta-
12 tion difficulties, a school within the district would not be
13 in the best interests of the district;

14 5. Bylaws. Shall adopt bylaws for the regulation of
15 the affairs of the board and the conduct of its business;

16 6. Property disposal. May not dispose of any real
17 property unless the transaction has been authorized by the
18 voters of the district as required by sections 1351 to 1354,
19 except:

20 A. The board may vote to return unused school property
21 to the municipality where the property is located if
22 the district has assumed no indebtedness or lease obli-
23 gation on account of the property;

24 B. The board may transfer or lease unused school prop-
25 erty to nonprofit organizations for educational or cul-
26 tural purposes; and

27 C. The board may lease any unused school buildings for
28 educational or cultural purposes; and

29 7. Gifts. May accept and receive money or other prop-
30 erty, outright or in trust, for any specified benevolent or
31 educational purpose. The board shall comply with the fol-
32 lowing in accepting gifts.

33 A. If the board receives written notice from a pros-
34 pective donor or his representative of a proposed gift,
35 they shall submit the matter to the next regular meet-
36 ing of the board or shall call a special meeting. The
37 board shall, within 10 days after the meeting, send
38 written notice of its acceptance or rejection.

1 B. If the gift is in trust, the board shall deposit or
2 invest those trust funds according to Title 30, section
3 5051.

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

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

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

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

16 (5) If the district fails to comply with the
17 terms of the trust instrument, the trust fund
18 reverts to the donor or his heirs.

19 C. If the money or other property is a conditional
20 gift for any specified benevolent or educational pur-
21 pose, the following shall apply.

22 (1) Prior to the acceptance of a gift the board
23 of directors shall obtain approval of the legis-
24 lative body of the school administrative district.

25 (2) When the donor's part of the agreement
26 respecting the execution of the conditional gift
27 has been completed, the district shall perpetually
28 comply with, and may raise money to carry into
29 effect, the conditions upon which it was made.

30 (3) Unless otherwise specified by its terms, a
31 conditional gift of money shall be deposited or
32 invested according to Title 30, section 5051.

33 §1257. Quorum

34 At least a majority of the board of directors in number
35 and voting power shall be a quorum.

36 §1258. Program

1 A school administrative district shall maintain a pro-
2 gram which includes kindergarten to grade 12.

3 1. Secondary school. A district shall provide a
4 secondary school facility as follows.

5 A. A district which enrolls more than 700 pupils in
6 grades 9 to 12 may operate more than one 4-year school.

7 B. A district which enrolls less than 700 pupils in
8 grades 9 to 12 shall provide grades 10 to 12 in one
9 facility within 4 years from the date of the district's
10 formation.

11 C. Secondary school facilities may be operated as
12 4-year schools, a 6-year school for grades 7 to 12 or 2
13 or more 3-year schools, except that students living in
14 an area remote from a public school may be provided for
15 under section 5204.

16 2. Other facilities. Notwithstanding this section, a
17 district may contract with a nearby school administrative
18 unit or with a private school for all or part of its second-
19 ary pupils. The contract may be for a term of from 2 to 10
20 years.

21 SUBCHAPTER IV

22 FINANCING

23 §1301. Finances

24 A school administrative district may raise money for
25 establishing and maintaining public schools, erecting build-
26 ings and providing equipment.

27 1. Methods of sharing costs. The costs of operating a
28 school administrative district shall be shared among all
29 municipalities within the district in one of the following
30 ways.

31 A. Under a property valuation method, municipalities
32 in a district shall share costs in the same proportion
33 as each municipality's state valuation is to the dis-
34 trict's state valuation.

35 B. Under an alternate plan approved by the state board
36 and by a vote of the legislative bodies of the school
37 administrative units forming the district and based on:

1 (1) The number of resident pupils in each town;

2 (2) The state valuation of each member town's
3 real property as set in the calendar year prior to
4 the district's fiscal year; or

5 (3) Any combination of subparagraphs (1) and (2).

6 2. Residents on federal property. For the purposes of
7 this chapter only, a district shall count students residing
8 on land under the control of the Federal Government or on a
9 federal military reservation, who are eligible under United
10 States Public Law 81-874, as residents of the district but
11 not as residents of a municipality.

12 3. Amendment of cost-sharing formulas. The cost-
13 sharing formula may be amended as follows.

14 A. If requested by a written petition of at least 10%
15 of the number of voters voting in the last gubernatori-
16 al election in the municipalities within the dis-
17 trict, the board of directors shall hold a meeting of
18 municipal representatives to determine the necessity of
19 reconsidering the method of sharing costs. The dis-
20 trict shall give at least 15 days' notice to each
21 municipality comprising the district of that meeting.

22 B. Each member municipality shall be represented at
23 the meeting by 2 representatives chosen at large by its
24 municipal officers, and one member of the district
25 board of directors chosen by the municipality's direc-
26 tors.

27 C. A change in the method of sharing costs may only be
28 approved by a majority vote of the municipal repre-
29 sentatives present.

30 D. If approved by this meeting, the change shall be
31 submitted to the voters at a district meeting. It
32 shall become effective when approved by a majority vote
33 of the district in a district referendum called and
34 held for this purpose in accordance with sections 1351
35 to 1354.

36 E. Assessments made by the school board thereafter
37 shall be made in accordance with the new method of
38 sharing costs.

1 F. The secretary of the district shall notify the
2 state board that the district has voted to change its
3 method of sharing costs. The state board shall issue
4 an amended certificate of organization showing this new
5 method of sharing costs.

6 §1302. Budget preparation

7 The district budget shall be prepared as follows.

8 1. Preparation by board. The board of directors shall
9 annually prepare a budget for:

10 A. Operational costs;

11 B. Bonds falling due;

12 C. Interest on bonds or other obligations;

13 D. Rentals and other charges in a contract;

14 E. A lease or agreement with the Maine School Building
15 Authority; and

16 F. Temporary loans.

17 2. Distribution. At least 7 days before the district
18 budget meeting, the board of directors shall make available
19 to the legislative body responsible for final budget
20 approval and residents of the district, a detailed budget
21 document. It shall include a summary of anticipated reve-
22 nuces and estimated school expenditures.

23 §1303. Budget meeting

24 The school board shall hold a district budget meeting
25 at a time it determines.

26 1. Warrant. The budget meeting shall be called by a
27 warrant. The warrant shall:

28 A. Be signed by a majority of the board of directors;

29 B. Specify the time and place of the meeting;

30 C. Include the proposed school budget and other arti-
31 cles the school board chooses to place before the
32 voters, excluding authorization to borrow money for
33 school construction purposes;

1 D. Specify the state and local shares of the
2 state-local allocation and local leeway and additional
3 expenditures without state participation; and

4 E. Be directed to a resident of the district by name
5 ordering the resident to notify all voters within the
6 district to assemble at the time and place appointed.

7 2. Notice. An attested copy of the warrant shall be
8 posted by the person to whom it is directed in some conspic-
9 uous public place in each of the municipalities within the
10 district at least 7 days before the meeting. The person who
11 gives notice of the meeting shall make a return of the post-
12 ing on the warrant stating the manner of notice in each
13 municipality and the time when it was given.

14 3. Requested articles. If requested by a written
15 petition of at least 10% of the number of voters voting for
16 the gubernatorial candidates in the last gubernatorial elec-
17 tion in each municipality within the district, the board of
18 directors shall place specific articles, not in conflict
19 with existing state statutes, in the warrants for considera-
20 tion at the next annual district budget meeting. To be
21 included in the warrant a petition shall be received by the
22 board of directors at least 15 days before the date set for
23 the budget meeting. When placed on the warrant, the arti-
24 cles shall be considered before action relating to the
25 appropriation of money for the operation of schools.

26 §1304. Meeting procedures

27 The following procedures shall be used at a district
28 meeting.

29 1. Election of moderator. The secretary of the board
30 of directors, or when absent, the chairman of the school
31 board, shall open the meeting and call for the election of a
32 moderator, receive and count votes for moderator and swear
33 in the moderator.

34 2. Appointing ballot clerks. The moderator shall
35 appoint from the certified voting list the ballot clerks
36 necessary for the efficient operation of the meeting. The
37 clerks shall be sworn in by the moderator.

38 3. Budget consideration. The budget shall be thor-
39 oughly explained. The voters shall have an opportunity to
40 be heard. The voters may change only items dealing with:

1 A. The expenses necessary to operate the school admin-
2 istrative district;

3 B. Appropriations for the reserve fund; or

4 C. Appropriations for the contingency fund and school
5 construction purposes.

6 3. Approval. A majority vote of those voters present
7 and voting shall be necessary for the approval of the annual
8 budget.

9 4. Voting lists. Registration of voters for the
10 annual budget meeting shall be held in each member municipi-
11 ality in accordance with the time schedule specified in
12 Title 21, section 631.

13 A. Prior to the annual budget meeting, the municipal
14 clerks of the member municipalities shall supply to the
15 board of directors a certified corrected copy of the
16 registered voters of their municipality.

17 B. The lists shall be used in determining the voters
18 who are eligible to vote at the annual budget meeting.

19 §1305. Alternative voting procedures

20 If requested by a written petition of at least 10% of
21 the number of voters voting in the last gubernatorial elec-
22 tion in the municipalities within the district, the board of
23 directors shall cause the following article to be voted on
24 by the voters of the member municipalities.

25 "Shall School Administrative District No....require
26 that the voting at future district budget meetings and
27 special district budget meetings be done within each
28 member municipality of the district?

29 Yes ___ No ___ "

30 1. Procedure. The procedure for voting on the article
31 shall be as follows.

32 A. On receipt of a request and if the request complies
33 with the requirement of this section, the board of
34 directors shall immediately notify the municipal offi-
35 cers within the district of the receipt of the request.

1 B. The municipal officers within the district shall
2 then cause the article to be placed on the ballots for
3 that municipality for the next general or statewide
4 special election occurring at least 45 days after the
5 date on which the municipal officers received the
6 notice.

7 C. The warrants, notices and voting procedures to be
8 followed within a municipality, including absentee
9 voting procedures, shall be the same as those provided
10 in Title 21, except that the duties of the Secretary of
11 State shall be performed by the board of directors.

12 D. Municipal clerks shall, within 24 hours of the
13 determination of the results of the vote in their
14 municipality, certify to the board of directors the
15 total number of votes cast in the affirmative and in
16 the negative on the article.

17 E. As soon as all of the results from all of the
18 municipalities have been returned to the board of
19 directors, the board shall meet and compute the total
20 number of votes cast in the affirmative and in the
21 negative on the article in all of the municipalities
22 within the district.

23 F. If the board of directors determines that there
24 were more votes cast in the affirmative than there were
25 in the negative on the article, they shall declare that
26 the article has passed.

27 G. If the board of directors determines that the total
28 number of votes cast on the article in the affirmative
29 is equal to or less than those in the negative, they
30 shall declare that the article has not passed.

31 H. The board of directors shall enter their declara-
32 tion and computations in their records and send certi-
33 fied copies of it to the municipal clerk of each munic-
34 ipality within the district.

35 2. Application. Following the board of director's
36 declaration that the article has passed, the board shall
37 cause the voting at all future district budget meetings and
38 to be called within each municipality within the district.
39 The voting shall be held in accordance with the procedures
40 set out in sections 1351 to 1354. The board may hold infor-
41 mational meetings on voting procedure and budget prior to
42 voting. The board shall be responsible for the form of the

1 articles to be voted on in the municipalities, except as
2 otherwise provided by law.

3 3. Failure to approve a budget. If, at a district
4 meeting where the voting is done within each municipality
5 within the district, the voters fail to approve the oper-
6 ating school budget, or any part thereof, subsequent dis-
7 trict budget meetings shall be held and the voting at these
8 meetings shall be done at a single place within the dis-
9 trict. These meetings shall be held solely for the purpose
10 of approving an alternative operating school budget to
11 replace the part of the proposed budget which the voters
12 failed to approve. These meetings shall be held in accor-
13 dance with the provisions and procedures set out in section
14 1304. They may continue in this manner until an alternative
15 budget is adopted.

16 §1306. Budget format

17 The board of directors shall determine the budget for-
18 mat unless the district voters petition to establish it.

19 1. Petition. An article dealing with the budget for-
20 mat may be placed on the next warrant if authorized by a
21 majority vote of the board or if a written petition of at
22 least 10% of the number of voters voting in the last guber-
23 national election in the municipalities within the district
24 has been presented to the board.

25 2. Meeting. A school budget format may be established
26 by the district voters if the lesser of either 20% of the
27 number of registered voters or 200 registered voters vote on
28 an appropriate warrant article and a majority approve it.
29 The meeting shall be called and held as provided for dis-
30 trict approval procedures under sections 1351 to 1354.

31 3. Effective date. A change in budget format shall be
32 voted on at least 90 days prior to the budget year for which
33 that change is to be effective.

34 §1307. Specific line budgets

35 If the school budget format requires specific line cat-
36 egories, then in preparing the warrant and conducting the
37 budget meeting, the following shall apply.

38 1. Separate articles. Each category shall be included
39 in a separate warrant article.

1 2. Transfer. Unless authorized by the voters, the
2 board of directors may not transfer funds between line item
3 categories.

4 3. Summary action. To summarize the action taken on
5 the school budget for the purposes of determining the dis-
6 trict's state-local allocations, the articles prescribed in
7 chapter 605 shall also be voted upon.

8 §1308. Failure to pass budget

9 If a budget for the operating of the district is not
10 approved prior to July 1st, the budget as submitted by the
11 board of directors shall be automatically considered the
12 budget approved for operational expenses for the ensuing
13 year.

14 §1309. Special budget meeting

15 The school board may call a special budget meeting when
16 they declare an emergency to exist. The voters of the dis-
17 trict may authorize the directors at a special district bud-
18 get meeting to pledge the credit of the district to obtain
19 additional moneys for the operation of schools.

20 §1310. District assessments

21 District assessments shall follow these procedures.

22 1. Warrant. In accordance with the budget approved by
23 the voters at an annual budget meeting and in substantially
24 the same form as the warrant of the Treasurer of State for
25 taxes, the board of directors shall issue its warrants to
26 the assessors of each member municipality requiring it to
27 assess upon the taxable estates within the municipality an
28 amount which is that municipality's share of the district's
29 costs.

30 2. Commitment. The municipal assessors shall commit
31 the assessment to the constable or collector. Constables
32 and collectors shall have the authority and powers to col-
33 lect the district's taxes as is vested in them by law to
34 collect state, county and municipal taxes.

35 3. Installments. The board of directors shall notify
36 the member municipalities of the monthly installments that
37 will become payable during the fiscal year.

1 4. Payment. A municipal treasurer shall pay the
2 amount of the tax assessed in the fiscal year against the
3 municipality to the treasurer of the district. The payments
4 shall be paid in monthly installments on or before the 20th
5 of each month.

6 5. Gifts. A municipality may use the proceeds from
7 gifts or trust funds allocated for educational purposes to
8 pay its share of the assessment.

9 6. Enforcement. If a municipal treasurer fails to pay
10 the installment due, or any part, on the dates required, the
11 treasurer of the district may issue a warrant for the amount
12 of the unpaid tax to the county sheriff requiring the
13 sheriff to levy by distress and sale on the real and per-
14 sonal property of any of the inhabitants of the municipality
15 where that default takes place. The sheriff or sheriff's
16 deputies shall execute the warrant. In collecting taxes
17 within member municipalities, the board of directors shall
18 have the same power as county officials for the collection
19 of county taxes under Title 36, chapter 105, subchapter 9.

20 §1311. Power to borrow money

21 A school administrative district may borrow money as
22 follows.

23 1. Board of directors. The board of directors may
24 borrow money to pay for:

25 A. Current operating expenses of the district if the
26 loans are repaid within one year of the date of borrow-
27 ing and are limited to an amount reasonably required
28 for current operating expenses; and

29 B. School construction projects as defined in section
30 15901.

31 2. Voters approval. Bonds or notes for school con-
32 struction purposes shall first be approved by a majority of
33 voters of the district voting at an election called by the
34 board of directors and held as provided in sections 1251 to
35 1254, except as is otherwise provided in this section.

36 A. Each bond or note shall have inscribed upon its
37 face the name of the district, the date it was issued,
38 the amount of the bond or note and the annual interest
39 rate, payable semiannually. Each bond or note shall be
40 in the form and be sold in the manner, at public or

1 private sale, as the board of directors shall determine
2 in accordance with state law. Bonds may not be sold
3 for less than par.

4 B. Notes or bonds issued by a district shall be signed
5 by the treasurer or assistant superintendent and coun-
6 tersigned by the chairman of the board of directors of
7 the district. If coupon bonds are issued, each coupon
8 shall be attested by a facsimile signature of the
9 treasurer.

10 C. Each issue of bonds shall mature in substantially
11 equal annual installments so that the first installment
12 shall be payable not later than 2 years and the last
13 installment not later than 25 years after the date of
14 issue.

15 3. Temporary notes. Prior to issuing authorized
16 school construction bonds or notes, the board of directors
17 may borrow in anticipation of their sale by issuing tempo-
18 rary notes and renewal notes subject to the following.

19 A. Their total face value amount may not exceed at any
20 one time the authorized outstanding amount of the
21 school construction bonds or notes.

22 B. If the proceeds of an issue of bonds are used in
23 whole or in part to fund temporary notes, the period
24 during which the issue of bonds shall be outstanding
25 plus the period of the loan represented by the tempo-
26 rary notes or renewals shall not exceed 25 years.

27 C. Temporary notes shall mature not later than 3 years
28 from the date the first temporary note is issued.

29 D. Temporary notes and renewal notes shall be legal
30 obligations of the district.

31 E. The board of directors of a district which has
32 received a certificate of approval of a school con-
33 struction project pursuant to Title 20, section 3458 to
34 be paid in accordance with the alternate method pre-
35 scribed in Title 20, section 3460, may borrow in antic-
36 ipation of unpaid portions of state aid and may issue
37 temporary and renewal notes.

38 F. If the temporary or renewal notes in anticipation
39 of state aid exceed the aggregate amount of state aid
40 actually received by the district, the unexpended bal-

1 ance of those notes shall be used for the repayment.
2 If an outstanding balance remains, it shall be included
3 in the next annual budget and shall not be subject to
4 change at the district budget meeting.

5 4. Early redemption. Bonds or notes issued on behalf
6 of a district may be made subject to call for redemption,
7 with or without premium, at the election of the board of
8 directors before the date fixed for final payment of those
9 bonds or notes. When these bonds or notes are issued, they
10 shall contain provisions setting forth the method by which
11 the option to call may be exercised, the procedure for pay-
12 ment in the event of call and the legal effect of making the
13 call.

14 5. District status. Notes and bonds, and loans to pay
15 current operating expenses, contracts, leases and agreements
16 with the Maine School Building Authority, shall be legal
17 obligations of the district. The district shall be a
18 quasi-municipal corporation within the meaning of Title 30,
19 section 5053 and all the provisions of that section shall be
20 applicable to them.

21 6. Debt limit. The aggregate principal amount of out-
22 standing bonds or notes issued by a district for school con-
23 struction purposes shall not exceed, at any one time, 10% of
24 the total of the last preceding state valuation of all the
25 municipalities within the district, plus an amount not to
26 exceed 4% of that total district valuation set by the state
27 board at the time of the initial approval of the school con-
28 struction project.

29 A. Indebtedness in excess of 10% incurred under the
30 law as it existed prior to April 1, 1974, is validated.

31 B. Outstanding school indebtedness assumed by the dis-
32 trict shall be included in its limit of indebtedness,
33 excluding contracts, leases or agreements with the
34 Maine School Building Authority and notes in anticipa-
35 tion of state aid issued pursuant to subsection 3.

36 C. The percentage limit of the indebtedness for bonds
37 or notes for school construction purposes authorized
38 after April 27, 1967 shall be fixed as of the time of
39 authorization by the voters or, if no district meeting
40 is held to authorize those bonds or notes, upon the
41 expiration of 35 days following passage of a resolution
42 of the board of directors as described in subsection 7.

1 D. If the issuance of bonds or notes together with all
2 outstanding indebtedness included within the district's
3 limit of indebtedness would cause the district's
4 indebtedness to exceed 10% of the total of the last
5 preceding state valuation of all the municipalities
6 within the district, the board of directors shall not
7 issue those bonds or notes until they have received a
8 certificate of approval pursuant to Title 20, section
9 3458.

10 E. If a certificate of approval indicates that the
11 state board has authorized state aid to be paid in ac-
12 cordance with the alternate method prescribed by Title
13 20, section 3460, the total estimated amount of state
14 aid payable on account of the school construction
15 project described in the certificate of approval shall
16 be treated as outstanding school indebtedness for the
17 purpose of computing the borrowing capacity of the dis-
18 trict to finance that project by issuing its bonds or
19 notes. State aid shall be determined by applying the
20 applicable percentage of state aid to the total esti-
21 mated cost of the project, as set forth in the certifi-
22 cate of approval.

23 7. Bonds and notes under 1% of valuation. The board
24 of directors may issue bonds or notes not to exceed 1% of
25 the last preceding state valuation of all the municipalities
26 within the district:

27 A. By calling a district meeting to approve the issu-
28 ance of those bonds or notes as provided in section
29 1304; or

30 B. By passing a resolution to that effect, setting
31 forth the amount of the proposed issue and the purposes
32 for which the proceeds will be used and meeting the
33 following requirements.

34 (1) The secretary of the board shall, within 5
35 days of the date of the passage of the resolution,
36 cause attested copies of the resolution to be
37 posted in 3 public and conspicuous places within
38 each of the municipalities within the district.
39 The secretary shall make a return of the posting
40 stating its time and place. The return shall be
41 kept with the records of the district and a copy
42 of the return shall be mailed to each of the
43 municipal officers of each municipality within the
44 district.

1 (2) If, within 35 days of the date of the pas-
2 sage of the resolution, petitions with signatures
3 of at least 10% of the residents in the district
4 eligible to vote on the date that the resolution
5 was adopted, are filed with the secretary request-
6 ing a vote of the district to approve or disap-
7 prove the issuance of the bonds or notes, the
8 secretary shall immediately notify the board.
9 They shall call an election for that purpose as
10 set forth in sections 1351 to 1354.

11 (3) The board shall not authorize bonds or notes
12 by resolution if the amount of the proposed issue,
13 together with the amount of any other bonds or
14 notes authorized solely by resolution and which
15 are for the same purpose, exceeds 1% of the total
16 of the last state valuation of all the participa-
17 ting municipalities.

18 §1312. Reserve fund

19 School administrative districts may establish a reserve
20 fund for school construction projects as follows.

21 1. Establishment. A school administrative district
22 may establish a reserve fund for school construction
23 projects by including a request in the district budget and
24 receiving voter approval. The board of directors shall be
25 the trustee of the reserve fund. The reserve fund shall be
26 deposited or invested by the treasurer under the direction
27 of the board.

28 2. Deposit or investment. Reserve funds, trust funds
29 and all permanent funds shall be deposited or invested by
30 the treasurer under the direction of the board of directors
31 as follows.

32 A. The balance in a savings bank, trust company or
33 national bank in the State shall not exceed the amount
34 insured by the Federal Deposit Insurance Corporation.

35 B. The funds may be invested in shares of a building
36 and loan or a savings and loan association organized
37 under state law.

38 C. The funds may be invested according to the law gov-
39 erning investment of the funds of savings banks under
40 Title 9-B, chapter 55. For the purpose of this para-
41 graph, the words "deposits of a bank" or their equiva-

1 lent, as used in Title 9-B, chapter 55, mean the total
2 assets of the reserve fund, trust fund or other perma-
3 nent fund being invested. The limitation concerning
4 the maximum amount which may be invested in a security
5 or type of security under Title 9-B, chapter 55,
6 applies only to an investment in that security or type
7 of security which exceed \$2,000.

8 3. Expending moneys from reserve funds. The board of
9 directors may expend the sum in the reserve fund when
10 authorized to do so by a vote of the district at a district
11 meeting or a district budget meeting, when an article for
12 that purpose is set out in the warrant calling the meeting.

13 §1313. Disposal of property

14 In disposing of real property in any amount or personal
15 property in an amount exceeding \$1,000, the board of direc-
16 tors shall comply with the following procedures.

17 1. Requirement to advertise. At least 5 days prior to
18 the date set for the close of bids, the board of directors
19 shall advertise for sealed bids in a newspaper having gen-
20 eral circulation in the territory embracing the school
21 administrative district.

22 2. Bid procedure. The board of directors shall comply
23 with the bid procedures outlined in section 1314.

24 §1314. Bid procedure

25 The following shall apply to bids.

26 1. Written bids. Bids shall be in writing, sealed
27 with outside envelope or wrapper plainly marked "Bid, not to
28 be opened until (with appropriate date inserted)," and
29 mailed to or filed with the superintendent of the unit.

30 2. Time of opening. A director or employee of the
31 school administrative district may not open a bid until the
32 appointed time.

33 3. Public opening. At the time and place stated in
34 the public notice, and open to the public, all bids shall be
35 opened by the superintendent or, in his absence or disabil-
36 ity, by any director designated for the purpose by the
37 chairman of the board of directors.

1 4. Reading. If any citizens who are not school admin-
2 istrative district directors or employees, or if any repre-
3 sentatives of the press are present, bids shall at the time
4 either be made available for examination by them or shall be
5 read aloud in a manner to be heard plainly by those in
6 attendance.

7 5. Exceptions. Property may be disposed of without
8 bids as follows.

9 A. The board of directors may sell school property and
10 buildings to the municipality where the property and
11 buildings are located at a mutually acceptable price
12 without advertising, provided the school administrative
13 district had assumed no indebtedness or lease obli-
14 gation on account of that property.

15 B. The directors may return unused real property to
16 individuals from whom it was purchased, their heirs or
17 assigns, when it is no longer needed for school pur-
18 poses.

19 §1315. Void contracts

20 A contract made by the school directors in a school
21 administrative district during the term of a member who is
22 pecuniarily interested in that contract, either directly or
23 indirectly, shall be void, unless the board of directors has
24 advertised for sealed bids for that contract and that adver-
25 tisement for sealed bids has been published at least 5 days
26 prior to the date set for closing of bids in a newspaper
27 having general circulation within the school administrative
28 unit.

29 SUBCHAPTER V

30 DISTRICT REFERENDUM

31 §1351. District referendum

32 The school board:

33 1. Authority to call a district referendum. May ini-
34 tiate a district referendum:

35 A. To approve the issuance of bonds or notes for
36 school construction projects;

37 B. To approve a change in the selection of a school
38 building site;

- 1 C. To approve a change in the method of sharing costs
2 among the member municipalities;
- 3 D. To approve an agreement to add one or more munici-
4 palities to the district;
- 5 E. To approve an agreement to transfer a participating
6 municipality to another school administrative district;
- 7 F. To approve an agreement to merge with another
8 school administrative district;
- 9 G. To Approve a proposed lease agreement with the
10 Maine School Building Authority;
- 11 H. To authorize the board of directors to contract for
12 the schooling of secondary pupils;
- 13 I. To authorize the board of directors to dispose of
14 real property; or
- 15 J. To accept or reject a prospective gift; and

16 2. Required district referendum. Shall initiate a
17 district referendum when requested by a written petition of
18 at least 10% of the number of voters voting for the guber-
19 natorial candidates in the last gubernatorial election in
20 the municipalities within the district. At that referendum,
21 the school board shall place before the voters the specific
22 school construction article which has been requested by the
23 petitioners.

24 §1352. Method of calling a district referendum

25 A district referendum shall be initiated by a warrant
26 prepared and signed by a majority of the board of directors.
27 The warrant shall be countersigned by the municipal officers
28 in the municipality where the warrants are posted.

29 1. Municipal officers. The warrant shall direct the
30 municipal officers within the district to call a referendum
31 on a date and time determined by the board of directors. A
32 warrant shall be prepared and distributed at least 30 days
33 prior to the date of the referendum.

34 A. The warrant shall be directed to a resident of the
35 district by name, ordering the resident to notify the
36 municipal officers of each of the municipalities within
37 the district, to call a town meeting or city election

1 on the date specified by the board of directors. No
2 other date may be used. The person who serves the
3 warrant shall make a return on the warrant stating the
4 manner of services and the time when it was given.

5 B. The warrant shall be served on the municipal clerk
6 of each of the municipalities within the district by
7 delivering an attested copy of the warrant in hand
8 within 3 days of the date of the warrant. The municip-
9 al clerk, on receipt of the warrant, shall immediately
10 notify the municipal officers within the municipality.
11 The municipal officers shall forthwith meet, counter-
12 sign and have the warrant posted.

13 C. The warrants and other notices for the referendum
14 shall be in the same manner as provided in Title 21.

15 2. Content of the warrant. The warrant shall set
16 forth the articles to be acted on in each municipal refer-
17 endum. The articles shall have the following form.

18 A. When a referendum is called for the purpose of
19 authorizing the issuance of bonds or notes for capital
20 outlay purposes, the articles shall be substantially as
21 follows.

22 (1) "Shall the school directors of School Admin-
23 istrative District No.....be authorized to issue
24 bonds or notes in the name of this district for
25 school construction purposes in an amount not to
26 exceed \$..... to construct
27 a.....
28 (elementary or secondary school)
29 to be located at
30 (specifically defined lot where school is to be
31 erected)

32 Yes No "

33 (2) "Shall the school director of School Adminis-
34 trative District No.....be authorized to issue
35 bonds or notes in the name of this district for
36 school construction projects in an amount not to
37 exceed \$.....for the purpose of.....
38 ?

39 (here state purpose of school construction
40 project)

41 Yes No "

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(3) "Shall the school directors of School Administrative District No..... be authorized to use the bond issue or notes in an amount not to exceed \$..... which was voted by the district on.....
(date)
to construct a
(elementary or secondary school)
to be located at?
(specifically define lot where school is to be located)

Yes No "

B. When a district votes to change the site of its school construction project using the article in subparagraph (3), the date of authorization of the project shall be the original date the voters authorized the board of directors to issue bonds or notes for that project.

C. When a referendum is called for the purposes of approving the addition of a municipality to the district, the article shall be in the form set forth in section 1401, subsection 2, paragraph A.

D. When a referendum is called for the purpose of approving a proposed lease agreement with the Maine School Building Authority, the article shall be exactly as is set forth in the proposed lease agreement.

E. When a referendum is called for the purpose of authorizing the school board to contract for the schooling of secondary pupils; the article shall be as follows.

"Shall the school directors of School Administrative District No..... be authorized to contract in the name of this district with.....
(Name of Administrative Unit or Academy)
the schooling of secondary pupils for a term of
.....years?

Yes No "

F. When a referendum is called for the purpose of authorizing the school directors to dispose of real property, the article shall be as follows.

1 "Shall the school directors of School Administrative
2 District No.....be authorized to dispose of....
3 _____?
4 (describe the property)

5 Yes _____ No _____ "

6 G. When a referendum is called for the purpose of
7 authorizing a change in the method of sharing costs in
8 the district, the article shall be as follows.

9 "Shall the method of sharing costs in School Adminis-
10 trative District No.....be changed from the present
11 method.....
12 (describe)

13 to the following method: _____ ?
14 (describe)

15 Yes _____ No _____ "

16 H. When a referendum is called for the purposes of ac-
17 cepting or rejecting a prospective gift, the article
18 shall be as follows.

19 "Shall the school directors of School Administrative
20 District No..... be authorized to accept a prospec-
21 tive gift under the following conditions?

22
23 (set forth terms and conditions)

24 Yes _____ No _____ "

25 I. When a referendum is called for the purpose of
26 approving the agreement to transfer a municipality from
27 one district to another district, the article shall be
28 the form set forth in section 1406.

29 §1353. Referendum procedures

30 The following procedures shall apply to a district
31 referendum

32 1. Ballots. The board of directors shall prepare and
33 furnish the required number of ballots for carrying out the
34 referendum as posted, including absentee ballots. It shall
35 prepare and furnish all other materials necessary to fulfill
36 the requirements for voting procedures.

37 2. Voting. Voting shall be held and conducted as fol-
38 lows.

1 A. The voting at referendum held in towns shall be
2 held and conducted in accordance with Title 30, sec-
3 tions 2061 to 2065, even though the town has not ac-
4 cepted the provisions of Title 30, sections 2061 and
5 2062. The facsimile signature of the clerk under Title
6 30, section 2061, subsection 5, paragraph F, shall be
7 that of the chairman of the board of directors. If a
8 district referendum is called to be held simultaneously
9 with a general election or primary election, the voting
10 in towns shall be held and conducted in accordance with
11 Title 21, except that the duties of the Secretary of
12 State shall be performed by the board. The absentee
13 voting procedure of Title 21 shall be used, except the
14 duties of the Secretary of State shall be performed by
15 the board.

16 B. The voting at referendum in cities shall be held
17 and conducted in accordance with Title 21, including
18 the absentee voting procedure, except that the duties
19 of the Secretary of State shall be performed by the
20 board of directors.

21 3. Return and counting. The return and counting of
22 votes shall be as follows.

23 A. The municipal clerk shall, within 24 hours of the
24 determination of the results of the vote in the munici-
25 pality, certify and send to the board of directors the
26 total number of votes cast in the affirmative and in
27 the negative on each article.

28 B. As soon as all of the results from all of the
29 municipalities have been returned to the board of
30 directors, the board shall meet and compute the total
31 number of votes cast in all of the municipalities
32 within the district in the affirmative and in the nega-
33 tive on each article.

34 C. If the board of directors determines that there
35 were more votes cast in the affirmative than in the
36 negative, on a given article, they shall declare that
37 the article has passed.

38 D. If the board of directors determines that the total
39 number of votes cast on an article in the affirmative
40 is equal to or less than those cast in the negative,
41 they shall declare that the article has not passed.

1 E. They shall enter their declaration and computa-
2 tions in their records and send certified copies of it
3 to the clerk of each municipality within the district.

4 F. If the district votes on the question of merging
5 with another district, the secretary shall immediately
6 file a return with the state board of the results of
7 the vote on the question of merger.

8 §1354. Reconsideration

9 The procedure to reconsider votes taken at a district
10 referendum shall be as follows.

11 1. Time limit. The board of directors shall, within
12 60 days, initiate a new district referendum to reconsider
13 the vote of the previous referendum if, within 7 days of the
14 first referendum, at least 10% of the number of voters
15 voting for the gubernatorial candidates in the last guber-
16 natorial election in the municipalities within the district
17 petition to reconsider a prior district referendum vote.

18 2. Required quorum. A reconsideration referendum is
19 not valid unless the number of persons voting in that refer-
20 endum is at least equal to the number who voted in the prior
21 district referendum.

22 3. Bond. If the margin of the vote being reconsidered
23 was between 10% and 25%, the petitioners shall post a bond
24 with the petition equal to the actual and reasonable costs
25 of the new referendum. If the margin of the vote being
26 reconsidered exceeded 25%, the petitioners shall post an ad-
27 ditional bond equal to the actual and reasonable costs which
28 may be incurred as a result of the delay of an authorization
29 or approval granted in the prior district referendum. If
30 the petitioners are successful, the bonds shall be canceled.

31 SUBCHAPTER VI

32 REORGANIZATIONS

33 §1401. Additions

34 A municipality not originally in a school administra-
35 tive district may be included as follows.

36 1. Application. The board of directors of the munici-
37 pality wishing to join with an existing school administra-
38 tive district may file an application with the state board
39 on a form to be provided by the state board.

1 A. The state board shall study the need for the munic-
2 ipality to join the school administrative district and
3 recommend an agreement by which the municipality may
4 become a member.

5 B. The agreement may contain a new method of sharing
6 costs among the member municipalities of the district
7 in accordance with section 1301. The article set out
8 in section 1203, subsection 6, paragraph D, authorizing
9 units to vote on alternate methods of sharing costs
10 shall be used if the agreement recommended by the state
11 board contains a provision for using one of the alter-
12 nate methods of sharing costs.

13 C. This agreement shall be forwarded to the secretary
14 of the school administrative district and to the clerk
15 of the municipality desiring to join the district.

16 2. First meeting. Within 45 days after receipt of the
17 agreement by the municipal clerk, a regular or special town
18 meeting or city election in the joining municipality, shall
19 vote on the agreement. The vote shall conform to the fol-
20 lowing procedure.

21 A. The article voted on shall be:

22 "Article : Shall the municipality vote to join
23 School Administrative District No..... as a participa-
24 ting municipality of the district subject to the terms
25 and conditions of the agreement prepared by the State
26 Board of Education dated 19..?

27 Yes No "

28 (A copy of the agreement shall be posted with each
29 warrant.)

30 B. The election of the directors and the vote on the
31 agreement shall be conducted on the same day. This
32 election shall follow the procedures used for the elec-
33 tion of municipal officials by the municipality.

34 C. The vote on the agreement shall be called using the
35 same methods as the municipality uses in conducting its
36 business at regular or special town meetings or city
37 elections.

38 D. If the municipality is organized under a special
39 legislative charter, it shall call a referendum follow-
40 ing the procedures outlined in its charter.

1 E. The municipal clerk shall send a certified copy of
2 the results of the vote to the secretary of the school
3 administrative district.

4 3. Second meeting. If the board of directors finds
5 that the vote was in the affirmative, the board shall call a
6 district referendum within 45 days in accordance with sec-
7 tions 1351 to 1354 to vote on the following article.

8 "Article : Shall the district vote to admit the
9 municipality of.....
10 (name the municipality)

11 into School Administrative District No..... as a
12 participating municipality of the district subject to
13 the terms and conditions of the agreement prepared by
14 the State Board of Education dated 19.....?

15 Yes No "

16 (A copy of the agreement shall be posted with each
17 warrant.)

18 A. The municipal clerks within the district shall for-
19 ward to the state board a certified report of the total
20 number of affirmative and negative votes cast on the
21 article.

22 B. On receipt of the results of the voting from all
23 municipalities, the state board shall meet, compute and
24 record the result of the voting.

25 4. State board finding. If the state board finds that
26 a majority of the voters of the district and a majority of
27 the voters of the municipality favor admission of the munic-
28 ipality into the district, the state board shall make a
29 finding to that effect and record it on its records.

30 A. The state board shall notify by registered mail the
31 clerk of the municipality seeking to join the school
32 administrative district and the secretary of the school
33 administrative district of the results of the vote.

34 B. If the state board finding is that a majority is
35 for joining, it shall issue an amended certificate for
36 the school administrative district, which shall be
37 filed in the same manner as the original certificate.

1 5. Certificate. The issuance of an amended certifi-
2 cate shall be conclusive evidence of the admission of that
3 municipality to the school administrative district.

4 §1402. Combining of districts

5 If one school administrative district wishes to join
6 with another school administrative district, the following
7 procedure shall be used.

8 1. Application. Each district's board of directors
9 shall file an application with the state board on a form to
10 be prepared by the state board.

11 A. The state board shall receive the applications,
12 make a study of the necessity for combining the dist-
13 tricts and recommend an agreement by which the dist-
14 tricts may combine.

15 B. This agreement shall be forwarded to the secretary
16 of each school administrative district.

17 2. Meeting. Within 45 days after receipt of the
18 agreement each district's board of directors shall call a
19 district meeting in accordance with sections 1351 to 1354 to
20 vote on the following article.

21 "Article : To see if School Administrative District
22 No.... will vote to join School Administrative District
23 No.... in a merger to form a larger district subject to
24 the terms and conditions of the agreement prepared by
25 the State Board of Education dated
26 19.....

27 Yes No "

28 (A copy of the agreement shall be posted with each
29 warrant.)

30 3. Return. The secretary of each school administra-
31 tive district shall file a return with the state board
32 immediately following the votes in the district on the ques-
33 tion of merger.

34 4. State board finding. If the state board finds that
35 a majority of the voters in each district have voted in
36 favor of the merger, the state board shall make a finding to
37 the effect and record the same on its records.

1 5. Notice. The state board shall notify by registered
2 mail the secretary of each district of the results of the
3 vote.

4 6. Certificate. If the state board finding is that a
5 majority is for merging, it shall issue a new certificate
6 for the enlarged school administrative district and assign a
7 number. The certificate shall be filed in the same manner
8 as the original certificate.

9 7. Evidence. The issuance of the certificate by the
10 state board shall be conclusive evidence of the merger of
11 the school administrative districts.

12 §1403. Dissolution of a district

13 1. Ten percent petition. Upon receipt of a petition
14 of 10% of the number of voters in a municipality who voted
15 at the last gubernatorial election, the municipal officers
16 shall call and hold a special election in the manner provid-
17 ed for the calling and holding of town meetings or city
18 elections to vote on the dissolution of the school adminis-
19 trative district.

20 A. At least 10 days before the election a posted or
21 otherwise advertised public hearing on the petition
22 shall be held by the municipal officers.

23 B. The petition must be approved by secret ballot by a
24 2/3 vote of the voters present and voting before it may
25 be presented to the board of directors and the state
26 board. Voting in towns shall be conducted in accor-
27 dance with Title 30, sections 2061 and 2062, even
28 though the town has not accepted the provisions of
29 Title 30, section 2061, and voting in cities shall be
30 conducted in accordance with Title 21.

31 2. Form. The question to be voted upon shall be in
32 the following form:

33 "Article : Be it resolved by the residents of the
34 Town of _____ that a petition for dis-
35 solution be filed with the directors of School Adminis-
36 trative District No. _____ and with the State Board
37 of Education?

38 Yes No "

1 3. Notice of vote; finding by board. If residents of
2 a participating municipality vote favorably on a petition
3 for dissolution, the clerk shall immediately give written
4 notices, by registered mail, to the secretary of the school
5 administrative district, the state board and the commis-
6 sioner which shall include:

7 A. The petition adopted by the voters, including the
8 positive and negative votes cast; and

9 B. An explanation by the municipal officers, stating
10 to the best of their knowledge, the reason or reasons
11 why the municipality seeks to dissolve the district.

12 4. Agreement for dissolution; notice; changes in
13 agreement; final agreement. The agreement for dissolution
14 shall comply with the following.

15 A. The commissioner, after consultation with the dis-
16 trict board of directors, municipal officers of the
17 participating municipalities and representatives of the
18 group which filed the petition with the municipality
19 shall direct each municipality to select representa-
20 tives to a committee as follows: One school director
21 representing the municipality shall be selected by the
22 directors representing that municipality; one member
23 each from the municipal officers; the group filing the
24 petition; and the general public shall be selected by
25 the municipal officers. The chairman of the board of
26 directors shall call a meeting of the committee within
27 30 days of the filing of the notice of the vote in sub-
28 section 3. The chairman of the board shall open the
29 meeting by presiding over the election of a chairman of
30 the committee. The responsibility for the preparation
31 of the agreement shall rest with the committee. The
32 committee may draw upon the resources of the department
33 for information not readily available at the local
34 level. The agreement shall be submitted to the state
35 board and the commissioner within 90 days after the
36 committee is formed. Extensions of time may be granted
37 by the commissioner upon the request of the committee.

38 (1) The agreement shall contain provisions to
39 provide educational services for all students in
40 the district. The agreement shall provide that
41 during the first year following the dissolution,
42 students may attend the school they would have
43 attended if the district had not dissolved. The
44 allowable tuition rate for students sent from one

1 municipality to another in the former school
2 administrative district shall be determined under
3 section 5805, subsection 1, except that it shall
4 not be subject to the state per pupil average
5 limitation in section 5805, subsection 2.

6 (2) The agreement shall establish the dissolution
7 to take effect at the end of the district's fiscal
8 year.

9 (3) The agreement shall establish that the disso-
10 lution will not cause a need within 5 years from
11 the effective date of dissolution for school con-
12 struction projects which would be eligible for
13 state funds. This limitation does not apply where
14 a need for school construction existed prior to
15 the effective date of the dissolution or where a
16 need for school construction would have arisen
17 even if the district had not dissolved.

18 (4) The agreement shall establish how transporta-
19 tion services will be provided.

20 (5) The agreement shall provide for administra-
21 tion of the new administrative units, which should
22 not include the creation of new supervisory units
23 if at all possible.

24 (6) The agreement shall make provision for the
25 distribution of financial commitments arising from
26 outstanding bonds, notes and any other contractual
27 obligations that extend beyond the proposed date
28 of dissolution.

29 (7) The agreement shall make appropriate provi-
30 sion for the distribution of any outstanding
31 financial commitments to the superintendent of the
32 school administrative district.

33 (8) The agreement shall provide for the continua-
34 tion and assignment of collective bargaining
35 agreements as they apply to the new or reorganized
36 school administrative unit for the duration of
37 those agreements and shall provide for the contin-
38 uation of representational rights.

39 (9) The agreement shall provide for the continua-
40 tion of continuing contract rights under section
41 13201, subsection 2.

1 (10) The agreement shall provide for the disposi-
2 tion of all real and personal property and other
3 monetary assets.

4 (11) The agreement shall provide for the transi-
5 tion of administration and governance of the
6 schools to properly elected governing bodies of
7 the newly created administrative units.

8 B. Within 60 days of the receipt of the agreement, the
9 state board shall either give it conditional acceptance
10 or recommend changes with the advice of the commis-
11 sioner based upon the standards set forth in paragraph
12 A.

13 C. If the state board gives conditional approval of
14 the agreement, the commissioner shall notify the direc-
15 tors and the municipal officers by registered mail of
16 the time and place of a public hearing at least 20 days
17 prior to the date set for the hearing, to discuss the
18 merits of the proposed agreement of dissolution.

19 (1) The directors shall post a public notice in
20 each municipality of the time and location of the
21 hearing at least 10 days before the hearing.

22 (2) Within 30 days following the hearing, the
23 committee shall forward the final agreement to the
24 commissioner and the state board.

25 D. If the state board recommends changes it shall:

26 (1) Send the agreement back to the committee for
27 necessary corrections and establish a maximum time
28 within which to make the corrections; and

29 (2) Indicate that the corrected agreement shall
30 go through the steps outlined in paragraphs A to
31 C, or such other steps as the board deems appro-
32 priate.

33 5. Date of vote; notice; warrant; polling hours. The
34 date and time for voting shall be established as follows.

35 A. The state board shall determine the date upon which
36 all municipalities shall vote upon the dissolution
37 agreement submitted to them. The election shall be
38 held as soon as practicable and the state board shall
39 attempt to set the date of the vote to coincide with a
40 statewide election.

1 B. At least 35 days before the date set in paragraph
2 A, the board of directors shall give written notice by
3 registered or certified mail to the town or city clerk
4 of each municipality having a right to vote on the dis-
5 solution agreement.

6 C. The town or city clerk shall immediately notify the
7 municipal officers upon receipt of the notice, and the
8 municipal officers shall meet and immediately issue a
9 warrant for a special town meeting or city election, as
10 the case may be, to be held on the date designated by
11 the state board. No other date may be used.

12 D. In the respective warrants, the municipal officers
13 shall direct that the polls shall be open at 10 o'clock
14 in the forenoon and shall remain open until 8 o'clock
15 in the afternoon.

16 6. Public hearing; voting procedures. The following
17 requirements apply to the voting procedures.

18 A. At least 10 days before the election, a posted or
19 otherwise advertised public hearing on the dissolution
20 question shall be held by the municipal officers.

21 B. Except as otherwise provided in this section, the
22 voting at the meetings held in towns shall be conducted
23 in accordance with Title 30, sections 2061 and 2062,
24 even though the town has not accepted the provisions of
25 Title 30, section 2061.

26 C. The voting at the meeting held in cities shall be
27 conducted in accordance with Title 21.

28 7. Article. The article shall be in the following
29 form.

30 "Article : Shall School Administrative District
31 No. be dissolved subject to the terms and
32 conditions of the dissolution agreement dated
33 19 ?
34 Yes No "

35 8. Ballots; posting of agreement. The dissolution
36 agreement need not be printed on the ballot. Copies of the
37 agreement shall be posted in each participating municipality
38 in the same manner as specimen ballots are posted under
39 Title 30, chapter 207.

1 9. Restriction on dissolution petitions. No parti-
2 cipating municipality within a district which has voted on
3 dissolution may petition for dissolution within 2 years
4 after the date of the district vote on the dissolution.

5 10. Costs of dissolution agreements and reimburse-
6 ment. Costs incurred shall comply with the following.

7 A. The expense of employment of competent advisors in
8 preparing the agreement of dissolution shall be paid by
9 the state board.

10 B. If the school administrative district votes not to
11 permit dissolution, the municipality petitioning for
12 dissolution shall reimburse the state board for
13 expenses. If the school administrative district votes
14 to permit dissolution, the school administrative dis-
15 trict shall reimburse the state board for the expenses.

16 11. Determination of vote. The town and city clerks
17 shall, within 24 hours of determination of the result of the
18 vote in their respective municipalities, certify the total
19 number of votes cast in the affirmative and the total number
20 of votes cast in the negative on the article to the board of
21 directors.

22 12. Determination of results; notification; execution
23 of agreement. Determination of results shall comply with
24 the following.

25 A. Upon receipt of the results of the voting from all
26 municipalities, the board of directors shall meet and
27 shall compute and record the total number of votes cast
28 in the municipalities within the school administrative
29 district in the affirmative and the total number of
30 votes cast in the negative on the article submitted.

31 B. The board of directors shall notify the state board
32 by certified mail of the results of the vote.

33 C. If the state board finds that a majority of the
34 voters voting on the article have voted in the affirma-
35 tive, it shall notify the directors of the district to
36 execute immediately the terms of the agreement for dis-
37 solution.

38 13. Recount; checklists and ballots; disputed bal-
39 lots. The following provisions apply to recounts,
40 checklists, ballots and disputed ballots.

1 A. If, within 7 days of the computation and recording
2 of the results of the voting from all municipalities,
3 the municipal officers of any participating municipal-
4 ity request to the commissioner in writing a recount of
5 the votes in the district, the commissioner shall
6 immediately cause the checklists and all the ballots
7 cast in all of the participating municipalites to be
8 collected and kept at the commissioner's office so they
9 may be recounted by interested municipalities.

10 B. The town clerks of the participating municipalities
11 are authorized to deliver the checklists and ballots to
12 the commissioner, notwithstanding any other provision
13 of law to the contrary.

14 C. The commissioner shall resolve any question with
15 regard to disputed ballots.

16 14. Execution of agreement; certified record; certifi-
17 cate of withdrawal. When the agreement for dissolution has
18 been executed by the directors of the school administrative
19 district, the directors shall notify the state board by certi-
20 fied mail that the agreement of dissolution has been exe-
21 cuted.

22 A. A complete certified record of the transaction
23 involved in the dissolution shall be filed with the
24 state board.

25 B. The state board shall immediately issue a certifi-
26 cate of dissolution to be sent by certified mail for
27 filing with the directors of the school administrative
28 district and shall file a copy in the office of the
29 Secretary of State.

30 15. Indebtedness; indebtedness defined; indebtedness
31 after dissolution. The following provisions apply to out-
32 standing indebtedness.

33 A. Whenever a district having outstanding indebtedness
34 dissolves, the district shall remain intact for the
35 purpose of securing and retiring the indebtedness; the
36 dissolution agreement may provide for alternate means
37 for retiring outstanding indebtedness.

38 B. "Outstanding indebtedness" means bonds or notes for
39 school construction projects issued by the board of
40 directors pursuant to the authorization established
41 under chapter 609 or Title 20, sections 3457 to 3460 or

1 obligations to the Maine School Building Authority pur-
2 suant to any contract, lease or agreement made by the
3 board of directors pursuant to approval thereof in a
4 district meeting of the school administrative district,
5 but does not include any indebtedness of any municipal-
6 ity assumed by the school administrative district at
7 the time of formation nor any contract, lease or agree-
8 ment of the Maine School Building Authority to which by
9 operation of law the school administrative district has
10 become the assignee.

11 16. General purpose aid. When a school administrative
12 district dissolves the general purpose aid for the indi-
13 vidual municipalities shall be computed in accordance with
14 chapter 605.

15 §1404. Reorganization of a school administrative district
16 as a community school district

17 1. Petition for reorganization. The residents of a
18 municipality within a school administrative district may
19 petition for dissolution of the school administrative dis-
20 trict and reorganization as a community school district,
21 which will operate grades 9 to 12 and any combination of
22 kindergarten through grade 8 in accordance with chapter 105,
23 in the manner authorized by section 1403 for dissolution of
24 a district. The articles to be voted upon shall clearly set
25 forth that a community school district will be formed upon
26 the dissolution of the school administrative district.

27 2. Vote required. If the state board is petitioned
28 pursuant to the authority of subsection 1, the board of
29 directors of the school administrative district shall re-
30 quire the member municipalities of the district to vote on
31 an article which shall be substantially as follows.

32 "Article : Shall School Administrative District No.
33 be dissolved subject to the terms and condi-
34 tions of the dissolution agreement
35 dated 19 , and the towns
36 of form a community
37 school district which shall be responsible for the
38 operation of grades ?

39 Yes No "

40 3. Governing body of community school district. A
41 school administrative district which dissolves and simulta-
42 neously forms a new community school district pursuant to

1 this section shall have a single governing body which shall
2 consist of a school committee performing all of the duties
3 of the school committee and the board of trustees set forth
4 in chapter 105.

5 4. Findings by state board dissolution plan. The
6 state board shall carry out its duties under sections 1403
7 and 1602 regarding the dissolution of a school administra-
8 tive district and the creation of a new community school
9 district, except that the municipal officers and board of
10 directors shall be responsible for developing a plan to pro-
11 vide for the continuity of the educational program for each
12 municipality to be included within the dissolution agree-
13 ment.

14 5. Outstanding indebtedness of the school administra-
15 tive district and liability of the community school dis-
16 trict. If a school administrative district is dissolved and
17 a community school district is formed, the community school
18 district shall become liable for the school administrative
19 district's outstanding indebtedness as defined in section
20 1403, except as otherwise provided for in subsection 6.

21 6. Outstanding indebtedness of school administrative
22 district; liability of individual municipalities. If the
23 school administrative district is dissolved and the ensuing
24 community school district does not include kindergarten
25 through grade 12, each member municipality shall be indi-
26 vidually liable for any outstanding indebtedness which the
27 school administrative district had relative to the grades
28 which will be operated exclusively by that municipality or
29 as otherwise provided for in the dissolution agreement.

30 7. General purpose aid. When a school administrative
31 district dissolves and a new community school district is
32 formed, the general purpose aid for the community school
33 district and the individual municipalities shall be computed
34 in accordance with chapter 605.

35 §1405. Withdrawal of a single municipality from a school
36 administrative district

37 The residents of a participating municipality within a
38 school administrative district composed of 3 or more munici-
39 palities may petition to withdraw from the school adminis-
40 trative district in the same manner as they would petition
41 for the dissolution of a school administrative district in
42 accordance with section 1403, except that only a simple
43 majority vote is required. The steps set forth in section

1 1403 for dissolution apply to the withdrawal of a member
2 municipality from a school administrative district, except
3 that the responsible committee for preparing the withdrawal
4 agreement will be limited to individuals from the municipal-
5 ity. Instead of a district election, a municipal election
6 shall be conducted and a 2/3 vote of the voters present and
7 voting in the municipality is required before it may with-
8 draw. Wherever there is reference in the provisions of
9 section 1403 to the term "dissolution," the term "with-
10 drawal" or appropriate similar language shall be substi-
11 tuted.

12 §1406. Transfer of a municipality from one school adminis-
13 trative district to another

14 1. Petition to commissioner. The board of directors
15 of 2 school administrative districts may petition the com-
16 missioner by joint resolution to permit a municipality to
17 transfer from one school administrative district to another,
18 provided that that municipality is being transferred to a
19 district contiguous to the municipality.

20 2. Transfer agreement. The boards of directors of the
21 2 districts and the municipal officers of the municipality
22 involved shall prepare the agreement within a period of 60
23 days after being authorized by the commissioner to prepare
24 the agreement. Extensions of time may be granted by the
25 commissioner.

26 A. The committee shall consider the standards set
27 forth in section 1403, subsection 4, paragraph A in
28 preparing the agreement.

29 B. The approval process for the agreement shall follow
30 the steps set forth in section 1403, subsection 4 to
31 subsection 16.

32 C. The following question shall appear on the ballot
33 when the transfer of a municipality is considered.

34 "Article : Shall School Administrative District
35 No. vote to permit the municipality of
36 to transfer into School Adminis-
37 trative District No. as a participating munici-
38 pality of that district subject to the terms and condi-
39 tions of the agreement of transfer approved by the
40 State Board of Education dated
41 19 ?

1 2. Expense of keeping the school open. If the voters
2 vote to keep the school open, the member municipality shall
3 be liable for any additional expense for operating costs,
4 transportation costs and minor capital costs as defined in
5 section 15503, which exceed by 10% the expense of the dis-
6 trict for the operating costs, transportation costs and
7 minor capital costs as compared on a per pupil basis in the
8 base year. The determination of costs shall be subject to
9 the approval of the commissioner. Any additional costs
10 which must be borne by the member municipality shall be part
11 of the article presented to the voters at the meeting to
12 determine whether the school should remain open.

13 CHAPTER 105

14 COMMUNITY SCHOOL DISTRICT

15 SUBCHAPTER I

16 ORGANIZATION

17 §1601. Definitions

18 1. Community school district. A community school dis-
19 trict means a school administrative unit consisting of the
20 inhabitants of and the territory within 2 or more municipal-
21 ities. It shall be a body politic and corporate responsible
22 for the operating of kindergarten through grade 12, or any
23 combination thereof. It may include a school administrative
24 district, which does not operate a secondary school, for the
25 secondary school grades of 9 to 12 only. If a school admin-
26 istrative district is included, the board of directors of
27 the school administrative district may be substituted for
28 the words "municipal officers" and school administrative
29 district may be substituted for the word "municipality" in
30 applying the terms of this chapter.

31 2. District board of trustees. The district board of
32 trustees shall perform the duties provided in section 1651.

33 3. District school committee. The school board of a
34 community school district shall be called a district school
35 committee.

36 §1602. Formation

37 A community school district may be formed by the resi-
38 dents of 2 or more municipalities only if the voters of each
39 of those municipalities have voted to create the district.

1 1. Municipal vote. If the school board of each
2 municipality's school administrative unit votes to join with
3 another municipality to form a community school district,
4 then the municipal officers of each municipality shall call
5 a meeting of the voters of their respective municipality in
6 a manner provided by law for the calling of town meetings.
7 Those meetings shall vote to either favor or oppose articles
8 in substantially the following forms.

9 A. "Article : To see if the municipality of
10 _____ will
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
_____ (name)
vote to join with the municipalities of _____
_____ (naming them)
to form a community school district to be known as
_____ Community School District which shall
be responsible for the operation of grades (naming
them)."

19 B. "Article : To see if the costs of operating
20 _____ Community School District shall be shared
21 among the municipalities of _____ in
22 _____ (naming them)
23 accordance with (per student, state valuation, a combi-
24 nation thereof or any other formula authorized by the
25 Legislature)."

26 C. "Article : To see if the municipality of
27 _____ will
28 _____ (name)
29 _____
30 _____
vote to have the community school district's school
committee perform the duties of the board of trustees."

31 2. State board declaration. Each municipal clerk
32 shall file a return of the votes cast at the meeting with
33 the state board. If the state board determines that a
34 majority of those voting in each of the municipalities
35 avored the articles in subsection 1, paragraphs A and B,
36 then the state board shall so declare. With the declara-
37 tion, the commissioner shall issue to the community school
38 district a certificate of organization which shall be con-
39 clusive evidence of its lawful organization. The community
40 school district shall bear the name voted on.

41 3. Petition to reorganize to rename. The district
42 school committee may petition the state board to change the
43 name of the community school district or to change the
44 number of grades which the community school district is
45 responsible for operating.

1 A. The state board shall authorize the change if it
2 finds the change to be in the best interest of the com-
3 munity school district.

4 B. If the State Board of Education authorizes the
5 change, then the governing body of the community school
6 district shall notify the municipal officers in each of
7 the member towns who shall call a meeting of the
8 inhabitants of their respective towns in the manner
9 provided by law for calling of town meetings and those
10 meetings shall vote to favor or oppose articles in sub-
11 stantially the following forms.

12 (1) "Article _____ : To see if the town will vote
13 to authorize the _____ Community School District
14 to change its name to _____ Community School Dis-
15 trict."

16 (2) "Article _____ : To see if the town will vote
17 to authorize the _____ Community School District
18 to be responsible for the operation of grades
19 _____."

20 C. The clerk in each of the member towns shall file a
21 return of the votes cast in the town meeting with the
22 state board. If the state board finds that a majority
23 of those voting in each of the towns favor the arti-
24 cles, then the community school district shall be reor-
25 ganized accordingly.

26 4. Board to file return. Whenever the community
27 school district is reorganized in the manner authorized in
28 subsection 3 or under section 1751, the board of trustees
29 shall file a return to that effect with the state board. A
30 copy, certified by the commissioner, of the return shall be
31 conclusive evidence of the reorganization of the community
32 school district.

33 §1603. Official school

34 The community school district shall be the official
35 school of the participating municipalities responsible for
36 the operation of the grades authorized by the commissioner's
37 certificate.

38 §1604. Transition to new district

39 1. Transfer of contracts. At the start of the school
40 year after organization:

1 A. The contracts between the municipalities within
2 the community school district and all teachers shall
3 automatically be assigned to the community school dis-
4 trict and the district shall be responsible for assign-
5 ing teachers to their duties and making payments on
6 their contract; and

7 B. The contracts between the superintendents and
8 municipalities within the community school district
9 shall automatically be assigned to the district.

10 (1) The superintendents' duties with regard to
11 the community school district shall be determined
12 by the district school committee.

13 (2) The community school district shall there-
14 after pay the proportionate part of the super-
15 intendents' salary that the municipalities were
16 liable to pay.

17 2. Transfer of assets. Each municipality within the
18 community school district, at the same time, shall transfer
19 to the district:

20 A. All school supplies and equipment purchased for and
21 in use by the school grades encompassed by the commu-
22 nity school district formation; and

23 B. All real property, as requested by the district
24 school committee, which was formerly used for the
25 school grades encompassed by the district formation.
26 The municipal officers shall execute quitclaim deeds
27 for the transfer of real property requested by the dis-
28 trict school committee.

29 3. Initial budget. The district school committee
30 shall be responsible for preparing and submitting a budget
31 to the voters, as authorized by section 1701, prior to the
32 start of the first year.

33 4. Operational date. At the start of the school year
34 after organization, the community school district shall
35 become operative and the district school committee shall
36 assume the sole management and control of the operation of
37 all the public schools within the community school district
38 for the authorized grade levels. It shall also adopt bylaws
39 and an official seal.

40

SUBCHAPTER II

1 DISTRICT BOARD OF TRUSTEES

2 AND DISTRICT SCHOOL COMMITTEE

3 §1651. District board of trustees

4 The following provisions shall apply to the community
5 school district board of trustees.

6 1. Terms of office. The terms of office of trustees
7 are as follows.

8 A. When a community school district has been formed
9 the municipal officers of each of the member municipal-
10 ities shall appoint 3 residents from each municipality
11 to serve on the board of trustees of the community
12 school district. The 3 trustees shall be appointed as
13 follows: One for one year; one for 2 years; and one
14 for 3 years.

15 B. Thereafter, one trustee from each municipality
16 shall be elected each year for a term of 3 years by the
17 voters of each of the participating municipalities.
18 The elections shall take place at the annual municipal
19 meetings and the trustees elected, or appointed, shall
20 serve until their successors are elected and qualified.

21 C. Vacancies, whether caused by death, by resignation
22 or by being absent from the municipality for more than
23 90 days, shall be filled by appointment by the municipal
24 officers of the municipality which the former
25 trustee represented until a successor trustee is
26 elected for the unexpired term, if any, at the next
27 annual meeting.

28 2. Duties. The district board of trustees shall:

29 A. Meet on call of one of its members after reasonable
30 notice;

31 B. Elect a chairman, treasurer and a secretary. The
32 district board of trustees may authorize the district's
33 superintendent to act as its secretary and treasurer;

34 C. Determine the representation of each municipality
35 on the district school committee. The representation
36 of each municipality shall be in approximately the same
37 ratio to the total membership of the district school
38 committee as the municipality's latest Federal Decen-

1 nial Census is to the latest Federal Decennial Census
2 of all of the member municipalities. Federal Estimated
3 Census figures shall be used if they are more recent
4 than the Federal Decennial Census figures;

5 D. Handle requests of petitions for reapportionment in
6 the manner provided for school administrative districts
7 under section 1255; and

8 E. Borrow funds as provided in section 1702.

9 3. State board return. When the trustees have ful-
10 filled the requirements of subsection 2 they shall file a
11 return to that effect with the state board.

12 4. District school committee to act as district board
13 of trustees. A community school district may vote at any
14 time on the article in section 1602, subsection 1, paragraph
15 C, to see if the district school committee shall be author-
16 ized to perform the function of the district board of
17 trustees. If the municipalities vote affirmatively on that
18 article, the district school committee shall perform the
19 duties of the district board of trustees under this chapter.

20 §1652. District school committee

21 1. Officers, treasurer's fee and bond. The district
22 school committee shall, annually in April, choose by ballot
23 from its membership a chairman, a treasurer and a secretary.
24 It may authorize the district's superintendent to be the
25 treasurer and secretary.

26 A. The treasurer, if authorized by the district school
27 committee, may receive up to \$250 for services. The
28 treasurer shall give a bond to the community school
29 district in the sum and with sureties as the district
30 school committee determines. The bond shall be depos-
31 ited with the chairman. The expense of the bond shall
32 be paid by the community school district.

33 B. Members of the district school committee shall
34 receive only the compensation authorized by the munici-
35 palities or school administrative units which they
36 represent.

37 §1653. Election; vacancies

38 1. Representation on the district school commit-
39 tee. Each member municipality's representation on the dis-
40 trict school committee shall be chosen as follows.

1 A. The school board of each member municipality shall
2 choose from its membership the representation to which
3 it is entitled on the district school committee.

4 B. Membership on the district school committee shall:

5 (1) Be coterminous with the member's term of
6 office on the municipal school board; or

7 (2) Commence on a date subsequent to the last
8 municipal election, but not later than July 1st,
9 as established by the voters of the district in
10 accordance with the voting procedures established
11 in section 1602.

12 2. Vacancies. Vacancies on the committee shall be
13 filled as follows.

14 A. A vacancy shall be filled by the school board of
15 the municipality in which the vacancy occurs.

16 B. If a representative on the district school commit-
17 tee is absent from 3 consecutive regular committee
18 meetings, the committee may declare that a vacancy
19 exists. The school board in the representative's
20 municipality may choose from among its members another
21 representative. The representative shall be chosen on
22 the basis of seniority.

23 C. If a district school committee member is absent
24 from a meeting, the senior nonvoting member shall be
25 allowed all the rights and privileges of the absent
26 member, with the exception of the right to vote. This
27 paragraph shall apply only to a member who is the sole
28 representative of a municipality on the district school
29 committee.

30 §1654. Powers, duties and authority

31 1. General functions. A district school committee
32 shall have the powers and duties with respect to the commu-
33 nity school district as are conferred upon school boards
34 under this Title, except those powers and duties which are
35 expressly reserved for the district board of trustees.

36 2. Specific functions. A district school committee:

37 A. Shall be responsible, as of the start of the school
38 year after organization, for the operation of the
39 authorized grades;

1 B. May issue bonds and notes and borrow money as
2 authorized in this Title;

3 C. May acquire and hold property for the purpose of
4 operating schools within the authorized grade levels
5 and for other purposes;

6 D. Shall share costs in the manner authorized by the
7 voters; and

8 E. May acquire, construct and operate related recrea-
9 tional and athletic facilities, which may also meet
10 other community needs.

11 SUBCHAPTER III

12 FINANCING

13 §1701. Budget approval

14 1. Preparation. A district school committee shall
15 annually prepare a budget for the operational and capital
16 expenditures of the community school district.

17 2. Articles. The district school committee shall pre-
18 pare appropriate articles to authorize the budget expendi-
19 tures and to determine the sums of money that will be
20 assessed to each member municipality.

21 3. Time and place. The district school committee
22 shall call an annual budget meeting on or before June 30th
23 at an hour and in a location within the community school
24 district it designates.

25 4. Warrants. The district school committee shall post
26 warrants in each of the member municipalities calling for an
27 annual budget meeting. It shall follow the procedures that
28 are used by a town for the calling of a regular town meet-
29 ing.

30 5. Voting lists. The following provisions shall gov-
31 ern voting lists.

32 A. Registration of voters for the annual budget meet-
33 ing shall be held in each member municipality in accor-
34 dance with the schedule specified in Title 21, section
35 631.

1 B. Prior to the annual budget meeting, the municipal
2 clerk of each member municipality shall supply to the
3 district school committee a current list of the regis-
4 tered voters of the municipality. The lists shall be
5 used in determining the voters who are eligible to vote
6 at the annual budget meeting.

7 6. Moderator. The chairman of the district school
8 committee, or when absent the secretary, shall open the
9 meeting and shall call for the election of a moderator.

10 7. Majority vote. A majority vote of those voters
11 present and voting shall be necessary for the approval of
12 the annual budget.

13 8. Special budget meeting. The district school com-
14 mittee may call a special budget meeting when in their judg-
15 ment a financial emergency exists. They shall post warrants
16 in each of the member municipalities following the same
17 procedures that are used for calling the regular annual bud-
18 get meeting.

19 A. At the special budget meeting, the voters may
20 authorize the district school committee to make an
21 assessment on the member municipalities or to borrow
22 funds to obtain additional moneys for the operation of
23 the district's schools because of a financial emer-
24 gency.

25 B. If the voters authorize the district school commit-
26 tee to borrow additional money, that amount shall be
27 added to the next annual assessment of the member
28 municipalities.

29 9. Budget format; voter determination. The budget
30 format shall be prescribed by a majority of the district
31 school committee, unless at least 20% of the number of
32 registered voters, as certified by the several municipal
33 clerks to the secretary, vote on an appropriate warrant
34 article prescribing the budget format.

35 A. The budget format may be determined by the voters
36 of a community school district by adoption of an appro-
37 priate warrant article at a properly called meeting.

38 B. An article dealing with the budget format may be
39 placed on the next warrant if authorized by a majority
40 vote of the district school committee or if a written
41 petition of at least 10% of the number of voters voting

1 in the last gubernatorial election of each municipality
2 comprising the community school district has been pre-
3 sented to the district school committee.

4 10. Change in format. A change in budget format shall
5 be voted at least 90 days prior to the budget year for which
6 that change is to be effective.

7 11. Line item categories; transfer of funds. Line
8 item categories and transfer of funds shall be as follows.

9 A. If the budget is prepared by specific line catego-
10 ries, each category shall be included in a separate
11 warrant article.

12 B. Unless authorized by the voters, the district
13 school committee may not transfer funds between line
14 item categories.

15 12. State-local allocations. To summarize the action
16 taken on the budget for the purposes of determining the com-
17 munity school district's state-local allocations, the arti-
18 cles prescribed in chapter 605, shall also be voted on.

19 §1702. Borrowing

20 1. Purposes of borrowing. The district board of
21 trustees may borrow funds to pay for:

22 A. Current operational expenditures of the community
23 school district in an amount not to exceed the gross
24 budget approved by the voters at the annual meeting.
25 These borrowed funds shall be repaid within the same
26 fiscal year; and

27 B. Major and minor capital costs, not to exceed in the
28 aggregate, at any one time outstanding, 10% of the
29 total of the last preceding state valuation of all of
30 the participating municipalities. Contracts, leases or
31 agreements with the Maine School Building Authority
32 shall not be debts or liabilities within this section.

33 2. Form of bond or note. Each bond or note shall have
34 the following form.

35 A. It shall have inscribed on its face the name of the
36 community school district, the date it was issued, the
37 amount of the bond or note and the annual interest
38 rate, payable semiannually. It shall be in the form

1 and be sold in the manner, at public or private sale,
2 as the district board of trustees determine in accor-
3 dance with state law.

4 B. It shall be signed by the treasurer and counter-
5 signed by the chairman of the district board of
6 trustees. If coupon bonds are issued, each coupon
7 shall be attested by a facsimile signature of the
8 treasurer.

9 3. Maturity and time limits. The following provisions
10 apply to bonds or notes.

11 A. Each issue of bonds shall mature in substantially
12 equal annual installments so that the first installment
13 shall be payable not later than 2 years after the date
14 of issue and the last installment not later than 25
15 years from the date of issue.

16 B. If the proceeds of an issue of bonds are used in
17 whole or in part to fund temporary notes of the commu-
18 nity school district or renewals thereof, the period
19 during which that issue of bonds shall be outstanding,
20 plus the period of the loan represented by the tempo-
21 rary notes or renewals, shall not exceed 25 years.

22 C. Notes shall mature not later than one year from
23 their date of issue but may be renewed. The period of
24 the original note plus that of renewals shall not
25 exceed 2 years.

26 4. District obligations. All notes, bonds, contracts
27 and leases and all agreements with the Maine School Building
28 Authority entered into by a community school district shall
29 be the legal obligations of the district.

30 5. Status. A community school district shall be a
31 quasi-municipal corporation within the meaning of Title 30,
32 section 5053. The provisions of Title 30, section 5053
33 shall be applicable to it.

34 §1703. Community school district assessments

35 1. Community school district warrant. In accordance
36 with the budget approved by the voters at the annual budget
37 meeting and in substantially the same form as the warrant of
38 the Treasurer of State for taxes, the district school com-
39 mittee shall issue its warrants to the assessors of each
40 member municipality requiring them to assess upon the tax-

1 able estates within each municipality an amount that is that
2 municipality's share of the community school district's
3 costs.

4 2. Municipality tax collector. The assessors of each
5 member municipality shall commit the assessment to the con-
6 stable or collector. The constable or collector shall have
7 all the authority and powers to collect the community school
8 district's taxes as are vested in the office by law to col-
9 lect state, county and municipal taxes.

10 3. Monthly installments. The district school commit-
11 tee shall notify the member municipalities of the monthly
12 installments that will become payable during the fiscal
13 year.

14 4. Payment. Each municipal treasurer shall pay the
15 amount of the tax assessed to the treasurer of the district.
16 The payments shall be paid in monthly installments and shall
17 be made on or before the 20th of each month.

18 5. Gifts. A member municipality may use the proceeds
19 from gifts or trust funds allocated for educational purposes
20 to pay its share of the assessment.

21 6. Failure to pay. If a treasurer fails to pay any
22 part of the installment due on the required dates, the
23 treasurer of the community school district may issue a
24 warrant for the amount of the tax remaining unpaid, to the
25 county sheriff requiring the sheriff to levy by distress and
26 sale on the real and personal property of any of the inhabi-
27 tants living in the municipality where that default takes
28 place. The sheriff or a deputy shall execute the warrant.
29 The district school committee when collecting taxes within
30 each member municipality, shall have the same authority as
31 is vested in county officials for the collection of county
32 taxes under the statutes.

33 7. Delinquent payments to the Maine School Building
34 Authority. If a community school district, which has
35 financed school construction through the Maine School Build-
36 ing Authority, is delinquent in its payment to the author-
37 ity, the department shall make payment to the authority on
38 behalf of the community school district. Payments may be
39 made from any amounts properly payable to the district not
40 exceeding the amount then presently due to the authority or
41 from the department to the community school district.

42 §1704. Sharing costs

1 The following provisions apply to sharing district
2 costs.

3 1. Formula. A community school district shall share
4 its costs among the member municipalities on the basis of:

5 A. The number of resident pupils in each municipality;

6 B. The state valuation of each member municipality's
7 real property as set in the calendar year prior to the
8 district's fiscal year;

9 C. In accordance with any combination of paragraphs A
10 and B; or

11 D. In accordance with any other formula authorized by
12 the Legislature.

13 2. Amendment of formula. The procedure for amending
14 the cost-sharing formula shall be as follows.

15 A. When requested by a written petition of at least
16 10% of the number of voters voting for the gubernatorial
17 candidates in the last gubernatorial election in
18 the municipalities comprising the community school dis-
19 trict, the district school committee shall give at
20 least 15 days' notice to each member municipality of a
21 meeting to determine the necessity of reconsidering the
22 method of sharing costs.

23 B. Each member municipality shall be represented by 2
24 representatives chosen by its municipal officers and
25 one member of the district school committee chosen by
26 the committee members from that municipality at the
27 meeting to determine the necessity of reconsidering the
28 method of sharing costs. A change in the method of
29 sharing costs shall first be approved by a vote of a
30 majority of those present and voting.

31 C. Municipal approval shall be in the same manner as
32 the original formula was adopted when the community
33 school district was formed. The total vote cast in
34 each of the member municipalities shall be at least 20%
35 of the number of votes cast in each of the member
36 municipalities in the last gubernatorial election.

37 D. A change in the cost-sharing formula shall be
38 effective at the start of the next fiscal year which
39 starts at least 90 days after the voters have approved
40 it.

1 §1705. Authority to accept gifts

2 1. Outright or in trust. A community school district
3 may accept and receive money or other property, outright or
4 in trust, for any specified benevolent or educational pur-
5 pose.

6 A. When the district school committee receives written
7 notice from a prospective donor or his representative
8 of a proposed gift, outright or in trust, it shall
9 submit the matter to the next regular meeting of the
10 committee, and shall, within 10 days after the meeting,
11 send written notice of its acceptance or rejection.

12 B. If the gift is in trust the committee shall either
13 deposit or invest trust funds according to Title 30,
14 section 5051.

15 2. Conditional. A community school district may ac-
16 cept and receive money or other property as a conditional
17 gift for any specified benevolent or educational purpose.
18 When the district school committee receives written notice
19 from a prospective donor or his representative of a proposed
20 gift, they shall submit the matter to the next regular meet-
21 ing of the legislative body or shall call a special meeting
22 for that purpose and shall, within 10 days after the meet-
23 ing, send written notice of its acceptance or rejection.

24 SUBCHAPTER IV

25 REORGANIZATION

26 §1751. Additions to, dissolution of and withdrawal from a
27 district

28 1. Additions. The inhabitants of any territory within
29 any town, not originally in the district, may be included
30 upon vote of all towns concerned in a manner similar to that
31 prescribed for establishing the community school district in
32 section 1602 under such terms and arrangements as may be
33 recommended by the community school district's school com-
34 mittee.

35 2. Dissolution. The residents of a participating
36 municipality within a community school district may petition
37 and vote to dissolve the district in the same manner as a
38 participating municipality within a school administrative
39 district may petition and vote to dissolve a school adminis-
40 trative district in accordance with section 1403.

1 3. Withdrawal. The residents of a participating
2 municipality within a community school district may petition
3 and vote to withdraw from the district in the same manner as
4 a participating municipality within a school administrative
5 district may petition to withdraw in accordance with section
6 1405.

7 4. Transfer. The school committees of 2 community
8 school districts may permit the transfer of a municipality
9 from one community school district to another in the same
10 manner the boards of directors of 2 school administrative
11 districts may permit a transfer in accordance with section
12 1406.

13 5. Closing an elementary school. If a community
14 school district includes elementary grades, the closing of
15 an elementary school in a member municipality shall follow
16 the procedures established in section 1407 for closing an
17 elementary school in a member municipality in a school
18 administrative district.

19 6. Substitution of terms. Whenever there is reference
20 in sections 1403 and 1405 to 1407 to a school administrative
21 district, for purposes of this section, the term "community
22 school district" shall be substituted. Other terms consist-
23 ent with the intent of subsections 2 to 5, to allow municip-
24 alities to withdraw or transfer from or to dissolve the
25 district or keep a municipal elementary school open, may
26 also be substituted as necessary.

27 §1752. Districts formed by private and special Acts of the
28 Legislature

29 If the provisions of this chapter conflict with the
30 provisions of any private and special Act of the Legislature
31 which created a community school district, then the provi-
32 sions of the private and special Act shall control.

33 CHAPTER 107

34 SCHOOL UNIONS

35 §1901. Formation

36 1. Commissioner's authority. The commissioner shall
37 adjust the grouping of school administrative units within
38 the State in accordance with this section.

1 2. Size. A school union shall include not less than
2 35 nor more than 75 teachers unless the commissioner, upon
3 request of a school board, finds that because of geographic
4 location or other reasons, it is to the advantage of the
5 State and the municipalities that a school union shall
6 include fewer than 35 or more than 75 teachers.

7 3. Combining unions. On presentation of a written
8 plan of organization which has been approved by the school
9 boards involved, the commissioner may combine 2 or more
10 school unions, or their parts, into a larger school union.

11 A. The new school union shall be administered by a
12 superintendent of schools and staff assistants, who may
13 be employed by the union committee as provided in
14 section 1051.

15 B. The commissioner may adjust disbursements for
16 supervision so that there will be no loss in state sup-
17 port because of the reorganization.

18 4. Exception for existing school unions with over 35
19 teachers. Existing school unions employing over 35 teachers
20 shall not be regrouped unless the proposed regrouping has
21 been approved by a majority of the school board members in
22 the school administrative units involved.

23 5. School administrative units with more than 75
24 teachers. A school administrative unit with more than 75
25 teachers may employ a superintendent of schools without
26 uniting with other school administrative units for this pur-
27 pose.

28 A. The school administrative unit shall elect a super-
29 intendent in the same manner and for the same term, fix
30 the salary and discharge the superintendent under the
31 same conditions as superintendents employed under sec-
32 tions 1051 to 1054.

33 B. Annually and whenever a new superintendent is
34 elected, the chairman and secretary of the school board
35 shall certify to the commissioner, on the prescribed
36 forms, all facts relative to the employment of the
37 superintendent, including the amount of the salary
38 to be paid.

39 6. Removal. If a school administrative unit having
40 more than 75 teachers removes itself from an existing school
41 union composed of not more than 2 units, the remaining unit

1 shall, within the consent of its school board and the com-
2 missioner, be treated as though it had more than 75 teach-
3 ers, provided that the remaining unit has more than 40
4 teachers.

5 7. Exception for remote administrative units. If the
6 commissioner finds that a school administrative unit is
7 remotely situated and that it is not practicable to combine
8 it with other school administrative units for the purpose of
9 employing a superintendent, the commissioner may place at
10 the service of the school board of that unit the general
11 agent for the schooling of the children in unorganized town-
12 ships, or any other agent of the commissioner.

13 A. That agent shall, when assigned, serve as the
14 superintendent of the school administrative unit. The
15 agent shall have the same powers and shall perform the
16 same service as superintendents of schools of municipi-
17 palities. The agent's visits to the schools of the
18 school administrative unit shall be at intervals as
19 directed by the commissioner.

20 B. The treasurer of the school administrative unit
21 shall pay to the agent a sum agreed upon by the agent
22 and that school administrative unit. In case of dis-
23 pute, the commissioner shall determine the amount to be
24 paid.

25 8. Exception for school administrative unit with fewer
26 than 35 teachers. If, because of geographic location or
27 other circumstances, it is not practicable to combine a
28 school administrative unit or a school union employing less
29 than 35 teachers with other school administrative units to
30 form a school union, the school board may provide super-
31 visory service, when approved by the commissioner. The
32 school administrative unit or school union may provide for
33 supervisory services by:

34 A. Employing a qualified person to serve as superin-
35 tendent and as a supervising principal;

36 B. Contracting with another school administrative unit
37 or school union for supervisory services; or

38 C. Employing a qualified agent to fulfill supervisory
39 needs.

40 §1902. Union committee of school unions

1 The school boards of the school administrative units
2 comprising a school union shall form a union committee,
3 which shall be, for the purposes of this chapter, the agent
4 of each school administrative unit comprising the school
5 union.

6 1. Delegation of authority by member school
7 boards. The school board of a school administrative unit in
8 a school union may authorize one of its members to act for
9 the school board in the meetings of the union committee.
10 The member may cast the votes for the school board.

11 2. Method of voting. The method of voting shall be as
12 follows.

13 A. The votes of the individual members of the union
14 committee shall be cast on a weighted basis in propor-
15 tion to the population of the unit represented as com-
16 pared with the total population of the units comprising
17 the union committee.

18 B. To become effective, all actions of the union com-
19 mittee shall be approved by a vote representing more
20 than 1/2 of the population comprising the units which
21 make up the union committee.

22 3. Duties. The union committee:

23 A. Shall meet annually in December, at a day and place
24 agreed upon by the chairman of the school boards com-
25 prising the union;

26 B. Shall choose a chairman and a secretary;

27 C. Shall, at its organizational meeting or as soon
28 thereafter as possible and whenever a vacancy occurs,
29 elect a superintendent as provided under section 1051;

30 D. Shall apportion the costs for a superintendent
31 under section 1051, among the school administrative
32 units in proportion to the service to be performed and
33 certify to the treasurer of each school administrative
34 unit and to the commissioner the amounts to be paid;
35 and

36 E. May authorize a school administrative unit within
37 the school union to serve as a contractual employer of
38 teachers who provide services to more than one unit in
39 the union. Employment shall be subject to section
40 13201 and Title 26, chapter 9-A.

1 §1903. Appropriation for superintendent's salary

2 School administrative units shall appropriate for the
3 salary of the superintendent their proportion of the sum
4 paid the superintendent, but not more than the amount certi-
5 fied by the union committee to the municipal treasurer. The
6 proportion to be paid by a municipality shall be paid out of
7 the appropriation made for the support or maintenance of
8 public schools.

9 CHAPTER 109

10 UNION SCHOOLS

11 §2101. Union schools

12 Adjoining municipalities on the written recommendation
13 of their municipal school committees may, by concurrent ac-
14 tion, maintain or establish union schools for the benefit of
15 the municipalities. They shall contribute to their support
16 under the terms of the agreement.

17 1. Establishment. If a union school is desired, the
18 municipalities shall apply to the commissioner. The commis-
19 sioner shall prepare an agreement setting out the terms and
20 conditions under which a union school may operate.

21 2. Approval. Before a union school may operate, each
22 municipality shall approve the agreement by an affirmative
23 vote acting under an appropriate article at a regular or
24 special town meeting or city election.

25 §2102. Financing of union schools

26 1. Apportionment of state school subsidy. Amounts due
27 from the State on account of union schools shall be paid to
28 the municipality in which the students reside. The amounts
29 to be contributed by each municipality for the maintenance
30 of the school shall be determined in accordance with the
31 terms of the agreement.

32 2. Construction aid. A union school shall be eligible
33 for school construction aid on a project constructed as a
34 result of the union school agreement. The aid shall be com-
35 puted in the same manner as for a community school district
36 as set forth in chapter 609.

37 CHAPTER 111

1 MUNICIPAL SCHOOLS

2 SUBCHAPTER I

3 SCHOOL COMMITTEE

4 §2301. Applicability of provisions to certain towns or cit-
5 ies

6 Sections 2302 to 2303 and 2305 do not apply to munici-
7 palities whose charters specify the methods of selection and
8 term of office of a school committee, nor to municipalities
9 authorized by private and special laws to otherwise choose a
10 school committee.

11 §2302. Election of school committee members

12 A municipality, not included in a school administrative
13 district, shall elect at its annual meeting a school commit-
14 tee of 3 to hold office as provided in section 2305. The
15 municipality shall fill vacancies in that committee at each
16 subsequent annual meeting.

17 §2303. Additional school committee members

18 Notwithstanding section 2302, a municipality may vote
19 at its annual meeting to have 5 members on the school com-
20 mittee.

21 1. Vote. The municipality may vote to have a 5-member
22 board at:

23 A. Its annual meeting; or

24 B. At a special town meeting held at least 30 days
25 before the annual meeting, if a municipality has ac-
26 cepted Title 30, section 2061, relative to secret bal-
27 lot.

28 2. Election of additional members. The municipality
29 may, at its annual meeting, elect by ballot 3 additional
30 school committee members to serve with the 2 members whose
31 terms have not expired.

32 §2304. Neglect to choose committee

33 A municipality failing to elect members of the school
34 committee shall forfeit not less than \$30 nor more than
35 \$200.

1 §2305. Terms; vacancies; restrictions

2 1. Length of term. School committee members shall be
3 elected for staggered 3-year terms or, in municipalities with
4 biennial elections, 4-year terms.

5 2. Commencement of term. The term of newly elected
6 school board members shall start as determined under section
7 1003.

8 3. Vacancy. A vacancy on a school committee shall be
9 declared:

10 A. When the term of office of a member expires;

11 B. When a member changes residency from the municipal-
12 ity or subdistrict from which elected. Evidence that
13 an individual is registered to vote in a municipality
14 is prima facie evidence of that individual's residency;

15 C. On the death of a member; or

16 D. When a member resigns.

17 4. Filling a vacancy. A vacancy may be filled:

18 A. By the school committee within 30 days; or

19 B. Whenever the remaining members fail to appoint a
20 person to fill a vacancy, by election at a town meeting
21 called for the purpose.

22 §2306. Service without pay

23 School committee members shall serve without pay,
24 unless otherwise voted by the town.

25 SUBCHAPTER II

26 INCORPORATED SCHOOL DISTRICT

27 §2351. School district meetings

28 1. District meetings. Where the inhabitants and ter-
29 ritory of a single municipality constitute an incorporated
30 school district, and the charter of the district contains no
31 provisions for the calling and holding of meetings of the
32 district, meetings of the school district shall be called by
33 the municipal officers, in the manner provided by law for

1 the calling of town meetings, on written request signed by
2 trustees or other executive officers of the district.

3 2. Municipal meetings. A lawfully called meeting of
4 the inhabitants of the municipality shall be a lawful meet-
5 ing of the school district for the transaction of school
6 district business. If the business of the school district
7 has been transacted at a lawfully called meeting of the
8 inhabitants, the meeting is declared to be a legal and valid
9 meeting of the school district, and all votes passed and all
10 actions taken at that meeting which would have been legal
11 had the meeting been a lawfully called meeting of the school
12 district, are ratified and declared legal.

13 §2352. School money paid by municipalities

14 No money appropriated by law for public schools may be
15 paid from the treasury of any municipality except upon writ-
16 ten order of its municipal officers. No such order shall be
17 drawn by the officers except upon presentation of a properly
18 avouched bill of items, that bill of items having first been
19 approved by a majority of the members of the school commit-
20 tee and certified by the superintendent of schools.

21 CHAPTER 113

22 SHARED SERVICE AGREEMENTS

23 §2501. Shared service agreements

24 The school boards of 2 or more administrative units may
25 file an application to the commissioner for the purpose of
26 entering a shared service agreement to carry out a specified
27 educational function.

28 1. Application. The application shall be in a form
29 and containing such information as required by the commis-
30 sioner including, but not limited to, the following informa-
31 tion:

32 A. The specific services to be provided and numbers of
33 students to be served;

34 B. The cost estimate for services or operational bud-
35 get;

36 C. The method of providing services and the designa-
37 tion of personnel to be employed;

1 D. The method of sharing costs among the units; and

2 E. The identification of the sharing units and the
3 designation of the unit which shall administer the
4 agreement.

5 2. Approval. The commissioner shall either approve or
6 reject the application based upon the conditions set forth
7 in subsection 1.

8 3. School board approval. If the commissioner
9 approves the shared agreement, it shall be subject to
10 approval by a majority of the members of the school boards
11 of each administrative unit involved in the agreement before
12 the agreement becomes effective.

13 4. Duration of agreement. An agreement which has been
14 ratified is valid for the fiscal year beginning July 1st
15 following the ratification vote and ending June 30th of the
16 next calendar year.

17 5. State-local allocation. Expenses incurred under
18 the agreement may be reported as an operating cost in addi-
19 tion to the items listed in section 15503, subsection 16.

20 6. Sharing costs. Cost for carrying out the agreement
21 shall be shared in accordance with the terms of the agree-
22 ment, but costs of administration of the agreement shall not
23 exceed 10% of the total budget of the agreement.

24 7. Renewal of agreement. A cooperative agreement may
25 only be renewed upon reapplication to the commissioner and
26 ratification by a majority of the members of each school
27 board involved in the agreement.

28 CHAPTER 115

29 CONTRACTS FOR SCHOOL PRIVILEGES

30 §2701. Authority to contract for school privileges

31 The legislative body of a school administrative unit
32 other than a school administrative district, which does not
33 maintain any kindergarten to grade 12 may authorize its
34 school board to contract with another school for school
35 privileges for all or a part of its resident students in
36 those grades.

37 §2702. Acceptance of contract students

1 The legislative body of any nearby school administra-
2 tive unit or the board of trustees of a nearby private
3 school approved for tuition purposes may agree to accept
4 contract students.

5 §2703. Contract

6 The governing bodies of the sending units and receiving
7 school shall establish a contract.

8 1. Specific provisions. The contract:

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

11 B. May include the establishment of a joint committee
12 if the receiving school is a private school;

13 C. Shall include other provisions parties deem neces-
14 sary;

15 D. Shall be ratified by a majority vote of each of the
16 governing bodies party to the contract; and

17 E. Shall meet any additional requirements set forth in
18 rules established by the commissioner.

19 2. Tuition. Tuition shall be determined under chapter
20 209.

21 §2704. Joint committee

22 A joint committee if established pursuant to section
23 2003:

24 1. Membership. Shall have an equal number of school
25 board members and board of trustee members;

26 2. Powers and duties. Shall have the following powers
27 and duties:

28 A. To select and employ teachers for the private
29 school;

30 B. To fix teachers' salaries;

31 C. To arrange the course of study;

32 D. To supervise the instruction; and

1 E. To adopt, amend and enforce rules pertaining to
2 other educational activities of the private school; and

3 3. Secretary ex officio. Shall have the superinten-
4 dent of the school administrative unit in which the private
5 school is located serve as the secretary ex officio if the
6 school administrative unit in which the private school is
7 located is represented on the joint committee. If the
8 school administrative unit in which the private school is
9 located is not a member of the joint committee, the joint
10 committee shall select a superintendent from one of its
11 participating school administrative units as secretary ex
12 officio.

13 CHAPTER 117

14 PRIVATE SCHOOLS

15 SUBCHAPTER I

16 BASIC SCHOOL APPROVAL

17 §2901. Requirement for basic school approval

18 A private school may operate as an approved private
19 school for meeting the requirement of compulsory school
20 attendance under section 5001 if it:

21 1. Hygiene, health, safety. Meets the standards for
22 hygiene, health and safety under Titles 22 and 25; and

23 2. Is either:

24 A. Currently accredited by the New England Association
25 of Colleges and Secondary Schools; or

26 B. Meets the department's requirements for approval
27 for attendance purposes under section 2902.

28 §2902. Department requirements

29 Private schools approved for attendance purposes by the
30 department shall:

31 1. Immunization. Comply with the immunization provi-
32 sions under section 6351;

33 2. Language of instruction. Use English as the lan-
34 guage of instruction except as specified under section 4602;

1 3. Courses required by statute. Provide instruction
2 in history as specified under section 4601, subsection 1 and
3 English as specified in section 4601, subsection 2;

4 4. Commissioner's basic curriculum. Provide instruc-
5 tion in the basic curriculum established by rule by the com-
6 missioner under section 4601, subsection 4;

7 5. Certified teachers. Employ only certified teach-
8 ers; and

9 6. Secondary schools. For private secondary schools:

10 A. Meet the requirements of a minimum school year
11 under section 4801;

12 B. Provide a school day of sufficient length to allow
13 for the operation of its approved education program;

14 C. Have a student-teacher ratio of not more than 30 to
15 one;

16 D. Include not less than 2 consecutive grades from 9
17 to 12;

18 E. Maintain adequate, safety protected records; and

19 F. Meet the requirements applicable to the approval of
20 private schools for attendance purposes established by
21 the state board pursuant to section 405, subsection 3,
22 paragraph E.

23 §2903. Governing body requirements

24 Nothing in this subchapter shall restrict the authority
25 of the governing body of a private school to require addi-
26 tional subjects to be taught in their school.

27 §2904. Removal of basic approval

28 1. Commissioner may remove basic approval. Notwith-
29 standing any other provision of law, the commissioner may
30 remove basic approval from any private school for failure to
31 meet applicable approval requirements.

32 2. Procedural requirements. Whenever a school fails
33 to meet these requirements the commissioner shall:

34 A. Give due notice; and

1 B. Hold a hearing.

2 3. Hearing. The hearing on removal of basic approval
3 shall be in accordance with the applicable provisions of the
4 Maine Administrative Procedure Act, Title 5, chapter 375
5 and rules of the state board adopted pursuant to section
6 405, subsection 3, paragraph E.

7 §2905. Nonrenewal of basic approval

8 The decision of the commissioner on nonrenewal of basic
9 approval of any school applying for renewal shall be in ac-
10 cordance with the Maine Administrative Procedure Act, Title
11 5, chapter 375 and rules adopted by the State Board of Edu-
12 cation under section 405, subsection 3, paragraph E.

13 SUBCHAPTER II

14 APPROVAL FOR THE RECEIPT OF PUBLIC

15 FUNDS BY PRIVATE SECONDARY SCHOOLS

16 §2951. Approval for tuition purposes

17 A private secondary school may be approved for the
18 receipt of public funds for tuition purposes only if it:

19 1. Basic approval. Meets the requirements for basic
20 school approval under subchapter I;

21 2. Nonsectarian. Is a nonsectarian school in accor-
22 dance with the First Amendment of the United States Consti-
23 tution;

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

26 4. Reports and audits. Complies with the reporting
27 and auditing requirements in sections 2952 and 2953.

28 §2952. Report to commissioner

29 A private secondary school receiving state funds,
30 either directly or indirectly, and a private school approved
31 for tuition and attendance purposes shall annually, on or
32 before July 15th, report to the commissioner the information
33 he may require.

34 §2953. Audit

1 The following audit shall be made.

2 1. Annual audit. A private secondary school approved
3 for tuition purposes shall, on or before September 1st of
4 each year, furnish to the State Auditor satisfactory proof
5 that the books, accounts, financial documents and reports to
6 the commissioner of the academy for the preceding fiscal
7 year have been examined and found to be in a satisfactory
8 and accurate condition with proper vouchers on file. An
9 audit shall be made by the Department of Audit or by indi-
10 viduals or firms recognized as competent auditors by train-
11 ing and experience or by qualified public accountants.

12 2. Special audit. Audits by the State Auditor may be
13 requested by 3 or more duly elected and qualified officers
14 of the private secondary school. This audit shall be con-
15 ducted at the expense of the requesting academy except when
16 the audit is deemed necessary by the commissioner.

17 §2954. Rules of commissioner

18 The commissioner may adopt rules regarding tuition
19 charges, accounting and other aspects of a private secondary
20 school and school administrative unit relationships.

21 §2955. Penalty for noncompliance

22 Private secondary schools which have not complied with
23 sections 2951 to 2953 before September 1st of each year may
24 not receive tuition payments from any school administrative
25 unit.

26 SUBCHAPTER III

27 SPECIFIC EDUCATION PROGRAMS

28 §3001. Schools for exceptional students

29 Private schools which operate programs for exceptional
30 students shall conform to the applicable provisions of this
31 chapter and chapters 301 and 303.

32 §3002. Vocational education

33 The commissioner may contract with a private school,
34 which is serving one or more municipalities in lieu of a
35 public secondary school, for the conduct of vocational
36 courses which meet the same standards for approval as those
37 conducted in public secondary schools.

1 SUBCHAPTER IV

2 PRIVATE SCHOOLS SERVING NONRESIDENTS

3 §3051. Non-Maine students

4 Schools enrolling only students whose parents are not
5 residents of the State shall be subject to an annual review
6 of their programs by the commissioner. The programs shall
7 be approved if they meet standards equivalent to those re-
8 quired for private schools under this chapter.

9 CHAPTER 119

10 UNORGANIZED TERRITORY

11 SUBCHAPTER I

12 GENERAL PROVISIONS

13 §3201. Definitions

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

16 1. Unorganized territory. "Unorganized territory"
17 means territory not part of a municipality.

18 2. Unorganized unit. "Unorganized unit" means an
19 unorganized township, gore, strip, tract, surplus, point,
20 patent, peninsula, island, deorganized town or plantation or
21 any other distinct portion of the unorganized territory.

22 §3202. Rules

23 The commissioner may adopt rules to carry out this
24 chapter.

25 SUBCHAPTER II

26 SCHOOL PRIVILEGES

27 §3251. School privileges

28 Persons between the ages of 5 and 20 years who reside
29 with a parent or legal guardian in an unorganized territory
30 shall be entitled to school privileges. These privileges
31 shall be provided under the direction of the commissioner
32 under rules adopted or amended by the commissioner in accor-
33 dance with section 3 and approved by the Governor.

1 §3252. Elementary pupils

2 1. Elementary school privileges provided. The commis-
3 sioner may provide elementary school privileges by estab-
4 lishing and maintaining elementary schools in an unorganized
5 territory or by sending the students to another public
6 school as tuition students.

7 2. Admission by receiving school. Tuition students
8 sent to a public school shall be admitted by the receiving
9 school on receiving notice by the commissioner.

10 3. Benefits. Tuition students shall be entitled to
11 all privileges and benefits and subject to the same rules as
12 resident students of the school administrative unit.

13 4. Term. The minimum school year shall be as defined
14 in section 4801.

15 5. Tuition. The commissioner shall pay tuition for
16 each student in accordance with the proportional cost per
17 student of the school attended or as agreed upon.

18 6. Transportation and board. Transportation and board
19 may be paid in full or in part by the commissioner.

20 7. Exception. The commissioner may make arrangements
21 for children living in the unorganized territory of Estcourt
22 to attend a public school in Commission Scolaire Des
23 Frontieres Sully, Province of Quebec. With the commis-
24 sioner's approval tuition shall be paid by the State for these
25 students.

26 §3253. Secondary students

27 1. Qualified secondary students. The commissioner may
28 authorize a qualified student whose parent or legal guardian
29 resides in an unorganized territory to attend an approved
30 secondary school which accepts the student.

31 2. Tuition. The commissioner shall pay the same
32 amount for tuition as municipalities not supporting and
33 maintaining an approved secondary school are required to
34 pay, provided that the student maintains a satisfactory
35 standard of deportment and scholarship.

36 3. Board. The commissioner may pay board in full or
37 in part for a student attending school as provided in sub-
38 section 1. The commission:

1 A. Shall determine when board for a student is neces-
2 sary;

3 B. Shall provide application forms;

4 C. May approve applications for boarding arrangements;
5 and

6 D. Shall make payments for board for periods not less
7 than one school month on receipt of a satisfactory
8 attendance record of a student.

9 §3254. Other students

10 The commissioner may establish evening schools, day
11 schools, classes and educational activities for persons over
12 16 years of age residing in the unorganized territory and
13 not attending public school. Students in these schools or
14 classes shall be subject to the same conditions, state and
15 local rules and federal regulations as for public schools.

16 §3255. Children on government reservations

17 The commissioner may make special arrangements to pro-
18 vide elementary school privileges in cooperation with the
19 Federal Government for children residing with a parent or
20 legal guardian at a light station, fog warning station,
21 lifesaving station or other place within a United States
22 government reservation.

23 SUBCHAPTER III

24 COMMISSIONER'S POWERS

25 §3301. General powers

26 The commissioner shall have the following general
27 powers.

28 1. Agents. The commissioner may appoint agents for an
29 unorganized territory who shall act as attendance officers
30 and perform school duties delegated to them by the commis-
31 sioner.

32 2. Special attendance officers. The commissioner may
33 appoint special attendance officers for an unorganized unit.
34 Attendance officers shall be subject to the provisions of
35 sections 3302 and 5052.

1 3. School buildings. School buildings not privately
2 owned in an unorganized territory are declared to be the
3 property of the State. The commissioner may hold, use and
4 direct repairs, changes or additions to the school build-
5 ings.

6 4. Disposal of property. The commissioner may sell,
7 transfer or dispose of school property or equipment in the
8 unorganized territory. The proceeds of the sale, transfer
9 or disposal shall be used as provided in section 3351.

10 §3302. General laws applicable

11 The following general laws shall apply.

12 1. General laws. Sections 6301, 6802 and 6804 to 6807
13 shall apply to children in the unorganized territory.

14 2. Application rules. The commissioner may adopt or
15 amend rules concerning officials, appropriate courts, dis-
16 posal of fines and similar matters that are necessary to
17 apply to the unorganized territory the laws referred to in
18 subsection 1. These rules shall be subject to approval by a
19 Justice of the Supreme Judicial Court, who may approve them
20 if they conform to the general principles of the law being
21 applied.

22 3. Printing. The commissioner shall print these laws
23 and rules in sufficient quantity for use in the unorganized
24 territory and for persons requesting them.

25 §3303. Census

26 Before school privileges are provided in an unorganized
27 territory and annually thereafter, as long as school privi-
28 leges are provided in an unorganized unit under this chap-
29 ter, the commissioner shall determine the number of persons
30 resident in the unit on April 1st and the names and ages of
31 those between 5 and 20 years of age who have not completed
32 the 12th grade.

33 §3304. Tuition students in unorganized units

34 A school board may, when it seems advantageous and in
35 the best interest of the students concerned, arrange for
36 students who are entitled to school privileges in its school
37 administrative unit, to attend schools maintained by the
38 State in the unorganized territory, subject to the terms and
39 conditions the commissioner may determine.

1 1. Charges. The commissioner may make allowances or
2 adjustments for transportation costs or other services fur-
3 nished by a sending unit for students sent as tuition stu-
4 dents to a school in an unorganized unit. Per student
5 tuition charges shall be computed as follows:

6 A. The total cost of schooling for the preceding
7 fiscal year, excluding employer retirement contribu-
8 tions made by the State and transportation costs for
9 the unorganized unit in which the school is located;
10 and the total amount of assessment for capital expendi-
11 tures made for the preceding fiscal year, shall be
12 divided by the average daily membership of students in
13 the unorganized unit during the preceding school year.

14 A municipality which has contributed to the cost of the
15 school building in compliance with a special legislative Act
16 shall not pay the part of a tuition charge related to capi-
17 tal expenditures.

18 2. Income credited. The portion of tuition income
19 based on capital expenditure shall be credited to the
20 Unorganized Territory School and Capital Working Funds for
21 the fiscal year in which it is earned and shall reduce the
22 indebtedness charged against the unorganized unit in which
23 it was earned. The balance of tuition income shall be cred-
24 ited to the General Fund for the year in which it is earned
25 and shall be a credit in computing the school assessment on
26 the property of the unorganized unit in which it was earned.

27 3. Payments. The school board shall pay, prior to
28 June 30th of the school year for which a schooling agreement
29 is made any sums agreed on and shall charge these sums to
30 the appropriations of money raised in that school adminis-
31 trative unit.

32 §3305. Taking of land

33 The following provisions apply to taking land for
34 school purposes in the unorganized territory.

35 1. Taking. The commissioner may designate, lay out
36 and take a schoolhouse lot not to exceed 3 acres, after 30
37 days written notice to the owner, if:

38 A. The owner refuses to sell;

39 B. The commissioner determines the price is unreason-
40 able; or

1 C. The owner resides outside the State and has no
2 authorized agent or attorney in the State.

3 2. Appraisal and payment. Prior to a taking, the com-
4 missioner shall appraise the damages and pay or tender the
5 damages to the owner. If the owner does not reside in the
6 State, the commissioner shall deposit the damages with the
7 Treasurer of State for the owner's use.

8 3. Reversion to owner. If the State does not erect a
9 school building on the lot within 3 years from the date of
10 taking, the lot shall revert to the owner, the owner's heirs
11 or assigns.

12 4. Enlargement or extension of lot. The commissioner
13 may extend or enlarge a schoolhouse lot according to the
14 procedure and conditions in section 15705, subsection 10.
15 Land taken may not be within 50 feet of a dwelling.

16 5. Fencing. When a schoolhouse lot or playground re-
17 quires fencing, the commissioner shall fence it.

18 6. Appeals. If the owner is aggrieved at the location
19 of the lot or the damages awarded, he may apply to the State
20 Tax Assessor within 3 months. The State Tax Assessor may
21 change the location and assess the damages. If the damages
22 are increased or the location changed, the State shall pay
23 the damages and costs, otherwise the costs shall be paid by
24 the applicant.

25 SUBCHAPTER IV

26 FINANCING

27 §3351. Unorganized Territory School and Capital Working
28 Funds

29 1. Appropriation by the Legislature. The Legislature
30 may appropriate money to the Unorganized Territory School
31 and Capital Working Funds.

32 2. Expenditures by the commissioner. The commissioner
33 may expend amounts necessary to carry out subchapters II and
34 III from the Unorganized Territory School and Capital Work-
35 ing Funds and for a purpose necessary for the schooling of
36 children in the unorganized territory including:

37 A. Salaries, board and traveling expenses of teachers
38 and supervisors;

1 B. Conferences, training programs and professional
2 improvement of teachers;

3 C. Fuel and janitor service;

4 D. Tuition, board and transportation of elementary and
5 secondary school students;

6 E. Text and reference books, school apparatus and sup-
7 plies, leases or rentals of lots or school buildings;

8 F. Minor repairs to school buildings or equipment;

9 G. Services, expenses and fees of agents, attendance
10 officers and clerical assistants;

11 H. Office expenses and utility service;

12 I. School medical and dental services;

13 J. The erection, equipping, major repair, remodeling
14 or alteration of schoolhouses and other requisite
15 buildings;

16 K. The purchase of lots or buildings for school pur-
17 poses or faculty housing;

18 L. The purchase, equipment and major repair of school
19 buses; and

20 M. For any other necessary capital expenses for pro-
21 viding schools in the unorganized territory.

22 3. Balances. Unencumbered balances in the Unorganized
23 Territory School and Capital Working Funds shall not lapse
24 but shall be carried forward to the same fund for use in the
25 next fiscal year.

26 4. Gifts and bequests. The Treasurer of State may ac-
27 cept gifts, bequests and other funds from public or private
28 agencies, subject to any conditions approved by the commis-
29 sioner, to be credited to the fund. A gift, bequest or
30 grant made for a particular designated project shall be
31 credited to the fund created in this section.

32 5. Short-term investments. The treasurer of State
33 may, with the approval of the commissioner, make short-term
34 investments of accumulated assets in the fund. The income
35 and capital shall be returned to the fund. The income may

1 be expended by the commissioner for the purposes described
2 in subsection 2.

3 SUBCHAPTER V

4 ORGANIZATION AND DEORGANIZATION

5 §3401. Organization of unorganized unit

6 If an unorganized unit becomes organized as a municipi-
7 ality or plantation, it shall, within 5 years of the date
8 of organization, pay to the Treasurer of State for each
9 school building within its limits erected or remodeled prior
10 to August 20, 1951, a sum to be determined by the commis-
11 sioner from records kept by the commissioner of the cost of
12 these buildings, lots and improvements. The sum shall be
13 credited to the General Fund. A municipality or plantation
14 dissatisfied with the sum determined by the commissioner
15 may, after a vote taken by the municipality or plantation at
16 a regular or special meeting called for the purpose, appeal
17 to the Governor. The Governor's decision shall be final.

18 §3402. Deorganization of an organized unit

19 If a municipality or plantation becomes deorganized by
20 the Legislature, all school property in that municipality
21 shall become the property of the State and under the charge
22 of the commissioner, as is other school property in the
23 unorganized territory.

24 §3403. Failure of civil organization

25 1. Failure of organization. If the civil organization
26 of a municipality or plantation becomes defunct, through
27 failure to hold the annual meeting, failure to fill vacan-
28 cies in necessary offices or in any other manner, and until
29 the municipality or plantation recovers its civil organiza-
30 tion or it is deorganized by the Legislature, the commis-
31 sioner shall:

32 A. Assume charge of all school property within its
33 area;

34 B. Require an accounting of all municipal or
35 plantation school funds; and

36 C. Provide schools for children between 5 and 20 years
37 of age whose parents are residents of the municipality
38 or plantation.

1 2. School privileges. The commissioner may provide
2 school privileges under the supervision of an agent of the
3 unorganized territory or a special agent appointed for this
4 purpose.

5 3. Expenses. The expense of these school privileges
6 shall be paid from the appropriation for schools in the
7 unorganized territory.

8 4. Recovery of expenses. If a municipality or
9 plantation recovers its civil organization within 2 years,
10 the expenses paid under subsection 3, on the recommendation
11 of the commissioner, shall be deducted by the Treasurer of
12 State from school funds that may subsequently become payable
13 to the municipality. The Treasurer of State shall credit
14 these deductions to the appropriation for schools in the
15 unorganized territory.

16 CHAPTER 121

17 MAINE-NEW HAMPSHIRE INTERSTATE

18 SCHOOL COMPACT

19 ARTICLE I

20 GENERAL PROVISIONS

21 §3601. Enters

22 The State of Maine enters into the following compact
23 with the state of New Hampshire subject to the terms and
24 conditions stated in this chapter.

25 §3602. Statement of policy

26 It is the purpose of this compact to increase the edu-
27 cational opportunities within the states of Maine and New
28 Hampshire by encouraging the formation of interstate school
29 districts which will each be a natural social and economic
30 region with adequate financial resources and a number of
31 pupils sufficient to permit the efficient use of school
32 facilities within the interstate district and to provide
33 improved instruction. The state boards of education of
34 Maine and New Hampshire may formulate and adopt additional
35 standards consistent with this purpose and with these stan-
36 dards; and the formation of any interstate school district
37 and the adoption of its articles of agreement shall be sub-
38 ject to the approval of both state boards as set forth.

1 §3603. Requirement of congressional approval

2 This compact shall not become effective until approved
3 by the United States Congress.

4 §3604. Definitions

5 The terms used in this compact shall be construed as
6 follows, unless a different meaning is clearly apparent from
7 the language or context:

8 1. Commissioner. "Commissioner" shall refer to Com-
9 missioner of Educational and Cultural Services.

10 2. Elementary school. "Elementary school" shall mean
11 a school which includes all grades from kindergarten or
12 grade one through not less than grade 6 nor more than grade
13 8.

14 3. Interstate board. "Interstate board" shall refer
15 to the board serving an interstate school district.

16 4. Interstate school district. "Interstate school
17 district" and "interstate district" shall mean a school dis-
18 trict composed of one or more school districts located in
19 the State of Maine associated under this compact with one or
20 more school districts located in the state of New Hampshire
21 and may include either the elementary schools, the secondary
22 schools, or both.

23 5. Joint action. "Joint action" where joint action by
24 both state boards is required, each state board shall deliber-
25 ate and vote by its own majority, but shall separately
26 reach the same result or take the same action as the other
27 state board.

28 6. Maine board. "Maine board" shall refer to the
29 Maine State Board of Education.

30 7. Member school district. "Member school district"
31 and "member district" shall mean a school administrative
32 unit located either in Maine or New Hampshire which is
33 included within the boundaries of a proposed or established
34 interstate school district.

35 8. New Hampshire board. "New Hampshire board" shall
36 refer to the New Hampshire state board of education.

1 9. Professional staff personnel. "Professional staff
2 personnel" and "instructional staff personnel" shall include
3 superintendents, assistant superintendents, administrative
4 assistants, principals, guidance counselors, special educa-
5 tion personnel, school nurses, therapists, teachers, and
6 other certificated personnel.

7 10. Secondary school. "Secondary school" shall mean a
8 school which includes all grades beginning no lower than
9 grade 7 and no higher than grade 12.

10 11. Warrant. "Warrant" or "warning" means the same
11 for both states.

12 ARTICLE II

13 PROCEDURE FOR FORMATION OF AN INTERSTATE

14 SCHOOL DISTRICT

15 §3605. Creation of planning committee

16 The Maine and New Hampshire commissioners of education
17 shall have the power, acting jointly to constitute and dis-
18 charge one or more interstate school district planning com-
19 mittees. Each such planning committee shall consist of at
20 least 2 voters from each of a group of 2 or more neighboring
21 member districts. One of the representatives from each
22 member district shall be a member of its school board, whose
23 term on the planning committee shall be concurrent with his
24 term as a school board member. The term of each member of a
25 planning committee who is not also a school board member
26 shall expire on June 30th of the 3rd year following his
27 appointment. The existence of any planning committee may be
28 terminated either by vote of a majority of its members or by
29 joint action of the commissioners. In forming and appoint-
30 ing members to an interstate school district planning board,
31 the commissioners shall consider and take into account
32 recommendations and nominations made by school boards of
33 member districts. No member of a planning committee shall
34 be disqualified because he is at the same time a member of
35 another planning board or committee created under this com-
36 pact or under any other provisions of law. Any existing
37 informal interstate school planning committee may be recon-
38 stituted as a formal planning committee in accordance with
39 the provisions hereof, and its previous deliberations
40 adopted and ratified by the reorganized formal planning com-
41 mittee. Vacancies on a planning committee shall be filled
42 by the commissioners acting jointly.

1 §3606. Operating procedures of planning committee

2 Each interstate school district planning committee
3 shall meet in the first instance at the call of any member,
4 and shall organize by the election of a chairman and clerk-
5 treasurer, each of whom shall be a resident of a different
6 state. Subsequent meetings may be called by either officer
7 of the committee. The members of the committee shall serve
8 without pay. The member districts shall appropriate money
9 on an equal basis at each annual meeting to meet the
10 expenses of the committee, including the cost of publication
11 and distribution of reports and advertising. From time to
12 time the commissioners may add additional members and addi-
13 tional member districts to the committee, and may remove
14 members and member districts from the committee. An inter-
15 state school district planning committee shall act by majori-
16 ty vote of its membership present and voting.

17 §3607. Duties of interstate school district planning com-
18 mittee

19 It shall be the duty of an interstate school district
20 planning committee, in consultation with the commissioners
21 and the state departments of education: To study the advisa-
22 bility of establishing an interstate school district in ac-
23 cordance with the standards set forth in section 3602, its
24 organization, operation and control, and the advisability of
25 constructing, maintaining and operating a school or schools
26 to serve the needs of such interstate district; to estimate
27 the construction and operating costs thereof; to investigate
28 the methods of financing such school or schools, and any
29 other matters pertaining to the organization and operation
30 of an interstate school district; and to submit a report or
31 reports of its findings and recommendations to the several
32 member districts.

33 §3608. Recommendations and preparation of articles of
34 agreement

35 An interstate school district planning committee may
36 recommend that an interstate school district composed of all
37 the member districts represented by its membership, or any
38 specified combination of such member districts, be estab-
39 lished. If the planning committee does recommend the estab-
40 lishment of an interstate school district, it shall include
41 in its report such recommendation, and shall prepare and
42 include in its report proposed articles of agreement for the
43 proposed interstate school district, which shall be signed
44 by at least a majority of the membership of the planning
45 committee, which set forth the following:

1 1. Name. The name of the interstate school district.

2 2. Districts. The member districts which shall be
3 combined to form the proposed interstate school district.

4 3. Board. The number, composition, method of selec-
5 tion and terms of office of the interstate school board,
6 provided that:

7 A. The interstate school board shall consist of an odd
8 number of members, not less than 5 nor more than 15;

9 B. The terms of office shall not exceed 3 years;

10 C. Each member district shall be entitled to elect at
11 least one member of the interstate school board. Each
12 member district shall either vote separately at the
13 interstate school district meeting by the use of a dis-
14 tinctive ballot, or shall choose its member or members
15 at any other election at which school officials may be
16 chosen;

17 D. The method of election shall provide for the filing
18 of candidacies in advance of election and for the use
19 of a printed nonpartisan ballot;

20 E. Subject to the foregoing, provision may be made for
21 the election of one or more members at large.

22 4. Grades. The grades for which the interstate school
23 district shall be responsible.

24 5. Properties and schools. The specific properties of
25 member districts to be acquired initially by the interstate
26 school district and the general location of any proposed new
27 schools to be initially established or constructed by the
28 interstate school district.

29 6. Operating expenses. The method of apportioning the
30 operating expenses of the interstate school district among
31 the several member districts, and the time and manner of
32 payments of such shares.

33 7. Debts. The indebtedness of any member district
34 which the interstate district is to assume.

35 8. Capital expenses. The method of apportioning the
36 capital expenses of the interstate school district among the
37 several member districts, which need not be the same as the

1 method of apportioning operating expenses, and the time and
2 manner of payment of such shares. Capital expenses shall
3 include the cost of acquiring land and buildings for school
4 purposes; the construction, furnishing and equipping of
5 school buildings and facilities; and the payment of the
6 principal and interest of any indebtedness which is incurred
7 to pay for the same.

8 9. State aid. The manner in which state aid, avail-
9 able under the laws of either Maine or New Hampshire, shall
10 be allocated, unless otherwise expressly provided in this
11 compact or by the laws making such aid available.

12 10. Amendments. The method by which the articles of
13 agreement may be amended, which amendments may include the
14 annexation of territory, or an increase or decrease in the
15 number of grades for which the interstate district shall be
16 responsible, provided that no amendment shall be effective
17 until approved by both state boards in the same manner as
18 required for approval of the original articles of agreement.

19 11. Operating responsibilities. The date of operating
20 responsibility of the proposed interstate school district
21 and a proposed program for the assumption of operating
22 responsibility for education by the proposed interstate
23 school district, and any school construction; which the
24 interstate school district shall have the power to vary by
25 vote as circumstances may require.

26 12. Other matters. Any other matters, not incom-
27 patible with law, which the interstate school district plan-
28 ning committee may consider appropriate to include in the
29 articles of agreement, including, without limitation:

30 A. The method of allocating the cost of transportation
31 between the interstate district and member districts:

32 B. The nomination of individual school directors to
33 serve until the first annual meeting of the interstate
34 school district.

35 §3609. Hearings

36 If the planning committee recommends the formation of
37 an interstate school district, it shall hold at least one
38 public hearing on its report and the proposed articles of
39 agreement within the proposed interstate school district in
40 Maine, and at least one public hearing thereon within the
41 proposed interstate school district in New Hampshire. The

1 planning committee shall give such notice thereof as it may
2 determine to be reasonable, provided that such notice shall
3 include at least one publication in a newspaper of general
4 circulation within the proposed interstate school district
5 not less than 15 days, not counting the date of publication
6 and not counting the date of the hearing, before the date of
7 the first hearing. Such hearings may be adjourned from time
8 to time and from place to place. The planning committee may
9 revise the proposed articles of agreement after the date of
10 the hearings. It shall not be required to hold further
11 hearings on the revised articles of agreement but may hold
12 one or more further hearings after notice similar to that
13 required for the first hearings if the planning committee in
14 its sole discretion determines that the revisions are so
15 substantial in nature as to require further presentation to
16 the public before submission to the state boards of educa-
17 tion.

18 §3610. Approval by state boards

19 After the hearings a copy of the proposed articles of
20 agreement, as revised, signed by a majority of the planning
21 committee, shall be submitted by it to each state board.
22 The state boards may if they find that the articles of
23 agreement are in accord with the standards set forth in this
24 compact and in accordance with sound educational policy,
25 approve the same as submitted, or refer them back to the
26 planning committee for further study. The planning commit-
27 tee may make additional revisions to the proposed articles
28 of agreement to conform to the recommendations of the state
29 boards. Further hearings on the proposed articles of agree-
30 ment shall not be required unless ordered by the state
31 boards in their discretion. In exercising such discretion,
32 the state boards shall take into account whether or not the
33 additional revisions are so substantial in nature as to re-
34 quire further presentation to the public. If both state
35 boards find that the articles of agreement as further
36 revised are in accord with the standards set forth in this
37 compact and in accordance with sound educational policy,
38 they shall approve the same. After approval by both state
39 boards, each state board shall cause the articles of agree-
40 ment to be submitted to the school boards of the several
41 member districts in each state for acceptance by the member
42 districts as provided in section 3611. At the same time,
43 each state board shall designate the form of warrant, date,
44 time, place, and period of voting for the special meeting of
45 the member district to be held in accordance with the
46 section 3611.

1 §3611. Adoption by member districts

2 Upon receipt of written notice from the state board in
3 its state of the approval of the articles of agreement by
4 both state boards, the school board of each member district
5 shall cause the articles of agreement to be filed with the
6 member district clerk. Within 10 days after receipt of such
7 notice, the school board shall issue its warrant for a spe-
8 cial meeting of the member district, the warrant to be in
9 the form, and the meeting to be held at the time and place
10 and in the manner prescribed by the state board. No
11 approval of the Superior Court shall be required for such
12 special school district meeting in New Hampshire. Voting
13 shall be with the use of the checklist by a ballot substan-
14 tially in the following form:

15 "Shall the school district accept the provisions of the
16 Maine and New Hampshire Interstate School Compact providing
17 for the establishment of an interstate school district,
18 together with the school districts of.....
19 and....., etc., in accordance with
20 the proposed articles of agreement filed with the school
21 district (town, city or incorporated school district)
22 clerk?"

23 Yes () No ()

24 If the articles of agreement included the nomination of
25 individual school directors, those nominated from each
26 member district shall be included in the ballot and voted
27 upon, such election to become effective upon the formation
28 of an interstate school district.

29 If a majority of the voters present and voting in a
30 member district vote in the affirmative, the clerk for such
31 member district shall forthwith send to the state board in
32 its state a certified copy of the warrant, certificate of
33 posting, and minutes of the meeting of the district. If the
34 state boards of both states find that a majority of the
35 voters present and voting in each member district have voted
36 in favor of the establishment of the interstate school dis-
37 trict, they shall issue a joint certificate to that effect;
38 and such certificate shall be conclusive evidence of the
39 lawful organization and formation of the interstate school
40 district as of its date of issuance.

41 §3612. Resubmission

1 If the proposed articles of agreement are adopted by
2 one or more of the member districts but rejected by one or
3 more of the member districts, the state boards may resubmit
4 them, in the same form as previously submitted, to the
5 rejecting member districts, in which case the school boards
6 thereof shall resubmit them to the voters in accordance with
7 section 3611. An affirmative vote in accordance therewith
8 shall have the same effect as though the articles of agree-
9 ment had been adopted in the first instance. In the alter-
10 native, the state boards may either discharge the planning
11 committee, or refer the articles of agreement back for fur-
12 ther consideration to the same or a reconstituted planning
13 committee, which shall have all of the powers and duties as
14 the planning committee as originally constituted.

15 ARTICLE III

16 POWERS OF INTERSTATE SCHOOL DISTRICTS

17 §3613. Powers

18 1. Powers. Each interstate school district shall be a
19 body corporate and politic, with power to:

20 A. Acquire, construct, extend, improve, staff, oper-
21 ate, manage and govern public schools within its bound-
22 aries;

23 B. Sue and be sued, subject to the limitations of lia-
24 bility hereinafter set forth;

25 C. Have a seal and alter the same at pleasure;

26 D. Adopt, maintain and amend bylaws not inconsistent
27 with this compact, and the laws of the 2 states;

28 E. Acquire by purchase, condemnation, lease or other-
29 wise, real and personal property for the use of its
30 schools;

31 F. Enter into contracts and incur debts;

32 G. Borrow money for the purposes set forth, and to
33 issue its bonds or notes therefor;

34 H. Make contracts with and accept grants and aid from
35 the United States, the State of Maine, the State of New
36 Hampshire, any agency or municipality thereof, and pri-
37 ivate corporations and individuals for the construction,

1 maintenance, reconstruction, operation and financing of
2 its schools; and to do any and all things necessary in
3 order to avail itself of such aid and cooperation;

4 I. Employ such assistants, agents, servants and inde-
5 pendent contractors as it shall deem necessary or
6 desirable for its purposes; and

7 J. Take any other action which is necessary or appro-
8 priate in order to exercise any of the foregoing
9 powers.

10 ARTICLE IV

11 DISTRICT MEETINGS

12 §3614. General

13 Votes of the district shall be taken at a duly warned
14 meeting held at any place in the district, at which all of
15 the eligible legal voters of the member districts shall be
16 entitled to vote, except as otherwise provided with respect
17 to the election of directors.

18 §3615. Eligibility of voters

19 Any resident who would be eligible to vote at a meeting
20 of a member district being held at the same time shall be
21 eligible to vote at a meeting of the interstate district.
22 The town clerks in each Maine member district and the super-
23 visors of the checklist of each New Hampshire district shall
24 respectively prepare a checklist of eligible voters for each
25 meeting of the interstate district in the same manner, and
26 they shall have all the same powers and duties with respect
27 to eligibility of voters in their districts as for a meeting
28 of a member district.

29 §3616. Warning of meetings

30 A meeting shall be warned by a warrant addressed to the
31 residents of the interstate school district qualified to
32 vote in district affairs, stating the time and place of the
33 meeting and the subject matter of the business to be acted
34 upon. The warrant shall be signed by the clerk and by a
35 majority of the directors. Upon written application of 10
36 or more voters in the district, presented to the directors
37 or to one of them, at least 25 days before the day pre-
38 scribed for an annual meeting, the directors shall insert in
39 their warrant for such meeting any subject matter specified
40 in such application.

1 §3617. Posting and publication of warrant

2 The directors shall cause an attested copy of the
3 warrant to be posted at the place of meeting, and a like
4 copy at a public place in each member district at least 20
5 days, not counting the date of posting and the date of meet-
6 ing, before the date of the meeting. In addition, the
7 directors shall cause the warrant to be advertised in a
8 newspaper of general circulation on at least one occasion,
9 such publication to occur at least 10 days, not counting the
10 date of publication and not counting the date of the meet-
11 ing, before the date of the meeting. Although no further
12 notice shall be required, the directors may give such fur-
13 ther notice of the meeting as they in their discretion deem
14 appropriate under the circumstances.

15 §3618. Return of warrant

16 The warrant with a certificate thereon, verified by
17 oath, stating the time and place when and where copies of
18 the warrant were posted and published, shall be given to the
19 clerk of the interstate school district at or before the
20 time of the meeting, and shall be recorded by him in the
21 records of the interstate school district.

22 §3619. Organization meeting

23 The commissioners, acting jointly, shall fix a time and
24 place for a special meeting of the qualified voters within
25 the interstate school district for the purpose of organiza-
26 tion, and shall prepare and issue the warrant for the meet-
27 ing after consultation with the interstate school district
28 planning board and the members-elect, if any, of the inter-
29 state school board of directors. Such meeting shall be held
30 within 60 days after the date of issuance of the certificate
31 of formation, unless the time is further extended by the
32 joint action of the state boards. At the organization meet-
33 ing the commissioner of education of the state where the
34 meeting is held, or his designate, shall preside in the
35 first instance, and the following business shall be trans-
36 acted:

37 1. Temporary moderator and clerk. A temporary moder-
38 ator and a temporary clerk shall be elected from among the
39 qualified voters who shall serve until a moderator and clerk
40 respectively have been elected and qualified.

41 2. Officers. A moderator, a clerk, a treasurer and 3
42 auditors shall be elected to serve until the next annual

1 meeting and thereafter until their successors are elected
2 and qualified. Unless previously elected, a board of school
3 directors shall be elected to serve until their successors
4 are elected and qualified.

5 3. Date of annual meeting. The date for the annual
6 meeting shall be established.

7 4. Expenses. Provision shall be made for the payment
8 of any organizational or other expense incurred on behalf of
9 the district before the organization meeting, including the
10 cost of architects, surveyors, contractors, attorneys and
11 educational or other consultants or experts.

12 5. Other business. Any other business, the subject
13 matter of which has been included in the warrant, and which
14 the voters would have had power to transact at an annual
15 meeting.

16 §3620. Annual meetings

17 An annual meeting of the district shall be held between
18 January 15th and June 1st of each year at such time as the
19 interstate district may by vote determine. Once determined,
20 the date of the annual meeting shall remain fixed until
21 changed by vote of the interstate district at a subsequent
22 annual or special meeting. At each annual meeting the fol-
23 lowing business shall be transacted:

24 1. Officers. Necessary officers shall be elected.

25 2. Appropriation. Money shall be appropriated for the
26 support of the interstate district schools for the fiscal
27 year beginning the following July 1st.

28 3. Other business. Such other business as may prop-
29 erly come before the meeting.

30 §3621. Special meetings

31 A special meeting of the district shall be held when-
32 ever, in the opinion of the directors, there is occasion
33 therefor, or whenever written application shall have been
34 made by 5% or more of the voters based on the checklists as
35 prepared for the last preceding meeting, setting forth the
36 subject matter upon which such action is desired. A special
37 meeting may appropriate money without compliance with RSA
38 338 or RSA 197.3 which would otherwise require the approval
39 of the New Hampshire Superior Court.

1 §3622. Certification of records

2 The clerk of an interstate school district shall have
3 the power to certify the record of the votes adopted at an
4 interstate school district meeting to the respective commis-
5 sioners and state boards and, where required, for filing
6 with a secretary of state.

7 §3623. Method of voting at school district meetings

8 Voting at meetings of interstate school districts shall
9 take place as follows:

10 1. School directors. A separate ballot shall be pre-
11 pared for each member district, listing the candidates for
12 interstate school director to represent such member dis-
13 trict; and any candidates for interstate school director at
14 large; and the voters of each member district shall register
15 on a separate ballot their choice for the office of school
16 director or directors. In the alternative, the articles of
17 agreement may provide for the election of school directors
18 by one or more of the member districts at an election other-
19 wise held for the choice of school or other municipal offi-
20 cers.

21 2. Other votes. Except as otherwise provided in the
22 articles of agreement or this compact, with respect to all
23 other votes, the voters of the interstate school district
24 shall vote as one body irrespective of the member districts
25 in which they are resident, and a simple majority of those
26 present and voting at any duly warned meeting shall carry
27 the vote. Voting for officers to be elected at any meeting,
28 other than school directors, shall be by ballot or voice, as
29 the interstate district may determine, either in its arti-
30 cles of agreement or by a vote of the meeting.

31 ARTICLE V

32 OFFICERS

33 §3624. Officers; general

34 The officers of an interstate school district shall be
35 a board of school directors, a chairman of the board, a
36 vice-chairman of the board, a secretary of the board, a
37 moderator, a clerk, a treasurer and 3 auditors. Except as
38 otherwise specifically provided, they shall be eligible to
39 take office immediately following their election; they shall
40 serve until the next annual meeting of the interstate dis-

1 trict and until their successors are elected and qualified.
2 Each shall take oath for the faithful performance of his
3 duties before the moderator, or a notary public or a justice
4 of the peace of the state in which the oath is administered.
5 Their compensation shall be fixed by vote of the district.
6 No person shall be eligible to any district office unless he
7 is a voter in the district. A custodian, school teacher,
8 principal, superintendent or other employee of an interstate
9 district acting as such shall not be eligible to hold office
10 as a school director.

11 §3625. Board of directors

12 1. How chosen. Each member district shall be repre-
13 ented by at least one resident on the board of school
14 directors of an interstate school district. A member dis-
15 trict shall be entitled to such further representation on
16 the interstate board of school directors as provided in the
17 articles of agreement as amended from time to time. The
18 articles of agreement as amended from time to time may pro-
19 vide for school directors at large, as set forth. No person
20 shall be disqualified to serve as a member of an interstate
21 board because he is at the same time a member of the school
22 board of a member district.

23 2. Term. Interstate school directors shall be elected
24 for terms in accordance with the articles of agreement.

25 3. Duties of board of directors. The board of school
26 directors of an interstate school district shall have and
27 exercise all of the powers of the district not reserved
28 herein to the voters of the district.

29 4. Organization. The clerk of the district shall warn
30 a meeting of the board of school directors to be held within
31 10 days following the date of the annual meeting, for the
32 purpose of organizing the board, including the election of
33 its officers.

34 §3626. Chairman of the board

35 The chairman of the board of interstate school direc-
36 tors shall be elected by the interstate board from among its
37 members at its first meeting following the annual meeting.
38 The chairman shall preside at the meetings of the board and
39 shall perform such other duties as the board may assign to
40 him.

41 §3627. Vice-chairman of the board of directors

1 The vice-chairman of the interstate board shall be
2 elected in the same manner as the chairman. He shall repre-
3 sent a member district in a state other than that repre-
4 sent by the chairman. He shall preside in the absence of
5 the chairman and shall perform such other duties as may be
6 assigned to him by the interstate board.

7 §3628. Secretary of the board

8 The secretary of the interstate board shall be elected
9 in the same manner as the chairman. Instead of electing one
10 of its members, the interstate board may appoint the inter-
11 state district clerk to serve as secretary of the board in
12 addition to his other duties. The secretary of the inter-
13 state board, or the interstate district clerk, if so
14 appointed, shall keep the minutes of its meetings, shall
15 certify its records, and perform such other duties as may be
16 assigned to him by the board.

17 §3629. Moderator

18 The moderator shall preside at the district meetings,
19 regulate the business thereof, decide questions of order,
20 and make a public declaration of every vote passed. He may
21 prescribe rules of procedure; but such rules may be altered
22 by the district. He may administer oaths to district offi-
23 cers in either state.

24 §3630. Clerk

25 The clerk shall keep a true record of all proceedings
26 at each district meeting, shall certify its records, shall
27 make an attested copy of any records of the district for any
28 person upon request and tender of reasonable fees therefor,
29 if so appointed, shall serve as secretary of the board of
30 school directors, and shall perform such other duties as may
31 be required by custom or law.

32 §3631. Treasurer

33 The treasurer shall have custody of all of the moneys
34 belonging to the district and shall pay out the same only
35 upon the order of the interstate board. He shall keep a
36 fair and accurate account of all sums received into and paid
37 from the interstate district treasury, and at the close of
38 each fiscal year he shall make a report to the interstate
39 district, giving a particular account of all receipts and
40 payments during the year. He shall furnish to the inter-
41 state directors, statements from his books and submit his

1 books and vouchers to them and to the district auditors for
2 examination whenever so requested. He shall make all returns
3 called for by laws relating to school districts. Before
4 entering on his duties, the treasurer shall give a bond with
5 sufficient sureties and in such sum as the directors may re-
6 quire. The treasurer's term of office is from July 1st to
7 the following June 30th.

8 §3632. Auditors

9 At the organization meeting of the district, 3 auditors
10 shall be chosen, one to serve for a term of one year, one to
11 serve for a term of 2 years and one to serve for a term of 3
12 years. After the expiration of each original term, the suc-
13 cessor shall be chosen for a 3-year term. At least one
14 auditor shall be a resident of Maine, and one auditor shall
15 be a resident of New Hampshire. An interstate district may
16 vote to employ a certified public accountant to assist the
17 auditors in the performance of their duties. The auditors
18 shall carefully examine the accounts of the treasurer and
19 the directors at the close of each fiscal year, and at such
20 other times whenever necessary, and report to the district
21 whether the same are correctly cast and properly vouched.

22 §3633. Superintendent

23 The superintendent of schools shall be selected by a
24 majority vote of the board of school directors of the inter-
25 state district with the approval of both commissioners.

26 §3634. Vacancies

27 Any vacancy among the elected officers of the district
28 shall be filled by the interstate board until the next
29 annual meeting of the district or other election, when a
30 successor shall be elected to serve out the remainder of the
31 unexpired term, if any. Until all vacancies on the inter-
32 state board are filled, the remaining members shall have
33 full power to act.

34 ARTICLE VI

35 APPROPRIATION AND APPORTIONMENT

36 §3635. Budget

37 Before each annual meeting, the interstate board shall
38 prepare a report of expenditures for the preceding fiscal
39 year, an estimate of expenditures for the current fiscal
40 year, and a budget for the succeeding fiscal year.

1 §3636. Appropriation

2 The interstate board of directors shall present the
3 budget report at the annual meeting. The interstate dis-
4 trict shall appropriate a sum of money for the support of
5 its schools and for the discharge of its obligations for the
6 ensuing fiscal year.

7 §3637. Apportionment of appropriation

8 Subject to the provisions of article VII, the inter-
9 state board shall first apply against such appropriation any
10 income to which the interstate district is entitled, and
11 shall then apportion the balance among the member districts
12 in accordance with one of the following formulas as deter-
13 mined by the articles of agreement as amended from time to
14 time:

15 1. Taxable property. All of such balance to be appor-
16 tioned on the basis of the ratio that the fair market value
17 of the taxable property in each member district bears to
18 that of the entire interstate district; or

19 2. Resident membership. All of such balance to be
20 apportioned on the basis that the average daily resident
21 membership for the preceding fiscal year of each member dis-
22 trict bears to that of the average daily resident membership
23 of the entire interstate school district; or

24 3. Combined formula. A formula based on any combina-
25 tion of the foregoing factors. The term "fair market value
26 of taxable property" shall mean the last locally assessed
27 valuation of a member district in New Hampshire, as last
28 equalized by the New Hampshire state tax commission.

29 The term "fair market value of taxable property" shall mean
30 the equalized grand list of a Maine member district, as
31 determined by the Maine Bureau of Taxation.

32 Such assessed valuation and grand list may be further ad-
33 justed, by elimination of certain types of taxable property
34 from one or the other or otherwise, in accordance with the
35 articles of agreement, in order that the fair market value
36 of taxable property in each state shall be comparable.

37 "Average daily resident membership" of the interstate dis-
38 trict in the first instance shall be the sum of the average
39 daily resident membership of the member districts in the
40 grades involved for the preceding fiscal year where no stu-

1 dents were enrolled in the interstate district schools for
2 such preceding fiscal year.

3 §3638. Share of Maine member district

4 The interstate board shall certify the share of a Maine
5 member district of the total appropriation to the school
6 board of each member district which shall add such sum to
7 the amount appropriated by the member district itself for
8 the ensuing year and raise such sum in the same manner as
9 though the appropriation had been voted at a school district
10 meeting of the member district.

11 §3639. Share of New Hampshire member district

12 The interstate board shall certify the share of a New
13 Hampshire member district of the total appropriation to the
14 school board of each member district which shall add such
15 sum to the amount appropriated by the member district itself
16 for the ensuing year and raise such sum in the same manner
17 as though the appropriation had been voted at a school dis-
18 trict meeting of the member district. The interstate dis-
19 trict shall not set up its own capital reserve funds; but a
20 New Hampshire member district may set up a capital reserve
21 fund in accordance with RSA 35, to be turned over to the
22 interstate district in payment of the New Hampshire member
23 district's share of any anticipated obligations.

24 ARTICLE VII

25 BORROWING

26 §3640. Interstate district indebtedness

27 Indebtedness of an interstate district shall be a gen-
28 eral obligation of the district and shall be a joint and
29 several general obligation of each member district, except
30 that such obligations of the district and its member dis-
31 tricts shall not be deemed indebtedness of any member dis-
32 trict for the purposes of determining its borrowing capacity
33 under Maine or New Hampshire law. A member district which
34 withdraws from an interstate district shall remain liable
35 for indebtedness of the interstate district which is out-
36 standing at the time of withdrawal and shall be responsible
37 for paying its share of such indebtedness to the same extent
38 as though it had not withdrawn.

39 §3641. Temporary borrowing

1 The interstate board may authorize the borrowing of
2 money by the interstate district (1) in anticipation of pay-
3 ments of operating and capital expenses by the member dis-
4 tricts to the interstate district and (2) in anticipation of
5 the issue of bonds or notes of the interstate district which
6 have been authorized for the purpose of financing capital
7 projects. Such temporary borrowing shall be evidence by
8 interest bearing or discounted notes of the interstate dis-
9 trict. The amount of notes issued in any fiscal year in
10 anticipation of expense payments shall not exceed the amount
11 of such payments received by the interstate district in the
12 preceding fiscal year. Notes issued under this section
13 shall be payable within one year in the case of notes under
14 clause (1) and 3 years in the case of notes under clause (2)
15 from their respective dates, but the principal of and inter-
16 est on notes issued for a shorter period may be renewed or
17 paid from time to time by the issue of other notes, provided
18 that the period from the date of an original note to the
19 maturity of any note issued to renew or pay the same debt
20 shall not exceed the maximum period permitted for the orig-
21 inal loan.

22 §3642. Borrowing for capital projects

23 An interstate district may incur debt and issue its
24 bonds or notes to finance capital projects. Such projects
25 may consist of the acquisition or improvement of land and
26 buildings for school purposes, the construction, reconstruc-
27 tion, alteration or enlargement of school buildings and
28 related school facilities, the acquisition of equipment of a
29 lasting character and the payment of judgments. No inter-
30 state district may authorize indebtedness in excess of 10%
31 of the total fair market value of taxable property in its
32 member districts as defined in article VI. The primary
33 obligation of the interstate district to pay indebtedness of
34 member districts shall not be considered indebtedness of the
35 interstate district for the purpose of determining its bor-
36 rowing capacity under this section. Bonds or notes issued
37 under this section shall mature in equal or diminishing
38 installments of principal payable at least annually commenc-
39 ing no later than 2 years and ending not later than 30 years
40 after their dates.

41 §3643. Authorization

42 An interstate district shall authorize the incurring of
43 debts to finance capital projects by a majority vote of the
44 district passed at an annual or special district meeting.
45 Such vote shall be taken by secret ballot after full oppor-

1 tunity for debate, and any such vote shall be subject to
2 reconsideration and further action by the district at the
3 same meeting or at an adjourned session thereof.

4 §3644. Sale of bonds and notes

5 Bonds and notes which have been authorized under this
6 article may be issued from time to time and shall be sold at
7 not less than par and accrued interest at public or private
8 sale by the chairman of the school board and by the treasurer.
9 Interstate district bonds and notes shall be signed by
10 the said officers, except that either one of the 2 required
11 signatures may be a facsimile. Subject to this compact and
12 the authorizing vote, they shall be in such form, bear such
13 rates of interest and mature at such times as the said offi-
14 cers may determine. Bonds shall, but notes need not, bear
15 the seal of the interstate district, or a facsimile of such
16 seal. Any bonds or notes of the interstate district which
17 are properly executed by the said officers shall be valid
18 and binding according to their terms notwithstanding that
19 before the delivery thereof such officers may have ceased to
20 be officers of the interstate district.

21 §3645. Proceeds of bonds

22 Any accrued interest received upon delivery of bonds or
23 notes of an interstate district shall be applied to the pay-
24 ment of the first interest which becomes due thereon. The
25 other proceeds of the sale of such bonds or notes, other
26 than temporary notes, including any premiums, may be tempo-
27 rarily invested by the interstate district pending their
28 expenditure; and such proceeds, including any income derived
29 from the temporary investment of such proceeds, shall be
30 used to pay the costs of issuing and marketing the bonds or
31 notes and to meet the operating expenses or capital expenses
32 in accordance with the purposes for which the bonds or notes
33 were issued or, by proceedings taken in the manner required
34 for the authorization of such debt, for other purposes for
35 which such debt could be incurred. No purchaser of any
36 bonds or notes of an interstate district shall be responsi-
37 ble in any way to see to the application of the proceeds
38 thereof.

39 §3646. State aid programs

40 As used in this section the term "initial aid" shall
41 include Maine and New Hampshire financial assistance with
42 respect to a capital project, or the means of financing a
43 capital project, which is available in connection with con-

1 struction costs of a capital project or which is available
2 at the time indebtedness is incurred to finance the project.
3 Without limiting the generality of the foregoing definition,
4 initial aid shall specifically include a New Hampshire state
5 guarantee under RSA 195-B with respect to bonds or notes and
6 Maine construction aid under Title 20, section 3457. As
7 used in this section, the term "long-term aid" shall include
8 Maine and New Hampshire financial assistance which is pay-
9 able periodically in relation to capital costs incurred by
10 an interstate district. Without limiting the generality of
11 the foregoing definition, long-term aid shall specifically
12 include New Hampshire school building aid under RSA 198 and
13 Maine school building aid under Title 20, section 3457. For
14 the purpose of applying for, receiving and expending initial
15 aid and long-term aid an interstate district shall be deemed
16 a native school district by each state, subject to the fol-
17 lowing provisions.

18 When an interstate district has appropriated money for
19 a capital project, the amount appropriated shall be divided
20 into a Maine share and a New Hampshire share in accordance
21 with the capital expense apportionment formula in the arti-
22 cles of agreement as though the total amount appropriated
23 for the project was a capital expense requiring apportion-
24 ment in the year the appropriation is made. New Hampshire
25 initial aid shall be available with respect to the amount of
26 the New Hampshire share as though it were authorized
27 indebtedness of a New Hampshire cooperative school district.
28 In the case of a state guarantee of interstate district
29 bonds or notes under RSA 195-B, the interstate district
30 shall be eligible to apply for and receive an unconditional
31 state guarantee with respect to an amount of its bonds or
32 notes which does not exceed 50% of the amount of the New
33 Hampshire share as determined above. Maine aid shall be
34 available with respect to the amount of the Maine share as
35 though it were funds voted by a Maine school district. Pay-
36 ments of Maine aid shall be made to the interstate district,
37 and the amount of any borrowing authorized to meet the
38 appropriation for the capital project shall be reduced ac-
39 cordingly. New Hampshire and Maine long-term aid shall be
40 payable to the interstate district. The amounts of long-
41 term aid in each year shall be based on the New Hampshire
42 and Maine shares of the amount of indebtedness of the inter-
43 state district which is payable in that year and which has
44 been apportioned in accordance with the capital expense
45 apportionment formula in the articles of agreement. The New
46 Hampshire aid shall be payable at the rate of 45% if there
47 are 3 or less New Hampshire members in the interstate dis-
48 trict, and otherwise it shall be payable as though the New

1 Hampshire members were a New Hampshire cooperative school
2 district. New Hampshire and Maine long-term aid shall be
3 deducted from the total capital expenses for the fiscal year
4 in which the long-term aid is payable, and the balance of
5 such expenses shall be apportioned among the member dis-
6 tricts. Notwithstanding the foregoing provisions, New Hamp-
7 shire and Maine may at any time change their state school
8 aid programs that are in existence when this compact takes
9 effect and may establish new programs, and any legislation
10 for these purposes may specify how such programs shall be
11 applied with respect to interstate districts.

12 §3647. Tax exemption

13 Bonds and notes of an interstate school district shall
14 be exempt from local property taxes in both states, and the
15 interest or discount thereon and any profit derived from the
16 disposition thereof shall be exempt from personal income
17 taxes in both states.

18 ARTICLE VIII

19 TAKING OVER OF EXISTING PROPERTY

20 §3648. Power to acquire property of member district

21 The articles of agreement, or an amendment thereof, may
22 provide for the acquisition by an interstate district from a
23 member district of all or a part of its existing plant and
24 equipment.

25 §3649. Valuation

26 The articles of agreement, or the amendment, shall pro-
27 vide for the determination of the value of the property to
28 be acquired in one or more of the following ways:

29 1. In articles of agreement. A valuation set forth in
30 the articles of agreement or the amendment.

31 2. Appraisal. By appraisal, in which case, one
32 appraiser shall be appointed by each commissioner, and a
33 third appraiser appointed by the first 2 appraisers.

34 §3650. Reimbursement to member district

35 The articles of agreement shall specify the method by
36 which the member district shall be reimbursed by the inter-
37 state district for the property taken over, in one or more
38 of the following ways:

1 1. Lump sum. By one lump sum, appropriated, allocated
2 and raised by the interstate district in the same manner as
3 an appropriation for operating expenses.

4 2. Installments. In installments over a period of not
5 more than 20 years, each of which is appropriated, allocated
6 and raised by the interstate district in the same manner as
7 an appropriation for operating expenses.

8 3. Agreement. By an agreement to assume or reimburse
9 the member district for all principal and interest on any
10 outstanding indebtedness originally incurred by the member
11 district to finance the acquisition and improvement of the
12 property, each such installment to be appropriated, allo-
13 cated and raised by the interstate district in the same man-
14 ner as an appropriation for operating expenses.

15 The member district transferring the property shall
16 have the same obligation to pay to the interstate district
17 its share of the cost of such acquisition, but may offset
18 its right to reimbursement.

19 ARTICLE IX

20 AMENDMENTS TO ARTICLES OF AGREEMENT

21 §3651. Adoption

22 Amendments to the articles of agreement may be adopted
23 in the same manner provided for the adoption of the original
24 articles of agreement, except that:

25 1. Planning committee functions. Unless the amendment
26 calls for the addition of a new member district, the func-
27 tions of the planning committee shall be carried out by the
28 interstate district board of directors.

29 2. Voting. If the amendment proposes the addition of
30 a new member district, the planning committee shall consist
31 of all of the members of the interstate board and all of the
32 members of the school board of the proposed new member dis-
33 trict or districts. In such case the amendment shall be sub-
34 mitted to the voters at an interstate district meeting, at
35 which an affirmative vote of 2/3 of those present and voting
36 shall be required. The articles of agreement together with
37 the proposed amendment shall be submitted to the voters of
38 the proposed new member district at a meeting thereof, at
39 which a simple majority of those present and voting shall be
40 required.

1 3. As one body. In all cases an amendment may be
2 adopted on the part of an interstate district upon the
3 affirmative vote of voters thereof at a meeting voting as
4 one body. Except where the amendment proposes the admission
5 of a new member district, a simple majority of those present
6 and voting shall be required for adoption.

7 4. Application. No amendment to the articles of
8 agreement may impair the rights of bond or note holders or
9 the power of the interstate district to procure the means
10 for their payment.

11 ARTICLE X

12 APPLICABILITY OF NEW HAMPSHIRE LAWS

13 §3652. General school laws

14 With respect to the operation and maintenance of any
15 school of the district located in New Hampshire, New Hamp-
16 shire law shall apply except as otherwise provided in this
17 compact and except that the powers and duties of the school
18 board shall be exercised and discharged by the interstate
19 board and the powers and duties of the union superintendent
20 shall be exercised and discharged by the interstate district
21 superintendent.

22 §3653. New Hampshire state aid

23 A New Hampshire school district shall be entitled to
24 receive an amount of state aid for operating expenditures as
25 though its share of the interstate district's expenses were
26 the expenses of the New Hampshire member district, and as
27 though the New Hampshire member district pupils attending
28 the interstate school were attending a New Hampshire
29 cooperative school district's school. The state aid shall
30 be paid to the New Hampshire member school district to
31 reduce the sums which would otherwise be required to be
32 raised by taxation within the member district.

33 §3654. Continued existence of New Hampshire member school 34 district

35 A New Hampshire member school district shall continue
36 in existence, and shall have all of the powers and be sub-
37 ject to all of the obligations imposed by law and not herein
38 delegated to the interstate district. If the interstate
39 district incorporates only a part of the schools in the
40 member school district, then the school board of the member

1 school district shall continue in existence and shall have
2 all of the powers and be subject to all of the obligations
3 imposed by law on it and not herein delegated to the dis-
4 trict. However, if all of the schools in the member school
5 district are incorporated into the interstate school dis-
6 trict, then the member or members of the interstate board
7 representing the member district shall have all of the
8 powers and be subject to all of the obligations imposed by
9 law on the members of a school board for the member district
10 and not herein delegated to the interstate district. The
11 New Hampshire member school district shall remain liable on
12 its existing indebtedness; and the interstate school dis-
13 trict shall not become liable therefor, unless the indebted-
14 ness is specifically assumed in accordance with the articles
15 of agreement. Any trust funds or capital reserve funds and
16 any property not taken over by the interstate district shall
17 be retained by the New Hampshire member district and held or
18 disposed of according to law. If all of the schools in a
19 member district are incorporated into an interstate dis-
20 trict, then no annual meeting of the member district shall
21 be required unless the members of the interstate board from
22 the member district shall determine that there is occasion
23 for such an annual meeting.

24 §3655. Suit and service of process in New Hampshire

25 The courts of New Hampshire shall have the same juris-
26 isdiction over the district as though a New Hampshire member
27 district were a party instead of the interstate district.
28 The service necessary to institute suit in New Hampshire
29 shall be made on the district by leaving a copy of the writ
30 or other proceedings in hand or at the last and usual place
31 of abode of one of the directors who resides in New Hamp-
32 shire, and by mailing a like copy to the clerk and to one
33 other director by certified mail with return receipt
34 requested.

35 §3656. Employment

36 Each employee of an interstate district assigned to a
37 school located in New Hampshire shall be considered an
38 employee of a New Hampshire school district for the purpose
39 of the New Hampshire teachers retirement system, the New
40 Hampshire state employees retirement system, the New Hamp-
41 shire workmen's compensation law and any other law relating
42 to the regulation of employment or the provision of benefits
43 for employees of New Hampshire school districts except as
44 follows:

1 1. Teachers in New Hampshire member district. A
2 teacher in a New Hampshire member district may elect to
3 remain a member of the New Hampshire teachers retirement
4 system, even though assigned to teach in an interstate
5 school in Maine.

6 2. Professional or instructional staff mem-
7 bers. Employees of interstate districts designated as pro-
8 fessional or instructional staff members, as defined in
9 article I, may elect to participate in the teachers retire-
10 ment system of either the State of New Hampshire or the
11 State of Maine but in no case will they participate in both
12 retirement systems simultaneously.

13 3. Duties of superintendent. It shall be the duty of
14 the superintendent in an interstate district to:

15 A. Advise teachers and other professional staff
16 employees contracted for the district about the terms
17 of the contract and the policies and procedures of the
18 retirement systems;

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

22 C. Provide the commissioners of education in New Hamp-
23 shire and in Maine with the names and other pertinent
24 information regarding each staff member under his
25 jurisdiction so that each may be enrolled in the
26 retirement system of his preference.

27 ARTICLE XI

28 APPLICABILITY OF MAINE LAWS

29 §3657. General school laws

30 With respect to the operation and maintenance of any
31 school of the district located in Maine, the provisions of
32 Maine law shall apply except as otherwise provided in this
33 compact and except that the powers and duties of the school
34 board shall be exercised and discharged by the interstate
35 board and the powers and duties of the superintendent shall
36 be exercised and discharged by the interstate district
37 superintendent.

38 §3658. Maine state aid

1 A Maine school district shall be entitled to receive
2 such amount of state aid for operating expenditures as
3 though its share of the interstate district's expenses were
4 the expense of the Maine member district, and as though the
5 Maine member district pupils attending the interstate
6 schools were attending a Maine unit. Such state aid shall
7 be paid to the Maine member school district to reduce the
8 sums which would otherwise be required to be raised by taxa-
9 tion within the member district.

10 §3659. Continued existence of Maine school districts

11 A Maine school district shall continue in existence,
12 and shall have all of the powers and be subject to all of
13 the obligations imposed by law and not herein delegated to
14 the interstate district. If the interstate district incorpo-
15 rates only a part of the schools in the member school dis-
16 trict, then the school board of the member school district
17 shall continue in existence and it shall have all of the
18 powers and be subject to all of the obligations imposed by
19 law on it and not herein delegated to the district. How-
20 ever, if all of the schools in the member school district
21 are incorporated into the interstate school district, then
22 the member or members of the interstate school board representing
23 the member district shall have all of the powers and be sub-
24 ject to all of the obligations imposed by law on the members
25 of a school board for the member district and not herein
26 delegated to the interstate district. The Maine member
27 school district shall remain liable on its existing
28 indebtedness; and the interstate school district shall not
29 become liable therefor. Any trust funds and any property
30 not taken over shall be retained by the Maine member school
31 district and held or disposed of according to law.

32 §3660. Suit and service of process in Maine

33 The courts of Maine shall have the same jurisdiction
34 over the districts as though a Maine member district were a
35 party instead of the interstate district. The service
36 necessary to institute suit in Maine shall be made on the
37 district by leaving a copy of the writ or other proceedings
38 in hand or at the last and usual place of abode of one of
39 the directors who resides in Maine, and by mailing a like
40 copy to the clerk and to one other director by certified
41 mail with return receipt requested.

42 §3661. Employment

1 Each employee of an interstate district assigned to a
2 school located in Maine shall be considered an employee of a
3 Maine school district for the purpose of the State Retirement
4 System, the Maine workmen's compensation law, and any
5 other laws relating to the regulation of employment or the
6 provision of benefits for employees of Maine school dis-
7 tricts except as follows:

8 1. Teachers in Maine member district. A teacher in a
9 Maine member district may elect to remain a member of the
10 State Retirement System of Maine, even though assigned to
11 teach in an interstate school in New Hampshire.

12 2. Professional or instructional staff mem-
13 bers. Employees of interstate districts designated as pro-
14 fessional or instructional staff members, as defined in
15 article I, may elect to participate in the State Retirement
16 System of the State of Maine or the teachers' retirement
17 system of the State of New Hampshire but in no case will
18 they participate in both retirement systems simultaneously.

19 3. Duties of superintendent. It shall be the duty of
20 the superintendent in an interstate district to:

21 A. Advise teachers and other professional staff
22 employees contracted for the district about the terms
23 of the contract and the policies and procedures of the
24 retirement system;

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

28 C. Provide the commissioners of education in New Hamp-
29 shire and in Maine with the names and other pertinent
30 information regarding each staff member under his
31 jurisdiction so that each may be enrolled in the
32 retirement system of his preference.

33 ARTICLE XII

34 MISCELLANEOUS PROVISIONS

35 §3662. Studies

36 Insofar as practicable, the studies required by the
37 laws of both states shall be offered in an interstate school
38 district.

1 §3663. Textbooks

2 Textbooks and scholar's supplies shall be provided at
3 the expense of the interstate district for pupils attending
4 its schools.

5 §3664. Transportation

6 The allocation of the cost of transportation in an
7 interstate school district, as between the interstate dis-
8 trict and the member districts, shall be determined by the
9 articles of agreement.

10 §3665. Location of schoolhouses

11 In any case where a new schoolhouse or other school
12 facility is to be constructed or acquired, the interstate
13 board shall first determine whether it shall be located in
14 New Hampshire or in Maine. If it is to be located in New
15 Hampshire, RSA 199, relating to schoolhouses, shall apply.
16 If it is to be located in Maine, the Maine law relating to
17 schoolhouses shall apply.

18 §3666. Fiscal year

19 The fiscal year of each interstate district shall begin
20 on July 1st of each year and end on June 30th of the follow-
21 ing year.

22 §3667. Immunity from tort liability

23 Notwithstanding the fact that an interstate district
24 may derive income from operating profit, fees, rentals, and
25 other services, it shall be immune from suit and from lia-
26 bility for injury to persons or property and for other torts
27 caused by it or its agents, servants or independent contrac-
28 tors, except insofar as it may have undertaken such liabil-
29 ity under RSA 221:7 relating to workmen's compensation, or
30 RSA 412:3 relating to the procurement of liability insurance
31 by a governmental agency and except insofar as it may have
32 undertaken such liability under Maine laws relating to
33 workmen's compensation or Maine laws relating to the pro-
34 urement of liability insurance by a governmental agency.

35 §3668. Administrative agreement between commissioners of
36 education

37 The commissioners of education of New Hampshire and
38 Maine may enter into one or more administrative agreements

1 prescribing the relationship between the interstate dis-
2 tricts, member districts, and each of the 2 state depart-
3 ments of education, in which any conflicts between the 2
4 states in procedure, regulations, and administrative prac-
5 tices may be resolved.

6 §3669. Amendments

7 Neither state shall amend its legislation or any agree-
8 ment authorized thereby without the consent of the other in
9 such manner as to substantially adversely affect the rights
10 of the other state or its people hereunder, or as to sub-
11 stantially impair the rights of the holders of any bonds or
12 notes or other evidences of indebtedness then outstanding or
13 the rights of an interstate school district to procure the
14 means for payment thereof. Subject to the foregoing, any
15 reference herein to other statutes of either state shall
16 refer to such statute as it may be amended or revised from
17 time to time.

18 §3670. Inconsistency of language

19 The validity of this compact shall not be affected by
20 any insubstantial differences in its form or language as
21 adopted by the 2 states.

22 §3671. Separability

23 If any of the provisions of this compact or legislation
24 enabling the same shall be held invalid or unconstitutional
25 in relation to any of the applications thereof, such inva-
26 lidity or unconstitutionality shall not affect other appli-
27 cations thereof or other provisions thereof, and to this end
28 the provisions of this compact are declared to be severable.

29 PART 3

30 ELEMENTARY AND SECONDARY EDUCATION

31 CHAPTER 201

32 GENERAL PROVISIONS

33 §4001. Facilities

34 The following provisions shall apply to school facili-
35 ties.

1 1. Maintenance and repairs. A school administrative
2 unit shall repair, improve and maintain its facilities with
3 funds from its own budget.

4 2. Erect buildings. A school administrative unit may
5 raise money to erect and equip school buildings.

6 3. Lease. A school administrative unit may lease
7 facilities and other property.

8 A. The term of a lease shall be at least equal to the
9 period during which similar property of the unit is
10 used. A lease may not exceed a term of 10 years.

11 B. A lease of classroom space shall provide for its
12 exclusive use by the unit. A lease may provide for the
13 nonexclusive use of other property, but that property
14 may be used for housing only in emergencies.

15 C. Leased property shall be considered property of the
16 unit in all respects.

17 D. A lease may not be eligible for the state school
18 subsidy unless it is approved by the commissioner
19 before it is signed.

20 4. Financing. School administrative units may, with
21 approval of the legislative body, arrange financing for
22 maintenance of plant and minor remodeling.

23 5. Capital reserve fund. School administrative units
24 may establish a capital reserve fund for maintenance of
25 plant and minor remodeling.

26 6. Insurance. School administrative units shall carry
27 fire insurance and allied coverage in the amount of the re-
28 placement cost of any school construction project. The com-
29 missioner may adjust the amount of coverage required if
30 insurance cannot be obtained at a reasonable cost.

31 §4002. Schoolbooks, apparatus and appliances

32 The following provisions shall apply to schoolbooks,
33 apparatus and appliances.

34 1. Free schoolbooks. A school administrative unit
35 shall provide its students with schoolbooks and necessary
36 apparatus and appliances at the expense of the school admin-
37 istrative unit.

1 2. Purchased textbooks. The parent of a student may
2 buy required textbooks for that student's exclusive use.

3 3. Rules. A school board may adopt rules for distrib-
4 uting and preserving schoolbooks, apparatus and appliances
5 provided by the unit.

6 §4003. Water supply

7 If a school building of a school administrative unit is
8 supplied by a water supply operated by the school adminis-
9 trative unit and which serves only the school buildings
10 under the control of the school board, the water supply
11 shall not be considered a public water supply under Title
12 22, sections 2651 and 2652. The school board shall ensure
13 that this water supply meets standards set by the Department
14 of Human Services for private water supplies of schools.

15 §4004. Fencing

16 Schoolhouse lots and playgrounds that require fencing
17 shall be fenced by the municipality or school administrative
18 unit.

19 §4005. Gifts

20 School administrative units may receive and expend
21 gifts for educational purposes.

22 §4006. Closing schools

23 Schools may be closed or relocated as follows.

24 1. Closing or moving. The legislative body of a
25 school administrative unit may, at a regular or special
26 meeting, discontinue or change the location of a school:

27 A. On the written recommendation of the school board;
28 and

29 B. With appropriate conditions to preserve the rights
30 and privileges of the residents for whose benefit the
31 school had been established.

32 2. Temporary closing. A school board may, for a com-
33 bined period of not more than one year, close a school if
34 there are not enough students for profitable maintenance.

35 3. Small enrollment. A school with less than an aver-
36 age attendance of 8 students shall close, unless:

1 A. The school board recommends the school stay open;
2 and

3 B. The legislative body at a regular or special meet-
4 ing approved that recommendation.

5 4. School administrative districts and community
6 school districts. Closing of an elementary school must con-
7 form:

8 A. In a school administrative district, to section
9 1407; and

10 B. In a community school district, to section 1751,
11 subsection 5.

12 §4007. Secret societies prohibited

13 Secret societies shall be prohibited as follows.

14 1. Prohibition. Secret fraternities or societies in
15 or associated with public schools shall be prohibited.

16 2. Enforcement. School boards shall enforce this
17 section.

18 3. Penalty. School boards may expel or otherwise dis-
19 cipline any student for failure or refusal to comply with
20 this section.

21 §4008. Privileged communications

22 1. Definitions. As used in this section, unless the
23 context indicates otherwise, the following terms have the
24 following meanings.

25 A. "Client" means a person who has actively sought or
26 is in the process of seeking professional help from a
27 school counselor.

28 B. "School counselor" means a person who is employed as
29 a school counselor in a school setting and who:

30 (1) Is certified as a school counselor by the
31 department; or

32 (2) Possesses a minimum of a master's degree in
33 an approved program in guidance and counseling.

1 2. Privileged communication. A school counselor may
2 not be required, except as provided by this section, to
3 divulge or release information gathered during a counseling
4 relation with a client or with the parent or guardian of a
5 minor client. A counseling relation and the information
6 resulting from it shall be kept confidential consistent with
7 the professional obligations of the counselor.

8 3. Exceptions. This section shall not apply to the
9 extent that disclosure of information is necessary:

10 A. To comply with Title 22, section 4011; and

11 B. To report to an appropriate authority or to take
12 appropriate emergency measure when:

13 (1) The client's condition requires others to
14 assume responsibility for him; or

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

17 §4009. Civil liability

18 The following provisions apply to civil liability.

19 1. Reasonable force. A teacher or other person
20 entrusted with the care or supervision of a person for spe-
21 cial or limited purposes may not be held civilly liable for
22 the use of a reasonable degree of force against the person
23 who creates a disturbance if the teacher or other person
24 reasonably believes it is necessary to:

25 A. Control the disturbing behavior; or

26 B. Remove the person from the scene of the disturb-
27 ance.

28 2. Exceptions. Subsection 1 shall not apply to the
29 intentional or reckless use of force that creates a substan-
30 tial risk of death, serious bodily injury or extraordinary
31 pain.

32 3. Effect on civil liability. This section may not be
33 construed to increase the scope of potential civil liability
34 of a teacher or other person entrusted with the care or
35 supervision of a person for special or limited purposes.

1 4. Emergency medical treatment. Notwithstanding any
2 other provision of any public or private and special law,
3 any nonlicensed agent or employee of a school or school
4 administrative unit who renders first aid, emergency treat-
5 ment or rescue assistance to a student during a school pro-
6 gram may not be held liable for injuries alleged to have
7 been sustained by that student or for the death of that
8 student alleged to have occurred as a result of an act or
9 omission in rendering such aid, treatment or assistance.
10 This subsection does not apply to injuries or death caused
11 willfully, wantonly or recklessly or by gross negligence on
12 the part of the agent or employee.

13 CHAPTER 203

14 ELEMENTARY SCHOOLS

15 SUBCHAPTER I

16 APPROVAL AND ACCREDITATION

17 §4201. Approval

18 Elementary schools shall be approved under rules estab-
19 lished by the state board. The commissioner may remove
20 approval for cause following procedures established in ac-
21 cordance with section 3.

22 §4202. Removal of basic approval

23 1. Commissioner may remove basic approval. Notwith-
24 standing any other provisions of law, the commissioner may
25 remove basic approval from any elementary school for failure
26 to meet applicable approval requirements.

27 2. Procedural requirements. Whenever a school fails
28 to meet these requirements the commissioner shall:

29 A. Give due notice; and

30 B. Hold a hearing.

31 3. Hearing. The hearing on removal of basic approval
32 shall be in accordance with the applicable provisions of the
33 Maine Administrative Procedure Act, Title 5, chapter 375,
34 and rules of the State Board of Education adopted pursuant
35 to section 405, subsection 3, paragraph E.

36 §4203. Nonrenewal of basic approval

1 The decision of the commissioner on nonrenewal of basic
2 approval of any school applying for renewal shall be in ac-
3 cordance with the Maine Administrative Procedure Act, Title
4 5, chapter 375, and rules adopted by the State Board of Edu-
5 cation under section 405, subsection 3, paragraph E.

6 §4204. Accreditation

7 The following provisions apply to accreditation.

8 1. Application. An approved elementary school may
9 apply to the commissioner for accreditation.

10 2. Standards. The commissioner shall adopt accredita-
11 tion standards with the approval of the state board. Stan-
12 dards shall include quality of instruction, curriculum and
13 school facilities.

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

17 §4205. Private schools

18 Private school approval is governed by chapter 117.

19 CHAPTER 205

20 SECONDARY SCHOOLS

21 SUBCHAPTER I

22 APPROVAL AND ACCREDITATION

23 §4401. Approval

24 Secondary schools shall be evaluated by the commis-
25 sioner for basic approval. A school may not be given basic
26 approval for attendance, tuition or subsidy purposes unless
27 it meets the following requirements.

28 1. Course of study approved. It maintains a course of
29 study approved by the commissioner.

30 2. Length of school day. It has a school day of suf-
31 ficient length to allow the operation of its approved educa-
32 tional program.

33 3. Certified teachers. It employs only certified
34 teachers.

1 4. Pupil-teacher ratio. It has a pupil-teacher ratio
2 of not more than 30 to 1.

3 5. Hygienic facilities and equipment. It has safe and
4 hygienic facilities and adequate equipment and supplies
5 which comply with rules established by the Department of
6 Human Services and the state board.

7 6. Consecutive grades. It is organized to include not
8 less than 2 consecutive grades from 9 to 12.

9 7. Records. It has adequate, safely protected
10 records.

11 8. Size. It meets the following size requirements.

12 A. If it enrolls fewer than 100 pupils, it may be
13 approved on an emergency or continuing basis only after
14 the school board has presented in detail reasons for
15 the emergency or continuing approval.

16 B. If the commissioner determines that a school is
17 geographically isolated and if it otherwise meets all
18 the other requirements of this section, it shall
19 receive approval for a 6-year period. The commissioner
20 may terminate that approval because of the school's
21 size only if the school receives at least 5 years'
22 notice of that termination.

23 §4402. Removal of basic approval

24 1. Commissioner may remove basic approval. Notwith-
25 standing any other provisions of law, the commissioner may
26 remove basic approval from any private school for failure to
27 meet applicable approval requirements.

28 2. Procedural requirements. Whenever a school fails
29 to meet these requirements, the commissioner shall:

30 A. Give due notice; and

31 B. Hold a hearing.

32 3. Hearing. The hearing on removal of basic approval
33 shall be in accordance with the applicable provisions of the
34 Maine Administrative Procedure Act, Title 5, chapter 375,
35 and rules of the State Board of Education adopted pursuant
36 to section 405, subsection 3, paragraph E.

1 §4403. Nonrenewal of basic approval

2 The decision of the commissioner on nonrenewal of basic
3 approval of any school applying for renewal shall be in ac-
4 cordance with the Maine Administrative Procedure Act, Title
5 5, chapter 375, and rules adopted by the State Board of Edu-
6 cation under section 405, subsection 3, paragraph E.

7 §4404. Accreditation

8 For accreditation the following shall be required.

9 1. Application for accreditation. An approved school
10 may apply to the commissioner for recognition as an accred-
11 ited school.

12 2. Requirements. The commissioner, with the approval
13 of the state board, shall establish requirements for accred-
14 itation, which shall include nationally recognized stan-
15 dards, including:

16 A. Quality of instruction;

17 B. School facilities; and

18 C. Curriculum content.

19 3. Advisory committee. The commissioner shall appoint
20 an advisory committee consisting of professional and lay
21 persons to assist in the development of these standards. A
22 school may not be accredited until it has been evaluated by
23 an advisory committee qualified to appraise its functions
24 and program success.

25 4. Procedure for adoption of accreditation stan-
26 dards. The commissioner shall adopt or amend rules on the
27 requirements and standards for accreditation.

28 §4405. Private schools

29 Approval of private schools is governed by chapter 117.

30 §4406. Junior high school defined

31 A junior high school means a school which maintains a
32 diversified program of studies approved by the commissioner,
33 for grades or years as he prescribes, throughout the school
34 year. A combination of 2 or more consecutive grades 6 to 9
35 may be included in a junior high school. A junior high

1 school may be maintained in connection with or as a part of
2 an approved or accredited secondary school.

3 CHAPTER 207

4 CURRICULUM

5 §4601. Basic curriculum

6 1. Required courses in American and Maine his-
7 tory. The following courses shall be required.

8 A. American history and civil government, including
9 the Constitution of the United States, the Declaration
10 of Independence, the importance of voting and the
11 privileges and responsibilities of citizenship, shall
12 be taught in and required for graduation from all ele-
13 mentary and secondary schools.

14 B. A course in the history, including the Constitution
15 of Maine, Maine geography and the natural and indus-
16 trial resources of Maine shall be taught in at least
17 one grade from grade 7 to grade 12, in all schools,
18 both public and private.

19 2. English. Four years of English shall be required
20 for graduation from a secondary school.

21 3. Required programs in physical education, safety and
22 health. Programs in physical education, safety and health
23 shall be provided and required for all students in public
24 elementary and secondary schools. The commissioner:

25 A. Shall adopt or amend rules to carry out the pro-
26 grams;

27 B. May periodically require reports from superintend-
28 ents; and

29 C. Shall prescribe courses of studies and plans of
30 lessons and instruction.

31 4. Courses prescribed by the commissioner. The com-
32 missioner shall prescribe by rule the basic curriculum to be
33 taught in public schools.

34 5. Courses prescribed by school boards or boards of
35 trustees. A school board or board of trustees subject to
36 approval by the commissioner, may prescribe additional

1 studies to be taught in its school administrative unit or
2 school.

3 6. Exception. A student who has satisfactorily com-
4 pleted the freshman year in a degree-granting institution
5 may receive a secondary school diploma from the school he
6 last attended, even if he did not meet these graduation re-
7 quirements in subsection 1, paragraph A and subsection 2.

8 §4602. Languages of instruction

9 Languages of instruction to be used in all schools
10 shall be as follows.

11 1. Basic language. The basic language of instruction
12 in all schools, public and private, shall be the English
13 language, except as provided in this section.

14 2. Foreign language instruction. A school may provide
15 courses in foreign languages that are taught in those lan-
16 guages.

17 3. Bilingual education. Subject to the annual
18 approval of the commissioner, the school board of an admin-
19 istrative unit having students from non-English-speaking
20 families may provide programs involving bilingual education
21 techniques. These techniques shall be designed to provide
22 students with educational experiences to enhance their
23 learning. Bilingual instructors shall be subject to certi-
24 fication by the state board in both course content and lan-
25 guage of instruction.

26 4. Transitional instruction. A school board may pro-
27 vide transitional instruction programs.

28 A. "Transitional instruction" means instruction given
29 to a limited English speaking student for the purpose
30 of enabling the student to be instructed in English
31 within a reasonable length of time. Transitional
32 instruction shall not include bilingual education pro-
33 grams, as defined in (Public Law 90-247, Title VII,
34 United States Code Annotated, Title 20, Section
35 880b-1,) that is, programs which do not include stu-
36 dents of limited English speaking ability.

37 B. Certified bilingual instructors shall not be re-
38 quired for the provisions of transitional instruction
39 at any grade level.

1 §4603. Industrial education

2 Schools may provide courses in industrial arts. The
3 commissioner shall provide technical assistance.

4 §4604. Driver education

5 Schools may offer courses in driver education either
6 during regular school hours or outside of regular school
7 hours.

8 1. School administrative unit fee. A school adminis-
9 trative unit may charge a fee, based on the per student
10 cost, for driver education courses conducted after regular
11 school hours during the school year.

12 2. Contract authority. A school administrative unit
13 or private school may contract for driver education with any
14 certified person or any commercial driver education school,
15 provided that the instructor for the school shall be certi-
16 fied.

17 3. Temporary certification. If a certified instructor
18 is not available within a school administrative unit, and if
19 that unit requests it, the commissioner shall grant tempo-
20 rary driver education teacher certification to a person li-
21 icensed by the Secretary of State to teach driver education.
22 Requests for temporary certification shall be initiated by
23 the administrative unit. A certificate may not be for more
24 than one year.

25 4. Rules. The commissioner shall adopt or amend rules
26 to carry out this section.

27 CHAPTER 209

28 SCHOOL DAYS, HOLIDAYS, SPECIAL OBSERVANCES

29 §4801. School days

30 The following provisions shall apply to school days.

31 1. Number. A school administrative unit shall make
32 provision for the maintenance of all of its schools for at
33 least 180 days a year. At least 175 days shall be used for
34 instruction. In meeting the requirement of a 180-day school
35 year, no more than 5 days may be used for in-service educa-
36 tion of teachers, administrative meetings, parent-teacher
37 conferences, records' days and similar activities.

1 A. The commissioner may reduce or waive the minimum
2 number of days required on application from a school
3 board. The application must be supported in writing
4 with a statement of the reasons for the request.

5 B. Notwithstanding any other section of the statutes,
6 school committees, with the approval of the commis-
7 sioner, may adopt or amend rules necessary to implement
8 an extended school year at the local level. The com-
9 missioner may make appropriate adjustments, not to
10 exceed the allowable subsidy, to insure fair and equi-
11 table treatment in the distribution of state aid.

12 2. Equal terms. A school administrative unit shall
13 operate all its schools so that their regular annual ses-
14 sions are as equal in length as practicable.

15 3. Noncompliance. A school administrative unit which
16 fails to comply with this section may not receive its state
17 school subsidy until it provides for future compliance.

18 §4802. Holidays

19 The following provisions shall apply to school holi-
20 days.

21 1. Unconditional holidays. Public schools shall close
22 on the following days:

23 A. Patriot's Day, the 3rd Monday in April;

24 B. Memorial Day, last Monday in May or May 30th if the
25 Federal Government designates that date;

26 C. Independence Day, July 4th;

27 D. Labor Day, the first Monday in September;

28 E. Columbus Day, the 2nd Monday in October;

29 F. Veteran's Day, November 11th;

30 G. Thanksgiving Day, as designated by the Governor;
31 and

32 H. Christmas Day, December 25th.

33 2. Conditional holidays. Public schools shall close
34 on the following days unless the school board votes to keep

1 its schools open and observe the day with special exercises
2 as defined in section 4803:

3 A. New Years Day, January 1st; and

4 B. Washington's Birthday, the 3rd Monday in February.

5 §4803. Special observance days

6 Days marked by special observances shall be established
7 as follows:

8 1. January 1st. January 1st, if the school board
9 votes to keep schools open;

10 2. Washington's Birthday. Washington's Birthday, the
11 3rd Monday in February, if the school board votes to keep
12 schools open. The day shall be observed with appropriate
13 exercises;

14 3. Lincoln's Birthday. Lincoln's Birthday shall be
15 observed by studying the life and character of Abraham Lin-
16 coln during part of the school day;

17 4. Arbor Day, as designated by the Governor. Arbor
18 Day shall be observed for the purpose designated by the Gov-
19 ernor;

20 5. Temperance Day. Temperance Day, March 1st, shall
21 be observed by studying the history and benefits of temper-
22 ance laws for at least 45 minutes. The commissioner shall
23 prepare appropriate materials for this observance;

24 6. John F. Kennedy Day. John F. Kennedy Day,
25 November 2nd, shall be observed by studying the life and
26 character of John F. Kennedy during part of the school day;

27 7. Martin Luther King Day. Martin Luther King Day,
28 January 15th, as specified in Title 1, section 115;

29 8. Statehood Day. Statehood Day, March 15th, as
30 specified in Title 1, section 116; and

31 9. Poetry Day. Poetry Day, October 15th, as specified
32 in Title 1, section 112.

33 §4804. Sunday holidays

1 When a holiday or special observance falls on a Sunday,
2 the following Monday shall be considered the holiday or day
3 of special observance.

4 §4805. Other special observances

5 Other special observances shall be as follows.

6 1. Flag. Teachers in public schools shall impress on
7 students by suitable references and observances the signifi-
8 cance of the flag. They shall teach them to love, honor and
9 respect the flag.

10 2. Period of silence. The school board of a school
11 administrative unit may require, at the commencement of the
12 first class of each day in all grades in all public schools
13 in their unit, that the teacher in charge of the room in
14 which each class is held shall announce that a period of
15 silence shall be observed for reflection or meditation and
16 during that period silence shall be maintained and no activ-
17 ities engaged in.

18 3. American History Month. American History Month is
19 the month of February, in accordance with Title 1, section
20 113.

21 4. Maine Cultural Heritage Week. Maine Cultural
22 Heritage Week is the week containing March 15th, in accor-
23 dance with Title 1, section 118.

24 5. Arbor Week. Arbor Week is the 3rd full week in
25 May, in accordance with Title 1, section 111-A.

26 CHAPTER 211

27 ATTENDANCE

28 SUBCHAPTER I

29 ATTENDANCE

30 §5001. Compulsory attendance

31 The following provisions apply to compulsory attend-
32 ance.

33 1. Requirement. Persons 7 years of age or older and
34 under 17 years shall attend a public school during its
35 regular annual session.

1 2. Exceptions. Compulsory attendance shall not apply
2 to the following:

3 A. Persons who graduate from high school before their
4 17th birthday;

5 B. Persons who have:

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

8 (2) Permission to leave school from their parent
9 or legal guardian;

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

12 (4) Agreed in writing with their parent or legal
13 guardian and the school board or its designee to
14 meet annually until their 17th birthday to review
15 their educational needs;

16 C. Students who obtain equivalent instruction in an
17 approved private school shall be credited with attend-
18 ance at a private school only if a certificate showing
19 their names, residence and attendance at the school,
20 signed by the person or persons in charge of the
21 school, has been filed with the school officials of the
22 administrative unit in which the students reside;

23 D. Persons who obtain equivalent instruction in any
24 other manner arranged for by the school board and
25 approved by the commissioner.

26 (1) If any request to be excused is denied by a
27 local school board an appeal may be filed with the
28 commissioner.

29 (2) The commissioner shall review the request to
30 be excused to determine whether the local school
31 board has been correct in its finding that no
32 equivalent instruction is available.

33 (3) The commissioner on finding that equivalent
34 instruction is available to the person shall
35 approve the request to be excused; or

36 E. A person whose absence is excused under section
37 5002 or 5051.

1 3. Appeal process. Persons who have complied with
2 subsection 2, paragraph B, subparagraphs (1) and (2) may
3 appeal to the commissioner if the school board or its desig-
4 nee denies them permission to leave school.

5 4. Excusable absence. A person's absence is excused
6 when the absence is for the following reasons:

7 A. Personal illness;

8 B. An appointment with a health professional that must
9 be made during the regular school day;

10 C. Observance of a recognized religious holiday when
11 the observance is required during the regular school
12 day;

13 D. A family emergency; or

14 E. A planned absence for a personal or educational
15 purpose which has been approved.

16 5. Adult responsibility. Any adult having a person
17 subject to subsection 1 under their control shall be respon-
18 sible for their compliance.

19 6. Noncompliance. An absence of 1/2 day or more shall
20 be considered noncompliance with subsection 1.

21 §5002. Alternate programs

22 The following provisions apply to suitable programs of
23 work, work study or training.

24 1. Approval. Students subject to section 5001, sub-
25 section 1, shall be excused if they:

26 A. Are 14 years of age or older;

27 B. Are participating in a suitable program of work,
28 work study or training;

29 C. Have their parent's or guardian's consent; and

30 D. The principal approves.

31 2. Appeal. A parent or guardian may appeal to the
32 school board if the principal refuses to approve under sub-
33 section 1.

1 3. Student involvement. A student requesting to be
2 excused under this section shall be consulted in the selec-
3 tion and formulation of work programs.

4 4. Special work permit. A student between the ages of
5 15 and 17 years who is unable to be issued a regular work
6 permit may receive a work permit for employment in
7 nonhazardous occupations. This special work permit shall be
8 issued jointly by the commissioner and the Director of the
9 Bureau of Labor.

10 §5003. Administration

11 1. School board's responsibility. School boards shall
12 administer this subchapter.

13 2. Rules. School boards shall adopt rules to carry
14 out this subchapter. They shall file a copy with the com-
15 missioner.

16 3. Commissioner's responsibility. The commissioner
17 shall guide school boards in adopting these rules.

18 SUBCHAPTER II

19 HABITUAL TRUANTS

20 §5051. Habitual truants

21 1. Definition. A student is a habitual truant if he
22 is:

23 A. Subject to sections 5001 or 5002; and

24 B. Absent from school without excuse for the equiva-
25 lent of 10 full days, or for at least 1/2 day on 7 con-
26 secutive school days, within any 6-month period.

27 2. Procedure. The following provisions apply to
28 procedure when a student is a habitual truant.

29 A. If a principal of a public school determines that a
30 student is a habitual truant, the principal shall
31 inform the superintendent. The superintendent shall
32 first try to correct the problem informally.

33 B. If unable to correct the problem informally, the
34 superintendent shall refer the matter to the school
35 board along with the principal's report and any other
36 useful information.

1 C. The school board shall call a hearing and shall
2 notify the parent or guardian of the following in writ-
3 ing at least 7 days in advance:

4 (1) Date and time of the hearing;

5 (2) Purpose of the hearing;

6 (3) Their right to inspect student's attendance
7 records and principal's reports; and

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

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

12 (1) Instruct the student to comply with section
13 5001, subsection 1, and advise the parent or
14 guardian of their responsibility under section
15 5001, subsection 3; or

16 (2) Waive the requirements of section 5001, sub-
17 section 1, if the student is 14 years of age or
18 older.

19 E. A parent or guardian may appeal the decision of the
20 school board to the commissioner.

21 (1) The commissioner shall appoint a fair hearing
22 officer to hear the appeal.

23 (2) The fair hearing officer shall report to the
24 commissioner on the testimony presented and shall
25 recommend a disposition to the commissioner.

26 (3) The commissioner shall review the report and
27 shall affirm, modify or reverse the school board's
28 decision.

29 3. Reports. The following provisions apply to
30 reports.

31 A. A superintendent shall submit an annual report to
32 the commissioner before October 1st. The report shall:

33 (1) Identify the number of habitual truants in
34 the unit in the preceding school year;

1 (2) Describe the unit's efforts to deal with
2 habitual truancy;

3 (3) Account for actions brought under this
4 section; and

5 (4) Include any other information on truancy
6 requested by the commissioner.

7 B. The commissioner shall submit an annual report to
8 the Governor and the Legislature before January 15th.
9 The report shall aggregate the information provided by
10 superintendents and shall evaluate the effect of state
11 laws on the incidence of truancy.

12 §5052. Attendance officers

13 The following provisions apply to attendance officers.

14 1. Election. The following provisions apply to the
15 election of attendance officers.

16 A. A school board shall annually elect an attendance
17 officer or officers.

18 B. The attendance officer shall be elected at the
19 first meeting of the school board after its election.

20 C. Vacancies shall be filled as they occur.

21 2. Duties. An attendance officer shall:

22 A. Investigate all cases of alleged habitual truancy
23 and report to the school board;

24 B. When directed in writing by the school board or the
25 superintendent, file a complaint under section 5053;

26 C. When notified by a teacher that a student's attend-
27 ance is irregular, arrest and take that student to
28 school if that student is truant;

29 D. When directed in writing by the school board or the
30 superintendent, visit places of employment in the unit
31 during regular school hours to determine whether any
32 individual under 14 years of age works there and report
33 to the superintendent or the school board; and

1 E. Upon completing an investigation under paragraph D,
2 report in writing to the Director of the Bureau of
3 Labor any finding that a minor is illegally employed
4 under Title 26, chapter 7.

5 3. Work permits. On request of an attendance officer
6 acting under subsection 2, paragraph D, the person in charge
7 of a place of employment shall produce all permits required
8 to be kept under Title 26, chapter 7.

9 4. Compensation. A school board may pay its attend-
10 ance officer out of funds appropriated for that purpose.

11 5. Penalties. The following provisions apply to pen-
12 alties.

13 A. An attendance officer who fails to perform the
14 duties assigned under this section shall be punished by
15 a fine of not less than \$10 nor more than \$50.

16 B. A school administrative unit which fails to perform
17 its duties under this section shall be subject to
18 section 6801.

19 §5053. Enforcement

20 1. Offenses. Each of the following acts shall consti-
21 tute a civil violation under this subchapter and subchapter
22 III:

23 A. Having control of a student who is a habitual
24 truant and being primarily responsible for that tru-
25 ancy;

26 B. Inducing a student to violate section 5051, subsec-
27 tion 1; or

28 C. Harboring or concealing a student who is in viola-
29 tion of section 5001.

30 2. Jurisdiction. The District Court shall have juris-
31 isdiction of these offenses.

32 3. Process. Warrants and legal process issued by a
33 court to enforce this section may be directed to and exe-
34 cuted by the attendance officer of the school administrative
35 unit where the offense is alleged to have been committed.

36 4. Penalties. The following provisions apply to pen-
37 alties.

1 A. A person guilty of a civil violation under:

2 (1) Subsection 1, paragraph A shall be punished
3 by a forfeiture of not more than \$200; and

4 (2) Subsection 1, paragraphs B and C shall be
5 punished by a forfeiture of not less than \$500.

6 B. The court may require that the offender undergo
7 counseling by a professional selected by the offender,
8 with the court's approval, or by the court. The coun-
9 selor shall submit a written report to the court and to
10 the offender.

11 SUBCHAPTER III

12 DROPOUTS

13 §5101. Statement of purpose

14 School attendance shall be compulsory because education
15 is essential to the preservation of the rights and liberties
16 of the people. To safeguard these rights and liberties fur-
17 ther, and to ensure equal access to educational opportunity,
18 the public schools should help those students in need find
19 appropriate alternatives to regular school curricula and
20 should maintain contact with dropouts.

21 §5102. Definitions

22 As used in this subchapter, unless the context other-
23 wise indicates, a "dropout" means any person under the age
24 of 17 who has withdrawn or been expelled from school before
25 graduation or completion of a program of studies and who has
26 not enrolled in another educational institution or program.

27 §5103. Positive action committee

28 The following provisions apply to the positive action
29 committee.

30 1. Committee. A superintendent responsible for a
31 grade level from 9 to 12 shall establish a positive action
32 committee.

33 2. Membership. The positive action committee shall be
34 composed of the following members:

35 A. A member of the school board selected by that
36 board;

- 1 B. A school administrator selected by the superinten-
2 dent;
- 3 C. Two teachers or school guidance counselors selected
4 by the unit's teachers' organization;
- 5 D. Two parents of students enrolled in a grade level
6 from 9 to 12, selected by the organized parent group,
7 or, if no organized parent group exists, by the school
8 board;
- 9 E. Two students enrolled in a grade level from 9 to 12
10 selected by the positive action committee members se-
11 lected in paragraphs A to D;
- 12 F. Two recent dropouts selected by the positive action
13 committee members selected in paragraphs A to D; and
- 14 G. Two residents of the municipalities within the
15 school administrative unit selected by the positive ac-
16 tion committee members selected in paragraphs A to D.
- 17 A positive action committee may increase its membership by
18 majority vote.
- 19 3. Terms and vacancies. Members shall serve 2-year
20 terms. Members may be reappointed. A vacancy shall be
21 filled as if it were an original appointment.
- 22 4. Chairman. The positive action committee shall
23 select a chairman from among its members. A chairman may
24 not serve continuously for more than 2 years.
- 25 5. Responsibilities. The following provisions apply
26 to responsibilities of the positive action committee.
- 27 A. The positive action committee shall:
- 28 (1) Study the dropout problem;
- 29 (2) Develop a plan for dealing with it; and
- 30 (3) Submit the plan to the school board.
- 31 B. The school board shall:
- 32 (1) File its plan with the department; and
- 33 (2) Inform the department what parts of the plan
34 will become policy in the unit.

1 C. The positive action committee shall consider the
2 following when developing its plan:

3 (1) Reasons why students drop out of school;

4 (2) Maintenance of continuing contacts with
5 recent dropouts in order to extend opportunities
6 for alternate educational programs, counseling and
7 referral;

8 (3) Education of teachers and administrators
9 about the dropout problem;

10 (4) Use of human services' programs to help
11 dropouts;

12 (5) The school administrative unit's policies on
13 suspension, expulsion and other disciplinary ac-
14 tion; and

15 (6) Discriminatory practices and attitudes within
16 the school administrative unit.

17 6. Annual review. The positive action committee shall
18 meet at least annually to review its plan and to make recom-
19 mendations to the school board. The school board shall
20 inform the department of any changes it adopts.

21 7. Department assistance. The department shall pro-
22 vide reasonable technical assistance to a positive action
23 committee on request.

24 §5104. Programs

25 1. Student involvement. A student being considered
26 for participation in programs for dropouts and truants shall
27 be involved in the selection and formation of those pro-
28 grams.

29 2. Student count. For state school subsidy purposes,
30 a student enrolled in a program for dropouts and truants
31 shall be counted as 1/10th of a student if the student
32 enrolls in a semester credit course or its equivalent lead-
33 ing to high school graduation. A student may not be counted
34 as more than one student under this Title.

35 3. Programs outside the school administrative unit.
36 The following provisions apply to programs outside the
37 school administrative unit.

1 A. If a school administrative unit has no program for
2 dropouts and truants and if the superintendent
3 approves, students in that unit may enroll in programs
4 in another school administrative unit or a private
5 school.

6 B. The students' school administrative unit shall pay
7 tuition equal to no more than 1/10th of the state
8 school subsidy for each student for each semester
9 course or its equivalent in the students' unit.

10 C. The commissioner shall adopt rules to administer
11 this subsection.

12 CHAPTER 213

13 STUDENT ELIGIBILITY

14 §5201. Age

15 The following provisions apply to enrollment in public
16 elementary and secondary schools.

17 1. Eligibility to enroll. A person 5 years of age or
18 older and under 20 years of age may enroll as a full-time
19 student or, with the consent of the school board, as a part-
20 time student, in the public elementary and secondary
21 schools.

22 2. Minimum ages. The following are minimum ages
23 necessary for student enrollment in a school administrative
24 unit.

25 A. A person who will be at least 6 years old on Octo-
26 ber 15th of the school year may enroll in grade one.

27 B. A person who will be at least 5 years old on Octo-
28 ber 15th of the school year may enroll in a one-year
29 kindergarten if it is offered.

30 C. A person who will be at least 4 years old on Octo-
31 ber 15th of the school year may enroll in a 2-year
32 childhood education program prior to grade one if it is
33 offered.

34 3. Exceptions. The following are exceptions to this
35 section.

1 A. War veterans who have not completed high school
2 before their 18th birthday may enroll in the public
3 schools in the school administrative units where they
4 reside until they graduate or reach the age of 25.

5 B. A person who has enrolled in a public kindergarten
6 or grade one in another state may enroll in kindergar-
7 ten or grade one, as the case may be, in the school
8 administrative unit where the parent or guardian become
9 residents.

10 C. A person who was enrolled in kindergarten in this
11 State under paragraph B, may enroll in grade one upon
12 satisfactory completion of kindergarten.

13 D. A person who was enrolled in a public kindergarten
14 in another state and was promoted to grade one may
15 enroll in grade one in the school administrative unit
16 where the parent or guardian becomes a resident.

17 E. The eligibility for exceptional students is gov-
18 erned by section 7001, subsection 2.

19 4. Rules. A school board may adopt rules to carry out
20 this section.

21 §5202. Residence

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

24 2. General rule. A person shall be considered a resi-
25 dent of the school administrative unit where his parent
26 resides. A federal installation shall be considered part of
27 the school administrative unit in which it is located.

28 §5203. Elementary students right to attend school in
29 another administrative unit

30 The following provisions govern the right of elementary
31 students to attend school in another school administrative
32 unit other than the one in which they are resident.

33 1. Units with an elementary school. An elementary
34 student may attend an approved private school or a public
35 elementary school in any school administrative unit with the
36 consent of the receiving school's school board. The
37 student's parent or guardian shall pay the cost of tuition
38 and transportation. The receiving school shall notify the

1 superintendent of the school administrative unit where the
2 student's parents reside of the name and grade of the ac-
3 cepted student.

4 2. Living remote from public schools in a school
5 administrative unit. Elementary students whose parents live
6 remote from a public school in their school administrative
7 unit may, with the consent of the school board in their
8 unit, attend public school in an adjoining school adminis-
9 trative unit in Maine or a neighboring state if the adjoining
10 unit accepts tuition students. The school administra-
11 tive unit where the students' parents reside shall pay
12 tuition and transportation.

13 3. Contract school. Students whose parents reside in
14 a school administrative unit which contracts for school
15 privileges under section 2701 may attend the contract
16 school. The school administrative unit in which their par-
17 ents reside shall pay the costs of the contract and trans-
18 portation.

19 4. Exception; no elementary school. Elementary stu-
20 dents whose parents reside in a unit which neither maintains
21 an elementary school nor contracts for elementary school
22 privileges may attend a private school approved for tuition
23 purposes or a public school in an adjoining unit in Maine or
24 in a neighboring state which accepts tuition students. The
25 school administrative unit where the students' parents
26 reside shall pay tuition and transportation.

27 5. Units with 10 or fewer students. Elementary stu-
28 dents whose parents reside in a school administrative unit
29 with a total April 1st resident student count of 10 or less
30 may attend public school as tuition students in a nearby
31 school administrative unit. The school board of the nearby
32 school administrative unit shall accept the students if
33 requested by the school board of the unit in which the stu-
34 dents' parents reside. The school board where the students'
35 parents reside shall pay tuition and transportation.

36 §5204. Secondary students right to attend school in another
37 administrative unit

38 The following provisions govern the right of secondary
39 students to attend school in another school administrative
40 unit other than the one in which they are resident.

41 1. Units with a secondary school. A secondary student
42 may attend an approved private school or a public secondary

1 school in any school administrative unit with the consent of
2 the receiving school's school board. The student's parent
3 or guardian shall pay the cost of tuition and transporta-
4 tion. The receiving school shall notify the superintendent
5 of the school administrative unit where the student's par-
6 ents reside of the name and grade of the accepted student.

7 2. Living remote from public schools in a school
8 administrative unit. Secondary students whose parents live
9 remote from a public school in their school administrative
10 unit may, with the consent of the school board in their
11 unit, attend public school in an adjoining school adminis-
12 trative unit in Maine or a neighboring state if the adjoin-
13 ing unit accepts tuition students. The school administra-
14 tive unit where the students' parents reside shall pay
15 tuition.

16 3. Contract school. Students whose parents reside in
17 a school administrative unit which contracts for school
18 privileges under section 2701 may attend the contract
19 school. The school administrative unit in which their par-
20 ents reside shall pay the cost of the contract.

21 4. No secondary school. Secondary students whose par-
22 ents reside in a unit which neither maintains a secondary
23 school nor contracts for secondary school privileges may
24 attend a private school approved for tuition purposes, a
25 public school in an adjoining unit which accepts tuition
26 students, or a school approved for tuition purposes in
27 another state or country. The school administrative unit
28 where the students' parents reside shall pay tuition.

29 5. Units with 10 or fewer students. Secondary stu-
30 dents whose parents reside in a school administrative unit
31 with a total April 1st resident student count of 10 or less
32 may attend public school as tuition students in a nearby
33 school administrative unit. The school board of the nearby
34 school administrative unit shall accept the students if
35 requested by the school board of the unit in which the stu-
36 dents' parents reside. The school board where the students'
37 parents reside shall pay tuition.

38 6. Insufficient courses; time limitations. If the
39 secondary school does not offer 2 approved occupational
40 courses of study, a 2-year course in mathematics or science
41 or 2 approved foreign language courses, then its students
42 may attend another secondary school approved for tuition
43 purposes to take the missing courses of study, provided
44 that:

- 1 A. The receiving school accepts tuition students;
2 B. The students meet the qualifications for attending
3 their own secondary school; and
4 C. The students have notified their own school admin-
5 istrative unit by April 1st, before the start of each
6 academic year, that they wish to take the course not
7 being offered by their school administrative unit.
8 Their school administrative unit shall notify them on
9 or before July 15th of that year whether the course
10 will be offered in the next academic year.

11 §5205. Other exceptions to the general residency rules

12 The following exceptions apply in determining a
13 student's right to attend a school in a school administra-
14 tive unit other than the one in which the student has perma-
15 nent residence.

16 1. State wards. A state ward shall be considered a
17 resident of the unit where placed.

18 2. Other students not living at home. A student other
19 than a state ward, residing with another person who is not
20 the student's parent, shall be considered a resident of the
21 school administrative unit where the student resides if the
22 superintendent of the unit determines that it is in the best
23 interest of the student because of the following:

24 A. It is undesirable and impractical for that student
25 to reside with the student's parent, or that other
26 extenuating circumstances exist which justify residence
27 in the unit; and

28 B. That person is residing in the school administra-
29 tive unit for other than just education purposes.

30 The commissioner shall review the superintendent's findings
31 under paragraph B, on the request of that student's parent.
32 The commissioner's decision shall be final and binding.

33 3. Students placed by state agencies. A student who
34 is placed by a state agency, child placement agency or
35 parent in a nonfamily foster home shall be considered a res-
36 ident of the school administrative unit where the foster
37 home is located, if:

1 A. The state agency, child placement agency or parent
2 proves to the school administrative unit's satisfaction
3 that the costs of educating that student will be paid
4 to the school administrative unit in the year they are
5 incurred; and

6 B. The school administrative unit has agreed to accept
7 tuition students under this Title.

8 4. Students living at light, fog warning or life sta-
9 tions. A student living at any light, fog warning or
10 lifesaving station shall be considered a resident of the
11 school administrative unit where the student chooses to
12 enroll.

13 5. Temporary residents. A student who temporarily
14 resides in a school administrative unit shall be considered
15 a resident of that school unit if the student is living with
16 a parent who, because of employment, moves from place to
17 place. This subsection may not be construed to abridge that
18 student's rights in the school administrative unit where the
19 student permanently resides.

20 6. Transfer students. The following provisions apply
21 to transfers of students from one school administrative unit
22 to another.

23 A. Two superintendents may approve the transfer of a
24 student from one school administrative unit to another
25 if:

26 (1) They find that a transfer is in the student's
27 best interest; and

28 (2) The student's parent approves.

29 The superintendents shall notify the commissioner of
30 any transfer approved under this paragraph.

31 B. On the request of the parent of a student request-
32 ing transfer under paragraph A, the commissioner shall
33 review the transfer. The commissioner's decision shall
34 be final and binding.

35 C. The superintendents shall annually review any
36 transfer under this subsection.

37 D. For purposes of the state school subsidy, a student
38 transferred under this subsection shall be considered a

1 resident of the school administrative unit to which
2 transferred. For purposes of local leeway under
3 section 15511, subsection 3, a student transferred
4 under this subsection shall be considered a resident of
5 the largest municipality in the school administrative
6 unit to which transferred.

7 E. A school administrative unit may not charge tuition
8 for a transfer approved under this subsection.

9 CHAPTER 215

10 TRANSPORTATION

11 §5401. Transportation

12 The transportation of public school students shall be
13 governed as follows.

14 1. Municipal school units. The superintendent of
15 schools in a municipal school unit shall provide transporta-
16 tion for elementary school students a part of or the whole
17 distance to and from the nearest suitable elementary school.
18 The municipality may provide transportation for secondary
19 level students.

20 2. School administrative district. The superintendent
21 of schools in a school administrative district shall, with
22 the approval of the school board, provide transportation
23 for:

24 A. Elementary school students a part of or the whole
25 distance to and from the nearest suitable school; and

26 B. Secondary school students a part of or the whole
27 distance to the district's secondary school or to and
28 from the secondary school in the school administrative
29 unit or units with which the district has contracted
30 for secondary school privileges. The school board may
31 provide transportation for secondary school students
32 attending other secondary schools.

33 3. Community school district. The community school
34 district district school committee shall either:

35 A. Instruct the superintendent of schools to provide
36 transportation for elementary and secondary school stu-
37 dents to and from the nearest suitable school; or

1 B. Provide transportation in accordance with a written
2 agreement with the member school administrative unit.

3 4. Special education students. Special education stu-
4 dents shall be provided transportation:

5 A. As provided by chapter 301; or

6 B. To and from classes.

7 5. Secondary school students residing on islands. A
8 school administrative unit shall pay transportation charges
9 over regular transportation lines for secondary school stu-
10 dents who reside on islands if those islands are:

11 A. Within the school administrative unit;

12 B. Without a secondary school; and

13 C. Served by regular transportation lines.

14 The charges shall not exceed regular fares. The transporta-
15 tion line and the school board may by agreement establish
16 school fares for these students at less than the regular
17 fare.

18 6. Temporary residents and residents on state-owned
19 property. The commissioner shall reimburse a school admin-
20 istrative unit for approved transportation of students who
21 reside on state-owned property located in towns of less than
22 100 residents or who are temporary residents, if those stu-
23 dents reside more than 2 miles from the school.

24 A. A superintendent, with the approval of the school
25 board, shall report these students to the commissioner.
26 The report shall include any other information the com-
27 missioner requires.

28 B. The commissioner may direct the unit to provide
29 transportation or board if transportation is deemed
30 inadvisable.

31 C. On receiving a bill of expenses for transportation
32 or board from a school administrative unit, the commis-
33 sioner shall, in December, reimburse it for those
34 expenses from the department appropriation for that
35 purpose.

1 7. Remote location. If a student resides in a loca-
2 tion remote from and inaccessible to schools or public high-
3 ways, the student's parents shall be responsible for provid-
4 ing transportation to a public highway or paying board for
5 the student within walking distance of a school. Failure of
6 the parent to provide transportation or board shall be con-
7 sidered a violation of the truancy law.

8 8. Adult education. A school administrative unit may
9 provide transportation for adults to and from adult educa-
10 tion programs as authorized under section 8611.

11 9. Vocational education. The following provisions
12 shall apply to transportation for vocational education.

13 A. The sending school administrative unit shall pro-
14 vide transportation for its students to and from a
15 vocational center or vocational satellite program.

16 B. The cooperative board shall provide for the trans-
17 portation of students to and from vocational programs
18 operated by vocational regions, centers or satellites.

19 (1) Transportation may not be provided outside
20 the vocational region, unless approved by the com-
21 missioner.

22 (2) State aid for transportation shall be com-
23 puted and paid to the administrative units of the
24 region in the same proportion that the administra-
25 tive unit contributes to the vocational educa-
26 tional budget of the region.

27 10. Duration. Transportation shall be provided for
28 the number of weeks that the school is open for instruction.

29 11. Minimum distances. A school board may establish
30 the distance from a school that students must reside to
31 receive transportation.

32 12. Safety. Transportation provided shall conserve
33 the comfort, safety and welfare of the students conveyed. A
34 responsible driver shall be in charge of the vehicle and
35 shall have control over the conduct of the students while
36 they are transported.

37 13. Contract. A superintendent may contract for
38 transportation.

1 A. A contract may not exceed a period of 5 years.

2 B. Authorization by the unit's legislative body shall
3 be required for contracts existing beyond one year.

4 C. In a school administrative district, the superin-
5 tendent shall execute the contract with the approval of
6 the board of directors.

7 14. Cost of service and equipment. Transportation
8 services and the purchase of new buses shall be accomplished
9 in the most economical manner consistent with the welfare
10 and safety of students.

11 15. New bus purchases. School bus purchases, con-
12 tracts or leases shall be subject to approval by the commis-
13 sioner.

14 A. The commissioner may not approve, in one year, more
15 than \$4,000,000 in expenditures for school bus pur-
16 chases. Annually, the Legislature shall review this
17 limitation.

18 B. The commissioner shall encourage school administra-
19 tive units, whenever possible, to purchase school buses
20 from current funds rather than from short-term loans.

21 C. A school board may obtain a short-term loan to pur-
22 chase school buses if it is approved by the unit's
23 legislative body. The term of a loan may not exceed 3
24 years, except in a community school district a loan
25 during the district's first year of operation may not
26 exceed 5 years.

27 D. Expenditures approved for school bus purchases may
28 not be included in expenditure limitations placed on
29 school administrative units under this Title.

30 16. Unorganized territories. The commissioner shall
31 pay the transportation or board costs of eligible elementary
32 students from unorganized territories in accordance with
33 section 3252.

34 CHAPTER 217

35 BOARD

36 \$5601. Board

1 1. Elementary students. In place of transportation,
2 the school board may authorize the boarding of a student.
3 That board:

4 A. Shall not exceed \$40 per week; and

5 B. Shall be at a suitable place near an established
6 school.

7 2. Secondary school students in remote school adminis-
8 trative units. Any remote school administrative unit,
9 including a coastal island which has no highway connection
10 to the mainland, which does not maintain an approved second-
11 ary school shall pay for board for a student eligible to
12 attend a secondary school.

13 A. Board shall not exceed an amount determined by the
14 administrative unit or a prorated amount for a fraction
15 of a week. It shall be paid only if:

16 (1) The commissioner determines that it is neces-
17 sary that the student board away from home to
18 attend a secondary school;

19 (2) The boarding arrangement is approved by the
20 school board; and

21 (3) The commissioner approves the boarding
22 arrangement in advance on a form provided for the
23 purpose.

24 B. The Town of Cumberland may pay the tuition, trans-
25 portation or board of a student whose parent resides on
26 Chebeague Island for attendance at an approved second-
27 ary school.

28 C. Payment for board shall be made on receipt of a
29 satisfactory attendance record at the end of a period
30 no longer than one month. The payment shall be charged
31 to the secondary school transportation account.

32 D. The superintendent shall, before September 1st
33 annually, make a return for the preceding school year,
34 under oath, to the commissioner on a form provided to
35 him showing:

36 (1) The name and residence of each student for
37 which board was paid;

1 (2) The amount paid; and

2 (3) The name and location of the school attended.

3 3. Unorganized territories. The commissioner shall
4 pay the board of students from unorganized territories as
5 provided in section 3252 and 3253.

6 4. Remote locations. Students residing in remote
7 locations shall be provided board in accordance with section
8 5401, subsection 7.

9 5. Temporary residents and residents on state-owned
10 property. The commissioner shall, in accordance with
11 section 5401, subsection 6, reimburse a school administra-
12 tive unit for approved board of students who reside on
13 state-owned property located in towns of less than 100 resi-
14 dents.

15 CHAPTER 219

16 TUITION

17 §5801. Acceptance of tuition students

18 A school board may decide whether schools in its school
19 administrative unit shall accept tuition students whose par-
20 ents reside in another school administrative unit.

21 §5802. Residents on state-owned property

22 The commissioner shall, in accordance with procedures
23 established in section 5401, subsection 6, reimburse a
24 school administrative unit for approved tuition for students
25 who reside on state-owned property.

26 §5803. Two years' notice

27 A school administrative unit which receives tuition
28 students shall give at least 2 years' notice to a sending
29 school administrative unit before discontinuing the accep-
30 tance of tuition students. The receiving unit shall file a
31 copy of the notice with the commissioner. If the school
32 board of a receiving unit fails to give a proper 2-year
33 notice, the commissioner may authorize withholding school
34 construction aid until that receiving unit complies.

35 §5804. Elementary school students

1 Tuition charged for elementary school students shall be
2 as follows:

3 1. Public schools. The maximum tuition payments shall
4 not exceed the receiving school administrative units per
5 student cost for the preceding year as approved by the com-
6 missioner. The school board of the sending unit may vote to
7 pay a higher tuition rate.

8 2. Private schools. The tuition payment to a private
9 school shall not exceed the average per student cost in all
10 public elementary schools in the State for the previous year
11 as computed by the commissioner.

12 §5805. Secondary school students; public schools

13 Tuition charges for secondary school students in public
14 schools shall be governed by the following.

15 1. Computation of tuition rate. The tuition rate at a
16 public secondary school shall be the sum of all expenditures
17 divided by the number of students. These figures shall be
18 determined as follows.

19 A. Expenditures shall be all expenditures for public
20 secondary education for the period July 1st to June 30th
21 of the year immediately before the school year for
22 which the tuition charge is computed, except expendi-
23 tures for:

24 (1) Special education;

25 (2) Vocational education;

26 (3) Community services;

27 (4) Major capital outlay;

28 (5) Debt retirement; and

29 (6) Tuition and transportation.

30 B. The number of students shall be the average number
31 of public secondary pupils enrolled on October 1st and
32 April 1st of the same year.

33 C. The figure obtained by using the figures estab-
34 lished in paragraphs A and B shall be divided by the
35 average number of secondary students on October 1st and

1 April 1st of the year immediately prior to the year for
2 which the tuition charge is computed.

3 D. The tuition rate thus determined shall be adjusted
4 by the average change in public secondary education
5 costs for the 2 years immediately before the school
6 year for which the tuition charge is computed. This
7 adjustment shall be limited to a 6% increase.

8 2. Maximum allowable tuition. The maximum allowable
9 tuition charge by a public secondary school shall be the
10 rate computed under subsection 1 or the state average per
11 secondary student cost as adjusted, whichever is lower.

12 §5806. Secondary school students; private schools

13 Tuition charges for secondary school students in pri-
14 vate schools shall be governed by the following.

15 1. Private schools. Tuition rates for a private
16 school shall be computed as provided under section 5805,
17 subsection 1, except that expenditures and number of stu-
18 dents shall be based on the expenditures and students of
19 that school.

20 2. Maximum allowable tuition. The maximum allowable
21 tuition charged to a school administrative unit by a private
22 school shall be the rate established under subsection 1 or
23 the state average secondary school cost as adjusted, which-
24 ever is lower, plus an insured value factor. The insured
25 value factor shall be computed by dividing 5% of the insured
26 value of that school's buildings and equipment by the aver-
27 age number of pupils enrolled in the school on October 1st
28 and April 1st of the year immediately before the school year
29 for which the tuition charge is computed. It may not exceed
30 7.5% of a school's legal tuition rate per student in any one
31 year.

32 3. Tuition charge above allowable maximum. A private
33 school may charge tuition above the allowable maximum estab-
34 lished in subsection 2 in those cases where the student has
35 an alternative choice for attending secondary school at the
36 allowable maximum tuition rate. The amount above the allow-
37 able maximum may be paid in whole or in part by the school
38 administrative unit if the legislative body of the adminis-
39 trative unit votes to authorize its school board to pay a
40 higher tuition rate.

41 §5807. Cost of removing architectural barriers

1 Notwithstanding the maximum tuition rate established
2 under sections 5805 and 5806, public and private schools may
3 adjust their tuition rate for the express purpose of comply-
4 ing with the requirements of the United States Vocational
5 Rehabilitation Act of 1973, Section 504, Public Law 93-112.

6 1. Prior approval of the commissioner. Projects, costs
7 to bring the facilities into compliance and the method and
8 time period of financing must receive prior approval of the
9 commissioner.

10 2. Calculation of adjustment. The cost adjustment for
11 each student shall be calculated by dividing:

12 A. The lesser of the actual compliance costs or debt
13 retirement payments of the year immediately prior to
14 the year for which the tuition charge is computed by;
15 and

16 B. The average number of students attending the school
17 on October 1st and April 1st of the same year.

18 3. Sunset provisions. The provisions of this subsection
19 shall apply to minor capital projects which have
20 received departmental approval before June 30, 1982.

21 §5808. Schools outside state

22 The tuition payment for students educated in whole in
23 another state or country may not exceed the average per
24 pupil cost in all secondary schools of this State. The
25 legislative body of the school unit may vote to authorize
26 its school board to pay a larger tuition rate.

27 §5809. Students enrolled in vocational educational programs

28 Schools receiving tuition students who are enrolled in
29 regular school day vocational educational programs at voca-
30 tional centers, satellites or vocational regions, under
31 chapter 313, may charge a tuition rate not to exceed 2/3 or
32 the maximum tuition rate as computed under sections 5805 or
33 5806.

34 §5810. Tuition payments to receiving schools

35 The following provisions apply to tuition payments.

36 1. Payment date. Tuition shall be paid within 30 days
37 of the billing date.

1 2. Nonpayment. If tuition is not paid according to
2 subsection 1, the superintendent of the school administra-
3 tive unit, or the principal of the private school to whom
4 payment is due, shall inform the commissioner. The commis-
5 sioner shall pay the tuition due and shall deduct that
6 amount from the state school subsidy to the school adminis-
7 trative unit owing tuition.

8 §5811. Students in unorganized territories

9 Tuition for students residing in unorganized territo-
10 ries shall be governed by section 3304.

11 §5812. Summer school

12 The tuition charge for students enrolled in public
13 summer schools shall be calculated as provided in section
14 8802.

15 §5813. Driver education

16 Students may be charged a fee for driver education as
17 provided under section 4604.

18 §5814. Students not residing with parent or guardian

19 Whenever a student is in the custody of persons other
20 than parents or legal guardians because of broken homes or
21 intolerable home conditions, the unit where the student is
22 placed for school purposes may apply to the commissioner for
23 a determination regarding which unit shall pay the cost of
24 educating such a student. The determination of the commis-
25 sioner shall be binding upon the administrative units con-
26 cerned.

27 CHAPTER 221

28 SCHOOL RECORDS, AUDITS AND REPORTS

29 SUBCHAPTER I

30 STUDENT RECORDS

31 §6001. Dissemination of information

32 The United States Family Education Rights and Privacy
33 Act of 1974, Public Law 93-380, as amended by Public Law
34 93-568, and the United States Education of All Handicapped
35 Children Act, Public Law 94-142, shall govern the dissemina-
36 tion of information about students.

1 §6002. Record of birth

2 The following provisions apply to a student's first
3 enrollment.

4 1. Duty of students. Students who enroll for the
5 first time in a public school shall provide their teachers
6 with official records of birth within 60 days of enrollment.

7 2. Duty of parent or guardian. The following provi-
8 sions apply to the duties of a parent or guardian.

9 A. A parent or guardian of a student who enrolls shall
10 provide that student with an official record of birth.

11 B. A parent who refuses or unreasonably neglects to
12 comply with paragraph A shall be fined not more than
13 \$5.

14 3. Duties of teachers, superintendents and other
15 public officials. The following are duties of teachers,
16 superintendents and other public officials.

17 A. A teacher shall inform the superintendent of the
18 school administrative unit of the name of any student
19 who has not complied with subsection 1.

20 B. A superintendent shall inform the State Registrar
21 of Vital Statistics of the name of a student who has
22 not complied with subsection 1 and the name and address
23 of the parent of that student.

24 C. The State Registrar of Vital Statistics shall file
25 a complaint with the nearest District Court whenever
26 the registrar believes that a parent has not complied
27 with subsection 2.

28 D. The State Registrar of Vital Statistics shall pro-
29 vide file copies of any relevant records in the
30 registrar's possession on the request of a parent of a
31 student.

32 §6003. Student attendance records

33 1. Duty of school board. A school board shall desig-
34 nate one or more persons to maintain accurate records of all
35 students attending public schools in the unit.

36 2. Contents. The attendance records shall contain the
37 following information on each student:

- 1 A. Name;
- 2 B. Birth date;
- 3 C. Dates of entering and leaving school in the unit;
- 4 D. The number of days attended; and
- 5 E. The number of times late for school.

6 3. Access. Attendance records shall be made available
7 to the school board at any time.

8 4. Duty of record keeper. The record keeper shall
9 provide the school board with the information they request
10 whenever they request it.

11 §6004. Annual student count

12 The following provisions apply to the annual counting
13 of students.

14 1. Duty of superintendent. By April 15th and October
15 15th the superintendent of each school administrative unit
16 and the principal of each private school shall inform the
17 commissioner of the number of students attending their
18 schools and in the case of public schools the number of stu-
19 dents residing in their school administrative unit. This
20 information shall be supplied on forms provided by the com-
21 missioner.

22 2. Student count. Students shall be counted as fol-
23 lows.

24 A. A student residing in the school administrative
25 unit may be considered in attendance on April 1st only
26 if the student:

27 (1) Attended school at least 75% of the time
28 between October 1st and April 1st, if enrolled by
29 October 1st; or

30 (2) Attended school at least 75% of the time
31 between the date of his first enrollment and April
32 1st, if not enrolled by October 1st.

33 Excused absences and absences due to illness shall not
34 be considered absences under this subsection.

1 B. Students who attend school under section 5205, sub-
2 sections 2, 4, 5 and 6, shall be counted in the school
3 administrative unit in which they attend school.

4 SUBCHAPTER II

5 AUDITS

6 §6051. School administrative unit audits

7 The following provisions apply to financial records.

8 1. Audit. A school board shall provide for an annual
9 audit of a school administrative unit's revenues and
10 expenditures.

11 2. Fiscal year. The fiscal year of an audit shall be
12 from July 1st to June 30th.

13 3. Auditors. Audits shall be conducted by:

14 A. The Department of Audit;

15 B. A qualified public accountant; or

16 C. A person or firm recognized as competent by train-
17 ing and experience.

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

20 A. A copy of the audit; and

21 B. Assurance that the audit has been conducted, that
22 the records were found to be satisfactory and accurate
23 and that adequate substantiation for expenses and pay-
24 ments were on file.

25 5. Records. Financial records and accounts shall be
26 kept for 3 years after the end of the fiscal year. They
27 shall be available to authorized persons at all times.

28 §6052. Federal audits

29 The following provisions apply to federal audits.

30 1. A school board of a school administrative unit
31 which accepts federal funds shall hire auditors and pay out
32 of available school funds or from federally allocated sums
33 for any audit of federal programs.

1 2. Report to commissioner. The auditor shall provide
2 the commissioner with a copy of the audit.

3 3. Use of audit. The commissioner may use these
4 audits to provide the Federal Government with any informa-
5 tion it requires.

6 SUBCHAPTER III

7 EMPLOYEE RECORDS

8 §6101. Record of directory information

9 The following provisions apply to employee records.

10 1. Contents. A school administrative unit shall main-
11 tain a record of directory information on each employee as
12 follows:

13 A. Name;

14 B. Dates of employment;

15 C. Regular and extracurricular duties, including all
16 courses taught in that school administrative unit;

17 D. Post-secondary educational institutions attended;

18 E. Major and minor fields of study at post-secondary
19 educational institutions; and

20 F. Degrees received and dates awarded.

21 2. Access. The following provisions apply to access
22 of employee records.

23 A. The record of directory information and any written
24 decision by the school board involving disciplinary ac-
25 tion shall be available for inspection and copying by
26 any person.

27 B. Except as provided in paragraph A, information in
28 any form relating to an employee or applicant for
29 employment, or to the employee's immediate family,
30 shall be kept confidential if it relates to the follow-
31 ing:

32 (1) All information, working papers and examina-
33 tions used in the examination or evaluation of all
34 applicants for employment;

1 (2) Medical information of any kind, including
2 information pertaining to diagnosis or treatment
3 of mental or emotional disorders;

4 (3) Performance evaluations, personal references
5 and other reports and evaluations reflecting on
6 the quality or adequacy of the employee's work or
7 general character;

8 (4) Credit information;

9 (5) Except as provided by subsection 1, the per-
10 sonal history, general character or conduct of the
11 employee or any member of the employee's immediate
12 family;

13 (6) Complaints, charges of misconduct, replies
14 thereto and memoranda and other materials pertain-
15 ing to disciplinary action; and

16 (7) Social security number.

17 §6102. Employee review

18 The following provisions apply to employee review of
19 records.

20 1. Right to review. An employee or former employee of
21 a school administrative unit, or the employee's representa-
22 tive, is entitled to review the employee's personnel file on
23 written request to the superintendent if the superintendent
24 of schools has a personnel file for the employee.

25 2. Time and place. Review of a personnel file shall
26 take place where the file is kept during normal school
27 hours.

28 3. Contents. For purposes of this section, a "person-
29 nel file" includes, but is not limited to:

30 A. Formal or informal employee work evaluation; and

31 B. Reports relating to the employee's character,
32 credit, work habits, compensation and benefits.

33 SUBCHAPTER IV

34 MISCELLANEOUS

1 §6151. Annual report

2 The following provisions apply to annual reports.

3 1. Duty of superintendent. The superintendent shall,
4 on or before August 1st, make an annual report to the com-
5 missioner under oath. The report shall contain a full and
6 complete return of all educational statistics required to be
7 reported for the year ending June 30th.

8 2. Penalty. A school administrative unit whose super-
9 intendent fails to make the report shall be subject to the
10 penalties of section 6801.

11 §6152. Rules

12 The commissioner shall adopt rules to carry out this
13 section which are consistent with federal requirements.

14 CHAPTER 223

15 HEALTH, NUTRITION AND SAFETY

16 SUBCHAPTER I

17 STUDENT HEALTH

18 §6301. Student health

19 The following provisions apply to student health.

20 1. Duty of teacher. A teacher who believes that a
21 student is so filthy or diseased as to be offensive or dan-
22 gerous to others, or because they are the bearers of vermin
23 or parasites, or have an infectious or contagious disease of
24 the skin, mouth or eyes, shall inform the superintendent.

25 2. Duty of superintendent. A superintendent informed
26 by a teacher under subsection 1 shall:

27 A. Inform the student's parent:

28 (1) To cleanse the clothing and bodies of their
29 children; and

30 (2) To furnish their children with the required
31 home or medical treatment for the relief of their
32 trouble so defined in subsection 1; and

1 B. Exclude the student from the public schools until
2 the student is no longer offensive or dangerous.

3 3. Duty of parent. A parent informed by a superinten-
4 dent under subsection 2 shall promptly do what is reasonably
5 necessary to ensure that the student is no longer offensive
6 or dangerous.

7 4. Penalty. Any parent who fails to comply with sub-
8 section 3 shall be fined not more than \$5 for the first
9 offense or \$10 for subsequent offenses.

10 5. Exclusion. A student showing symptoms of smallpox,
11 scarlet fever, measles, chicken pox, tuberculosis,
12 diphtheria, influenza, tonsilitis, whooping cough, mumps,
13 scabies or trachoma shall be excluded from the public
14 schools as soon as safe and proper transportation is avail-
15 able. The local health officer and the superintendent shall
16 be notified immediately. Exclusions shall conform to the
17 requirements of section 1001, subsection 11.

18 6. Authority and duties of the Department of Human
19 Services. The Department of Human Services shall have the
20 authority and duties prescribed in Title 22, chapter 251 on
21 communicable diseases.

22 SUBCHAPTER II

23 IMMUNIZATION

24 §6351. Immunization

25 The following provisions shall apply to immunization.

26 1. Definitions. As used in this section, unless the
27 context indicates otherwise, the following terms have the
28 following meanings.

29 A. "Disease" means poliomyelitis, diphtheria,
30 pertussis, tetanus, measles, mumps and rubella.

31 B. "School" means a public or private school.

32 2. Admission to school. A student may not be admitted
33 to school without a certificate or other acceptable evidence
34 of immunization unless:

35 A. The person in parental relationship to a student:

1 (1) Agrees in writing to have the student
2 immunized within 90 days;

3 (2) Consents in writing to the student being
4 immunized by a health officer, physician, nurse or
5 other authorized person in public or private
6 employ; or

7 (3) States in writing that the student should not
8 be immunized for any of the following reasons:

9 (i) A physician states in writing that
10 immunization may threaten the student's
11 health;

12 (ii) A physician states in writing that the
13 student has already had the disease against
14 which immunization is required;

15 (iii) The parent or guardian holds a sincere
16 religious belief which is contrary to this
17 immunization requirement; or

18 (iv) The parent or guardian is opposed to
19 immunization for moral, philosophical or
20 other personal reasons; or

21 B. The student is a female of childbearing age who
22 lacks only an immunization against rubella.

23 3. Attendance. The following provisions apply to
24 attendance.

25 A. A student may not attend school if the local health
26 officials and the superintendent find that:

27 (1) The student has not been immunized; and

28 (2) The student's presence in school poses a
29 clear danger that disease will spread to others.

30 B. The superintendent shall inform the person in
31 parental relationship to the student of their finding
32 and the provisions of this subsection.

33 C. If a student is absent from school under this sub-
34 section for more than 10 days, the superintendent shall
35 arrange to provide education for the student until he
36 can return to school.

1 4. School board duties. For school board duties
2 regarding immunizations and possible epidemics see section
3 1001, subsection 11.

4 5. Rubella vaccine, notification of risks. Before
5 immunizing a female student of childbearing age, the student
6 and the person in parental relation to the student shall be
7 provided a description of the risks and benefits of receiv-
8 ing rubella vaccine and the risks related to becoming preg-
9 nant within 3 months of receiving rubella vaccine.

10 6. Annual report of immunization status. By December
11 15th of the school year, each school shall submit a summary
12 report of the immunization status of the entering children
13 to the Director of the Bureau of Health on forms prescribed
14 by the director.

15 7. Records. A school administrative unit shall keep
16 standard immunization records on every student.
17 Immunization records shall be part of permanent school
18 records. State and local health personnel shall have access
19 to student immunization records in connection with an emer-
20 gency as provided for by the United States Family Educa-
21 tional Rights and Privacy Act of 1974, Public Law 93-380,
22 United States Code Title 20, Section 1232g, (b), (1), (I)
23 and regulations adopted thereto.

24 8. Rules. The commissioner and the Director of the
25 Bureau of Health shall adopt or amend rules to carry out
26 this subchapter. Rules shall include immunization require-
27 ments, record keeping and procedures for reporting.

28 9. Local option. A municipality may enact require-
29 ments which are more stringent than this subchapter.

30 SUBCHAPTER III

31 SCHOOL HEALTH SERVICES

32 §6401. School Nurse Coordinator

33 1. Coordinator within department. There shall be a
34 health professional, acting as a School Nurse Coordinator,
35 within the department. This person must be licensed as a
36 registered nurse in the State and must have education and
37 experience in school health or community nursing and, if
38 possible, a master's degree in nursing.

39 2. Duties. The coordinator shall have the following
40 duties:

- 1 A. To provide orientation for new local school nursing
2 personnel, and to assist them in writing comprehensive
3 job descriptions and implementing local health poli-
4 cies;
- 5 B. To assist local school nursing personnel in advo-
6 cating and planning comprehensive, sequential health
7 education programs for students;
- 8 C. To assist the department in establishing certifica-
9 tion standards for school nursing personnel;
- 10 D. To clarify legal issues, define liability and
11 interpret new legislation to school nursing personnel;
- 12 E. To assist school nursing personnel in becoming
13 knowledgeable members of pupil evaluation teams in
14 effecting placement and programs for exceptional stu-
15 dents;
- 16 F. To instruct school nursing personnel in the orga-
17 nization of health services with minimal disruption to
18 the educational process;
- 19 G. To coordinate appropriate educational programs and
20 workshops for school nursing personnel and to work with
21 institutions of higher education to make relevant
22 courses and degree programs available to nurses in all
23 areas of the State;
- 24 H. To interpret the role of school nursing personnel
25 to local administrators and educators;
- 26 I. To assist in establishing communication between the
27 Department of Human Services and the Department of Edu-
28 catinal and Cultural Services and to seek input from
29 local school nursing personnel in formulating guide-
30 lines for services to students;
- 31 J. To attend courses, workshops and conferences rele-
32 vant to school nursing and to disseminate current
33 health information of local school nursing personnel on
34 a regular basis;
- 35 K. To assure communication and coordination among
36 school nurses, physicians and other resource agencies
37 providing health services;

1 L. To serve as an official representative and spokes-
2 man for the School Nurse Division of the Maine Associa-
3 tion for Health, Physical Education, Recreation and
4 Dance, voicing the group's stand on legislation, health
5 topics and educational issues which affect the health
6 of the state's children; and

7 M. To serve as a resource person to other agencies and
8 organizations, including the State Principal's Associa-
9 tion, the Maine Lung Association, the School Health
10 Board of Directors, the Maine State Nurses' Association
11 and the Maine Teachers' Association.

12 §6402. School physicians

13 The following provisions apply to school physicians.

14 1. Appointment. Each school board shall, provided
15 funds have been appropriated, appoint at least one school
16 physician for every 1,000 students in the school administra-
17 tive unit.

18 2. Facilities. A school administrative unit shall,
19 provided funds have been appropriated, provide its school
20 physicians with proper facilities.

21 3. Duties. A school physician shall:

22 A. Promptly examine and diagnose a student referred to
23 the school physician under this subchapter; and

24 B. Examine school employees and property if the physi-
25 cian believes it is necessary to protect the health of
26 students.

27 4. Prohibition. A school physician may not treat a
28 student examined under this subchapter unless the physician
29 is also the student's personal physician.

30 §6403. Referral for examination

31 Except in remote and isolated areas, where a school
32 board may make other arrangements to carry out the purposes
33 of this section, the school board shall refer a student to
34 the school physician for examination or diagnosis if:

35 1. Lack of certificate of health. The student returns
36 to school without a certificate of health from the local
37 health officer or a personal physician after being absent
38 due to illness;

1 2. Teacher assessment. The student's teacher believes
2 that the circumstances surrounding the student's absence re-
3 quire a certificate of health; or

4 3. Student's appearance. The student appears ill or
5 suffering from a contagious disease and remains in school.

6 SUBCHAPTER IV

7 HEALTH SCREENING

8 §6451. Health screening

9 1. Student right to screening for sight and hearing
10 defects. Each student shall be screened periodically to
11 determine whether they have sight or hearing defects.

12 2. Commissioner's duties. The commissioner shall:

13 A. After consultation with the Commissioner of Human
14 Services, adopt rules and provide school administrative
15 units with assistance and materials to carry out this
16 subsection;

17 B. Furnish to the administrators of the school admin-
18 istrative units the prescribed directions for the tests
19 of sight and hearing; and

20 C. Furnish test cards, record and report forms and
21 other useful materials for carrying out the purpose of
22 this section.

23 3. Exempt students. A student whose parent objects in
24 writing to screening or religious grounds shall not be
25 screened unless a sight or hearing defect is reasonably
26 apparent.

27 §6452. Screening for scoliosis and related spinal abnormal-
28 ities

29 1. Intent. The screening program for scoliosis and
30 related spinal abnormalities is intended to alert parents or
31 guardians to potential spinal problems which could affect
32 the physical development of their child. The public schools
33 shall supervise the screening and notify parents or guard-
34 ians of postural defects which should be investigated fur-
35 ther by qualified personnel. The Department of Human Ser-
36 vices shall provide consultation, technical assistance and
37 training to the schools or their agents.

1 2. Screening program; rules. A screening program
2 shall be instituted according to the following provisions.

3 A. The school board of school administrative units
4 shall require that students in the public schools be
5 screened to determine if any student has a postural
6 defect. The screening shall be performed by personnel
7 who are approved by the Commissioner of Human Services
8 for this purpose. Screening for postural defects shall
9 be performed at least once annually in grades 5 to 8.

10 B. The Commissioner of Human Services shall, after
11 consultation with the Commissioner of Educational and
12 Cultural Services and the Bureau of Health, promulgate
13 rules in accordance with section 3, for the screening
14 test and shall furnish the rules to the administrative
15 officers of the school administrative units. These
16 rules shall include the frequency of the tests, the
17 manner in which the schools or their agents conduct the
18 tests, the qualifications of personnel conducting the
19 screening, the method by which prior notice of the
20 screening or the notice of any defect or possible
21 defect detected shall be sent to the parent or guardian
22 of the student and that the notation of the screening
23 and any follow-up activity shall be kept with the
24 student's school health records.

25 3. Exceptions. This section shall not apply to any
26 student whose parent or guardian demonstrates by a written
27 statement a religious, moral, philosophical or other per-
28 sonal objection.

29 4. Effective date. The Commissioner of Human Services
30 shall promulgate the directions for implementation of this
31 section no later than 30 days after the effective date of
32 this section. School boards of administrative units shall
33 have postural screening programs in effect by the start of
34 the school year 1984-85.

35 5. Funding. In the event federal funds are not avail-
36 able for this program, the State or municipalities shall be
37 under no obligation to utilize any state or municipal funds
38 to carry out the purposes of this section.

39 §6453. Notice to parents of result of screening

40 The school board shall inform the parent of a student
41 suffering from a disease or defect.

1 SUBCHAPTER V

2 SANITARY FACILITIES

3 §6501. Sanitary facilities

4 Sanitary facilities shall be provided as follows.

5 1. Toilets. A school administrative unit shall provide
6 clean toilets in all school buildings, which shall be:

7 A. Of the flush water closet type and connected to a
8 sewer, filter bed or septic tank, or of another design
9 approved by the Department of Human Services;

10 B. Separated according to sex and accessible only by
11 separate entrances and exits;

12 C. Installed so that privacy, cleanliness and super-
13 vision are assured; and

14 D. Free from all obscene markings.

15 2. Maintenance. Each school administrative unit shall
16 provide for the cleaning and repair of its toilet facili-
17 ties.

18 3. Inspection. The school board shall annually cause
19 an inspection of the sanitary conditions of the school
20 administrative unit's school buildings to insure compliance
21 with this section.

22 4. Rules. The state board may adopt or amend rules to
23 implement this section.

24 5. Penalty. Failure to comply with this section shall
25 be subject to penalties under section 6801.

26 SUBCHAPTER VI

27 SAFETY

28 §6551. Tuberculosis controls

29 1. Definitions. As used in this section, unless the
30 context otherwise indicates, the following terms have the
31 following meanings.

1 A. "Infectious tuberculosis" means a disease demon-
2 strated by symptoms which lead to a medical diagnosis
3 of active tuberculosis.

4 B. A person remains "infectious" until:

5 (1) Tuberculosis has been eliminated as the cause
6 of the symptoms; or

7 (2) Tuberculosis has been made "inactive" as de-
8 finied by the American Thoracic Society.

9 2. Exclusion from employment. A person with infec-
10 tious tuberculosis may not be employed by a school adminis-
11 trative unit if the person would be exposed to students or
12 would be regularly required to be present within school
13 buildings.

14 3. Current employees. Current employees excluded from
15 employment under subsection 2 may use sick leave and shall
16 retain the rights and privileges earned while employed.

17 4. New employees. The following provisions apply to
18 new employees.

19 A. A person who has had infectious tuberculosis may
20 not begin work in the public schools until the person
21 files a certificate with the school board.

22 B. The certificate shall:

23 (1) State:

24 (a) That within 90 days of the first day of
25 work that person has had a standard tubercu-
26 losis skin test and that the results were
27 negative; or

28 (b) If the results of a skin test were posi-
29 tive, the results of a standard full-chest x
30 ray taken within 90 days were negative; and

31 (2) Be signed by either a physician, a registered
32 nurse or other person approved by the Department
33 of Human Services to administer and interpret
34 tuberculosis tests.

35 C. In unusual cases or emergencies, a person may be
36 employed in the public schools up to 30 days without
37 complying with paragraph A if:

1 (1) That person is apparently healthy according
2 to the school nurse or school physician;

3 (2) Tuberculosis tests are administered within 30
4 days after the first day of work; and

5 (3) The Department of Human Services has been
6 informed in writing of the person's employment
7 within 3 days after the first day of work.

8 D. Negative results from an x ray or other evidence
9 satisfactory to the Commissioner of Human Services may
10 be substituted for negative skin test results if there
11 are medical reasons why a skin test should not be per-
12 formed.

13 5. Retesting. The following provisions apply to
14 retesting.

15 A. A person who has had infectious tuberculosis and
16 who works in the public schools shall file a certifi-
17 cate with the school board on or before December 1st,
18 biennially.

19 B. The certificate shall:

20 (1) State:

21 (a) That within the preceding 90 days that
22 person has had a standard tuberculosis skin
23 test and that the results were negative; or

24 (b) If the results of the skin test were
25 positive, the results of a standard full-size
26 chest x ray taken within 90 days were nega-
27 tive; and

28 (2) Be signed by either a physician, registered
29 nurse or other person approved by the Department
30 of Human Services to administer and interpret
31 tuberculosis tests.

32 C. School employees who complete a preventive drug
33 program approved by the Department of Human Services
34 shall not be required to get a chest x ray.

35 6. Modifications. The Commissioner of Human Services
36 may alter the requirements of this section wherever that
37 alteration would not pose a threat to public health or

1 wherever more frequent testing is necessary to protect
2 public health. Modifications under this subsection may not
3 extend beyond 4 years. They may not be renewed unless in
4 writing.

5 7. State assistance. The Department of Human Services
6 shall help provide medical services to comply with this
7 section. The department may:

8 A. Provide medicine for preventive drug programs for
9 school employees; and

10 B. Pay for x rays required in preventive drug programs
11 for school employees.

12 8. Duty of administrative units. Each school adminis-
13 trative unit shall provide tuberculosis testing data to the
14 Department of Human Services on the department's request.

15 9. Rules. The Department of Human Services may adopt
16 rules to carry out this section.

17 10. Penalties. A person who fails to comply with this
18 section shall be fined not less than \$20 nor more than \$200.
19 Each day of noncompliance shall be considered a separate
20 offense.

21 11. Department of Human Services. In addition to the
22 authority prescribed in subsection 9, the Department of
23 Human Services shall have the authority and duties pre-
24 scribed in Title 22, chapter 251 on Communicable Diseases.

25 §6552. Firearms

26 1. Prohibition. A person may not possess a loaded
27 firearm on public school property or discharge a firearm
28 within 500 feet of school property.

29 2. Exception. Subsection 1 shall not apply to:

30 A. Law enforcement officials; or

31 B. A supervised educational program.

32 3. Penalty. A person who violates this section is
33 guilty of a Class E crime.

34 SUBCHAPTER VII

1 SCHOOL LUNCH AND MILK PROGRAM

2 §6601. Acceptance of federal law

3 The State shall comply with the following laws in con-
4 sideration of the receipt of benefits under them:

5 1. The National School Lunch Program Act. The
6 National School Lunch Program Act, enacted June 4, 1946, and
7 applicable amendments; and

8 2. The Child Nutrition Act. The Child Nutrition Act,
9 enacted October 11, 1966, and applicable amendments.

10 §6602. School food service programs

11 Public schools shall provide nonprofit school food ser-
12 vice programs as follows.

13 1. Participation. A public school shall participate
14 in the National School Lunch Program. It shall provide Type
15 A meals as determined by the United States Department of
16 Agriculture.

17 2. Exceptions. The following shall be exempt from
18 subsection 1:

19 A. All secondary schools limited to students in grades
20 9, 10, 11 and 12; and

21 B. A school administrative unit authorized by the com-
22 missioner under subsection 9 to postpone the establish-
23 ment of the program.

24 3. Administration. The school board shall administer
25 and operate the food service programs. The school board:

26 A. Shall make all contracts to provide material, per-
27 sonnel and equipment necessary to carry out section
28 6601; and

29 B. Shall hire the necessary employees to manage and
30 operate their school food service programs.

31 4. Funds. The following shall be used to pay for the
32 administration and operation of food service programs:

33 A. State funds, gifts and appropriations for school
34 food service programs; and

1 B. Receipts from the sale of meals under food service
2 programs.

3 5. Rules. The commissioner shall adopt or amend, with
4 the state board's approval, rules under this subchapter,
5 including rules about the qualifications of food service
6 programs' personnel.

7 6. Nutrition report. The commissioner may assess the
8 nutritional benefits of school lunch programs and report to
9 the state board.

10 7. Technical assistance. The commissioner may give
11 technical assistance to a school board concerning a food
12 service program and may assist in training food service pro-
13 gram personnel.

14 8. Application for postponement. A school administra-
15 tive unit which has been granted a postponement of 3 years
16 may apply to the commissioner every 3 years for an addition-
17 al 3-year postponement. The commissioner, with the approval
18 of the state board, may grant a postponement if:

19 A. The school board has held a public hearing on its
20 proposed application; and

21 B. One of the following conditions are met:

22 (1) It has been documented to the commissioner's
23 satisfaction that the administrative unit lacks
24 space for the program and there is no appropriate
25 alternative source of meals for the students;

26 (2) It is impossible for the administrative unit
27 to contract for or to otherwise procure Type A
28 meals for its students; or

29 3. The lack of need for the program, as deter-
30 mined by the school board is documented to the
31 commissioner's satisfaction and was evident at the
32 public hearing.

33 9. Annual review of postponement. The commissioner
34 shall annually review the conditions in the school adminis-
35 trative units which have been granted a postponement. On
36 finding that the conditions in a unit have changed so that a
37 postponement is no longer warranted, the commissioner may
38 require that the unit establish a National School Lunch Pro-
39 gram at the start of the next school year.

1 10. Petition by 1% of residential unit. Whenever
2 petitioned by 1% of the residents of a unit, the commis-
3 sioner shall call a public hearing on the postponement prior
4 to the next annual review.

5 §6603. Federal funds

6 The Treasurer of State shall receive and disburse all
7 federal funds received under this subchapter.

8 CHAPTER 225

9 PENALTIES

10 §6801. Compliance

11 The procedures for dealing with school administrative
12 units which are allegedly in noncompliance with the report-
13 ing and program requirements of this Title shall be as fol-
14 lows.

15 1. Commissioner's authority to withhold state
16 aid. If, after giving due notice, the commissioner finds
17 that a school administrative unit is not complying with the
18 reporting requirements prescribed in this Title, the commis-
19 sioner may withhold state aid from that unit. The withhold-
20 ing may only continue for so long as necessary to achieve
21 compliance. If compliance cannot be achieved by withholding
22 state aid, the commissioner may refer the matter to the
23 Attorney General. The Attorney General shall take the ac-
24 tion deemed necessary to achieve compliance.

25 2. Complaint process. A complaint that alleges that a
26 school administrative unit is not in compliance with the
27 program requirements of this Title or of rules adopted by
28 the department shall be filed pursuant to the requirements
29 for a petition under section 258.

30 A. If the commissioner receives a complaint and finds
31 that probable cause for it exists, the complaint shall
32 be referred to the state board for a public hearing.
33 The commissioner shall, on behalf of the board, give
34 notice and cause an adjudicatory hearing to be held.

35 B. The state board or its designee shall make findings
36 of fact on the specific charges in the complaint and
37 shall decide whether there are reasonable grounds to
38 believe that a unit is in noncompliance.

1 C. If the state board decides there are reasonable
2 grounds to believe that a unit is in noncompliance, the
3 commissioner shall refer the matter to the Attorney
4 General. The Attorney General shall take the action
5 deemed necessary to achieve compliance.

6 3. Rules. This section shall apply only to rules
7 adopted or amended by the department as authorized under
8 this Title in the manner required under section 3.

9 4. Governor's authority. When the Governor has reason
10 to believe a school administrative unit is not in compliance
11 with the requirements of this Title, the Governor shall
12 direct the Treasurer of State to withhold all or part of the
13 state funds from that unit.

14 A. If, within the school year for which the funds were
15 appropriated, the school unit satisfies the Governor
16 that they are in compliance with the requirements of
17 this Title, the Governor shall release the funds.

18 B. If the unit fails to satisfy the Governor that it
19 is in compliance, the funds withheld shall be forfeited
20 and revert to the General Fund.

21 §6802. Forfeiture

22 A forfeiture under this Title may be recovered in a
23 civil action. Unless specifically provided for, it shall be
24 disbursed as follows.

25 1. School purposes. It shall be paid into the treas-
26 ury of the school administrative unit where the offense
27 occurred, for use for school purposes.

28 2. Prosecution costs. An amount equal to the cost of
29 prosecution shall be paid into the county treasury.

30 3. Forfeiture. A school administrative unit shall
31 forfeit the money it received to a person bringing civil
32 suit, if the unit has not expended that money within one
33 year of receiving it.

34 §6803. Fraud

35 A school officer or teacher who is convicted of
36 defrauding the State by filing fraudulent reports under
37 section 1055, subsection 9, shall be guilty of a Class D
38 crime.

1 §6804. Disturbing schools

2 A person who enters a public or private school building
3 or another place of instruction during or out of school
4 hours, while the teacher or student is present, and
5 willfully interrupts or disturbs the teacher or student by
6 loud speaking, rude or indecent behavior, signs or gestures,
7 or willfully interrupts a school by prowling about the
8 building, making noises, throwing missiles at the school-
9 house or disturbing the school, shall commit a civil offense
10 and shall forfeit not less than \$2 nor more than \$20.

11 §6805. Injuries by minor; damages

12 If a minor injures or aids in injuring a schoolhouse or
13 school outbuildings, utensils or appurtenances; defaces the
14 walls, benches, seats or other parts of school buildings by
15 marks, cuts or otherwise; or injures or destroys school
16 property belonging to a school administrative unit, the unit
17 may recover from the minor's parent, in a civil action,
18 double the damage.

19 §6806. Defacing schoolhouses; outbuildings

20 A person who defaces the walls, benches, seats,
21 blackboards or other parts of a schoolhouse or school
22 outbuildings, by obscene pictures, language, marks or de-
23 scriptions, commits a civil offense and shall pay a fine of
24 not more than \$10.

25 §6807. Liability for injury to books or appliances

26 If a public school student loses, destroys or unneces-
27 sarily injures a schoolbook or appliance furnished to him at
28 the expense of the school administrative unit, his parent
29 shall be notified. If the loss or damage is not made good
30 to the satisfaction of the school board within a reasonable
31 time, they shall report the case to the assessors of the
32 municipality in which the student resides. The municipal
33 assessors shall include in the next municipal tax of the
34 delinquent parent the value of the book or appliance, to be
35 assessed and collected as other municipal taxes.

36 §6808. Misappropriation of funds; penalty

37 If any part of the money raised by a school administra-
38 tive unit, or paid to them by the State for superintendence,
39 is expended for any other purposes, then each person mis-
40 appropriating that money shall forfeit double the sum so

1 misapplied. The money may be recovered in a civil action in
2 the name and to the use of the school administrative unit by
3 any of its residents. A school administrative unit or
4 school union may not receive further aid from the State for
5 superintendence until the amount so misapplied has been
6 raised and expended for superintendence by that unit or
7 school union.

8 §6809. Excessive expenditures

9 After providing an opportunity for a hearing, the com-
10 missioner may adjust the state subsidy to an administrative
11 unit when the expenditures for education in such unit show
12 evidence of manipulation to gain an unfair advantage or are
13 adjudged excessive. Any interested party aggrieved by a
14 decision of the commissioner may appeal to the state board
15 pursuant to section 3.

16 §6810 Truancy

17 The penalty for truancy is outlined in section 5053.

18 PART 4

19 SPECIFIC EDUCATION PROGRAMS

20 SUBPART 1

21 SPECIAL EDUCATION

22 CHAPTER 301

23 GENERAL PROVISIONS

24 §7001. Definitions

25 As used in this subpart, unless the context otherwise
26 indicates, the following terms have the following meanings.

27 1. Agency. "Agency" means an agency, school, orga-
28 nization, facility or institution.

29 2. Exceptional student. "Exceptional student" is an
30 individual who:

31 A. Has reached 5 years of age on or before October
32 15th;

33 B. Has not reached 20 years of age at the start of the
34 school year; and

1 C. Requires special education because of an impairment
2 in one or more of the following:

3 (1) Vision;

4 (2) Hearing;

5 (3) Speech and language;

6 (4) Cerebral or perceptual functions;

7 (5) Physical mobility functions;

8 (6) Behavior; or

9 (7) Mental development or maturation.

10 3. Mentally retarded. "Mentally retarded" means hand-
11 icapped in mental development or maturation.

12 4. Preschool handicapped child. "Preschool handi-
13 capped child" means a person who:

14 A. Has reached 3 years of age;

15 B. Has not reached 5 years of age on or before October
16 15th;

17 C. Requires special services because of impairment in
18 one or more of the following:

19 (1) Vision;

20 (2) Hearing;

21 (3) Speech and language;

22 (4) Cerebral or perceptual functions;

23 (5) Physical mobility functions;

24 (6) Behavior; or

25 (7) Mental development or maturation.

26 5. Special education. "Special education" means
27 classroom, home, hospital, institutional or other instruc-
28 tion; educational diagnosis and evaluation; transportation
29 and other supportive assistance, services, activities or

1 programs, as defined by the commissioner, required by excep-
2 tional students.

3 6. Special education facility. "Special education
4 facility" means a public or private school, or portion
5 thereof, intended for use in meeting the educational and
6 related needs of exceptional students.

7 7. State licensed agency. "State licensed agency"
8 means an institution or facility licensed by the State to
9 provide education, emotional or mental health services,
10 alcohol or drug rehabilitation, boarding care or other child
11 care services to a person between the ages of 5 and 20
12 years. It includes:

13 A. Facilities under Title 22, chapter 1661;

14 B. Community mental health centers under Title 34,
15 chapter 183;

16 C. Alcohol treatment facilities approved under Title
17 22, chapter 1601; and

18 D. Residential drug abuse treatment facilities under
19 Title 22, chapter 1601.

20 8. Residential child care facility. "Residential
21 child care facility" is a facility defined in Title 22,
22 section 8101, subsection 4.

23 §7002. Cooperation with federal programs

24 The department shall be the agency for cooperation with
25 the Federal Government in any program for the education of
26 exceptional students.

27 §7003. Rules

28 The commissioner is authorized to make rules necessary
29 for the administration of this chapter and chapters 303 and
30 305.

31 CHAPTER 303

32 EXCEPTIONAL STUDENT

33 SUBCHAPTER I

34 GENERAL PROVISIONS

1 §7201. Policy and purpose

2 The policy of the State for the education of excep-
3 tional students is as follows.

4 1. Equal educational opportunities. All students
5 shall be provided with equal educational opportunities and
6 all school administrative units shall provide equal educa-
7 tional opportunities for all exceptional students.

8 2. Least restrictive education alternative. An excep-
9 tional student shall be educated with students in regular
10 programs to the maximum extent possible.

11 A. Educational opportunities for an exceptional
12 student shall be provided by means of the addition of
13 appropriate supportive assistance to regular educa-
14 tional programs.

15 B. Removal of an exceptional student from the regular
16 educational environment shall occur only if the nature
17 or severity of the exceptionality is such that the
18 student's education cannot be satisfactorily accom-
19 plished in:

20 (1) Regular classes with the use of supplemental
21 aids and services; or

22 (2) Self-contained classes within the regular
23 school programs.

24 C. An exceptional student may be placed in a residen-
25 tial school or institution, or in a private day school
26 or program, only after supporting evaluative data jus-
27 tifying the placement have been submitted to and
28 approved by the commissioner.

29 3. Deaf exceptional students. An exceptional student,
30 diagnosed as deaf, shall be educated with regular students
31 whenever possible and shall be educated under the principle
32 of the least restrictive educational alternative as set
33 forth in state laws and rules and federal laws and regula-
34 tions.

35 4. Parent's right to be a member of the
36 team. Parents, surrogate parents or guardians have the
37 right to be a member of the team which will carry out duties
38 and responsibilities in accordance with rules established by
39 the commissioner.

1 §7202. Duties of school administrative units

2 Each school administrative unit operating schools
3 shall:

4 1. Identification. Identify all children within its
5 jurisdiction who require special education;

6 2. Records. Make and keep current records of excep-
7 tional students, as required by rules established by the
8 commissioner, and institute procedures which guarantee the
9 confidentiality of these records in accordance with state
10 and federal law;

11 3. Diagnosis and evaluation. Provide educational
12 diagnosis and evaluation necessary to plan and implement a
13 special education program for exceptional students within
14 its jurisdiction;

15 4. Plan. Submit a plan for its special education pro-
16 grams to the commissioner for approval in accordance with
17 rules established by the commissioner;

18 5. Special education. Provide special education for
19 each exceptional student within its jurisdiction;

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

23 7. Parent's right to be a member of the team. Notify
24 in writing the exceptional student's parent, surrogate
25 parent or guardian of their right to be a member of the team
26 and place a copy of the notice in the exceptional student's
27 permanent records; and

28 8. Facility construction, renovation and repair. Seek
29 approval in advance from the commissioner for construction,
30 renovation or repair, with or aided by public funds, of
31 facilities intended for the education of exceptional stu-
32 dents; or give assurances that other facilities in the
33 school administrative unit are adequate to meet the needs of
34 those students.

35 §7203. Medical examination or treatment

36 This chapter may not authorize or require physical
37 examination or medical treatment of a child whose parent
38 objects to it on the grounds that the parent relies solely

1 upon nonmedical remedial care and treatment in accordance
2 with a recognized religious method of healing.

3 §7204. Duties of the commissioner

4 The commissioner:

5 1. Supportive services. Shall provide, or cause to be
6 provided by administrative units operating schools, all sup-
7 portive assistance and services, as defined in rules the
8 commissioner establishes, required by an exceptional student
9 so that the student may benefit from equal educational
10 opportunities;

11 2. State plan. Shall make and annually review a state
12 plan for education of all exceptional students in the State.
13 The plan shall be available to the public on request;

14 3. School year. May approve special education pro-
15 grams for:

16 A. The usual public school year as defined in section
17 4801, subsection 1;

18 B. An extended school year; or

19 C. Other periods he determines appropriate;

20 4. Program approval. Shall approve plans for all spe-
21 cial education programs. The criteria for approval shall
22 include:

23 A. Requirements for admission;

24 B. Qualification or certification of staff;

25 C. Plan of instruction;

26 D. Adequacy of facilities;

27 E. Adequacy of supportive services;

28 F. Professional supervision; and

29 G. Teacher-student ratio.

30 5. Due process. Shall:

31 A. Adopt or amend rules to assure and protect the
32 rights of due process for exceptional students; and

1 B. Inform and train each school administrative unit on
2 exceptional students' rights to due process under state
3 laws and rules and federal law and regulations; and

4 6. Technical assistance. May, on the request of a
5 school administrative unit, provide technical assistance in
6 the formulation of a plan or subsequent report required of
7 all administrative units. Assistance shall not be designed
8 to transfer the responsibility for or actual development of
9 the plan or report.

10 §7205. Review and assistance

11 It is the intent of the Legislature that a representa-
12 tive of the commissioner visit each special education pro-
13 gram each year for the purpose of review and assistance.

14 §7206. Investigation of noncompliance

15 The following provisions apply to an investigation of
16 noncompliance with this chapter.

17 1. Complaint. An interested party may file with the
18 commissioner a written complaint alleging that a school
19 administrative unit is not in compliance with this chapter.

20 2. Investigation. The commissioner shall initiate,
21 and complete within 30 days, an investigation:

22 A. On receipt of a complaint; or

23 B. If the commissioner has reason to believe that a
24 unit is not in compliance with this chapter.

25 3. Post-investigation procedure. Within 10 days after
26 completion of the investigation in subsection 2, the commis-
27 sioner shall determine whether probable cause exists to
28 believe that the unit is not in compliance with this chap-
29 ter.

30 A. Upon determination that probable cause exists, the
31 commissioner shall resolve the matter to the satisfac-
32 tion of the interested parties through mediation and
33 consultation. The commissioner shall write a report of
34 these efforts and notify all interested parties that
35 the report has been written.

36 B. If conciliation has not been achieved within 45
37 days after the determination of probable cause, the

1 commissioner shall notify all interested parties of the
2 time and place of a local hearing to be held to deter-
3 mine whether the school administrative unit is in
4 violation of this chapter.

5 C. If a local hearing is scheduled, the commissioner
6 shall:

7 (1) Conduct the hearing in accordance with the
8 due process rules adopted pursuant to requirements
9 of section 7204, subsection 5;

10 (2) Close the hearing if a parent, surrogate
11 parent or guardian requests that it be closed to
12 the public; and

13 (3) Make written findings of fact and conclusions
14 of law and send them to all interested parties
15 within 10 days of the hearing's conclusion.

16 D. If the commissioner finds that the school adminis-
17 trative unit is in violation of this chapter, then the
18 commissioner shall specify in writing the steps neces-
19 sary to achieve compliance. The commissioner shall
20 order the school administrative unit to take these
21 steps by a certain date.

22 4. Appeal. An interested party may appeal the commis-
23 sioner's order to the Superior Court under the Maine Rules
24 of Civil Procedure, Rule 80B.

25 5. Enforcement. If the unit fails to comply with the
26 commissioner's order, the commissioner:

27 A. May withhold financial aid from the school adminis-
28 trative unit until it complies with his order; and

29 B. Shall refer the matter to the Attorney General, who
30 shall take appropriate action to bring the school
31 administrative unit into compliance.

32 6. Additional remedies. The remedies provided in this
33 section are in addition to any other remedy in law or
34 equity.

35 §7207. Hearing procedures

36 The following provisions shall apply to hearings.

1 1. Rules. The commissioner shall adopt or amend rules
2 to determine:

3 A. When a surrogate parent is needed and the criteria
4 for selection; and

5 B. The maximum period within which a parent, surrogate
6 parent, guardian or administrative unit may exercise
7 the rights listed in subsection 2.

8 2. Request for hearing. A parent, surrogate parent,
9 guardian or administrative unit may:

10 A. Request the commissioner to appoint an impartial
11 hearing officer who shall conduct a hearing on behalf
12 of the department regarding the identification, evalu-
13 ation and educational placement of the student; and to
14 issue a decision based upon the findings of fact made
15 by the hearing officer; and

16 B. Appeal the decision of the commissioner to the
17 Superior Court or to a United States District Court.

18 3. Hearing official. The State shall train impartial
19 hearing officers.

20 §7208. Savings provision

21 Nothing contained in this chapter shall be construed to
22 prevent or impair the administration or enforcement of any
23 other law of the State.

24 SUBCHAPTER II

25 PROGRAMS

26 §7251. Local programs

27 A school administrative unit may establish an appropri-
28 ate program of special education.

29 §7252. Contractual programs; approval

30 A school administrative unit may arrange with or
31 tuition to another school administrative unit or a public or
32 private agency for the education of exceptional students.
33 The program shall be described in a contract which shall be
34 subject to approval in advance by the commissioner and meet
35 the requirements set forth in section 7204, subsection 4.

1 §7253. Regional programs; approval

2 Two or more school administrative units may enter into
3 cooperative agreement to provide regional special education
4 programs and support services.

5 1. General criteria. Programs and services estab-
6 lished through this agreement shall meet the requirements
7 set forth in section 7204, subsection 4.

8 2. Special provisions. A program shall specify that:

9 A. One of the school administrative units shall serve
10 as fiscal agent;

11 B. No requirement exists for separate budget approval
12 and taxation; and

13 C. School construction may not be proposed for special
14 education purposes.

15 3. Plan. A plan for a regional program shall be sub-
16 ject to approval by the commissioner prior to its imple-
17 mentation. The plan shall specify:

18 A. The objectives and functions to be performed by the
19 regional program;

20 B. The method of fiscal operation and cost sharing;

21 C. The method of entering into and withdrawing from
22 the agreement;

23 D. The method of administering the regional program;

24 E. The method of involving parent and community parti-
25 cipation; and

26 F. The school administrative unit that shall act as
27 fiscal agent for the regional program.

28 4. Funding. The regional program shall be supported
29 by funds included in the special education appropriations of
30 each of the member school administrative units.

31 §7254. Contractual programs for nonresident children

32 Another state, subdivision or private person, firm or
33 agency may contract with a private school in this State to

1 provide special education for children who are not residents
2 of this State. A program for these nonresident children
3 shall be subject to approval by the commissioner only with
4 respect to the requirements of section 7204, subsection 4.

5 §7255. Other programs

6 In addition to, or in place of, those methods listed in
7 this chapter, a school administrative unit may make other
8 provisions, subject to approval in advance by the commis-
9 sioner, to ensure the education of all exceptional students.

10 §7256. State licensed agencies

11 A special education facility may be operated in con-
12 junction with or as a part of a state licensed agency.

13 SUBCHAPTER III

14 FINANCES

15 §7301. State aid

16 1. State aid. The State shall provide financial aid
17 to school administrative units for special education pro-
18 grams.

19 2. Contributions. The commissioner may receive con-
20 tributions and donations to be used with appropriations to
21 carry out this chapter.

22 §7302. Tuition rates

23 Tuition rates for school administrative units, private
24 special education programs, private general purpose facili-
25 ties and nonresident children shall be as follows.

26 1. School administrative units. A school administra-
27 tive unit operating a full-time special education program
28 and accepting students on a tuition basis shall compute a
29 tuition rate. The tuition rate shall not exceed the actual
30 per student cost incurred in operation of the special educa-
31 tion program. The commissioner shall adopt or amend rules
32 to define allowable expenditures used to determine the per
33 student cost.

34 2. Private special education facilities. Private
35 agencies that operate facilities which exclusively serve
36 exceptional students shall comply with the following in
37 computing tuition rates.

1 A. All tuition rates shall be subject to approval by
2 the commissioner.

3 B. The tuition rates shall not exceed the actual per
4 student cost incurred in the operation during the pre-
5 ceding school year.

6 C. The commissioner shall adopt or amend rules to de-
7 fine allowable expenditures used to determine per
8 student costs.

9 D. An agency shall file an annual financial report
10 detailing the allowable expenditures and the computa-
11 tion of the tuition rate by July 15th in the form the
12 commissioner may require.

13 E. Increases in the tuition rate from one year to the
14 next may not exceed 15% unless evidence is presented to
15 the commissioner that a hardship will exist if a higher
16 rate of increase is not approved, and this evidence is
17 deemed sufficient by the commissioner.

18 F. The commissioner shall establish a tuition rate for
19 new special education programs in special purpose pri-
20 vate schools based on the estimated allowable costs of
21 these schools.

22 3. Private general purpose facilities. General pur-
23 pose private agencies that receive state aid for special
24 education programs shall comply with the following tuition
25 rates.

26 A. The tuition rate charged shall not exceed the state
27 elementary or secondary per student tuition rates as
28 computed under sections 5804 and 5806.

29 B. Private schools that have an exclusive contract
30 with a school administrative unit for the provision of
31 secondary education are exempted from the provision of
32 paragraph A and shall be treated as public schools for
33 the computation of special education tuition rates.

34 4. Exempted private agencies. This section shall not
35 apply to and the commissioner shall have no authority over
36 tuition rates charged for special education programs by pri-
37 vate agencies where the tuition is not paid, reimbursed or
38 otherwise funded in whole or in part by this State.

39 CHAPTER 305

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PRIVATE AND STATE OPERATED SCHOOLS

§7501. Private schools

The commissioner may require that special education programs in an approved private school or agency receiving state funds comply with rules for the conduct of programs within public schools.

§7502. State institutions

The director of a state institution for the mentally ill or mentally retarded shall apply to the superintendent of the school administrative unit in which the institution is located, or in any adjoining unit, for children in the institution to attend that unit's schools. These exceptional students shall attend under the same conditions as apply to students residing in the school administrative unit and under the rules of the department relating to special education.

§7503. Governor Baxter School for the Deaf

1. Authority to establish. The Governor Baxter School for the Deaf, established by Private and Special Law 1897, chapter 446, and by Private and Special Law 1953, chapter 44, shall be devoted to the education and instruction of deaf exceptional students.

2. Location. The school shall be located in Cumberland County.

3. Responsibility for maintaining the school. The State shall have the responsibility and expense of maintaining the school.

4. Governance. The commissioner shall govern the school and:

A. May employ officers, teachers and other employees, subject to the Personnel Law; and

B. May prescribe the system of education and course of study to be pursued in the school.

5. Annual evaluations. The Governor Baxter School for the Deaf shall provide annual evaluations of all students enrolled in the school. These evaluations shall be sent to the superintendents of the school administrative units from which the students are enrolled.

1 6. Technical assistance. A school administrative unit
2 may request technical assistance from the Governor Baxter
3 School for the Deaf in matters relating to the education of
4 deaf students in accordance with departmental rules.

5 7. Superintendent's authority to enroll students. The
6 superintendent of the school administrative unit in which
7 that student resides, with the consent of the student's
8 parent or legal guardian and in accordance with the limita-
9 tions in section 5051 may enroll a deaf student in the Gov-
10 ernor Baxter School for the Deaf. The sums necessary for
11 the support of the student while attending the school shall
12 be paid by the department.

13 §7504. Residential child care facilities

14 "Residential child care facilities" shall be licensed
15 in accordance with Title 22, section 8104.

16 CHAPTER 307

17 PRESCHOOL HANDICAPPED CHILDREN

18 §7701. Purpose

19 The purpose of this chapter is to maintain coordinated
20 delivery systems for preschool handicapped children based on
21 the models developed through pilot projects.

22 §7702. Definitions

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

25 1. Services. "Services" means those activities under-
26 taken to screen, evaluate and provide special education and
27 related services to preschool handicapped children.

28 §7703. Authorization for expenditure of funds

29 The commissioner may, from funds authorized to the
30 department, make grants to agencies and school administra-
31 tive units to establish local coordinated delivery systems
32 to serve preschool handicapped children.

33 1. Grants. Grants shall be made on a competitive
34 basis, according to rules adopted or amended by the commis-
35 sioner.

1 2. Rules. The rules shall assure participation at the
2 local level by agencies currently serving preschool handi-
3 capped children. They shall require that existing resources
4 for providing services to preschool handicapped children be
5 exhausted prior to using grant funds to provide services.

6 §7704. Interdepartmental coordination

7 An Interdepartmental Coordinating Committee for Pre-
8 school Handicapped Children representing the department, the
9 Department of Human Services, the Department of Mental
10 Health and Mental Retardation and the public, shall be
11 appointed by the 3 commissioners to work with the department
12 to establish guidelines, including continuation applica-
13 tions, to monitor grants and to evaluate the performance of
14 programs developed through the grants.

15 §7705. Early childhood consultant

16 The position of early childhood consultant to the Divi-
17 sion of Special Education shall be established to direct the
18 department's participation in the coordinated delivery sys-
19 tem for preschool handicapped children.

20 §7706. Additional program

21 In addition to the programs authorized in this chapter,
22 the commissioner may authorize expenditures to institutions
23 and organizations for speech and language education of hear-
24 ing and language impaired children who have not reached com-
25 pulsory school age.

26 CHAPTER 309

27 MENTAL RETARDATION

28 §7901. Teacher education programs

29 The following provisions shall apply to teacher educa-
30 tion programs.

31 1. Education of teachers and school personnel. A
32 school administrative unit may raise and appropriate money
33 for the education of teachers and other school personnel to
34 meet the educational needs of mentally retarded students.

35 2. Matching basis. The appropriation shall be
36 expended on a matching basis with any funds made available
37 by the department for the same purpose.

1 3. Programs. Teachers and other school personnel who
2 are trained may be reimbursed through funds of the depart-
3 ment on a matching basis for expenditures for that training
4 if it has been approved in advance by the commissioner.

5 §7902. Facilities

6 The following provisions shall apply to facilities.

7 1. Construction of acquisition. The county commis-
8 sioners may construct or acquire buildings for state
9 subsidized and approved educational programs for mentally
10 retarded students.

11 2. Disposal of buildings. If these county buildings
12 are sold, the proceeds shall be expended on services and
13 programs for mentally retarded students.

14 3. Limit on county responsibility. This section does
15 not authorize counties to operate these programs.

16 CHAPTER 311

17 GIFTED AND TALENTED STUDENTS

18 §8101. Purpose

19 The Legislature recognizes that gifted and talented
20 students, who comprise approximately 3% to 5% of Maine's
21 students, require differentiated education programs and ser-
22 vices beyond those normally provided by the regular school
23 program in order to realize their educational potential and
24 contribution to themselves and to society.

25 §8102. Grants to school administrative units

26 The department may, from funds available to it, grant
27 funds to a school administrative unit to undertake gifted
28 education programs. A grant shall be made on the basis of
29 \$2 of state matching funds for each \$1 of funds appropriated
30 by the school administrative unit.

31 1. Guidelines for the identification of gifted and
32 talented students. The commissioner shall adopt or amend
33 rules for the identification of gifted and talented students
34 and for gifted and talented education programs.

35 2. Programs for gifted and talented students. A
36 school administrative unit requesting funds to undertake a

1 gifted and talented education program shall develop a pro-
2 posed program of identification and education in accordance
3 with guidelines established by the commissioner.

4 3. Time limits. The following limits shall apply.

5 A. On or before February 1st, the school administra-
6 tive unit shall submit to the department its proposed
7 program.

8 B. By May 15th, the commissioner shall notify the
9 school administrative unit whether the proposal has
10 been funded for the following fiscal year.

11 4. Technical assistance. The commissioner may provide
12 technical assistance to a school administrative unit for
13 planning for gifted and talented education programs.

14 §8103. Available funds

15 Funds made available to the department for gifted and
16 talented education programs from state, federal or other
17 sources shall not lapse at the end of a fiscal year, but
18 shall be carried forward to the next fiscal year for a
19 period of 90 days to be used for the purposes set forth in
20 this chapter.

21 SUBPART 2

22 VOCATIONAL EDUCATION

23 CHAPTER 313

24 SECONDARY VOCATIONAL EDUCATION

25 SUBCHAPTER I

26 GENERAL PROVISIONS

27 §8301. Definitions

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

30 1. Budget failure. "Budget failure" means a budget
31 that is less than the sum of the state allocations for voca-
32 tional education to the member administrative units in the
33 region.

1 2. Representative grouping. "Representative grouping"
2 means a representative group to which each administrative
3 unit is assigned to provide for equitable representation on
4 a cooperative board. A representative grouping may consist
5 of one administrative unit or several small units within the
6 vocational region.

7 3. Vocational center. "Vocational center" means
8 facilities providing vocational education to secondary stu-
9 dents. A center shall be governed by a single school admin-
10 istrative unit. It may serve students from other affiliated
11 school administrative units. It may include satellite center
12 facilities and programs.

13 4. Vocational education. "Vocational education" means
14 education to create or improve job-related skills, which is
15 part of a secondary school curriculum.

16 5. Vocational region. "Vocational region" means
17 facilities or programs providing vocational education to
18 secondary school students. A region shall be jointly gov-
19 erned by more than one school administrative unit through a
20 cooperative board.

21 6. Vocational satellite program. "Vocational satel-
22 lite program" means a facility or program providing voca-
23 tional education to secondary students, which is administer-
24 ed by a school administrative unit affiliated with a voca-
25 tional center.

26 §8302. Acceptance and compliance with federal law

27 The State shall comply with the following Acts of Con-
28 gress and any amendments or supplements thereto:

29 1. The Smith-Hughes Act. The Smith-Hughes Vocational
30 Education Act of 1917, chapter 114, 39 STAT. 929;

31 2. The George-Barden Act. The following portions of
32 the George-Barden Act:

33 A. The United States Vocational Education Act of 1946,
34 chapter 725, 60 STAT. 775, which may be cited as Title
35 I of the George-Barden Act; and

36 B. Title III of the United States Health Amendments
37 Act of 1956, chapter 871, 70 STAT. 923, which may be
38 cited as Title II of the George-Barden Act; and

1 3. The Vocational Education Act of 1963. The United
2 States Vocational Education Act of 1963, Public Law 88-210,
3 77 STAT. 403, as amended by the United States Education
4 Amendment of 1976, Public Law 94-482, 90 STAT. 2169.

5 §8303. Federal funds

6 Federal moneys for vocational education shall be
7 received under the following provisions.

8 1. Source of federal funds. Federal moneys for voca-
9 tional education shall include moneys received by the State
10 from:

11 A. The Federal Government under the Acts cited in
12 section 8302;

13 B. The Federal Government for the vocational rehabili-
14 tation of persons disabled in industry or otherwise;
15 and

16 C. The Federal Government for vocational training.

17 2. Treasurer of State. The Treasurer of State may:

18 A. Receive and provide for the proper custody of fed-
19 eral moneys for vocational education; and

20 B. Disburse those funds under direction of the state
21 board, its executive officer or other legal authority.

22 §8304. Role of the state board in federal programs

23 The state board is:

24 1. Cooperation with the United States Department of
25 Education. Authorized to cooperate with the United States
26 Department of Education for the administration of the fed-
27 eral Acts cited in section 8302; and

28 2. Administration of the United States Vocational Edu-
29 cation Act of 1963. Authorized as the state agency respon-
30 sible to administer programs of the United States Vocational
31 Education Act of 1963, Public Law 88-210, 77 STAT. 403, as
32 amended by the Education Amendment of 1976, Public Law
33 94-482, 90 STAT. 2169.

34 §8305. Eligibility requirements

1 The following provisions shall apply to the eligibility
2 of students entering a vocational center or vocational
3 region program.

4 1. General right. A person entitled to receive free
5 public secondary education, or seeking to attend full-time
6 courses in grade levels 13 and 14, where offered, either
7 free or subject to tuition:

8 A. May attend a vocational center or vocational region
9 which serves the person's area; or

10 B. May attend a vocational center outside the person's
11 area subject to the approval of the commissioner, if
12 the governing body of the sending and receiving centers
13 or regions agree to make the necessary arrangements for
14 the person to attend.

15 2. Special qualifications. A vocational center or
16 vocational region shall determine, by admission standards
17 which apply to all students, whether an applicant is quali-
18 fied to profit from the vocational education and whether the
19 school can accommodate the applicant.

20 3. Requirements. Vocational centers shall:

21 A. Provide programs for persons:

22 (1) Who have graduated from a secondary school;
23 or

24 (2) Who are qualified persons over 16 years of
25 age who have left school prior to graduation;

26 B. Offer programs to students at grades 11 and 12; and

27 C. Offer programs to students below grade 11, if
28 approved by the commissioner.

29 §8306. Powers and duties of State Board of Education

30 1. State plan. The State Board of Education shall
31 approve or disapprove the state plans for vocational educa-
32 tion.

33 2. Center and region plans. The board shall approve
34 center and region plans for vocational education. The plans
35 shall include:

- 1 A. A survey of the educational needs;
2 B. A survey of employment opportunities;
3 C. A description of the programs to be offered; and
4 D. A description of the areas and locations to be
5 served.

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

- 9 A. A vocational center requests a vocational satellite
10 program;
11 B. The school board operating the vocational center
12 approves the plan and supplies information documenting
13 the need for a vocational satellite program; and
14 C. The request includes the commissioner's approval.

15 4. Boundaries of centers and regions. The board:

16 A. Shall have the final authority to define the bound-
17 aries of vocational regions and centers; and

18 B. May, in accordance with the procedures established
19 in section 8307, approve:

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

27 §8307. Procedures; development of a plan

28 The governing body of one or more school administrative
29 units, or the commissioner, may prepare a plan for reor-
30 ganizing the delivery of vocational education in an existing
31 vocational region or an area served by a vocational center.

- 1 1. Plan. The plan shall:
- 2 A. Describe the problem with the existing method of
3 delivering vocational education in the region or voca-
4 tional area;
- 5 B. Present an alternative method of delivering voca-
6 tional education;
- 7 C. Present a method for the disposal of any joint
8 property and indebtedness;
- 9 D. Provide, through the governing body responsible for
10 the delivery of vocational education, for a minimum of
11 2 public hearings; and
- 12 E. Provide any other information requested by the
13 board.
- 14 2. State Board of Education approval. The board:
- 15 A. Shall request the commissioner to:
- 16 (1) Assess the impact of the plan on the delivery
17 of vocational education in the vocational region
18 or center area involved;
- 19 (2) Assess the fiscal impact on the State; and
- 20 (3) Submit a written report of findings to the
21 board. In the report, the commissioner may sug-
22 gest revisions to the plan or an alternative plan;
23 and
- 24 B. May request additional information from the region
25 or center involved or individual school administrative
26 units within these regions or center areas.
- 27 3. Approval of plan; public hearing. If the plan is
28 approved by the board, the school administrative unit or
29 units requesting the change shall hold a public hearing in
30 their unit or units to present the plan. The vocational
31 director and the cooperative board of a vocational region,
32 or the vocational director, advisory committee and governing
33 body of a vocational center, shall be invited to participate
34 at the public hearing or hearings.
- 35 4. Referendum. After the public hearing, the school
36 board of the school administrative unit or units requesting

1 a change shall submit the proposal to the voters in their
2 school administrative unit or units in accordance with the
3 relevant provisions for holding elections in sections 1351
4 to 1354 and in Titles 21 and 30.

5 5. Voter approval; certificate of approval. If
6 approved by a 2/3 vote of the votes cast in each school
7 administrative unit requesting the change, the board shall
8 issue a certificate of approval.

9 SUBCHAPTER II

10 FINANCING

11 §8351. State aid for vocational centers and vocational
12 regions

13 State aid for vocational centers and vocational regions
14 shall be in accordance with chapter 605 and Title 20,
15 section 3457.

16 §8352. Department budget estimates

17 1. Budget estimate. Before each regular session of
18 the Legislature, the state board shall estimate the amounts
19 necessary to carry out the purposes of sections 8351, 8354
20 and 8401 to 8405. It shall include these amounts in its
21 request to the Legislature for appropriations from the Gen-
22 eral Fund.

23 2. Budget limitation. This section shall not apply to
24 construction grants made under Title 20, section 3460.

25 §8353. Tuition for students sent out of state

26 If a school administrative unit determines that a
27 student would be better served by attending, on a tuition
28 basis, an out-of-state secondary level vocational school
29 which is closer than a Maine vocational center or region
30 program available to that student, the State shall reimburse
31 that school administrative unit the same amount for each
32 student as would have been incurred by a vocational center
33 or vocational region.

34 §8354. Tuition for out-of-state students

35 The tuition charge for each nonresident student shall
36 be determined as follows.

1 1. Primary method. The per student cost shall be
2 determined by:

3 A. Adding the amounts paid for:

4 (1) Teacher's salaries;

5 (2) Fuel;

6 (3) Janitorial services;

7 (4) Textbooks;

8 (5) Reference books;

9 (6) School supplies for desk and laboratory use;

10 (7) Public utility services;

11 (8) Replacement of instructional equipment;

12 (9) Fire insurance; and

13 (10) Compensation for the director and his assis-
14 tants;

15 B. Adjusting the amounts in paragraph A by the allowa-
16 ble percentages set forth in section 5805, subsection
17 1, paragraph D; and

18 C. Dividing this sum by the average daily attendance
19 of all regularly enrolled students in the vocational
20 center or vocational region.

21 2. Alternate method. When the cost of fuel, janitori-
22 al services, public utility services or insurance for the
23 vocational education facilities cannot be separated from
24 similar costs for other facilities, these costs shall be
25 prorated on the basis of the square footage of floor space
26 in the vocational education sections in relation to the
27 total floor space to which those expenditures apply.

28 SUBCHAPTER III

29 VOCATIONAL CENTERS

30 §8401. Vocational centers

1 The vocational centers shall operate at Augusta; Bath;
2 Biddeford; School Administrative District No. 61,
3 (Bridgton); Caribou; School Administrative District No. 46,
4 (Dexter); School Administrative District No. 9,
5 (Farmington); Lewiston; Portland; School Administrative Dis-
6 trict No. 1, (Presque Isle); School Administrative District
7 No. 54, (Skowhegan); Waterville; and Westbrook.

8 §8402. Programs

9 A vocational center shall provide programs of education
10 and training in trade, industrial, agricultural, business,
11 distributive and service occupations.

12 §8403. Vocational satellite programs

13 The following provisions shall apply to vocational
14 satellite programs.

15 1. Financial responsibility for vocational satellite
16 program. The school board responsible for operating the
17 vocational satellite program shall assume full financial
18 responsibility for paying the operating costs of that pro-
19 gram. It shall receive the state subsidy for the program
20 and tuition income. These programs shall be financed
21 through available funds.

22 2. Programs' facilities and equipment; school con-
23 struction aid. The school board, where the vocational
24 satellite program is operated shall:

25 A. Furnish the necessary facilities and equipment; and

26 B. Be eligible for school construction aid if new
27 facilities are required and approved.

28 3. Nomination of operating personnel. The superinten-
29 dent operating the vocational satellite program, in consul-
30 tation with the director of the vocational center, shall
31 nominate personnel to operate the programs. The nominations
32 shall be approved by the school board operating the satel-
33 lite program.

34 4. Supervision. The school principal and the director
35 of the vocational center shall jointly make recommendations
36 to the local superintendents and shall supervise personnel
37 working in the vocational satellite program.

1 5. Center operated vocational satellite programs.
2 Vocational centers may operate vocational satellite programs
3 in municipalities served by the center when the programs re-
4 quire only part-time instruction and are approved by the
5 commissioner.

6 §8404. Vocational center advisory committee

7 There shall be an advisory committee responsible for
8 coordinating vocational education in each vocational center.

9 1. Membership. Membership on the advisory committee
10 shall consist of:

11 A. The superintendents of the participating secondary
12 schools or the superintendents' representatives; and

13 B. One board member chosen from each participating
14 school board by its membership.

15 2. Meetings. The advisory committee shall meet at
16 least quarterly.

17 3. Duties. The committee:

18 A. Shall prepare and submit an annual report on the
19 vocational center and vocational satellite programs, to
20 the state board and to each municipality served by the
21 center; and

22 B. May develop a cooperative agreement which shall
23 delineate the duties and powers of the advisory commit-
24 tee and devise a formula for sharing costs. The agree-
25 ment is subject to ratification by all of the school
26 boards of the participating administrative units. This
27 agreement shall be reviewed annually, with a copy being
28 submitted to the commissioner. The cost-sharing for-
29 mula shall pertain to the cost of vocational educa-
30 tional programs which exceed expenditures made for
31 those programs in the base year.

32 §8405. Local director

33 A school administrative unit operating a vocational
34 center shall employ on the staff of the center a local
35 director of vocational education.

36 1. Qualifications. The director shall meet the quali-
37 fications prescribed by the state board.

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

6 SUBCHAPTER IV

7 VOCATIONAL REGIONS

8 §8451. Vocational regions

9 1. Legislative intent. It is the intent of the Legis-
10 lature that the vocational regions shall deliver vocational
11 education to their respective areas in accordance with this
12 subchapter, and they shall function as extensions of the
13 secondary schools within their region.

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

16 A. Region 1. NORTHERN AROOSTOOK COUNTY. Units
17 located in this area shall include: Madawaska; School
18 Administrative District No. 10-Allagash; School Admin-
19 istrative District No. 24-Van Buren, Cyr Plantation,
20 Grand Isle and Hamlin Plantation; School Administrative
21 District No. 27-Eagle Lake, Fort Kent, New Canada
22 Plantation, St. Francis Plantation, St. John
23 Plantation, Wallagrass Plantation and Winterville
24 Plantation; School Administrative District No.
25 33-Frenchville and St. Agatha.

26 B. Region 2. SOUTHERN AROOSTOOK COUNTY. Units
27 located in this area shall include: Bancroft;
28 Benedicta; Crystal; Dyer Brook; Hersey; Island
29 Falls; Linneus; Ludlow; Merrill; Moro Plantation; New
30 Limerick; Oakfield; Orient; Smyrna; School Administra-
31 tive District No. 14-Danforth and Weston; School Admin-
32 istrative District No. 25-Mt. Chase Plantation, Patten,
33 Sherman and Stacyville; School Administrative District
34 No. 29-Hammond Plantation, Houlton, Littleton and
35 Monticello; School Administrative District No.
36 70-Amity, Cary Plantation, Haynesville and Hodgdon.

37 C. Region 3. NORTHERN PENOBSCOT COUNTY. Units
38 located in this area shall include: Carroll
39 Plantation; Codyville; Drew Plantation; East
40 Millinocket; Glenwood Plantation; Lakeville Plantation;
41 Macwahoc Plantation; Medway; Millinocket; Reed

1 Plantation; Topsfield; Vanceboro; Woodville; School
2 Administrative District No. 30-Lee, Prentiss
3 Plantation, Springfield, Webster Plantation and Winn;
4 School Administrative District No. 31-Burlington,
5 Edinburg, Enfield, Howland, Lowell, Maxfield,
6 Passadumkeag and Seboeis Plantation; School Administra-
7 tive District No. 67-Chester, Lincoln and Mattawamkeag.

8 D. Region 4. SOUTHERN PENOBSCOT COUNTY. Units
9 located in this area shall include: Alton; Amherst;
10 Aurora; Bangor; Bradley; Brewer; Dedham; Glenburn;
11 Great Pond Plantation; Greenbush; Greenfield; Hermon;
12 Milford; Old Town; Orono; Orrington; Osborn Plantation;
13 Veazie; School Administrative District No. 22-Hampden,
14 Newburgh and Winterport; School Administrative District
15 No. 23-Carmel and Levant; School Administrative Dis-
16 trict No. 38-Dixmont and Etna; School Administrative
17 District No. 63-Clifton, Eddington and Holden; School
18 Administrative District No. 64-Bradford, Corinth,
19 Hudson, Kenduskeag and Stetson.

20 E. Region 6. WASHINGTON COUNTY. Units located
21 in this area shall include: Alexander; Baileyville;
22 Baring Plantation; Beals; Beddington; Calais;
23 Centerville; Charlotte; Cooper; Crawford; Deblois;
24 Dennysville; Eastport; Grand Lake Stream Plantation;
25 Jonesboro; Jonesport; Machias; Marshfield; Meddybemps;
26 Northfield; No. 14 Plantation; No. 21 Plantation;
27 Pembroke; Perry; Princeton; Robinston; Roque Bluffs;
28 Talmadge; Waite; Wesley; Whitneyville; School Adminis-
29 trative District No. 37-Addison, Cherryfield, Columbia,
30 Columbia Falls, Harrington and Milbridge; School Admin-
31 istrative District No. 19-Lubec; School Administrative
32 District No. 77-Cutler, East Machias, Machiasport and
33 Whiting.

34 F. Region 7. WALDO COUNTY. Units located in
35 this area shall include: School Administrative Dis-
36 trict No. 3-Brooks, Freedom, Jackson, Knox, Liberty,
37 Monroe, Montville, Thorndike, Troy, Unity and Waldo;
38 School Administrative District No. 34-Belfast, Belmont,
39 Morrill, Northport, Searsmont and Swanville; School
40 Administrative District No. 56-Frankfort, Searsport and
41 Stockton Springs.

42 G. Region 8. KNOX COUNTY. Units located in
43 this area shall include: Appleton; Hope; Islesboro;
44 Lincolnvile; School Administrative District No. 5-Owls
45 Head, Rockland and South Thomaston; School Administra-

1 tive District No. 7-North Haven; School Administrative
2 District No. 8-Vinalhaven; School Administrative Dis-
3 trict No. 28-Camden and Rockport; School Administrative
4 District No. 40-Friendship, Union, Waldoboro, Warren
5 and Washington; School Administrative District No.
6 50-Cushing, St. George and Thomaston.

7 H. Region 9. NORTHERN OXFORD COUNTY. Units
8 located in this area shall include: Hanover; Peru;
9 Rumford; School Administrative District No. 21-Canton,
10 Carthage and Dixfield; School Administrative
11 District No. 43-Byron, Mexico and Roxbury; School
12 Administrative District No. 44-Andover, Bethel,
13 Greenwood, Newry and Woodstock.

14 I. Region 10. EASTERN CUMBERLAND-SAGADAHOC
15 COUNTY. Units located in this area shall include:
16 Brunswick; Freeport; School Administrative District No.
17 75-Bowdoin, Bowdoinham, Harpswell and Topsham. This
18 region and the vocational center at Bath shall coordi-
19 nate programs and activities.

20 J. Region 11. SOUTHERN OXFORD COUNTY. Units
21 located in this area shall include: School Administra-
22 tive District No. 17-Harrison, Hebron, Norway,
23 Otisfield, Oxford, Paris, Waterford and West Paris;
24 School Administrative District No. 39-Buckfield,
25 Hartford and Sumner. This region and the vocational
26 center at School Administrative District No. 61
27 (Bridgton) shall coordinate programs and activities.

28 3. Central Aroostook County. Central Aroostook County
29 shall also be a vocational region.

30 A. Public secondary schools located at: Ashland; Car-
31 ibou; Easton; Fort Fairfield; Limestone; Mars Hill;
32 Presque Isle; and Washburn shall be served by regional
33 vocational centers located in Presque Isle and Caribou.

34 B. Notwithstanding provisions of sections 8452 to
35 8459, these regional centers shall be governed by their
36 respective school boards but shall have an advisory
37 committee responsible for coordinating vocational edu-
38 cation for the Central Aroostook County area as defined
39 in section 8404.

40 4. Validation. Each vocational region authorized and
41 organized under Public Law 1973, chapter 605, is hereby
42 validated, confirmed, approved and declared legal in all

1 respects, notwithstanding any defect or irregularity which
2 may have occurred in the organization of the region or in
3 the selection of the cooperative board of that region.

4 §8452. Cooperative board; formation

5 The vocational regions shall be administered by a
6 cooperative board organized as follows.

7 1. Creation. The school boards of the school adminis-
8 trative units, at a joint meeting called by the commis-
9 sioner, shall determine by majority vote:

10 A. The size of the cooperative board;

11 B. The number to serve from each unit or group of
12 units;

13 C. The method of selecting representatives from each
14 unit;

15 D. The method of sharing costs; and

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

18 2. Role of municipal officers. The municipal officers
19 of each school administrative unit within the region shall
20 be invited to the joint meeting to present testimony on
21 cooperative board membership and the methods of sharing
22 costs among the units.

23 3. Voting. Each school board shall caucus with the
24 municipal officers within that unit. In the joint meeting,
25 the school board shall cast their votes on the issues in ac-
26 cordance with the majority vote of the caucus of their
27 school board and municipal officers.

28 4. Process of appeal. A school board may appeal deci-
29 sions on the method of sharing cost and the method of appor-
30 tioning representatives on the cooperative board to the
31 state board. The state board decision shall be final and
32 binding on the school administrative units within the
33 region.

34 5. First meeting. When the member school administra-
35 tive units of a cooperative board have determined the repre-
36 sentation and the method of sharing costs, the superintend-
37 ents in the region shall call meetings of the school boards.

1 The school boards shall appoint their authorized number of
2 representatives to the cooperative board.

3 6. Organization of the cooperative board. The orga-
4 nization of the cooperative board shall occur as follows.

5 A. The superintendent shall call a meeting of the
6 cooperative board members to organize.

7 B. The board shall:

8 (1) Elect a chairman and vice-chairman;

9 (2) Elect a secretary who does not have to be a
10 member of the board;

11 (3) Adopt a constitution or bylaws for the call-
12 ing of and conducting of board meetings; and

13 (4) Elect a treasurer. The treasurer shall give
14 a bond to the board with the sum and sureties
15 established by the board. This bond shall be
16 deposited with the chairman. The expenses of the
17 bonds shall be paid by the cooperative board. The
18 treasurer does not have to be a member of the
19 cooperative board.

20 7. Return and certificate. The secretary shall
21 immediately file a return with the state board listing the
22 names of the officers of the board and certifying that the
23 board has been properly organized.

24 8. Issuance of certificate. The state board may issue
25 a certificate of organization or reorganization for each
26 vocational region. The issuance of the certificate shall be
27 conclusive evidence of lawful organization. The original
28 certificate shall be kept on file by the secretary of each
29 region, and copies shall be placed on file in the office of
30 the commissioner.

31 §8453. Membership on cooperative board

32 Membership of the cooperative board shall consist of
33 residents from each school administrative unit in proportion
34 to the population of that unit to the whole region.

35 1. Member of school board. At least one person in a
36 representative grouping within a vocational region shall be
37 a member of a school board of a school administrative unit
38 within the representative grouping.

1 2. Conflict of interest. Residents who, by holding
2 another office, have duties conflicting with those of the
3 cooperative board may not be selected.

4 §8454. Oath of office

5 Cooperative board members shall take an oath or affir-
6 mation in the same form as prescribed in section 1251 for
7 directors of school administrative districts. A certificate
8 of the oath or affirmation shall be on file in the office of
9 the cooperative board.

10 §8455. Vocational region considered a political subdivision

11 A vocational region shall be a political subdivision
12 within the meaning of Title 5, section 1222, subsection 6
13 and a quasi-municipal corporation within the meaning of
14 Title 30, section 5053, and all the provisions of that
15 section shall be applicable to them.

16 §8456. Voter approval of cooperative agreement article

17 Vocational regions may vote on articles submitted by
18 the cooperative board using the procedures set forth in sec-
19 tions 1351 to 1354.

20 §8457. Cooperative board authority

21 1. Duties. A cooperative board shall have all the
22 rights and duties of a school board as provided in section
23 1001, subsections 1 to 8, 11 and 12; section 1002, subsec-
24 tion 3; sections 1256; 1313 to 1315; and 2501; section 3001,
25 subsection 1, paragraph B; and section 3011.

26 2. Review of agreement. The cooperative board, with
27 the superintendents' advisory committee, shall annually
28 review the cooperative agreement. It may amend the agree-
29 ment with respect to the administration of vocational educa-
30 tion in the region. A revision of the agreement shall be
31 subject to approval by majority vote of the school boards of
32 the region as provided for budget approval under section
33 8460. A copy of the cooperative agreement and amendments
34 shall be filed with the commissioner.

35 3. Authority. A cooperative board may:

36 A. Borrow funds in anticipation of the member unit's
37 payment of its share of the vocational regional budget.
38 Loans:

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

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

4 B. May expend available revenue to meet debt service
5 and security and maintenance of property costs; and

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

8 4. Compensation. Cooperative board members may be
9 paid up to \$10 for each meeting attended.

10 §8458. Vocational director

11 1. Employment. The cooperative board shall employ a
12 certified vocational director. The board may appoint the
13 director to serve as the:

14 A. Administrative officer of the region; and

15 B. Treasurer and secretary to the board.

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

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

25 §8459. Superintendents' advisory committee

26 The superintendents within each region shall serve as
27 an advisory committee to the cooperative board. This com-
28 mittee shall:

29 1. Right to attend cooperative board meetings. Be
30 invited to attend and receive notice of all meetings held by
31 the cooperative board; and

32 2. Meeting with vocational director. Meet with the
33 vocational director at least 4 times each year to review
34 proposed programs, budgets and issues relating to vocational
35 education.

1 §8460. Budget

2 The vocational region budget shall be prepared and
3 approved as follows:

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

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

8 B. Hold 2 public hearings in the region, prior to sub-
9 mitting the budget for adoption in accordance with one
10 of the methods of voting set forth in subsection 2;

11 C. Prepare 2 articles, or 2 orders for municipal coun-
12 cil meetings, in substantially the following form:

13 (1) "Shall the regional vocational operating bud-
14 get as approved by the cooperative board for the
15 year _____ be approved in the amount of
16 \$ _____?"; and

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

20 D. Select the method of submitting the articles or
21 orders for budget adoption from those outlined in sub-
22 section 2; and

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

25 2. Methods of budget adoption. The cooperative board
26 shall submit the final budget as follows:

27 A. The articles, or orders, for the operating and
28 adult education portions of the budget shall be submit-
29 ted for adoption by one of the following methods prior
30 to July 1st:

31 (1) The school administrative unit method out-
32 lined in section 8461;

33 (2) The referendum method outlined in sections
34 1351 to 1354; and

35 (3) The regional budget meeting method outlined
36 in section 8462; and

1 B. For the purpose of approving money to repay bonds,
2 each school administrative unit within a region shall
3 include as part of the debt service portion of its
4 regular school budget an amount sufficient to cover
5 that school administrative unit's share of the region's
6 debt service.

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

10 A. Prepare a revised budget and budget articles; and

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

14 §8461. School administrative unit method

15 1. Role of the school administrative unit. The legis-
16 lative body of each school administrative unit in the
17 region shall vote on the articles submitted by the
18 cooperative board.

19 A. The vote of the budget shall be completed at the
20 same time as the regular school budget.

21 B. The vote of the legislative body shall be to accept
22 or reject each article in the budget warrant. No por-
23 tion of a warrant may be amended.

24 C. Following the annual budget meeting of a school
25 administrative unit, the clerk of that unit shall
26 notify, in writing, the member or members of the
27 cooperative board which represent that unit of the
28 results of the vote.

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

31 A. Within 5 days after the last unit has acted on the
32 budget, the chairman of the board shall call a meeting
33 of the board to tally the results of the vote.

34 B. The cooperative board members shall report in writ-
35 ing and shall cast their ballots in the affirmative or
36 in the negative in accordance with the majority vote of
37 the school administrative units represented.

1 C. The chairman shall add these votes and the
2 cooperative board shall make a finding of fact and
3 enter in its records the total vote in the affirmative
4 and in the negative.

5 (1) If the total affirmative votes exceed the
6 total negative votes, the cooperative board shall
7 declare that the budget has been approved.

8 (2) If any article within the budget fails to
9 pass, or if a special budget meeting is called
10 after the board has declared an emergency exists,
11 the board may prepare a new budget or special bud-
12 get and submit the necessary articles to a budget
13 meeting of the vocational region called in the
14 manner set forth in section 8462.

15 3. School administrative districts and community
16 school districts. A municipality which is a member of a
17 secondary community school district or a school administra-
18 tive district shall appropriate the costs of vocational edu-
19 cation as part of the secondary school budget.

20 §8462. Regional budget meeting approval method

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

25 A. The warrant shall specify the time and place of the
26 meeting.

27 B. The warrant shall be directed to any resident
28 living within the vocational region by name ordering
29 him to notify all voters within the region to assemble
30 at the time and place appointed.

31 C. The warrant shall include the articles the
32 cooperative board considers necessary to place before
33 the voters and the authorization to expend funds of the
34 region for the fiscal year.

35 D. An attested copy of the warrant shall be posted by
36 the nominee receiving a plurality of the votes.

37 E. The moderator shall preside over the meeting.

38 F. The vocational budget may be adopted only by a
39 majority vote of those present and voting.

1 G. The moderator shall appoint from the certified
2 voting lists as many ballot clerks as necessary for the
3 efficient operation of the meeting. The ballot clerks
4 shall be sworn in by the moderator.

5 H. The secretary of the cooperative board, or if ab-
6 sent the secretary's designee, shall record accurately
7 all the votes of the meeting.

8 I. The cooperative board shall, immediately upon the
9 adoption of a budget, compute the share to be paid by
10 each municipality within the region and shall notify
11 the school officials to include their share in the
12 school administrative unit's annual school budget. A
13 budget shall be adopted on or before August 1st.

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

18 §8463. Appropriation of local funds

19 Local funds shall be appropriated as follows.

20 1. Operating and debt service costs. Each region
21 shall, in accordance with the region's agreement for sharing
22 costs, appropriate the necessary local funds to pay the
23 operating and construction costs for vocational region pro-
24 grams as may be required by this subsection and sections
25 8460 and 8465.

26 2. Federal grants. Anticipated grants from federal
27 sources to be received by the regional cooperative board
28 shall be deducted from the gross budget before making the
29 assessments to the individual municipalities within the
30 region.

31 §8464. Budget failure

32 The following provisions apply in the event of a budget
33 failure as defined in section 8301.

34 1. Submission of a contingency plan. If a budget
35 failure exists after August 1st, the cooperative board shall
36 submit to the state board a financial statement with an
37 operational plan indicating how the program will be phased
38 out or reorganized.

1 2. Payment of the state's share to the cooperative
2 board. When a budget failure exists, the State shall pay
3 directly to the cooperative board the sum of each unit's
4 state share of the vocational education allocation of the
5 units within the region.

6 3. Available funds. If a budget failure exists after
7 June 30th, the cooperative board may expend balances and
8 available revenues.

9 4. Borrowing. The cooperative board may borrow funds
10 not to exceed 50% of the anticipated state allocation. Such
11 borrowing shall be repaid within the same fiscal year.

12 §8465. Bonding authority

13 Bonds and notes for school construction purposes may
14 only be issued under the following provisions.

15 1. Regional referendum. If the cooperative board
16 decides to issue bonds or notes of the region for school
17 construction purposes:

18 A. The board shall call a regional referendum using
19 the procedures set forth in sections 1351 to 1354;

20 B. The results of the referendum vote in each municipi-
21 ality shall be reported immediately to the secretary
22 of the cooperative board; and

23 C. The board shall meet and make an appropriate find-
24 ing of fact as required in section 1353, subsection 2.

25 2. Bond resolutions. If the cooperative board deter-
26 mines from the vote that bonds or notes shall be issued,
27 then the following shall apply.

28 A. The board shall pass a resolution to that effect
29 setting forth the amount of the proposal and the pur-
30 poses for which the proceeds were authorized.

31 B. Bonds or notes shall be issued in the manner de-
32 scribed in section 1311, except that any reference
33 therein to "school administrative district" or "board
34 of school directors" shall mean vocational region or
35 cooperative board, respectively.

36 C. Indebtedness shall not exceed 4% of the total state
37 valuation of all the municipalities comprising the

1 region. That indebtedness shall be outside the debt
2 limitations of the individual municipalities of the
3 region.

4 3. Prior bonds and notes. All actions taken in con-
5 nection with bonds and notes for school construction pur-
6 poses by vocational regions and their officers prior to
7 October 1, 1975 shall continue to be valid.

8 §8466. Transfer of school property

9 The following shall apply to transfer of school prop-
10 erty to a vocational region.

11 1. Authority. A school board of a school administra-
12 tive unit within a vocational region may transfer or lease
13 unused school property owned by the unit to the vocational
14 region for vocational education purposes.

15 2. Definitions. For the purposes of this section a
16 special school district shall be considered to be a school
17 administrative unit.

18 §8467. Sale of vocational region capital assets

19 The following provisions apply to the sale of voca-
20 tional region capital assets.

21 1. Selling buildings and equipment. Vocational
22 regions may, in case of a shutdown, sell buildings and
23 equipment owned by the vocational regions when the sale is
24 approved by the state board.

25 2. Using proceeds of sale. The funds raised by the
26 sale in subsection 1 shall be used as follows:

27 A. The proceeds of the sale shall first be used to
28 reduce any outstanding indebtedness;

29 B. Any remaining receipts shall be used to meet out-
30 standing obligations; and

31 C. Any remaining surplus shall be returned to the
32 department.

33 SUBPART III

34 OTHER PROGRAMS

1 CHAPTER 315

2 ADULT EDUCATION

3 §8601. Purpose

4 Since education is a lifelong process, it is declared
5 to be the policy of the State to provide and encourage the
6 growth of educational opportunities for all adults.

7 §8602. Rules

8 The commissioner shall adopt or amend rules to estab-
9 lish program definitions for adult vocational courses, gen-
10 eral adult courses, handicapped adult courses, high school
11 completion courses and basic literacy courses.

12 §8603. Authority to raise money

13 A school administrative unit may:

14 1. Support adult education. Raise and appropriate
15 money for the support of adult education classes and educa-
16 tional activities. These classes and activities shall be
17 under the direction and supervision of the school board; and

18 2. Tuition. Raise, appropriate and expend money to
19 cover the tuition costs resulting from its residents attend-
20 ing adult education courses in another school administrative
21 unit, if the courses are not offered by the unit of resi-
22 dence.

23 §8604. Authority to operate programs not receiving state
24 aid

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

31 §8605. Participation in adult education

32 1. General. A person who is 17 years of age or older
33 and who is not attending public schools may attend local
34 adult education courses in accordance with local program
35 criteria.

1 A. The commissioner shall grant exceptions under this
2 subsection in admitting students to adult education
3 programs at the local level to a student who has left
4 school under the provisions of section 5001, subsection
5 2, paragraph B, on the recommendations of the school
6 board.

7 B. Prior to requesting an exception, the school board
8 shall seek and consider the recommendations of the
9 positive action committee.

10 C. Students enrolled in public day school programs may
11 participate in adult education programs or adult voca-
12 tional programs to supplement the regular day school
13 program on an exception basis in accordance with rules
14 adopted or amended by the commissioner.

15 2. School age student; student count; reimbursement;
16 enrollment in neighboring unit. School age students may
17 enroll in adult evening school courses as follows.

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

21 B. The school administrative unit in which a student
22 resides shall be reimbursed in accordance with chapter
23 605.

24 C. If a unit does not offer an appropriate adult eve-
25 ning school course, the student may enroll in a neigh-
26 boring school administrative unit or private school,
27 subject to the approval of the sending unit's superin-
28 tendent. The sending unit shall pay tuition to the
29 receiving unit in an amount no greater than .1 of the
30 present per student subsidy allocation for secondary
31 students in the sending unit.

32 §8606. Reimbursement procedures

33 1. Commissioner certification. Prior to February 1st
34 of each year, the commissioner shall prepare and certify to
35 the Legislature and to the Bureau of the Budget a recom-
36 mendation for the funding levels for the various program
37 categories in adult education.

38 A. The requested funding levels shall be computed by
39 adding the actual costs for the first half of the year
40 immediately prior to the year of allocation of funds to

1 the total estimated costs that will be incurred for the
2 2nd half of the same year.

3 B. The commissioner may amend an estimate if the com-
4 missioner believes that estimate to be unreasonable.

5 C. If a school administrative unit fails to submit the
6 necessary information required in this section within
7 the time specified by the commissioner, the commis-
8 sioner shall estimate that unit's education cost.

9 2. State reimbursement. State reimbursement for
10 expenditures on adult education programs shall be based on
11 the total expenditure less income from federal sources.

12 A. The reimbursement shall be based on the net
13 expenditures, or the report of expenditures for the
14 first 6 months and the estimate of the expenditures for
15 the last 6 months of the fiscal year, as approved by
16 the commissioner, whichever is lower.

17 B. State aid will be paid to the school administrative
18 units during the 2nd quarter of the state's fiscal year
19 following the unit's expenditure.

20 C. If the Legislature fails to appropriate sufficient
21 funds for reimbursement, state aid to school adminis-
22 trative units will be prorated.

23 §8607. Reimbursement rates

24 Reimbursement rates shall be as follows.

25 1. Administrative costs. School administrative units
26 shall be reimbursed 70% of the administrative cost for eve-
27 ning and day school classes and educational activities for
28 adults in the year following the expenditure. Administra-
29 tive cost shall include administrative, supervisory and
30 clerical salaries and the costs of maintaining and operating
31 citizens' advisory committees.

32 2. Adult vocational education courses. Adult voca-
33 tional education courses shall be reimbursed at the rate of
34 75% of the cost of instructional salaries and 50% of the
35 cost of consumable supplies.

36 3. General adult courses. Courses provided for the
37 general public in vocational, leisure and life skill pro-
38 grams shall be reimbursed at the rate of 50% of the cost of
39 instructional salaries.

1. 4. Handicapped adult courses. Handicapped adult
2 courses shall be reimbursed at the rate of 75% of the cost
3 of instructional salaries.

4 5. High school completion courses. High school com-
5 pletion courses shall be be reimbursed at the rate of 75% of
6 the cost of instructional salaries.

7 6. Basic literacy courses. Basic literacy courses
8 shall be reimbursed at the rate of 75% of the cost of
9 instructional salaries.

10 §8608. Teacher education reimbursement

11 The commissioner shall add to his budget request a sum
12 not to exceed 5% of the sum recommended for reimbursement to
13 school administrative units for preservice and in-service
14 education activities for teachers in adult education.

15 §8609. Fees for adult education

16 Fees for adult education shall be as follows.

17 1. Registration fee. A school administrative unit,
18 with the approval of the commissioner, shall establish a
19 registration fee schedule and determine the use of those
20 registration fees.

21 2. Materials fee. A school administrative unit may
22 charge a student attending a course a fee to cover the actu-
23 al cost of materials used.

24 §8610. Adult vocational education authority

25 Adult vocational education programs may be offered
26 under the following provisions.

27 1. Basic authority. A vocational region or vocational
28 center may offer adult vocational education programs within
29 its geographic area.

30 2. Request for program approval. A school administra-
31 tive unit in a vocational region or a unit served by a voca-
32 tional center may make a request to the cooperative board of
33 the vocational region or the governing body of the voca-
34 tional center that adult education courses be offered in
35 that school administrative unit.

1 3. Board approval. The cooperative board of the voca-
2 tional region or the governing body of the vocational center
3 may approve adult vocational education courses in the
4 requesting school administrative unit.

5 4. Adequate funding. The offering of adult vocational
6 education courses shall be dependent upon school administra-
7 tive units appropriating sufficient funds to pay for the
8 courses.

9 5. Persons entitled to attend. Adult vocational edu-
10 cation courses offered in a school administrative unit shall
11 be open to any adult who needs retraining or upgrading . If
12 space is limited, priority shall be given to the residents
13 of the unit offering the program.

14 6. State reimbursement. State reimbursement shall be
15 made to a school administrative unit in accordance with
16 section 8607. If the request to operate a reimbursable
17 adult vocational education course is disapproved by the
18 cooperative board of the vocational region or by the govern-
19 ing body of the vocational center, the school administrative
20 unit may appeal to the commissioner for authority to offer
21 the course. His decision is final and binding.

22 §8611. Transportation

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

25 CHAPTER 317

26 SUMMER SCHOOLS

27 §8801. Summer schools; standards; approval

28 Standards for summer schools shall be as follows.

29 1. Standards. The state board shall adopt or amend
30 rules to establish standards consistent with section 4401
31 for summer schools offering credit toward graduation from a
32 Maine elementary or secondary school.

33 2. Approval. The state board shall direct an inspec-
34 tion after which he may approve and grant a certificate to a
35 school that maintains those standards. The expense of
36 inspection shall be paid by the department.

37 §8802. Summer school tuition

1 The following provisions apply to summer school
2 tuition.

3 1. Tuition. A school administrative unit may charge
4 the students a tuition for enrollment in a summer school.

5 2. Maximum amount. Tuition may not exceed the follow-
6 ing:

7 A. In the first summer of its operation, the average
8 cost for each student in all summer schools in the
9 State for the preceding summer;

10 B. When a summer school is operated for 2 or more
11 school administrative units and is operated alternately
12 by a different unit each summer, the cost for each
13 student for the preceding summer; and

14 C. In all other cases, the cost for each student for
15 the preceding summer.

16 3. Equality. Tuition in a summer school shall be the
17 same for all students who are Maine residents.

18 4. Rules. The commissioner shall adopt rules for
19 determining the allowable cost for each student under this
20 section.

21 CHAPTER 319

22 FIREFIGHTER TRAINING

23 §9001. Program

24 The commissioner may conduct programs to provide train-
25 ing for members of municipal fire departments, incorporated
26 volunteer fire departments and industrial and institutional
27 fire brigades.

28 The commissioner may not require participation in these
29 programs by a member of a municipal fire department,
30 incorporated volunteer fire department or industrial or
31 institutional fire brigades nor use participation in train-
32 ing programs as a condition of eligibility to receive funds
33 for training programs.

34 §9002. Advisory committee

35 An advisory committee shall be established to advise
36 the commissioner in the administration of section 9001.

1 1. Establishment. The commissioner shall appoint a
2 13-member advisory committee as follows:

3 A. One municipal chief, one call chief and one volun-
4 teer chief recommended by the Maine Fire Chiefs' Asso-
5 ciation, Inc.;

6 B. One municipal firefighter, one call firefighter and
7 one volunteer firefighter recommended by the Maine Fed-
8 eration of Firefighters, Inc.;

9 C. One city or town manager and one selectman recom-
10 mended by the Maine Municipal Association, Inc.;

11 D. One member of an industrial or institutional fire
12 brigade recommended by the Maine Safety Council;

13 E. One representative from the field of insurance
14 recommended by the Maine Insurance Association, Inc.;

15 F. Two members recommended by the Maine Council of
16 Firefighters, Inc.; and

17 G. One member of the general public.

18 2. Term of office. Members shall be appointed for a
19 term of 3 years.

20 3. Chairman. The committee shall elect a member as
21 chairman.

22 4. Expenses. The members shall be reimbursed for
23 their expenses, but may not receive other compensation for
24 service on the committee.

25 5. Nonvoting representative. The department's con-
26 sultant for the fire service training program shall be a
27 nonvoting representative of the department at the committee
28 meetings.

29 §9003. State agents for federal programs

30 The following provisions shall apply to federal fire
31 programs in the State.

32 1. Commissioner; state agent. The commissioner shall
33 be the state agent to be contacted by the United States Fire
34 Administration about matters dealing with the Federal Fire
35 Prevention and Control Act of 1974, Public Law 93-498.

1 2. Department; testing; certification. The department
2 shall be the state testing agency for the National Profes-
3 sional Qualification Board of the Joint Council of Fire Ser-
4 vices Organizations. The commissioner may award certifi-
5 cates to personnel of municipal and incorporated volunteer
6 fire departments using competency standards established by
7 the Joint Council of Fire Services Organizations.

8 CHAPTER 321

9 CORRESPONDENCE SCHOOLS

10 §9201. Certificate of approval; exemptions

11 1. Requirement for certificate of approval. Any pri-
12 vately owned correspondence school located either within or
13 outside the State shall obtain a certificate of approval
14 from the commissioner before soliciting or selling in Maine
15 any correspondence course or collecting any tuition, fee or
16 other charge. In addition, each correspondence school shall
17 supply a listing of solicitors authorized by it to recruit
18 in Maine.

19 2. Exceptions. Public institutions which are exempt
20 from property taxation under Maine laws, and courses or pro-
21 grams of instruction conducted under contract with an
22 employer for employees exclusively, are exempt from the re-
23 quirements of this chapter.

24 §9202. Application form; fee; bond

25 1. Application requirements; certification period;
26 bonding and revocation of certificate. The application for
27 a certificate of approval required in section 9201 shall be
28 made on forms furnished by the commissioner and shall be ac-
29 companied by a fee of \$50 and a surety bond in the penal sum
30 of \$1,000.

31 A. A certificate shall be valid for the calendar year
32 in which it is issued.

33 B. The bond shall be continuous and shall provide
34 indemnification to any student suffering loss as a
35 result of any fraud or misrepresentation by the school.
36 the bond shall provide for written notification by the
37 surety to the department in the event of cancellation.
38 Cancellation of the bond by the surety shall result in
39 the revocation of the certificate of approval.

1 2. Renewal. A fee of \$25 shall be charged for the
2 renewal of a certificate.

3 3. General Fund. All fees collected for the issuance
4 or renewal of a certificate shall be deposited in the State
5 Treasury.

6 §9203. Penalty

7 Any firm, association or corporation, operating or con-
8 ducting a private correspondence school, except by authority
9 of a valid certificate of approval as required by this chap-
10 ter, is guilty of a civil violation for which a forfeiture
11 of not more than \$1,000 may be adjudged.

12 §9204. Rules

13 The commissioner is authorized to adopt rules for the
14 administration and enforcement of this chapter.

15 CHAPTER 323

16 TRADE AND TECHNICAL SCHOOLS

17 §9501. Certificate of approval; exempt institutions

18 1. Requirement of certificate of approval. Any
19 person, partnership, corporation or school located either
20 within or outside the State shall obtain a certificate of
21 approval from the commissioner before conducting any course
22 of instruction or before collecting any tuition, fee or
23 other charge for conducting or soliciting for any educa-
24 tional services or related training.

25 2. Exemptions. Schools of hairdressing and beauty
26 culture which are subject to approval by the State Board of
27 Cosmetology, educational programs related to the real estate
28 professions which are subject to approval under Title 32,
29 chapter 59, educational programs offered by any Maine non-
30 profit corporation, any educational programs offered by any
31 professional or trade association primarily for the benefit
32 of its own members and any institution authorized by the
33 laws of this State to grant a degree are exempt from the re-
34 quirements of this chapter.

35 §9502. Application form; fee; bond

36 1. Application requirements; certification; bonding
37 and cancellation of certificate. The application for a cer-

1 tificate of approval required in section 9501 shall be made
2 on forms furnished by the commissioner and shall be accompa-
3 nied by a fee of \$100 and a surety bond in the penal sum of
4 \$1,000.

5 A. A certificate of approval is valid for the calendar
6 year in which it is issued.

7 B. The bond shall be continuous and shall provide
8 indemnification to any student suffering loss as a
9 result of any fraud or misrepresentation. The bond
10 shall provide for written notification by the surety to
11 the department in the event of cancellation. Cancellat-
12 ion of the bond by the surety shall result in the
13 revocation of the certificate of approval.

14 2. Renewal fee. A fee of \$50 shall be charged for the
15 renewal of a certificate.

16 3. General Fund. All fees collected for the issuance
17 or renewal of a certificate shall be deposited in the State
18 Treasury.

19 §9503. Penalty

20 Any person, partnership, corporation or school which
21 operates or maintains a private business, trade or technical
22 school in violation of this chapter, or represents itself as
23 operating and maintaining such a school, is guilty of a
24 Class E crime.

25 §9504. Rules

26 The commissioner may adopt rules for the administration
27 and enforcement of this chapter.

28 PART 5

29 POST-SECONDARY EDUCATION

30 CHAPTER 401

31 GENERAL PROVISIONS

32 §10001. Hemophiliacs

33 1. Participation in physical activity. A post-
34 secondary institution may not require a hemophiliac to par-
35 ticipate in physical activity hazardous to his physical

1 health, as a condition or requirement for a degree, unless
2 the physical activity is approved by the state board as an
3 essential prerequisite to that degree.

4 2. Admission. A post-secondary institution may not
5 refuse admission to a hemophiliac solely because of his con-
6 dition as a hemophiliac, unless that condition would prevent
7 participation in required courses of study of physical ac-
8 tivity.

9 §10002. Records of educational institutions

10 1. Preservation of records. The trustees or officers
11 of a post-secondary institution, on going out of existence
12 or ceasing to function as an educational institution, shall
13 turn over records of attendance and academic achievements by
14 its students to the department. The department shall pre-
15 serve these records.

16 2. Duty of the commissioner. The commissioner shall
17 collect all attendance and academic records of
18 post-secondary institutions within the State which are now
19 extinct and deposit the records in a place of safety and ac-
20 cessibility for preservation and future use.

21 3. Preparation of transcript. When requested, the
22 commissioner shall prepare transcripts of grade records from
23 these records of extinct institutions, when they are needed
24 by the former student for:

25 A. Further scholastic work at another institution of
26 learning; or

27 B. Certification for teaching or for other profes-
28 sional positions.

29 4. Copy as best evidence. When a transcript is made
30 from the original and certified by the commissioner, it
31 shall be considered and accepted as legal evidence and, for
32 all other purposes, as if it was the original.

33 5. Fee. The department shall charge a nominal fee for
34 the actual cost of preparing those transcripts.

35 §10003. Fees for degrees

36 An officer of a post-secondary institution may not
37 receive as perquisites a fee for a degree granted by the
38 institute. Fees of this type shall be paid into the insti-
39 tution treasury.

1 CHAPTER 403

2 VOCATIONAL-TECHNICAL INSTITUTES

3 §10101. Purpose and intent

4 1. Purpose. The purpose of this chapter is to:

5 A. Create vocational-technical institutes in Maine
6 which will be able to respond to the needs of the
7 people of the State for vocational, technical and
8 occupational training; and

9 B. Provide for responsive administration of the
10 vocational-technical institutes.

11 2. Intent. It is the intent of the Legislature that
12 the vocational-technical institutes shall:

13 A. Provide vocational, technical and occupational edu-
14 cation for those who demonstrate aptitude and need and
15 who require training designed for service in a trade,
16 industry or commerce;

17 B. Provide each graduate with job skills;

18 C. Provide the general education necessary to comple-
19 ment the requirements of specific vocational and tech-
20 nical skills;

21 D. Provide supplementary educational programs to
22 upgrade those persons already employed or retrain per-
23 sons for new employment opportunities; and

24 E. Provide special programs for disadvantaged and
25 handicapped persons to permit them to take maximum
26 advantage of their aptitudes and interests.

27 §10102. Definitions

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

30 1. Institute. "Institute" means a vocational-technical
31 institute as established in section 10103.

32 §10103. Establishment of institutes

1 The following vocational-technical institutes are
2 established and shall be located within the general vicinity
3 of the municipalities named in the following subsections:

4 1. Central Maine Vocational-Technical Institute in the
5 City of Auburn;

6 2. Eastern Maine Vocational-Technical Institute in the
7 City of Bangor;

8 3. Kennebec Valley Vocational-Technical Institute in
9 the City of Waterville;

10 4. Northern Maine Vocational-Technical Institute in
11 the City of Presque Isle;

12 5. Southern Maine Vocational-Technical Institute in
13 the City of South Portland; and

14 6. Washington County Vocational-Technical Institute
15 in the City of Calais.

16 §10104. State board's general duties and authority; estab-
17 lishment of additional institutes

18 1. General duties. The state board shall maintain and
19 operate the institutes established in section 10103 and have
20 policy-making and planning authority for them.

21 2. Authority. The state board may, in operating these
22 institutes:

23 A. Offer courses of study;

24 B. Grant diplomas and certificates on completion of a
25 course of study;

26 C. Confer associate degrees based upon 2 years of
27 instruction with equipment and facilities which will
28 safeguard the integrity of the degrees conferred;

29 D. Charge tuition and other reasonable fees;

30 E. Establish qualifications for admission; and

31 F. Accept and expend all funds for post-secondary
32 vocational education received by the department from:

33 (1) The General Fund;

1 (2) Gifts and donations either from public or
2 private sources which are offered unconditionally;
3 or

4 (3) Fees.

5 3. Establishment of additional vocational-technical
6 institutes. The state board may establish, maintain and
7 operate vocational-technical institutes to promote special-
8 ized training for persons who give evidence of special apti-
9 tude or need and who desire specialized training designed
10 specifically to train for service in trade, industry or com-
11 merce.

12 §10105. Directors of institutes

13 1. Appointment of directors. The commissioner, with
14 the approval of the state board, shall appoint the directors
15 of the institutes.

16 2. Salary range. The commissioner, with the approval
17 of the state board, shall establish the salary range for
18 directors and assistant directors.

19 3. Job title and salary range for new positions. The
20 state board, consistent with Title 26, chapter 12, shall
21 make recommendations to the Department of Personnel and the
22 Bureau of the Budget concerning the appropriate job title
23 and salary range for each newly-created position in the
24 unclassified service at an institute. The recommendations
25 shall be based on the level of job responsibilities of the
26 position created.

27 4. Change of job title and salary range. The state
28 board, consistent with Title 26, chapter 12, shall make
29 recommendations to the Department of Personnel and the
30 Bureau of the Budget to change the job title or salary range
31 of any existing position in the unclassified service at an
32 institute if an identifiable change in job responsibilities
33 occurs.

34 §10106. Funding levels; capital construction plan; budget

35 1. Funding levels. Prior to September 1st of even-
36 numbered years, the state board shall certify and present to
37 the Governor the funding levels which it recommends for the
38 operation of the institutes. It shall report those recom-
39 mendations to the Legislature prior to November 15th of
40 even-numbered years.

1 2. Long-range capital construction plan. With the
2 requested funding levels, the state board shall submit a
3 long-range capital construction plan in priority order.
4 This plan shall be submitted to the Legislature with the re-
5 quired report.

6 3. Costs of maintenance, repairs and capital construc-
7 tion. Notwithstanding any other provision of law, the
8 directors shall include the costs of maintenance, repairs
9 and capital construction at the institutes in the funding
10 level requests presented to the state board. In the pre-
11 paration, development and submission of funding requests for
12 maintenance, repairs and capital construction, the state
13 board shall consult with the Bureau of Public Improvements.
14 Funds appropriated for maintenance, repairs and capital con-
15 struction at the institutes shall be allocated and expended
16 only for authorized purposes.

17 §10107. Contingent account

18 There is established under Title 5, section 1507, a
19 contingent account for the institutes and the procedures for
20 allocation of contingent account funds.

21 §10108. Operation of courses at a secondary vocational
22 facility; administration; tuition charges

23 1. Courses offered. Institute vocational courses at
24 grade levels 13 and 14 may be operated in vocational centers
25 or vocational regions if approved by the state board.

26 2. Administration. If these courses are not part of
27 an adult education program, they shall be administered as
28 satellite programs of an institute designated by the state
29 board.

30 3. Tuition. Tuition for these courses shall be
31 charged directly to the students enrolled, at rates approved
32 by the state board.

33 §10109. State scholarships at the vocational-technical
34 institutes

35 1. Scholarships. The state board shall develop and
36 administer a program of scholarships for students enrolled
37 at an institute. A student selected to receive a scholar-
38 ship shall fulfill the following qualifications:

1 A. Show evidence of the qualifications necessary to
2 successfully complete the course of study and to become
3 a competent craftsman in a trade or industrial pursuit;

4 B. Show demonstrated ability and willingness to sup-
5 port the expenses of training; and

6 C. Show demonstrated need of partial financial assis-
7 tance to pay the cost of attendance at the institute.

8 2. Limitation. A scholarship may not exceed \$250 in
9 one year.

10 3. Allocation of scholarships. Amounts available for
11 these scholarships shall be distributed annually by the
12 state board to the institutes as follows:

13 A. \$1,500 or the equivalent of 6 full scholarships to
14 each institute; and

15 B. Allocation of the balance of the scholarship fund
16 to each institute in the same proportion as the
17 institute's enrollment is of all of the institutes for
18 the fall semester of the current year.

19 4. Awards. Awards shall be based on evidence of indi-
20 vidual need and worth.

21 5. National Guard Scholarship Program. Members of the
22 Maine National Guard with over 10 years' continuous service
23 may be awarded scholarships at vocational-technical insti-
24 tutes not to exceed 3 credit hours or the equivalent each
25 semester. The guard shall select those who will receive
26 scholarships from among those members eligible for admission
27 to a vocational-technical institute. The program shall be
28 administered by the state board.

29 §10110. Journeyman's examinations

30 An individual may take a journeyman's examination con-
31 ducted by the following boards in accordance with the fol-
32 lowing requirements.

33 1. Electricians' Examining Board. The individual:

34 A. Who has completed satisfactorily a course of
35 instruction certified by the Electricians' Examining
36 Board at a Maine vocational-technical institute may
37 take the journeyman's examination and after passage of

1 the examination and after working in the field of elec-
2 trical installation for 4,000 hours under the super-
3 vision of a master electrician or the equivalent shall
4 receive a journeyman's license. The board shall adopt
5 a written criteria for certification of a course of
6 instruction; or

7 B. Who is enrolled in a course of instruction at a
8 Maine vocational-technical institute on January 1,
9 1982, is entitled to take a journeyman's examination.
10 Upon the successful completion of that course of
11 instruction and after passage of the examination, the
12 student shall receive a journeyman's license.

13 2. Oil and Solid Fuel Board. The individual has com-
14 pleted an approved course of at least 1,000 hours of
15 instruction related to the respective field at a Maine
16 vocational-technical institute, a post-secondary satellite
17 program at a vocational region or vocational center or an
18 equivalent training approved by the Oil and Solid Fuel
19 Board.

20 3. Plumbers' Examining Board. The individual has com-
21 pleted a course of instruction at a vocational institute in
22 plumbing.

23 §10111. Police officer at institutes

24 1. Appointment. Subject to the Personnel Law, a
25 director may appoint persons to act as police officers.
26 These police officers shall, within the limits of the prop-
27 erty owned by or under the control of the institutes, pos-
28 sess all the powers of police officers in criminal cases.

29 2. Guidelines. The state board may establish guide-
30 lines by which each director may make rules for the control,
31 movement and parking of vehicles within the limits of the
32 property owned by or under the control of the institute.

33 3. Rules. A director's rule shall be adopted or
34 amended in accordance with section 3. It shall have the
35 same force and effect as a municipal ordinance. District
36 Courts may impose fines, not to exceed \$10, for each viola-
37 tion of these rules.

38 4. Evidence and waiver. The state board may adopt the
39 provisions of Title 30, section 2151, subsection 3, para-
40 graph A, relating to prima facie evidence and the establish-
41 ment of a waiver of court action by payment of specified
42 fees.

1 (3) One position for a member of the Maine Advisory Council on Vocational Education;
2

3 (4) One position for a member of the Board of Trustees of the Maine Maritime Academy; and
4

5 (5) One position for a member of the Maine Delegation of the New England Board of Higher Education. This member shall not, at the time of
6 appointment or during membership of the
7 Post-secondary Education Commission of Maine, be the Chancellor of the University of Maine, the
8 commissioner or an administrative officer or
9 member of the governing board of a public, private
10 nonprofit or proprietary post-secondary educational institution in Maine.
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15 B. Three members shall represent private nonprofit institutions of post-secondary education in Maine. These representatives shall be appointed by a subcommittee of the Higher Education Council in Maine composed of private college members. This subcommittee shall not be limited in its choice of representatives to members of the Higher Education Council of Maine, but also shall consider administrative officers and members of the governing boards of any private nonprofit institution of post-secondary education.
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25 C. One member shall represent proprietary institutions of post-secondary education in Maine. This representative shall be appointed by the Governor and shall be a chief executive officer or member of the governing board of a federally recognized proprietary institution of post-secondary education, as defined in the United States Higher Education Act of 1965, Public Law 89-329, United States Code, Title 20, Section 1070 (a), as amended.
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34 D. Four members shall represent the general public. These members shall not be employees of, or members of the governing body of, a public, private nonprofit or proprietary institution of post-secondary education in this State. Representatives of the general public in this State shall be appointed by the Governor.
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40 E. The Chancellor of the University of Maine and the commissioner shall serve as ex officio members of the commission.
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1 2. Terms. Each member shall be appointed for a term
2 of 4 years. A member shall serve until his successor has
3 been duly appointed and qualified.

4 3. Eligibility. A position shall become vacant if the
5 member appointed to it ceases to meet the qualifications for
6 that position.

7 4. Vacancy. If a vacancy occurs prior to the expira-
8 tion of a term, an eligible person may be appointed by the
9 appointing authority to serve for the remainder of the unex-
10 pired term.

11 5. Expenses. Members shall serve without pay, but
12 shall be reimbursed for travel and other expenses incurred
13 in the performance of their official duties.

14 §10305. Appointment of the chairman and vice-chairman

15 The chairman and vice-chairman of the commission shall
16 be appointed by the members of the commission from among the
17 4 public members. The terms of the chairman and vice-
18 chairman shall be coterminous with their terms on the com-
19 mission.

20 §10306. Meetings

21 Commission meetings shall be held at least quarterly or
22 upon call of the chairman on 5 days' written notice to the
23 members. If the chairman is absent or refuses to call a
24 meeting, any 4 members may call a meeting by similar notices
25 in writing.

26 §10307. Staff

27 The appointment of an executive director and the
28 employment and retirement status of other staff shall be as
29 follows.

30 1. Executive director. The commission may appoint an
31 executive director, who shall serve at the pleasure of the
32 commission and shall maintain offices in Augusta. The com-
33 penetration of the executive director shall be fixed by the
34 Governor.

35 2. Other staff. The commission may employ other pro-
36 fessional and clerical staff.

1 3. Retirement benefits. A commission employee shall
2 be eligible to become a member of the Maine State Retirement
3 System.

4 §10308. Powers and duties

5 The commission shall:

6 1. Comprehensive planning. Conduct comprehensive
7 planning for post-secondary education in Maine, including
8 planning in cooperation with the New England Board of Higher
9 Education and other New England states. This planning shall
10 assure the development, maintenance and accessibility of
11 diversified post-secondary educational opportunities of high
12 quality for Maine citizens. It shall seek efficient use of
13 limited resources through promotion of voluntary coordina-
14 tion and cooperation among institutions and educational
15 sectors and through encouragement of efforts to avoid unnec-
16 essary duplication of institutions, programs and facilities.
17 This comprehensive planning shall take into consideration
18 the educational, cultural, social and economic contributions
19 to Maine of all of the post-secondary educational insti-
20 tutions in the State. It is the intent of the Legislature
21 that this comprehensive planning shall lead to a cohesive
22 system of post-secondary education involving all of the
23 public, private nonprofit and proprietary post-secondary
24 educational institutions in the State;

25 2. State commission under United States Higher Educa-
26 tion Act, Section 1202. Serve as the state commission as
27 required under the United States Code, Section 1202 of the
28 United States Higher Education Act of 1965, Public Law
29 89-329, Title 20, United States Code, Section 1141, et seq,
30 as amended;

31 3. Annual report. Present a report annually, before
32 December 31st, to the Governor and the Legislature on "The
33 State of Post-secondary Education in Maine," in which it
34 reviews the comprehensive planning for the previous year and
35 makes recommendations based on this planning which might
36 lead to the maximum realization of the objectives of subsec-
37 tion 1; and

38 4. Studies. Undertake studies on post-secondary edu-
39 cation in this State, as requested by the Legislature and
40 the Governor, and provide reports and information to legis-
41 lative committees as requested.

42 §10309. Collection of information

1 The commission may request institutions of
2 post-secondary education in Maine to submit information
3 reasonably necessary for the commission to carry out respon-
4 sibilities defined by federal and state law and to perform
5 effective comprehensive planning. This authority shall be
6 limited by safeguards necessary to protect the confidential-
7 ity of information related to specific persons.

8 §10310. Limitations of the authority of commission
9 with respect to institutions

10 The provisions of this Title related to the authority,
11 responsibilities and functions of the commission may not be
12 construed as authorizing the commission to infringe on or
13 substitute its authority for or otherwise modify the govern-
14 ing authority of any institution of post-secondary educa-
15 tion.

16 §10311. Designation of PECOM as the state agency or state
17 commission for the purposes of certain federal pro-
18 grams

19 The Post-secondary Education Commission of Maine shall
20 be designated as the state agency or state commission for
21 the following purposes.

22 1. Designation. The commission is designated as the
23 state commission as required by the United States Code,
24 Section 1202, subsection (a) of the United States Higher
25 Education Act of 1965, as amended, Title 20, United States
26 Code, Section 1142a.

27 2. Powers. The commission may develop plans, rules
28 and procedures, and establish or designate advisory commit-
29 tees, councils or task forces to carry out the requirements
30 of the federal laws and other programs for which the commis-
31 sion is assigned responsibility under this section.

32 3. Other functions. The commission may undertake
33 other functions assigned by federal law or regulation to
34 state commissions designated pursuant to the United States
35 Code, Section 1202 of the United States Higher Education Act
36 of 1965, as amended, Title 20, United States Code, Section
37 1142a.

38 4. Funds. The commission may accept and disburse all
39 moneys in accordance with the United States Code, Section
40 1202, the United States Higher Education Act of 1965, as
41 amended, for which the commission is assigned responsibility
42 under this section.

1 3. Educational institution. "Educational institution"
2 means any person, partnership, board, association, institu-
3 tion or corporation which offers academic, educational,
4 literary or professional courses or programs.

5 §10702. Use of name "junior college," "college" or "univer-
6 sity"

7 An educational institution may use the term "junior
8 college," "college" or "university" in connection with its
9 operation or use any other name, title or descriptive matter
10 which might tend to indicate that it is an institution of
11 higher learning with the authority to confer degrees, only
12 if it:

13 1. Temporary approval. Is operating under a license
14 or certificate of temporary approval from the state board in
15 accordance with section 10703; or

16 2. Legislative authorization. Has legislative author-
17 ization to confer degrees in accordance with section 10704.

18 §10703. Temporary approval to use the name "junior col-
19 lege," "college" or "university"

20 1. Power. The state board may grant an applicant a
21 certificate of temporary approval, permitting use of the
22 term "junior college," "college" or "university" in its name
23 until the earlier of:

24 A. The expiration of the academic year; or

25 B. The applicant is authorized by the Legislature to
26 grant degrees in accordance with section 10704.

27 2. Extensions and renewals. The state board may
28 extend or renew a certificate of temporary approval for not
29 more than 2 years.

30 §10704. Authority to confer degrees

31 An educational institution may confer degrees if it has
32 been granted authority under an Act of the Legislature.

33 §10705. Courses for credit

34 An educational institution may offer courses or pro-
35 grams for academic credit only if:

1 1. Legislative authority. It has been authorized by
2 the Legislature to grant degrees;

3 2. State board authority. It has been given temporary
4 authority by the state board to use the name "junior col-
5 lege," "college" or "university;" or

6 3. Out-of-state institution. It is:

7 A. Located in another state; and

8 B. Authorized by the state board to offer courses for
9 academic credit.

10 An educational institution may offer courses or pro-
11 grams for academic credit if it offers coordinated courses
12 or programs in conformity with section 10706.

13 §10706. Coordinated courses

14 An educational institution may offer courses or pro-
15 grams for academic credit which are coordinated with a Maine
16 degree-granting educational institution and which have been
17 approved by the state board.

18 §10707. Applications

19 1. Degree-granting authority. Applications for legis-
20 lative authority to grant degrees shall be made on applica-
21 tion to the state board on forms provided by the commis-
22 sioner.

23 2. Temporary use of name. Applications for temporary
24 state board authority to use the name "junior college,"
25 "college" or "university" shall be made to the state board
26 on forms provided by the commissioner.

27 3. Courses for academic credit. Applications by out-
28 of-state educational institutions to offer courses for aca-
29 ademic credit shall be made to the state board on forms pro-
30 vided by the commissioner.

31 4. Coordinated programs. Applications to offer coor-
32 ordinated programs shall be made to the state board on forms
33 provided by the commissioner.

34 5. Exempt status. Applications for exempt status
35 under section 10708, subsection 2, shall be made to the com-
36 missioner.

1 §10708. Exemptions

2 This chapter does not apply to educational institutions
3 which:

4 1. Prior to September 18, 1981. Have specific degree-
5 granting authority granted to them by the Legislature prior
6 to September 18, 1981;

7 2. Federal reservations. Offer programs or courses
8 which are conducted solely on a federal reservation over
9 which the Federal Government has exclusive jurisdiction.
10 The commissioner shall authorize exempt status under this
11 subsection; and

12 3. Noncredit courses. Offer courses or programs which
13 are not for academic credit.

14 §10709. Penalties

15 Any educational institution conferring degrees within
16 the State or offering courses or programs within the State
17 which carry academic credit without being authorized or
18 approved to do so in accordance with this chapter is subject
19 to a civil penalty of not more than \$5,000, payable to the
20 State, to be recovered in a civil act.

21 §10710. Rules

22 The state board shall, in accordance with section 3,
23 adopt rules necessary to carry out the purposes of this
24 chapter.

25 CHAPTER 411

26 UNIVERSITY OF MAINE

27 §10901. Definitions

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

30 1. Trustees. "Trustees" means the Trustees of the
31 University of Maine.

32 2. University. "University" means the University of
33 Maine.

34 §10902. Public policy on higher education

1 The following shall be the fundamental policies adhered
2 to in the state's public higher educational planning:

3 1. Recognition. To recognize higher education as an
4 organized program of instruction, research and service:

5 A. Primarily concerned with the field of organized
6 knowledge, related theory and associated practice;

7 B. Offered by a collegiate institution, not necessar-
8 ily of 4 years, authorized to award academic degrees;
9 and

10 C. Administered and systematically pursued on a full-
11 time or part-time basis by persons who have completed
12 secondary school or who demonstrate equivalent compe-
13 tence;

14 2. Principles. To support the principles that each
15 higher educational institution in the State, public and pri-
16 vate:

17 A. Shall have control over its educational program and
18 related activities, within its board of control;

19 B. That its faculty shall enjoy the freedom
20 traditionally accorded to the faculty of higher educa-
21 tional institutions in teaching, research and expres-
22 sion of opinions; and

23 C. That the faculty shall be consulted in the formu-
24 lation of academic policies pertaining to it;

25 3. Cohesive system. To develop, maintain and support
26 a structure of public higher education in the State which
27 will assure the most cohesive system possible for planning,
28 action and service in providing higher educational oppor-
29 tunities, to which the highest priority for fiscal support
30 shall be assigned;

31 4. Programs. To provide in its public higher educa-
32 tional institutions, or through cooperative arrangements
33 with private institutions or institutions outside the State,
34 the programs of study, research or experimentation that its
35 citizens may require;

36 5. Encourage growth. To encourage the growth and
37 development of existing or new private higher educational
38 institutions within the State where studies justify their
39 continuation or establishment;

1 6. All citizens eligible. To recognize that all citi-
2 zens shall be considered eligible for the benefits of appro-
3 appropriate higher education, whether they are high school grad-
4 uates or the equivalent, or those seeking retraining or
5 training for new careers;

6 7. Public funds. To assign continually a high prior-
7 ity in the allocation of public funds to the development of
8 services, programs and institutions designed to provide
9 opportunities for those who do not now share equitably in
10 the advantages of higher education, because of limiting eco-
11 nomical, social, educational and cultural factors;

12 8. Financial support. To support financially the pro-
13 grams of public higher educational institutions through
14 appropriations, grants and loans, based on comprehensive
15 plans and budgets, both short-term and long-term;

16 9. Public accountability. To expect appropriate
17 public accountability for this support;

18 10. Federal funds. To encourage all institutions,
19 public and private, to make maximum use of federal funds
20 available for the support of higher educational programs and
21 activities, the State to provide matching funds, where
22 necessary, initially and on a continuing basis;

23 11. Cooperative undertakings. To expect and request
24 cooperative undertakings among the higher educational insti-
25 tutions, public and private, and between them and the busi-
26 ness, industrial and labor interests, to further the devel-
27 opment of quality and quantity in educational programs and
28 services and the advancement of the state's economy;

29 12. Evaluation and research. To encourage a continu-
30 ing program of evaluation and research with respect to
31 higher educational opportunities in the State through finan-
32 cial support and the expectation of annual reporting;

33 13. Master plan. To give a high priority to the
34 provisions of the master plan for higher education through
35 legislative action and appropriate publicity; and

36 14. Commuter education. To make the most effective
37 use possible of the financial resources allocated to public
38 higher education by maximum emphasis on commuter facilities.

39 §10903. State agency

1 The university shall be an instrumentality and agency
2 of the State for the purpose for which it was established
3 and for which it has been managed and maintained under Pri-
4 vate and Special Law 1865, chapter 532, and related supple-
5 mentary legislation.

6 §10904. Trust funds

7 1. Accounting. Endowment, trust and other nonexpend-
8 able funds for investment held by the trustees, which have
9 been or may be created and established by private donors for
10 the benefit of the university or for any purpose directly
11 related to the activities of the university, shall be pre-
12 served in their several separate identities in the books of
13 account of the university and administered according to the
14 terms of the gifts.

15 2. Management of individual funds. For the purpose of
16 investment only, and in order to afford to each fund the
17 advantage of a diversification of risk wider than can be
18 obtained by preserving the investment unity of each fund,
19 and in the absence of any conditions or restrictions to the
20 contrary made by the donor, the trustees may combine, pool
21 and merge these funds with other similar funds. The
22 trustees shall account for profits, losses and income to
23 each individual fund in the proportion which its value bears
24 to the total value of the merged fund as of the date of
25 merger.

26 3. Valuation of individual funds. If a new fund is
27 merged into an existing combination of funds, the propor-
28 tionate shares shall be determined by calculating the assets
29 of the existing combination of funds at the then market
30 value, and calculating the future shares of each individual
31 fund in proportion to its value to the whole of the new com-
32 bination.

33 §10905. Treasurer; compensation

34 The trustees shall appoint a full-time treasurer of the
35 university. The treasurer shall give bond for the faithful
36 performance of his duties in an amount and with such condi-
37 tions and sureties as the trustees may determine. The com-
38 penensation of the treasurer shall be set by the trustees.

39 §10906. Powers and duties of treasurer

40 1. Receipt and custody of moneys, expenditures,
41 authority to contract. The treasurer shall:

1 A. Receive and have custody of all moneys received for
2 the university;

3 B. Make all expenditures upon vouchers authenticated
4 and approved in a manner designated by the trustees;
5 and

6 C. Have no authority to contract debts and obli-
7 gations, except:

8 (1) Loans in anticipation of assured revenues
9 when approved by vote of the trustees; and

10 (2) Other loans when directed by vote of the
11 trustees and duly and properly authorized by the
12 Governor.

13 2. Report of treasurer. The treasurer shall prepare a
14 complete report for the period ending on June 30th of each
15 year and forward a copy of the report to the Governor, the
16 board of trustees and the members of the Legislature.

17 CHAPTER 413

18 NEW ENGLAND HIGHER EDUCATION COMPACT

19 SUBCHAPTER 1

20 COMPACT

21 §11001. Purposes - Article I

22 The purposes of the New England Higher Education Com-
23 compact shall be to provide greater educational opportunities
24 and services through the establishment and maintenance of a
25 coordinated educational program for the persons residing in
26 the several states of New England parties to this compact,
27 with the aim of furthering higher education in the fields of
28 medicine, dentistry, veterinary medicine, public health and
29 in professional, technical, scientific, literary and other
30 fields.

31 §11002. Board of Higher Education - Article II

32 1. Creation. There is created and established a New
33 England Board of Higher Education, in this chapter known as
34 the "board," which shall be an agency of each state party to
35 the compact.

1 2. Powers. The board shall be a body corporate and
2 politic, having the powers, duties and jurisdiction enumer-
3 ated and such other and additional powers as shall be con-
4 ferred upon it by the concurrent act or acts of the compact-
5 ing states.

6 3. Composition. The board shall consist of 8 resident
7 members from each compacting state, at least 2 of whom shall
8 be members of the Legislature, chosen in the manner and for
9 the terms provided by law of the several states parties to
10 this compact.

11 §11003. Entry into force - Article III

12 This compact shall become operative immediately as to
13 those states executing it whenever any 2 or more of the
14 States of Maine, Vermont, New Hampshire, Massachusetts,
15 Rhode Island and Connecticut have executed it in the form
16 which is in accordance with the laws of the respective com-
17 pacting states.

18 §11004. Officers; meetings; organization - Article IV

19 1. Officers. The board shall annually elect from its
20 members a chairperson and vice-chairperson and shall appoint
21 and at its pleasure remove or discharge said officers.

22 2. Employees. It may appoint and employ an executive
23 secretary and may employ such stenographic, clerical, tech-
24 nical or legal personnel as shall be necessary and at its
25 pleasure remove or discharge such personnel.

26 3. Rules. It shall adopt a seal and suitable bylaws
27 and shall promulgate any and all rules which may be neces-
28 sary for the conduct of its business.

29 4. Office. It may maintain an office or offices
30 within the territory of the compacting states.

31 5. Meetings. It may meet at any time or
32 place. Meetings shall be held at least once each year. A
33 majority of the members shall constitute a quorum for the
34 transaction of business, but no action of the board imposing
35 any obligation on any compacting state shall be binding
36 unless a majority of the members from the compacting state
37 shall have voted in favor thereof. Where meetings are
38 planned to discuss matters relevant to problems of education
39 affecting only certain of the compacting states, the board
40 may vote to authorize special meetings of the board members
41 of such states.

1 6. Accounts. The board shall keep accurate accounts
2 of all receipts and disbursements and shall make an annual
3 report to the governor and the legislature of each compact-
4 ing state, setting forth in detail the operations and trans-
5 actions conducted by it pursuant to this compact, and shall
6 make recommendations for any legislative action deemed by it
7 advisable, including amendments to the statutes of the com-
8 pacting states which may be necessary to carry out the
9 intent and purpose of this compact.

10 7. Credit. The board shall not pledge the credit of
11 any compacting state without the consent of the Legislature
12 thereof given pursuant to the constitutional processes of
13 said state. The board may meet any of its obligations in
14 whole or in part with funds available to it under Article
15 VII of this compact; provided that board takes specific ac-
16 tion setting aside such funds prior to the incurring of any
17 obligation to be met in whole or in part in this manner.
18 Except where the board makes use of funds available to it
19 under Article VII, the board shall not incur any obligations
20 for salaries, office, administrative, traveling or other
21 expenses prior to the allotment of funds by the compacting
22 states adequate to meet the same.

23 8. Audit. Each compacting state reserves the right to
24 provide hereafter by law for the examination and audit of
25 the accounts of the board.

26 9. Disbursements. The board shall appoint a treasurer
27 and assistant treasurer who may be empowered to perform any
28 and all duties of the treasurer. Fiscal disbursements of
29 the board should be valid only when authorized by any 2 per-
30 sons from among those authorized by the board to execute
31 this authority, and when substantiated by vouchers signed
32 and countersigned by any 2 members from among those author-
33 ized by the board to execute this authority.

34 10. Records. The executive secretary shall be custo-
35 dian of the records of the board with authority to attest to
36 and certify such records or copies thereof.

37 §11005. Powers and duties - Article V

38 The board may:

39 1. Data reports. Collect, correlate and evaluate data
40 in the fields of its interest under this compact; publish
41 reports, bulletins and other documents making available the
42 results of its research; and, in its discretion, charge fees
43 for those reports, bulletins and documents;

1 2. Contractual agreements or arrangements. Enter into
2 such contractual agreements or arrangements with any of the
3 compacting states or agencies thereof and with educational
4 institutions and agencies as may be required in the judgment
5 of the board to provide adequate services and facilities in
6 educational fields covered by this compact. It shall be the
7 policy of the board in the negotiation of its agreements to
8 serve increased numbers of students from the compacting
9 states through arrangements with then existing institutions,
10 whenever in the judgment of the board adequate service can
11 be so secured in the New England region. Each of the com-
12 compacting states shall contribute funds to carry out the con-
13 tracts of the board on the basis of the number of students
14 from such state for whom the board may contract.

15 Contributions shall be at the rate determined by the board
16 in each educational field. Except in those instances where
17 the board by specific action allocates funds available to it
18 under Article VII, the board's authority to enter into such
19 contracts shall be only upon appropriation of funds by the
20 compacting states. Any contract entered into shall be in
21 accordance with rules and regulations promulgated by the
22 board and in accordance with the laws of the compacting
23 states.

24 §11006. Appropriations - Article VI

25 Each state agrees that, when authorized by the legis-
26 lature pursuant to the constitutional processes, it will
27 from time to time make available to the board such funds as
28 may be required for the expenses of the board as authorized
29 under the terms of this compact. The contribution of each
30 state for this purpose shall be in the proportion that its
31 population bears to the total combined population of the
32 states who are parties hereto as shown from time to time by
33 the most recent official published report of the Bureau of
34 the Census of the United States, unless the board shall
35 adopt another basis in making its recommendation for appro-
36 priation to the compacting states.

37 §11007. Gifts - Article VII

38 The board for the purposes of this compact may receive
39 grants, devises, gifts and bequests which the board may
40 agree to accept and administer. The board shall administer
41 property held in accordance with special trusts, grants and
42 bequests, and shall also administer grants and devises of
43 land and gifts or bequests of personal property made to the
44 board for special uses, and shall execute said trusts,

1 investing the proceeds thereof in notes or bonds secured by
2 sufficient mortgages or other securities.

3 §11008. Severability - Article VIII

4 The provisions of this compact shall be severable, and
5 if any phrase, clause, sentence or provision of this compact
6 is declared to be contrary to the constitution of any com-
7 compacting state or of the United States the validity of the
8 remainder of this compact and the applicability thereof to
9 any government, agency, person or circumstance shall not be
10 affected thereby. If this compact is held to be contrary to
11 the constitution of any compacting state the compact shall
12 remain in full force and effect as to all other compacting
13 states.

14 §11009. Withdrawal - Article IX

15 This compact shall continue in force and remain binding
16 upon a compacting state until the legislature or the gover-
17 nor of such state, as the laws of such state shall provide,
18 takes action to withdraw therefrom. Such action shall not
19 be effective until 2 years after notice thereof has been
20 sent by the governor of the state desiring to withdraw to
21 the governors of all other states then parties to the com-
22 compact. Such withdrawal shall not relieve the withdrawing
23 state from its obligations accruing prior to the effective
24 date of withdrawal. Any state so withdrawing, unless rein-
25 stated, shall cease to have any claim to or ownership of any
26 of the property held by or vested in the board or to any of
27 the funds of the board held under the terms of the compact.
28 Thereafter, the withdrawing state may be reinstated by
29 application after appropriate legislation is enacted by such
30 state, upon approval by a majority vote of the board.

31 §11010. Defaults; suspension - Article X

32 If any compacting state shall at any time default in
33 the performance of any of its obligations assumed or imposed
34 in accordance with this compact, all rights and privileges
35 and benefits conferred by this compact or agreement here-
36 under shall be suspended from the effective date of such de-
37 fault as fixed by the board. Unless such default shall be
38 remedied within a period of 2 years following the effective
39 date of such default, this compact may be terminated with
40 respect to such defaulting state by affirmative vote of 3/4
41 of the other member states. Any such defaulting state may
42 be reinstated by:

1 1. Performance. Performing all acts and obligations
2 upon which it has heretofore defaulted; and

3 2. Approval. Application to and approved by a major-
4 ity vote of the board.

5 SUBCHAPTER II

6 PROVISIONS RELATING TO COMPACT

7 §11051. Ratification

8 The Governor, on behalf of this State, may enter into a
9 compact, substantially in the form provided in this chapter,
10 with any one or more of the States of Connecticut, Massachu-
11 setts, New Hampshire, Rhode Island and Vermont, that compact
12 to be effective upon the filing of a copy thereof in the
13 office of the Secretary of State.

14 §11052. Purposes

15 The several New England states cooperatively deem it
16 feasible to provide needed, acceptable, efficient, educa-
17 tional facilities to meet the needs of New England in the
18 fields of medicine, dentistry, veterinary medicine and other
19 fields of technical, professional and graduate training.

20 §11053. Board

21 1. Membership. Of the 8 members who shall represent
22 this State:

23 A. One shall be the current Chancellor of the Univer-
24 sity of Maine, ex officio;

25 B. One shall be the commissioner, ex officio;

26 C. Four shall be named by the Governor for 2-year
27 terms;

28 D. One shall be a member of the Senate appointed by
29 the President of the Senate; and

30 E. One shall be a member of the House of Representa-
31 tives appointed by the Speaker of the House.

32 2. Expenses. All members shall receive their actual
33 expenses incurred in the performance of their official
34 duties.

1 §11054. Duties of board

2 The board on the part of the State shall obtain accu-
3 rate accounts of all the board's receipts and disbursements
4 and shall report to the Governor and the Commissioner of
5 Finance and Administration annually on or before the 15th
6 day of September, setting forth in such detail as the com-
7 missioner may require the transactions of the board for the
8 fiscal year ending on the preceding June 30th. They shall
9 include in such report recommendations for any legislation
10 as may be necessary or desirable to carry out the intent and
11 purposes of the New England Higher Education Compact among
12 the states joining.

13 §11055. Effective date

14 When the Governor shall have executed this compact on
15 behalf of this State, and shall have caused a verified copy
16 thereof to be filed with the Secretary of State, and when
17 the compact shall have been ratified by one or more of the
18 states named in section 11051 then this compact shall become
19 operative and effective as between this State and such other
20 state or states. The Governor shall take such action as may
21 be necessary to complete the exchange and filing of official
22 documents as between this State and any other state ratify-
23 ing the compact, and to take such steps as may be necessary
24 to secure the consent of the Congress of the United States
25 to the compact.

26 CHAPTER 415

27 TUITION EQUALIZATION FUND

28 §11201. Definition

29 As used in this chapter, unless the context clearly
30 indicates otherwise, the term "eligible private institution
31 of higher education" means an institution meeting the re-
32 quirements as set forth in the United States Higher Educa-
33 tion Act of 1965, Section 1201, as amended, 29 United States
34 Code 1141, and the United States Higher Education Act of
35 1965, Section 491, as amended, 20 United States Code 1088,
36 and the regulations and guidelines promulgated by the United
37 States Secretary of Education pursuant to those provisions
38 of federal law and published in the Federal Register. Also,
39 the institution must be authorized to grant degrees in ac-
40 cordance with chapter 409.

41 §11202. Tuition equalization fund

1 1. Establishment. The State Tuition Equalization Fund
2 shall be established in the department. The moneys in this
3 fund shall be distributed, under rules adopted or amended by
4 the commissioner, to Maine high school graduates who are
5 attending eligible private institutions of higher education
6 in this State as full-time undergraduates.

7 2. Eligibility. To be eligible for a grant, a student
8 shall demonstrate substantial need and have a family income,
9 measured by taxable income for federal income tax purposes,
10 of less than \$17,000. Individual grants shall not exceed
11 \$1,000 for each school year.

12 §11203. Selection

13 The selection of grant recipients shall be made with
14 the cooperation of the Higher Education Council.

15 CHAPTER 417

16 STUDENT LOANS

17 §11401. Purpose

18 The purpose of this chapter is to enable the state
19 board to establish a student loan insurance program, meeting
20 certain federal requirements, in order to secure loans to
21 Maine students attending institutions of higher education,
22 including vocational training institutions, in accordance
23 with the direction in the Constitution of Maine, Article
24 VIII, Part First, Section 2.

25 §11402. Loan insurance program established

26 The state board may establish a student loan insurance
27 program to insure payment of loans to Maine students. This
28 program shall meet the requirements of federal acts and
29 statutes relating to federal, state and private programs of
30 low-interest insured loans to students in institutions of
31 higher education, as provided in the United States Higher
32 Education Act of 1965 and regulations promulgated under the
33 Act. To this end, the faith and credit of the State is
34 pledged consistent with the terms and limitations of the
35 Constitution of Maine, Article VIII, Part First, Section 2.

36 §11403. Student Loan Insurance Fund

37 1. Establishment. There is established a Student Loan
38 Insurance Fund, which shall be used by the state board as a
39 nonlapsing, revolving fund for carrying out this chapter.

1 2. Sum; charges and credits. The fund shall initially
2 be in the sum of \$5,000. To this sum shall be:

3 A. Charged all expenses of the state board for their
4 operations under this chapter, including interest and
5 principal payments required by loan defaults; and

6 B. Credited all amounts received by the state board
7 under this chapter.

8 3. Excess moneys. Moneys in the fund, not needed cur-
9 rently to meet the obligations of the state board as an
10 insurer, shall be deposited with the Treasurer of State to
11 the credit of the fund, or may be invested as provided by
12 statute.

13 §11404. Additions to Student Loan Insurance Fund

14 1. Request of board. The state board may, in writing,
15 request the Governor to provide additional funds to add to
16 the Student Loan Insurance Fund to meet its obligations.

17 2. Transfer of funds. The Governor shall transfer to
18 the fund sufficient moneys for the requested purpose from
19 the State Contingent Account or from the proceeds of bonds
20 to be issued as provided in this section.

21 3. Bonds. Bonds shall be issued as follows.

22 A. The Governor shall order the Treasurer of State to
23 issue bonds in the amount requested, but not exceeding
24 in the aggregate outstanding at any one time the amount
25 set forth in the Constitution of Maine, Article VIII,
26 Part First, Section 2.

27 B. Bonds shall mature serially or be made to run for
28 such periods as the Governor may determine, but not for
29 a term of more than 20 years.

30 C. The Governor shall determine the rates of interest
31 and the terms and conditions of the bonds.

32 D. The bonds shall be deemed a pledge of the faith and
33 credit of the State.

34 §11405. Powers and duties

35 Under this chapter, the state board may:

1 1. Rules. Adopt, amend or enforce rules to carry out
2 the purposes of this chapter;

3 2. Agents. Choose a suitable agent to administer the
4 affairs and activities required by this chapter or by appli-
5 cable federal provisions; and

6 3. Agreements. Enter into agreements with the United
7 States Secretary of Education relating to federal, state and
8 private programs of low-interest insured loans to students
9 in institutions of higher education, within the United
10 States Higher Education Act of 1965.

11 §11406. Loans to minors

12 Notwithstanding any other law, if the borrower on a
13 loan insured under this program is a minor, an otherwise
14 valid note or other written agreement executed by him for
15 the purpose of the loan shall create a binding obligation.

16 CHAPTER 419

17 STUDENT INCENTIVE SCHOLARSHIP PROGRAM

18 §11601. Definitions

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

21 1. Academic year and in attendance. "Academic year"
22 and "in attendance" means the same as the definitions of
23 these terms contained in Section 1201 of the United States
24 Higher Education Act of 1965, as amended, (29 United States
25 Code 1141) and section 491 of the United States Higher Edu-
26 cation Act of 1965, as amended, (20 United States Code 1088)
27 and the regulations, guidelines and procedures promulgated
28 by the secretary and published in the Federal Register pur-
29 suant to these sections of federal law.

30 2. Actual cost-of-attendance. "Actual cost-
31 of-attendance" means the same as the definition contained in
32 the Federal Basic Educational Opportunity Grant Program,
33 Section 411 of the United States Higher Education Act of
34 1965, as amended, (20 United States Code, 1070a) and the
35 regulations, guidelines and procedures promulgated by the
36 secretary and published in the Federal Register. If the
37 secretary does not publish regulations, guidelines and
38 procedures, the commissioner shall adopt or amend rules to
39 be used in determining "actual cost-of-attendance" for the

1 purposes of the Maine Student Incentive Scholarship Program.

2 3. Expected family contribution. The "expected family
3 contribution" means the amount which the family of a student
4 may be reasonably expected to contribute toward his
5 post-secondary education for the academic year for which the
6 student is seeking a state student incentive scholarship.
7 The method of determining "expected family contribution"
8 shall be uniformly applied to all students. It shall be
9 established by rules of the department. In establishing the
10 method, the department shall consider using the system as
11 promulgated by the Secretary for the Basic Educational
12 Opportunity Grant Program pursuant to Section 411 of the
13 United States Higher Education Act of 1965, as amended, (20
14 United States Code 1070a) or methods commonly used by col-
15 leges and universities, such as those of the College
16 Scholarship Service or American College Testing Service.

17 4. Institution of higher education. "Institution of
18 higher education" means an institution of higher education
19 located within this State, or within another state with
20 which this State has a reciprocal agreement. The insti-
21 tutions shall meet the requirements of and conform to the
22 definitions contained in Section 1201 of the United States
23 Higher Education Act of 1965, as amended, (29 United States
24 Code 1141) and Section 491 of the United States Higher Edu-
25 cation Act of 1965, as amended, (20 United States Code 1088)
26 and the regulations, guidelines and procedures promulgated
27 by the secretary and published in the Federal Register pur-
28 suant to these sections of law.

29 §11602. Establishment

30 The commissioner shall administer a program of state
31 student incentive scholarships.

32 §11603. Eligibility

33 The scholarships shall be given only to residents of
34 the State who:

35 1. Graduated. Have graduated from an approved second-
36 ary school or matriculated at a post-secondary school prior
37 to high school graduation, or have successfully completed a
38 general educational development examination or its equiva-
39 lent;

40 2. Accepted as undergraduate. Have been accepted for
41 enrollment as undergraduates in, or are in good standing as

1 undergraduates at, institutions of higher education accord-
2 ing to the prescribed standards, regulations and practices
3 of those institutions and have met the required academic
4 standards for admission;

5 3. Applied for grants. Have applied for these grants
6 according to schedules and procedures and on forms as the
7 department may require;

8 4. Agreement on costs. Have agreed that costs not
9 provided for by federal grants shall be covered by the
10 student and the student's family in the form of self-help,
11 such as loans and extra work, or by merit scholarships, vet-
12 erans' benefits or other resources which the student has
13 obtained by merit, previous service or similar personal
14 efforts prior to the awarding of any scholarship under this
15 chapter; and

16 5. Shown need. Have been determined by the department
17 to be of substantial financial need according to the cri-
18 teria set forth in section 11604.

19 The commissioner may adopt or amend rules to establish
20 the criteria to demonstrate residency.

21 §11604. Determination of need

22 1. Method. The commissioner shall establish the need
23 of a student for a state student incentive scholarship for
24 an academic year for which the student applies, by determin-
25 ing the difference between:

26 A. The sum of the student's expected family contribu-
27 tion and the student's basic grant, if any, received
28 under the Federal Basic Educational Opportunity Grant
29 Program (20 United States Code 1070a) for the academic
30 year for which the student is applying for a state
31 student incentive scholarship. The commissioner may
32 also consider the contributions of the student and the
33 student's family in the form of self-help or in the
34 form of merit scholarships, veterans' benefits or other
35 resources which the student has obtained by merit, pre-
36 vious service or similar personal efforts or could
37 reasonably be required to obtain, unless there is ample
38 proof to the contrary that this latter requirement is
39 impossible to fulfill; and

40 B. The actual cost-of-attendance at the institution of
41 higher education at which the student has been accepted

1 for enrollment, or at which the student is in good
2 standing.

3 2. Determination. The student's need shall serve as
4 the basis on which the commissioner determines the state
5 student incentive scholarship to that student for an academ-
6 ic year.

7 §11605. Determination of grants

8 Grants to eligible students shall be determined as fol-
9 lows, subject to the limitations set forth in section 11604.

10 1. Full-time. In the case of an eligible student who
11 is in attendance on a full-time basis, the amount of the
12 scholarship awarded the student shall not exceed 50% of the
13 need of that student, or \$1,500, whichever is less, for a
14 single academic year.

15 2. Half-time. In the case of an eligible student who
16 is in attendance less than fulltime, but at least halftime,
17 the amount of the scholarship awarded to that student shall
18 be reduced in proportion to which that student is not
19 attending a full-time basis.

20 3. Minimum. A scholarship of less than \$200 a year
21 may not be awarded to a student.

22 4. Less than half-time. A student who is in attend-
23 ance on a less than half-time basis, as defined by the com-
24 missioner, may not be awarded a scholarship.

25 5. Withdrawal. If a recipient of a scholarship with-
26 draws from an institution and if the student is entitled to
27 a refund of tuition, fees or other charges, the institution
28 shall pay directly to the State from that refund a sum which
29 represents the portion of the scholarship paid to the
30 student for the portion of the academic year that the
31 student did not complete.

32 §11606. Schedule of reductions in grants

33 Prior to March 1st of each year, the commissioner shall
34 evaluate the availability of state and federal funds for the
35 scholarship program in relationship to the number of stu-
36 dents eligible for grant assistance. If funds will be
37 insufficient to pay scholarships under the conditions set
38 forth in section 11605, the commissioner shall publish, no
39 later than March 1st, a schedule of reductions in scholar-

1 ships for the succeeding academic year. The schedule of
2 reductions shall be effective for not longer than one aca-
3 dem ic year, except if renewed by republication by the com-
4 missioner prior to the following March 1st.

5 §11607. Length of grant; period of study

6 1. Length of grant. A scholarship grant shall be for
7 a period not to exceed one academic year. A student may
8 apply for a new grant for each year during the period re-
9 quired for completion of the undergraduate course of study
10 being pursued by that student.

11 2. Period of study. A student may receive a scholar-
12 ship during the period required for the completion of the
13 undergraduate course of study being pursued by that student
14 at the institution at which the student is in attendance.
15 The period may not exceed 8 semesters or its equivalent for
16 the full-time student and 16 semesters or 120 credit hours,
17 whichever is completed first, for the part-time student.
18 The period may be extended for not more than one additional
19 academic year, if:

20 A. The student is pursuing a course of study leading
21 to a first degree in a program of study which is
22 designed by the institution offering it to extend over
23 5 academic years; or

24 B. The student will be unable to complete a course of
25 study within 4 academic years because of a requirement
26 of the institution that the student enroll in a
27 noncredit remedial course of study. The "noncredit
28 remedial course of study" means a course of study for
29 which no credit is given toward an academic degree and
30 which is designed to increase the ability of the
31 student to engage in an undergraduate course of study
32 leading to that degree.

33 §11608. Program administration

34 1. Responsibility of the department. The commissioner
35 shall administer the scholarship program, including estab-
36 lishing and maintaining fund accounting and control proce-
37 dures as required by state law, or as necessary for the
38 State to be eligible to receive federal assistance under the
39 Federal State Incentive Grant Program, Title IV, Part A,
40 Subpart 3 of the United States Higher Education Act of 1965,
41 as amended, (20 United States Code 1070C-1, 1070C-2 and
42 1070C-3).

1 2. Guidelines and rules. The following provisions
2 shall apply to the program.

3 A. The commissioner shall develop rules, procedures,
4 schedules and forms necessary to carry out the purposes
5 of this program, including the adoption of reciprocal
6 agreements with other states.

7 B. To the maximum extent possible consistent with the
8 need for state control of this program, the commis-
9 sioner shall use or follow the guidelines, rules, regu-
10 lations, procedures, forms and schedules set forth by
11 the Secretary for the Administration of the Federal
12 Basic Educational Opportunity Grant Program, Title IV,
13 Part A, Subpart 1 of the United States Higher Education
14 Act of 1965, as amended, (20 United States Code 1070a).

15 3. University of Maine; grant allocation. The depart-
16 ment may allocate up to 25% of the state student incentive
17 scholarship grants to eligible students attending the Uni-
18 versity of Maine. The balance of funds shall be granted to
19 eligible students attending other institutions of higher
20 education.

21 CHAPTER 421

22 POSTGRADUATE EDUCATION

23 IN THE FIELD OF MEDICINE

24 §11801. Legislative intent

25 1. Admission of Maine residents to educational insti-
26 tutions. It is the intent of the Legislature to assure, to
27 the greatest extent possible, the admission of qualified
28 Maine residents to educational institutions providing pro-
29 grams of instruction leading to doctoral degrees in
30 allopathic medicine, dentistry, optometry and veterinary
31 medicine.

32 2. Responsibility for program. It is the intent of
33 the Legislature, consistent with the purposes of this chap-
34 ter, that the commissioner shall administer the program and
35 develop a plan which assures, to the extent practicable,
36 that Maine contract students, or a similar number of out-
37 of-state medical school graduates, return to practice their
38 profession within the State, particularly in primary care in
39 underserved areas.

1 3. Advisory committee. It is the intent of the Legis-
2 lature, consistent with the purposes of this chapter, to
3 establish an Advisory Committee on Medical Education to
4 assist the commissioner in planning and administration of
5 the professional health program and particularly in the
6 development of clinical education sites and continuing edu-
7 cation, which are funded primarily by sources other than
8 patient charges.

9 §11802. Definitions

10 For the purposes of this chapter, unless the context
11 otherwise indicates, the following terms have the following
12 meanings.

13 1. Clinical education site. "Clinical education site"
14 includes both clinical clerkship sites and preceptorship
15 sites.

16 A. "Clinical clerkship site" means an on-location
17 teaching environment in conjunction with residency
18 training.

19 B. "Preceptorship site" means a training site ranging
20 from a one-to-one training site between a physician and
21 medical student to a training site in a health clinic
22 or hospital without a residency program.

23 2. Final determination of residency. "Final determi-
24 nation of residency" means the decision on residency made
25 subject to rules of the department. Criteria for these
26 rules shall include length of residence, secondary school
27 attended, legal residence of parent, voting registration and
28 place where taxes are paid.

29 3. Primary care. "Primary care" means the practice of
30 general or family medicine, internal medicine, pediatrics,
31 obstetrics and gynecology.

32 4. State capitation payment. "State capitation pay-
33 ment" means the amount agreed on between the State and the
34 institution for the purchase of the student space.

35 5. State contract student. A "state contract student"
36 means a Maine resident who is enrolled in an educational
37 program at an educational institution for which program the
38 State:

39 A. Has entered into a contractual arrangement with the
40 institution; and

1 B. Expends funds under this arrangement in return for
2 a guarantee on the part of the institution that student
3 positions will be made available to Maine residents.

4 6. Underserved areas. "Underserved areas" means those
5 geographic locations which meet the Health Maintenance Orga-
6 nization Act definition of medically underserved areas as
7 described in the Federal Register, Vol. 42, number 201,
8 October 15, 1976, or its successor.

9 §11803. Agreement of state contract student with the State;
10 September 1, 1977, to June 30, 1981

11 1. Agreement. State contract students commencing
12 their professional education between September 1, 1977, and
13 June 30, 1981, shall, as a condition precedent to the com-
14 mencement of that education, enter into an agreement with
15 the State under which the student shall agree:

16 A. To pay tuition to the institution;

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

24 C. The payments shall be payable at 6% simple annual
25 interest in not more than 10 equal annual installments.

26 2. Forgiveness of indebtedness. The agreement shall
27 provide that 1/4 of the indebtedness shall be forgiven for
28 each year in which the state contract student practices his
29 profession within the State in primary care or other spe-
30 cialized areas as determined by the commissioner, with the
31 advice of the Advisory Committee on Medical Education. For
32 other state contract students returning to practice their
33 profession in Maine, 1/4 of their indebtedness shall be for-
34 given for each of the first 2 years of practice.

35 §11804. Agreement for contract students after July 1, 1981

36 Any state contract student commencing professional edu-
37 cation on or after July 1, 1981, shall, as a condition
38 precedent to the commencement of the education, enter into
39 an agreement with the State under which the student shall
40 agree:

1 1. Tuition to institution. To pay tuition to the
2 institution; and

3 2. Repayment to State. Upon the conclusion of profes-
4 sional education, including internship, residency and obli-
5 gated public health service, to pay the State an amount of
6 money equal to the state capitation payment expended by the
7 State in purchasing the state contracted position which the
8 student occupied.

9 A. This amount shall be payable at 9% simple annual
10 interest in not more than 10 annual equal installments.

11 B. These installment payments shall commence upon con-
12 clusion of the state contract student's professional
13 education under rules promulgated by the commissioner.

14 §11805. Positions

15 1. Negotiations. The commissioner shall, directly or
16 through the New England Board of Higher Education, negotiate
17 with educational institutions to secure positions for state
18 contract students in the fields of allopathic medicine, den-
19 tistry, optometry and veterinary medicine.

20 2. Purchase of positions at medical schools; September
21 1, 1977, and June 30, 1981. Money to purchase positions at
22 medical schools may be expended between September 1, 1977
23 and June 30, 1981 as follows.

24 A. The commissioner may expend appropriated money
25 between September 1, 1977, and June 30, 1981, for the
26 purchase of positions at accredited medical schools,
27 for not more than:

28 (1) A total of 40 positions each year, divided
29 among the University of Vermont College of Medi-
30 cine, Tufts University School of Medicine,
31 Dartmouth Medical School or other accredited medi-
32 cal schools, to a total of 160;

33 (2) A total of 10 positions each year divided
34 among Tufts School of Dental Medicine or other ac-
35 credited dental schools, to a total of 25;

36 (3) A total of 4 positions each year, divided
37 among the University of Pennsylvania School of
38 Veterinary Medicine, the New York State College of
39 Veterinary Medicine at Cornell University, Tufts

1 University School of Veterinary Medicine or other
2 accredited schools of veterinary medicine, to a
3 total of 16;

4 (4) A total of 2 positions each year at the New
5 England College of Optometry, to a total of 8; and

6 (5) A total of 10 positions each year at the New
7 England College of Osteopathic Medicine, to a
8 total of 40.

9 B. The department shall not exceed the total number of
10 spaces, but may allocate the number of spaces at the
11 various institutions based on the spaces available for
12 the academic school years, the cost of securing the
13 student space, the number of applications and the pri-
14 mary care residency program needs.

15 3. Purchase of positions at medical schools after July
16 1, 1981. Money to purchase positions at medical schools may
17 be expended after July 1, 1981 as follows:

18 A. The Department of Educational and Cultural Services
19 may expend the money appropriated by the Legislature,
20 for the purchase of positions at accredited medical
21 schools to purchase:

22 (1) Up to 18 positions each year, to a total of
23 72 positions, at accredited schools of allopathic
24 medicine;

25 (2) Up to 2 positions each year, to a total of 8
26 positions, at accredited schools of dentistry;

27 (3) Up to 2 positions each year, to a total of 8
28 positions, at accredited schools of veterinary
29 medicine; and

30 (4) Up to one position each year, to a total of 4
31 positions, at accredited schools of optometry.

32 B. The department shall not exceed the total number of
33 spaces identified in this subsection for students com-
34 mencing their professional education on or after July
35 1, 1981, but may allocate the number of spaces at the
36 various institutions based on:

37 (1) The spaces available for the academic school
38 years;

1 (2) The cost of securing the student's space;

2 (3) The number of applications; and

3 (4) The primary care residency program needs.

4 §11806. Instate clinical education programs; development of
5 a plan

6 1. Return to practice in Maine. The commissioner
7 shall develop a plan which assures, to the extent practi-
8 cable, that contract students, or a similar number of out-
9 of-state medical school graduates, return to practice their
10 profession within the State, particularly in primary care in
11 underserved areas of the State. This plan shall be com-
12 pleted and presented to the Legislature and the Governor
13 before February 1st each year.

14 2. Plan. This plan shall include:

15 A. The development of a coordinated mechanism for the
16 administration of the compact;

17 B. The projected number of student spaces needed and
18 projected costs in all professional health fields;

19 C. Recommendations for the future need of this pro-
20 gram;

21 D. The development of sites for student clinical
22 training;

23 E. The percentage of the total amount expended for the
24 purchase of the space at the contract institutes that
25 will return with the student undertaking clinical edu-
26 cation in the State;

27 F. The development of incentives to practice in pri-
28 mary care and underserved areas; and

29 G. Recommendations for utilizing contract funds to
30 provide assistance to Maine residency programs.

31 3. Coordination. To avoid duplication in the under-
32 taking of this plan, the commissioner shall coordinate all
33 activities with other professional health agencies and orga-
34 nizations.

35 §11807. Advisory Committee on Medical Education

1 1. Committee. The Advisory Committee on Medical Edu-
2 cation shall assist the commissioner in developing the plan.

3 2. Members. The advisory committee shall consist of
4 15 members, who shall be appointed by the commissioner and
5 subject to approval by the committee having jurisdiction
6 over education. Membership of the advisory committee shall
7 include representatives from those health care agencies and
8 associations, public and private, whose activities are rele-
9 vant to the objectives of the plan, as determined by the
10 commissioner. Members shall be appointed for a 2-year term.

11 3. Vacancies. In the case of vacancies or resigna-
12 tions, appointments shall be made as for a new member to
13 fill the vacancies until the expiration of the terms.

14 §11808. Nonlapsing fund

15 Any unexpended money appropriated by the Legislature
16 under section 11805 shall not lapse, but shall be carried
17 forward to the following year to be expended by the depart-
18 ment for the purpose of purchasing positions at medical
19 schools. Moneys returned to the State shall be deposited in
20 a revolving account, to be expended for the purpose of pur-
21 chasing contract spaces at medical schools.

22 §11809. Annual review

23 The legislative committee having jurisdiction over
24 appropriations and financial affairs shall annually review
25 the program established under this chapter.

26 CHAPTER 423

27 LOANS FOR CANDIDATES FOR

28 PRACTICE OF OSTEOPATHIC MEDICINE

29 §12001. Purpose

30 1. Purpose. The purpose of this chapter is to provide
31 for persons who desire to practice osteopathic medicine in
32 this State.

33 2. Findings. The provision of financial assistance in
34 securing this type of higher education is an important
35 public purpose. Many qualified youth are deterred by finan-
36 cial considerations from securing this type of higher educa-
37 tion resulting in irreparable loss to the State in maintain-
38 ing the health of its residents.

1 §12002. State Osteopathic Loan Fund

2 1. Creation. The State Osteopathic Loan Fund shall be
3 used by the commissioner as a nonlapsing, revolving fund for
4 carrying out this chapter. The fund shall initially be in
5 the sum of \$40,000.

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

9 3. Excess. Moneys in the fund, not needed currently
10 to meet the obligations under this chapter shall be depos-
11 ited with the Treasurer of State to the credit of the fund,
12 or may be invested in any manner provided for by statute.

13 §12003. Eligibility for loans

14 An applicant shall be eligible for a loan under this
15 chapter when the commissioner, after consultation with the
16 executive committee of the Maine Osteopathic Association,
17 finds that the applicant:

18 1. Residency. Has been a resident of this State for a
19 minimum of 3 years at any time prior to application;

20 2. Qualifications. Is attending or will immediately
21 attend an osteopathic college or university accredited by
22 the American Osteopathic Association;

23 3. Financial resources. Will, in the absence of a
24 loan, be deterred by financial considerations from beginning
25 or completing a course of study at an osteopathic college or
26 university; and

27 4. Return to Maine. Shows a genuine interest in
28 returning to this State to practice osteopathic medicine.

29 §12004. Repayment for pre-June 30, 1981 students

30 1. Agreement. A student commencing professional edu-
31 cation between September 1, 1977 and June 30, 1981, as a
32 condition of receiving a loan, shall enter into an agreement
33 with the State that the student, after the completion of an
34 internship, residency, obligated public health service or
35 Armed Forces' service, shall enter in the practice of
36 osteopathic medicine in this State and continue in that
37 practice for a period of one year for each \$2,000 of the
38 loan utilized.

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

5 3. Breach of contract. If a recipient of a loan fails
6 to comply with the terms of the agreement with the State for
7 reasons other than death, the recipient shall immediately be
8 liable to the State for all loan payments received plus
9 interest on each payment at the rate of 6% each year com-
10 pounded semiannually.

11 4. Repayment process. If a recipient of a loan prac-
12 tices osteopathic medicine in a community in this State for
13 only a part of the total compensatory practice agreed upon,
14 the recipient shall be liable to the State only for the
15 amount granted under the loan plus interest at the rate of
16 6% each year compounded semiannually. This amount shall be
17 reduced by a credit at the rate of \$2,000 plus interest for
18 each year the recipient has actually practiced in the State.
19 The loan shall be repaid within 12 years of graduation.

20 §12005. Agreement for osteopathic loan students after
21 July 1, 1981

22 1. Agreement. Any osteopathic loan student commencing
23 professional education on or after July 1, 1981, shall, as a
24 condition precedent to receiving the loan, enter into an
25 agreement with the Commissioner of Educational and Cultural
26 Services stating that, following completion of professional
27 education, including internship, residency and obligated
28 public health service, the student shall pay the State an
29 amount of money equal to the loan received.

30 2. Repayment. This amount shall be payable at 9%
31 simple annual interest in not more than 10 annual equal
32 installments. These installment payments shall commence at
33 such time as the state contract student concludes profes-
34 sional education under rules promulgated by the commis-
35 sioner.

36 CHAPTER 425

37 NATIONAL DEFENSE EDUCATION PROGRAM

38 §12201. Acceptance of program

39 The State, having accepted the provisions and benefits
40 of the United States National Defense Education Act of 1958,

1 Public Law 85-864, shall observe and comply with that Act.

2 §12202. Custodian of funds

3 The Treasurer of State shall be the custodian of all
4 moneys received by the State from the Federal Government for
5 administration, supervision and assistance to subdivisions
6 of the State, in the expansion and improvement of educa-
7 tional programs. The treasurer may receive and provide for
8 the proper custody of moneys and make disbursements on the
9 order of the commissioner.

10 §12203. State agency

11 The state board shall be the sole state agency to ad-
12 minister and supervise national defense activities under the
13 United States National Defense Education Act of 1958, Public
14 Law 85-864. Subject to the approval of the state board, its
15 executive officer:

16 1. Rules. May make rules subject to section 3;

17 2. Agreements. Shall enter into agreements with state
18 and federal agencies providing educational services related
19 to national defense; and

20 3. Plans. Shall prepare, issue and amend state plans
21 for the administration of titles of the Act requiring state
22 plans.

23 §12204. Appropriation

24 The state board may accept federal and other funds made
25 available for purposes of education, and may cooperate with
26 the United States Department of Health and Human Services in
27 carrying out the United States Defense Education Act of
28 1958, Public Law 85-864, and other federal programs as may
29 concern the expansion or improvement of educational programs
30 to meet national needs.

31 CHAPTER 427

32 NORTH AMERICAN INDIAN SCHOLARSHIPS

33 §12401. Definitions

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

1 1. North American Indians residing in Maine. "North
2 American Indians residing in Maine" means those persons:

3 A. Whose names are included on the current tribal cen-
4 sus of either the Passamaquoddy Tribe or Penobscot
5 Nation; or

6 B. Who are members of the Maliseet and Micmac Tribes
7 and:

8 (1) Individually prove 1/4 Indian blood; and

9 (2) Have resided in this State during 5 consecu-
10 tive years immediately preceding their application
11 for a scholarship.

12 2. Properly accredited institutions. "Properly ac-
13 credited institutions" means secondary and post-secondary
14 institutions of learning which are:

15 A. Approved or accredited by the Department of Educa-
16 tion of the state in which they are located;

17 B. Approved or accredited by a regional association of
18 secondary schools and colleges; or

19 C. Approved for payment of tuition by the United
20 States Veterans' Administration.

21 §12402. Scholarship fund

22 The North American Indian Scholarship Fund shall assist
23 North American Indians residing in this State to obtain a
24 secondary or post-secondary education, or both, from prop-
25 erly accredited institutions.

26 §12403. Committee

27 1. Purpose. The Indian Scholarship Committee may
28 approve grants under this chapter.

29 2. Composition. The Indian Scholarship Committee
30 shall be composed as follows:

31 A. The superintendent of schools of Maine Indian edu-
32 cation;

33 B. One representative of the Passamaquoddy Tribe at
34 Indian Township chosen by the tribal council;

1 C. One representative of the Passamaquoddy Tribe at
2 Pleasant Point chosen by the tribal council;

3 D. Two representatives of the Penobscot Nation, chosen
4 by the tribal council of the Penobscot Nation;

5 E. Two representatives of the Association of Aroostook
6 Indians, Inc., chosen by the board of directors of the
7 Association of Aroostook Indians, Inc.;

8 F. Two representatives of Central Maine Indian Associ-
9 ation, Inc., one Micmac and one Maliseet, chosen by the
10 board of directors of the Central Maine Indian Associa-
11 tion, Inc.; and

12 G. A representative of the Chancellor of the Univer-
13 sity of Maine.

14 3. Term of service. The term shall be for one, 2 or 3
15 years, as determined by the appointing authority.

16 4. Acceptance of funds. The committee may accept
17 funds for scholarships.

18 §12404. Application

19 A student meeting the requirements of properly accred-
20 ited institutions may apply for a grant, not exceeding
21 \$3,000 a year, for the purpose of paying his tuition, room,
22 board, books and other costs of attending that institution.

23 §12405. Institutional grant

24 An institution that enrolls a grant recipient may apply
25 for a grant, not to exceed \$1,000 per enrolled grant recip-
26 ient, to establish and conduct a program of support services
27 for the grant recipient.

28 §12406. Grant limitation

29 If funds are available from the Federal Bureau of
30 Indian Affairs, a grant may not be given to any Penobscot or
31 Passamaquoddy student or to any institution when the student
32 is enrolled in a 4-year post-secondary degree-granting pro-
33 gram. This limitation shall not apply to Micmac or Maliseet
34 Indians who are not eligible for Federal Bureau of Indian
35 Affairs Scholarship assistance.

36 PART 6

1 TEACHERS

2 CHAPTER 501

3 CERTIFICATION AND REGISTRATION OF TEACHERS

4 §13001. Duties of the state board

5 1. Policy for certification. The state board shall
6 establish policies under which the commissioner may:

7 A. Certify teachers and other professional personnel
8 for service in a public school or in an approved pri-
9 ivate school;

10 B. Certify adult education teachers and other teaching
11 and professional personnel in publicly supported educa-
12 tional programs other than those in the public schools,
13 post-high school institutions, colleges and universi-
14 ties;

15 C. Approve the employment of teacher aides, teacher
16 assistants or other semiprofessional personnel for ser-
17 vice in schools;

18 D. Seek a revocation of a certificate in the Adminis-
19 trative Court; and

20 E. The state board may adopt rules to carry out this
21 subsection.

22 2. Specific policies. The policies established by the
23 state board shall include:

24 A. The interstate agreement in chapter 511; and

25 B. The requirement that:

26 (1) All applicants furnish evidence of good moral
27 character; and

28 (2) Applicants for elementary school teaching
29 furnish evidence of training in physiology and
30 hygiene, with special reference to the effects of
31 alcohol stimulants and narcotics upon the human
32 system.

33 3. Persons holding certificates from other
34 states. Certificates may be granted to persons holding cer-
35 tificates granted by authority of other states.

1 4. Renewal of certification; permits and special
2 licenses. Certification permits and special licenses shall
3 be renewed as follows.

4 A. The renewal of a teaching certificate shall be con-
5 ditional on the completion of at least 6 hours of pro-
6 fessional study within each period of 5 years.

7 B. The following teachers may be declared eligible for
8 a 10-year term certificate, renewal of which is condi-
9 tional on the presentation of evidence of professional
10 improvement acceptable to the commissioner:

11 (1) Teachers qualifying for standard grade cer-
12 tificates, completing 18 credit hours of
13 post-baccalaureate study, and teaching success-
14 fully for not less than 4 years; and

15 (2) Certified teachers who have taught success-
16 fully for not less than 25 years.

17 §13002. Duties of the commissioner

18 The commissioner shall carry out the duties assigned by
19 the state board under the policies and rules established
20 under section 13001.

21 §13003. Mandatory certification; penalty

22 1. Certification. A person must be certified by the
23 commissioner under section 13002 in order to:

24 A. Teach in any public elementary or secondary school
25 in the State; or

26 B. Teach in any private school receiving basic
27 approval under section 2901.

28 2. Penalty. A person who teaches in a public school
29 without first obtaining a teacher's certificate shall be
30 barred from receiving pay or wages for that teaching. The
31 person shall forfeit to the school administrative unit the
32 amounts received as wages for this teaching.

33 3. Exception. This section does not apply to teachers
34 in secondary schools approved under section 2901, subsection
35 2, paragraph A.

36 4. Rules. The state board may adopt rules to carry
37 out this section.

1 §13004. List of persons certified; records confidential

2 1. Records. The commissioner shall keep a list of
3 certified teachers. This list shall be a public record.
4 The commissioner shall send copies of the list to school
5 boards and superintendents on their request.

6 2. Records confidential. Transcripts, recommendations
7 and other documents submitted in support of an application
8 for certification and maintained in the office of the com-
9 missioner shall be confidential. They may only be made
10 available to the following:

11 A. School boards and superintendents;

12 B. Authorized personnel of the department in fulfill-
13 ing assigned duties; and

14 C. Individuals and their representatives who request
15 to examine their own records.

16 3. Duplication costs. Individuals requesting copies
17 of their records shall bear the costs of copying them.

18 4. Rules. The state board may adopt rules to carry
19 out this section.

20 §13005. Registration; list furnished; fee

21 1. Application. A person eligible to receive or hold-
22 ing a state teacher's certificate, may register as a candi-
23 date for employment as a teacher in the public schools on
24 application to the commissioner and payment of \$5. The com-
25 missioner may prescribe the manner of the application.

26 2. Providing information. On request, the commis-
27 sioner shall furnish:

28 A. Information relative to registered persons to
29 school boards or superintendents; and

30 B. Information relative to vacancies in positions in
31 public schools to registered persons.

32 3. Responsibility of commissioner. The commissioner
33 or a person employed under the commissioner's direction may
34 not be held responsible for, nor be understood to vouch for,
35 the fitness or success of a teacher who may secure a posi-
36 tion in a public school through the operation of this

1 section. The acceptance of this enrollment and the payment
2 of the required fee may not be construed as a guarantee for
3 securing employment as a teacher.

4 4. Fee. The fee shall entitle registration for one
5 year.

6 §13006. Clerical assistance; disposition of fees

7 1. Rules. The commissioner may adopt or amend rules
8 for carrying out section 13004 and for obtaining information
9 required as to the experience, qualifications and character
10 of persons seeking employment as teachers. A teacher may be
11 eligible for consideration for employment only so long as
12 the teacher complies with these rules.

13 2. Accounting. The commissioner shall:

14 A. Collect and give a receipt for all registration
15 fees; and

16 B. Report and pay these fees to the Treasurer of
17 State. These fees shall be credited to the General
18 Fund.

19 3. Clerical assistants. The commissioner may employ
20 clerical and other assistants, subject to the Personnel Law.
21 They shall perform their duties under the general super-
22 vision of the commissioner.

23 CHAPTER 503

24 TEACHER EMPLOYMENT

25 §13201. Nomination and election of teachers; teacher con-
26 tracts

27 The superintendent shall nominate all teachers, subject
28 to such regulations governing salaries and the qualifica-
29 tions of teachers as the school board shall make. Upon the
30 approval of nominations, by the school board, the superin-
31 tendent may employ teachers so nominated and approved for
32 such terms as the superintendent may deem proper, subject to
33 the approval of the school board. In case the superinten-
34 dent of schools and the school committee or school directors
35 fail to legally elect a teacher, the commissioner shall have
36 the authority to appoint a substitute teacher who shall
37 serve until such election is made.

1 After a probationary period not to exceed 2 years,
2 subsequent contracts of duly certified teachers shall be for
3 not less than 2 years. Unless a duly certified teacher
4 receives written notice to the contrary at least 6 months
5 before the terminal date of the contract, the contract shall
6 be extended automatically for one year and similarly in
7 subsequent years. The right to an extension for a longer
8 period of time through a new contract is specifically
9 reserved to the contracting parties.

10 Just cause for dismissal or nonrenewal may be a nego-
11 tiatile item in accordance with the procedure set forth in
12 Title 26, chapter 9-A, for teachers who have served beyond
13 the probationary period.

14 After a probationary period of 2 years, any teacher,
15 who receives notice in accordance with this section that his
16 contract is not going to be renewed, may during the 15 days
17 following such notification request a hearing with the
18 school board. The teacher may request reasons. The hearing
19 shall be private except by mutual consent and except that
20 either or both parties may be represented by counsel. That
21 hearing must be granted within 30 days of the receipt of the
22 teacher's request.

23 The right to terminate a contract, after due notice of
24 90 days, is reserved to the school committee or school
25 directors when changes in local conditions warrant the elim-
26 ination of the teaching position for which the contract was
27 made.

28 §13202. Teacher dismissal

29 A school board, after investigation, due notice of
30 hearing and hearing thereon, shall dismiss any teacher,
31 although having the requisite certificate, who proves unfit
32 to teach or whose services the board deems unprofitable to
33 the school; and give to that teacher a certificate of dis-
34 missal and of the reasons for the dismissal, a copy of which
35 the board shall retain. That dismissal shall not deprive
36 the teacher of compensation for previous services.

37 CHAPTER 505

38 TEACHERS' SALARIES

39 §13401. Equal pay

1 In assigning salaries to teachers of public schools,
2 discrimination may not be made between male and female
3 teachers with the same training and experience employed in
4 the same grade or performing the same kinds of duties.

5 §13402. Minimum salaries

6 1. Minimum salary schedule. A school administrative
7 unit shall pay those teachers, except substitute teachers as
8 defined by the commissioner, the following minimum salaries.

<u>Years of</u>	<u>Certified</u>	<u>Teachers</u>	<u>Teachers</u>	<u>Teachers</u>	<u>Teachers</u>
<u>teaching</u>	<u>teachers</u>	<u>with</u>	<u>with</u>	<u>with</u>	<u>with an</u>
<u>experience</u>		<u>3 years of</u>	<u>4 years of</u>	<u>4 years of</u>	<u>earned</u>
		<u>professional</u>	<u>study beyond</u>	<u>study beyond</u>	<u>master's</u>
		<u>study beyond</u>	<u>high school</u>	<u>high school</u>	<u>degree</u>
		<u>high school</u>	<u>and with a</u>	<u>and with a</u>	<u>degree</u>
			<u>bachelor's</u>	<u>bachelor's</u>	
			<u>degree</u>	<u>degree</u>	
17	0	\$3,500	\$4,000	\$5,000	\$5,300
18	1	3,600	4,200	5,200	5,500
19	2	3,700	4,400	5,400	5,700
20	3	3,800	4,600	5,700	6,100
21	4	3,900	4,800	6,100	6,500
22	5	4,000	5,000	6,500	6,900
23	6	4,100	5,200	6,700	7,100
24	7	4,200	5,400	6,900	7,300
25	8	4,300	5,600	7,100	7,500
26	9	4,400	5,800	7,300	7,700
27	10	4,500	6,000	7,500	8,000

28 2. Increase. Notwithstanding other provisions of this
29 section, a school administrative unit may not be required to
30 increase the salary of any teacher more than \$500 in one
31 school year.

32 3. Substitute teachers. Substitute teachers with 4
33 years of study beyond high school and with a bachelor's
34 degree and a teacher's certificate and substitute teachers
35 who have retired after a minimum of 15 years of teaching
36 shall be compensated at the rate of not less than \$20 for
37 each day of service.

38 4. Annuity contract premiums. Money paid by a school
39 administrative unit as a premium for an annuity contract for
40 the benefit of an employee shall, for purposes of minimum
41 salaries for teachers, be considered part of that employee's
42 salary.

1 5. Reimbursement for additional professional training.
2 When a certified teacher completes, within any 2-year
3 period, 6 credit hours of additional professional work
4 approved by the superintendent, the school administrative
5 unit shall pay that teacher not less than \$100.

6 6. Permits or special licenses. If the employment of
7 teachers under permit or other special license is authorized
8 by the commissioner, the commissioner may prescribe minimum
9 salaries and other rules for this class of teachers.

10 CHAPTER 507

11 LEAVES OF ABSENCE

12 §13601. Sick leave

13 1. Minimum annual sick leave. A school administrative
14 unit shall grant all certified teachers, except substitute
15 teachers as defined by the commissioner, a minimum annual
16 sick leave of 10 school days, cumulative to a minimum of 90
17 school days, without loss of salary.

18 2. Transferrance of sick leave. A school administra-
19 tive unit which employs certified teachers who have accumu-
20 lated sick leave in the teacher's immediately previous posi-
21 tion in a public school system within the State shall accept
22 up to 20 days of that sick leave for transfer to the employ-
23 ing school administrative unit. This sick leave shall be
24 credited and made effective upon achieving continuing con-
25 tract status in the employing unit, provided that:

26 A. There shall have been no break in service in that
27 teacher's public school employment within the State;
28 and

29 B. The teacher was eligible to receive sick leave in
30 his previous position at the time of his termination of
31 employment.

32 3. Alternate sick leave plans. The commissioner may
33 approve another plan of sick leave which provides at least
34 equal benefits to those of subsections 1 and 2.

35 4. Teachers' assistants and aides. Full-time teach-
36 ers' assistants and teachers' aides shall be granted minimum
37 annual sick leave of 10 school days.

38 §13602. Leave of absence as Legislators

1 A school administrative unit shall grant a certified
2 teacher, except a substitute teacher as defined by the com-
3 missioner, leave of absence without pay and without forfei-
4 ture of continuing contract status and other accumulated
5 benefits to fulfill the duties of a Legislator, provided
6 that the teacher provides a written notice of intent to
7 become a candidate for the Legislature at the time teacher
8 contracts are issued.

9 §13603. Military leave of absence of teachers

10 Teachers who are members of the National Guard or other
11 authorized state military or naval forces, and those teach-
12 ers who are members of the Army, Air Force, Marines, Coast
13 Guard or Naval Reserve may take a leave of absence from
14 their respective duties, without net loss of income during
15 periods of annual training not to exceed 17 calendar days in
16 any calendar year as specified under the National Defense
17 Act or Armed Forces Reserve Act of 1952, provided that the
18 teachers have made every reasonable effort to perform their
19 annual training during the period when school is not in
20 session.

21 §13604. Sabbatical leave

22 To increase the efficiency of the public schools and to
23 permit teachers, principals or other persons to pursue a
24 further course of study or to travel to be better qualified
25 by education and culture for the position they hold in the
26 schools, school boards may grant to any teacher, principal
27 or other person regularly employed by them a leave of ab-
28 sence for a period of not to exceed one year and for not
29 more than half pay. A leave of absence may be granted only
30 after 7 years and under those conditions and rules deter-
31 mined by the school board.

32 CHAPTER 509

33 MISCELLANEOUS

34 §13801. Residency requirement; collective bargaining

35 If an administrative unit engages in collective bar-
36 gaining as required in Title 26, then it shall not enact any
37 ordinance which requires employees to reside within the
38 boundaries of the unit as a condition for employment. A
39 collective bargaining agreement may include a residency re-
40 quirement for persons not yet employed at the time the
41 agreement becomes effective. If an administrative unit does

1 not engage in collective bargaining as required in Title 26,
2 then any ordinance it enacts which requires employees to
3 reside within the boundaries of the unit shall not apply to
4 persons already employees at the time the regulation becomes
5 effective.

6 CHAPTER 511

7 INTERSTATE AGREEMENT ON QUALIFICATIONS OF

8 EDUCATIONAL PERSONNEL

9 SUBCHAPTER I

10 AGREEMENT

11 §13901. Purpose, findings and policy - Article I

12 1. Purpose. The states party to this agreement,
13 desiring by common action to improve their respective school
14 systems by utilizing the teacher or other professional edu-
15 cational person wherever educated, declare that it is the
16 policy of each of them, on the basis of cooperation with one
17 another, to take advantage of the preparation and experience
18 of such persons wherever gained, thereby serving the best
19 interests of society, of education and of the teaching
20 profession. It is the purpose of this agreement to provide
21 for the development and execution of such programs of
22 cooperation as will facilitate the movement of teachers and
23 other professional educational personnel among the states
24 party to it, and to authorize specific interstate educa-
25 tional personnel contracts to achieve that end.

26 2. Findings. The party states find that included in
27 the large movement of population among all sections of the
28 nation are many qualified educational personnel who move for
29 family and other personal reasons but who are hindered in
30 using their professional skill and experience in their new
31 locations. Variations from state to state in requirements
32 for qualifying educational personnel discourage such person-
33 nel from taking the steps necessary to qualify in other
34 states. As a consequence, a significant number of profes-
35 sionally prepared, and experienced educators is lost to our
36 school systems. Facilitating the employment of qualified
37 educational personnel, without reference to their states of
38 origin, can increase the available educational resources.
39 Participation in this compact can increase the availability
40 of educational manpower.

1 §13902. Definitions - Article II

2 As used in this agreement and contracts made pursuant
3 to it, unless the context clearly requires otherwise:

4 1. Accept. "Accept," or any variant thereof, means to
5 recognize and give effect to one or more determinations of
6 another state relating to the qualifications of educational
7 personnel in lieu of making or requiring a like determina-
8 tion that would otherwise be required by or pursuant to the
9 laws of a receiving state.

10 2. Designated state official. "Designated state offi-
11 cial" means the education official of a state selected by
12 that state to negotiate and enter into, on behalf of his
13 state, contracts pursuant to this agreement.

14 3. Educational personnel. "Educational personnel"
15 means persons who must meet requirements pursuant to state
16 law as a condition of employment in educational programs.

17 4. Originating state. "Originating state" means a
18 state, and the subdivision thereof, if any, whose determina-
19 tion that certain educational personnel are qualified to be
20 employed for specific duties in schools is acceptable in ac-
21 cordance with the terms of a contract made pursuant to Arti-
22 cle III.

23 5. Receiving state. "Receiving state" means a state,
24 and the subdivisions thereof, which accept educational per-
25 sonnel in accordance with the terms of a contract made pur-
26 suant to Article III.

27 6. State. "State" means a state, territory or posses-
28 sion of the United States, the District of Columbia or the
29 Commonwealth of Puerto Rico.

30 §13903. Interstate educational personnel contracts - Arti-
31 cle III

32 1. Contracts. The designed state official of a party
33 state may make one or more contracts on behalf of that state
34 with one or more other party states providing for the accep-
35 tance of educational personnel. Any such contract for the
36 period of its duration shall be applicable to and binding on
37 the state whose designated state officials enter into it,
38 and the subdivisions of those states, with the same force
39 and effect as if incorporated in this agreement. A desig-
40 nated state official may enter into a contract pursuant to

1 this Article only with states in which the official finds
2 that there are programs of education, certification stan-
3 standards or other acceptable qualifications that assure pre-
4 paration or qualification of educational personnel on a
5 basis sufficiently comparable, even though not identical to
6 that prevailing in that official's own state.

7 2. Provisions. Any such contract shall provide for:

8 A. Its duration;

9 B. The criteria to be applied by an originating state
10 in qualifying educational personnel for acceptance by
11 a receiving state;

12 C. Such waivers, substitutions and conditional accep-
13 tances as shall aid the practical effectuation of the
14 contract without sacrifice of basic educational stan-
15 dards;

16 D. Any other necessary matters.

17 3. Term. No contract made pursuant to this agreement
18 shall be for a term longer than 5 years but any such con-
19 tract may be renewed for like or lesser periods.

20 4. Acceptance. Any contract dealing with acceptance
21 of educational personnel on the basis of their having com-
22 pleted an educational program shall specify the earliest
23 date or dates on which originating state approval of the
24 program or programs involved can have occurred. No contract
25 made pursuant to this agreement shall require acceptance by
26 a receiving state of any persons qualified because of suc-
27 cessful completion of a program prior to January 1, 1954.

28 5. Revocation or suspension. The certification or
29 other acceptance of a person who has been accepted pursuant
30 to the terms of a contract shall not be revoked or otherwise
31 impaired because the contract has expired or been termi-
32 nated. However, any certificate or other qualifying docu-
33 ment may be revoked or suspended on any ground which would
34 be sufficient for revocation or suspension of a certificate
35 or other qualifying document initially granted or approved
36 in the receiving state.

37 6. Review. A contract committee composed of the des-
38 ignated state officials of the contracting states or their
39 representatives shall keep the contract under continuous
40 review, study means of improving its administration and

1 report no less frequently than once a year to the heads of
2 the appropriate education agencies of the contracting
3 states.

4 §13904. Accepted and approved programs - Article IV

5 1. Training requirements. To the extent that con-
6 tracts made pursuant to this agreement deal with the academ-
7 ic or other educational training requirements for the proper
8 qualification of educational personnel, the principles set
9 forth in this Article shall govern.

10 2. Effect of approval. The approval, by the appropri-
11 ate state or local authorities pursuant to the laws of a
12 sending state, of a program of educational training shall
13 have such effect on the qualification of educational person-
14 nel within that state as its laws provide.

15 3. Acceptance. Acceptance of a program of educational
16 preparation or training for purposes of this agreement shall
17 be in accordance with such procedures and requirements as
18 may be provided in the applicable contract.

19 §13905. Interstate cooperation - Article V

20 The party states agree that:

21 1. Multi-lateral contracts. They will, so far as
22 practicable, prefer the making of multi-lateral contracts
23 pursuant to Article III of this agreement.

24 2. Cooperation. They will facilitate and strengthen
25 cooperation in interstate certification and other elements
26 of educational personnel qualification and for this purpose
27 shall cooperate with agencies, organizations and associa-
28 tions interested in certification and other elements of edu-
29 cational personnel qualification.

30 §13906. Agreement evaluation - Article VI

31 The designated state officials of any party state may
32 meet from time to time as a group to evaluate progress under
33 the agreement, and to formulate recommendations for changes.

34 §13907. -other arrangements - Article VII

35 Nothing in this agreement shall be construed to prevent
36 or inhibit other arrangements or practices of any party
37 state or states to facilitate the interchange of educational
38 personnel.

1 §13908. Effect and withdrawal - Article VIII

2 1. Effective. This agreement shall become effective
3 when enacted into law by 2 states. Thereafter it shall
4 become effective as to any state upon its enactment of this
5 agreement.

6 2. Withdrawal. Any party state may withdraw from this
7 agreement by enacting a statute repealing the same, but no
8 such withdrawal shall take effect until one year after the
9 Governor of the withdrawing state has given notice in writ-
10 ing of the withdrawal to the governors of all other party
11 states.

12 3. Obligations. No withdrawal shall relieve the with-
13 drawing state of any obligation imposed upon it by a con-
14 tract to which it is a party. The duration of contracts and
15 the methods and conditions of withdrawal therefrom shall be
16 those specified in their terms.

17 §13909. Construction and severability - Article IX

18 This agreement shall be liberally construed so as to
19 effectuate the purposes thereof. The provisions of this
20 agreement shall be severable and if any phrase, clause, sen-
21 tence or provision of this agreement is declared to be con-
22 trary to the Constitution of any state or of the United
23 States, or the application thereof to any government,
24 agency, person or circumstance is held invalid, the validity
25 of the remainder of this agreement and the applicability
26 thereof to any government, agency, person or circumstance
27 shall not be affected thereby. If this agreement shall be
28 held contrary to the Constitution of any state participating
29 therein, the agreement shall remain in full force and effect
30 as to the state affected as to all severable matters.

31 SUBCHAPTER II

32 PROVISIONS RELATING TO COMPACT

33 §13951. Designated state official

34 The commissioner shall be the "designated state offi-
35 cial" for this State and may enter into contracts pursuant
36 to Article III of the agreement only with the approval of
37 the specific text thereof by the state board.

38 §13952. True copies files

1 True copies of all contracts made on behalf of this
2 State pursuant to the agreement shall be kept on file in the
3 office of the Commissioner of Educational and Cultural Ser-
4 vices and in the office of the Secretary of State. The Com-
5 missioner of Educational and Cultural Services shall publish
6 all such contracts in convenient form.

7 PART 7

8 SCHOOL FINANCE

9 CHAPTER 601

10 GENERAL PROVISIONS

11 §15001. Definitions

12 As used in this Title and Title 20, unless the context
13 indicates otherwise, the following terms have the following
14 meanings.

15 1. Aggregate attendance. "Aggregate attendance" means
16 the total number of days of attendance for one school year
17 in elementary and secondary schools of each regularly
18 enrolled pupil resident of the municipality.

19 2. Membership. "Membership" means active participa-
20 tion in the program of a school from the date of enrollment
21 to the time the student withdraws or is absent from the
22 school for 10 consecutive days for reasons other than ill-
23 ness.

24 3. Teaching positions. "Teaching positions" means
25 positions in elementary and secondary schools filled by
26 classroom teachers, assistant classroom teachers, school
27 principals, school nurses, supervisors, assistants to super-
28 visors and teachers of special subjects, except for a posi-
29 tion used as a basis for payment of state aid for vocational
30 education, or as a position filled by a person devoting less
31 than half of the school day to the duties of that position.

32 A. In a secondary school, the number of teaching posi-
33 tions for each municipality shall be determined as fol-
34 lows:

$$\begin{array}{l} \text{35} \quad \text{number of each} \\ \text{36} \quad \text{municipality's secondary} \\ \text{37} \quad \text{school teaching positions} \end{array} = \frac{\text{aggregate attendance of resident} \\ \text{secondary school in the} \\ \text{municipality} \quad \text{number of} \\ \text{teaching}}{\text{teaching}}$$

1 aggregate at- positions in
2 tendance of all the schools
3 secondary
4 school pupils

5 B. If a teaching position is maintained for only part
6 of a school year, it shall be counted as follows:

7 teaching position number of weeks the
8 count = position is maintained
9 =
10 total number of weeks
11 the schools in the town
12 were maintained

13 4. Pupil. "Pupil" means elementary or secondary
14 school student.

15 §15002. Permanent school fund

16 1. Definition. As used in this section unless the
17 context indicates otherwise, the following terms have the
18 following meanings.

19 A. School lands are lands which were set aside for
20 school purposes in unincorporated areas by the Common-
21 wealth of Massachusetts in 1788 and subsequently ad-
22 dedressed by the Laws of Maine, 1831, Public Laws chapter
23 492.

24 B. Permanent school fund:

25 (1) Shall be the moneys derived from the sale,
26 lease or other use of school lands; and

27 (2) May include other moneys appropriated or
28 given to a permanent school fund for school pur-
29 poses.

30 2. Trustee of fund. The lands or funds shall be:

31 A. Managed by a board of trustees in a town incorpo-
32 rated since 1788. The board shall be composed of the
33 selectmen, treasurer and clerk of the town; or

34 B. Managed by a land agent appointed by the State.

35 The Treasurer of State shall keep a separate account of
36 all moneys paid into the State Treasury and shall

1 invest the money in securities which are legal invest-
2 ments for savings banks under Title 9.

3 3. Use of funds. Funds shall be used as follows.

4 A. The interest from the school fund shall be exclu-
5 sively used for school purposes.

6 B. The commissioner may use the interest from the
7 funds under state control for the purpose of surveying
8 school systems and developing school plans. The allo-
9 cations shall not exceed 1/2 the cost of the surveys or
10 plans.

11 §15003. School fiscal year

12 Notwithstanding any statute or charter provision to the
13 contrary, a school administrative unit shall annually adopt
14 a school budget for a period beginning on July 1st and
15 ending on June 30th.

16 §15004. Unexpended balances

17 The unexpended balance of all moneys raised by a school
18 administrative unit, received: From the State for
19 general-purpose aid or for other educational programs; from
20 the Federal Government directly or from the Federal Govern-
21 ment through the State; from tuition payments made by other
22 units, the State, or by individuals; and other receipts for
23 school purposes shall be carried forward and credited to the
24 unit for educational programs for the ensuing year.

25 §15005. Apportionments

26 1. Apportionments. Apportionments to school adminis-
27 trative units and private schools, unless specifically
28 directed by statute, shall be made annually commencing in
29 July in the following manner. An amount not to exceed 1/12
30 of the subsidy shall be paid each month no later than the
31 last day of the month. Any balance shall be paid in the
32 last month of the annual period.

33 2. Vocational centers. Payments may be made to voca-
34 tional centers at the times and in the amounts as the com-
35 missioner may authorize.

36 3. Return required. An apportionment provided in this
37 chapter, chapters 109, 205, 505 and 605, and section 13601,
38 and Title 20, section 3457, may not be paid to a school

1 administrative unit by the Treasurer of State until returns
2 required by law have been filed with the commissioner.

3 4. Failure to file return. When the information re-
4 quired by the chapters and sections listed in subsection 3
5 is not available because of the failure of the school admin-
6 istrative unit, through its officers, to make the returns re-
7 quired by law, or because of the loss or destruction of the
8 school records of the unit, the commissioner may use a basis
9 for apportionment numbers on which the apportionment for the
10 unit was made for the preceding year less 10%.

11 CHAPTER 603

12 FEDERAL AID

13 §15301. State acceptance of federal constructions aid laws

14 The State may accept an Act of Congress providing for
15 financial assistance to states for the construction of
16 school facilities or other similar purposes. If accepted,
17 the State shall comply with the provisions of the Act of
18 Congress, including regulations published by the United
19 States Department of Education under the Act which have the
20 force of law when published in the Federal Register.

21 §15302. State board as state agency

22 The state board shall be the sole agency for adminis-
23 tering funds allotted under a federal act providing for
24 financial assistance in the operation and constructions of
25 school facilities, including higher educational facilities.
26 It may certify to the United States Department of Education
27 information necessary to entitle the State to receive the
28 benefits of the Act. The state board may elect that a por-
29 tion of a federal allotment be in the form of the commitment
30 by the Federal Government to make payments of interest and
31 principal on debts of local agencies for the construction of
32 school facilities or other similar purpose.

33 §15303. Treasurer of State as custodian

34 The Treasurer of State shall be custodian for moneys
35 received by the State from appropriations allotted under the
36 authority of a federal act providing for financial assis-
37 tance for constructing school facilities or other similar
38 purpose. The Treasurer of State may receive and provide for
39 the proper custody of these funds and make disbursements
40 from them on the order of the state board, its executive
41 officer or other legal authority.

1 §15304. Appropriations authorized

2 Where federal law requires matching by state funds, the
3 state board may estimate the appropriations necessary to
4 comply with the requirements of the federal law and include
5 those estimates in the budget request of the department for
6 appropriations to be made by the Legislature.

7 1. No obligation. Nothing in this chapter may be con-
8 strued as obligating the State to make these appropriations
9 if the Legislature, in its judgment, shall deem it in the
10 best interest of the State not to make such appropriations
11 and to waive any allotments of federal funds the allotment
12 of which is contingent upon state appropriations.

13 2. Local funds. To the maximum extent possible under
14 a federal act, school construction assistance presently
15 authorized and paid under Title 20, section 3457 shall be
16 considered as state funds used to match federal funds.

17 CHAPTER 605

18 THE SCHOOL FINANCE ACT

19 §15501. Short title

20 This chapter may be cited as the "School Finance Act."

21 §15502. Intent

22 1. Contributions from General Fund. It is the intent
23 of the Legislature to provide at least 50% of the cost of
24 the basic educational allocation from General Fund revenue
25 sources or a percentage no less than that provided in the
26 year prior to the year of allocation, whichever is greater.

27 2. Amount of basic educational allocation. It is the
28 intent of the Legislature that the basic educational alloca-
29 tion for elementary and secondary operating costs, as annu-
30 ally established by the Legislature, shall be an amount suf-
31 ficient to meet the level of the costs in the year prior to
32 the year of allocation.

33 3. Transportation costs for nonprofit private schools.
34 It is the intent of the Legislature to reduce the trans-
35 portation costs incurred on behalf of the nonprofit private
36 schools in this State by reducing those costs to the extent
37 and in the manner permitted by section 15510, subsection 6.

1 §15503. Definitions

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

4 1. Actual education costs. "Actual education costs"
5 means the state and local expenditures during the base year
6 for the programs and adjustments specified in section 15504.

7 2. Average elementary per pupil operating costs.
8 "Average elementary per pupil operating costs" means the
9 costs computed by dividing elementary operating costs for
10 the base year by the average number of resident elementary
11 pupils on October 1st and April 1st in the base year.

12 Special education students for whom tuition is paid in pro-
13 grams approved by the commissioner shall not be counted nor
14 otherwise included in determining the average elementary per
15 pupil operating costs.

16 3. Average secondary per pupil operating costs.
17 "Average secondary per pupil operating costs" means the
18 costs computed by dividing secondary operating costs for the
19 base year by the average number of resident secondary pupils
20 on October 1st and April 1st in the base year.

21 A. Special education students for whom tuition is paid
22 in programs approved by the commissioner shall not be
23 counted nor otherwise included in determining the aver-
24 age secondary per pupil operating costs.

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

28 4. Base year. "Base year" means the 2nd year prior to
29 the year of allocation of funds.

30 5. Basic education allocation. "Basic education allo-
31 cation" means the total amount of the state-local allocation
32 for the following programs:

33 A. Elementary operating costs;

34 B. Secondary operating costs;

35 C. Special education programs operated by the school
36 administrative unit;

1 D. Special education tuition and board, excluding med-
2 ical costs, for pupils placed by the school administra-
3 tive unit;

4 E. Vocational education;

5 F. Transportation; and

6 G. Debt service.

7 6. Basic education appropriation. "Basic education
8 appropriation" means the amount appropriated from General
9 Fund revenue sources for all public education programs
10 established by the Legislature under section 15507.

11 7. Basic elementary per pupil operating rate. "Basic
12 elementary per pupil operating rate" means the rate estab-
13 lished by the Legislature in section 15507, subsection 1.

14 8. Basic secondary per pupil operating rate. "Basic
15 secondary per pupil operating rate" means the rate estab-
16 lished by the Legislature in section 15507, subsection 2.

17 9. Debt service costs. "Debt service costs," for sub-
18 sidy purposes, includes:

19 A. Principal and interest costs for approved major
20 capital projects;

21 B. The portion of the tuition costs applicable to the
22 insured value factor computed under section 5806; and

23 C. Lease costs for school buildings when the leases
24 have been approved by the commissioner.

25 10. Elementary grades. "Elementary grades" includes a
26 childhood educational program, as defined by section 5201,
27 through grade 8.

28 11. Institutional resident. "Institutional resident"
29 means a person between the ages of 5 and 20 who is attending
30 a public school of the school administrative unit and who is
31 committed or otherwise legally admitted to, and residing at,
32 a state-operated institution. It shall not include students
33 attending private facilities, regardless of the means of
34 placement.

35 12. Local allocation. "Local allocation" means a
36 school administrative unit's portion of the state-local
37 allocation.

1 13. Major capital costs. "Major capital costs" means
2 costs relating to school construction projects as defined in
3 section 15901.

4 14. Minor capital costs. "Minor capital costs" means
5 costs relating to maintenance of plant and minor remodeling
6 and site development not in conjunction with a construction
7 project.

8 A. Minor capital costs shall not include construction
9 of new buildings or the purchase of land.

10 B. Funds expended to repay funds borrowed for mainte-
11 nance of plant and minor remodeling shall be considered
12 minor capital costs in the year which these funds are
13 repaid.

14 15. Municipality. "Municipality" includes cities,
15 towns and organized plantations.

16 16. Operating costs. Except as listed in this subsec-
17 tion, "operating costs" includes all costs minus applicable
18 tuition receipts. It includes minor capital costs. The
19 following costs shall not be included as "operating costs:"

20 A. Transportation costs;

21 B. Community service costs;

22 C. Major capital costs;

23 D. Debt service costs;

24 E. Expenditures from all federal revenue sources
25 except for amounts received under Public Law 874;

26 F. Special education costs in subsection 19;

27 G. Vocational education costs in subsection 24; and

28 H. Costs of maintaining:

29 (1) The Governor Baxter State School for the
30 Deaf;

31 (2) The Maine Youth Center; and

32 (3) Schools in the unorganized territories as de-
33 defined in section 3201.

1 17. State allocation percentage. "State allocation
2 percentage," for all programs contained in the basic educa-
3 tion allocation, means the rate computed by dividing the
4 state allocation by the state-local allocation, expressed as
5 a percentage.

6 18. Secondary grades. "Secondary grades" means grades
7 9 through 12.

8 19. Special education costs. "Special education
9 costs," for subsidy purposes, includes:

10 A. The costs of certified professionals, assistants
11 and aides or persons contracted to perform a special
12 education service;

13 B. The costs of tuition and board to other schools for
14 programs which have been approved by the commissioner;
15 and

16 C. The cost of programs for gifted and talented stu-
17 dents which have been approved by the commissioner.

18 20. State allocation. "State allocation" means the
19 amount allocated from General Fund revenue sources to fund
20 the state's portion of the state-local allocation.

21 21. State-local allocation. "State-local allocation"
22 means the total amount allocated to a school administrative
23 unit during the year of allocation for the programs and ad-
24 justments computed in sections 15508 and 15509. A
25 state-local allocation shall include a school administrative
26 unit's share of vocational region debt service, if any.

27 22. State-operated institution. "State-operated
28 institution" means any residential facility or institution
29 which is operated by the Department of Mental Health and
30 Mental Retardation.

31 23. Subsidy index. "Subsidy index" means the equiva-
32 lent of a mill rate which, if applied to the state valuation
33 of all municipalities and as limited by section 15511, sub-
34 section 1, paragraph C, would raise not more than 50% of the
35 basic education allocation.

36 This index may not be levied but shall be used for the pur-
37 pose of computed allocations.

1 24. Vocational education costs. "Vocational education
2 costs," for subsidy purposes, means all costs incurred by
3 the vocational regions, centers or satellites, in providing
4 approved secondary school vocational education programs as
5 defined in section 8305, subsection 3.

6 25. Year. "Year" means a fiscal year starting July
7 1st and ending June 30th of the succeeding year.

8 §15504. Notification of actual education costs; other
9 information; mandatory reports; audit adjustments

10 1. Notification; items. Prior to December 1st of each
11 year, the commissioner shall notify the Legislature and the
12 Bureau of the Budget of actual education costs. This noti-
13 fication shall include the following items:

14 A. Elementary operating costs;

15 B. Secondary operating costs;

16 C. Special education costs for programs operated by
17 school administrative units;

18 D. Special education tuition and board, excluding med-
19 ical costs, defined as follows:

20 (1) Tuition and board for pupils placed by school
21 administrative units;

22 (2) Tuition and board for pupils placed directly
23 by the State in accordance with rules adopted or
24 amended by the commissioner;

25 (3) Special education tuition and other tuition
26 for institutional residents of state-operated
27 institutions attending programs in school adminis-
28 trative units in accordance with rules adopted or
29 amended by the commissioner; and

30 (4) Adjustment under section 15509, subsection 6;

31 E. Vocational education costs;

32 F. Transportation costs;

33 G. Debt service costs;

34 H. Costs of unusual enrollment adjustments;

1 I. Costs of geographic isolation adjustments;

2 J. Costs of adjustments for small school administra-
3 tive units;

4 K. Costs of reimbursement for private school services;

5 L. Audit adjustments;

6 M. Local and state funds raised under section 15511,
7 subsection 3;

8 N. Local funds raised under section 15512; and

9 O. Cost of state expenditures for teachers' retirement
10 benefits.

11 2. Additional information. The commissioner shall
12 provide additional information requested by the Legislature.

13 3. Required reports; subsidy payments withheld. A
14 school administrative unit shall provide the commissioner
15 with information the commissioner requests to carry out the
16 purposes of this chapter, according to time schedules which
17 the commissioner shall establish.

18 The commissioner may withhold monthly subsidy payments from
19 a school administrative unit when information is not filed
20 within specified time schedules.

21 4. Audit adjustments. The commissioner may correct
22 errors revealed by audit in a school administrative unit
23 when compiling actual education costs.

24 §15505. Commissioner's recommendation for funding levels;
25 computation; guidelines

26 1. Annual certification. Prior to December 15th of
27 each year, the commissioner, with the approval of the state
28 board, shall certify to the Bureau of the Budget the funding
29 levels the commissioner recommends for section 15504, sub-
30 section 1, paragraphs A to L, and for the state's maximum
31 obligation under section 15511, subsection 3.

32 2. Funding level computations. The following are
33 funding level computations.

1 A. The requested funding levels of section 15504, sub-
2 section 1, paragraph C; paragraph D, subparagraph (1)
3 and paragraphs E and K; transportation operating costs
4 under paragraph F; and the insured value factor under
5 paragraph G shall be the actual costs for the base
6 year.

7 B. The requested funding levels of section 15504, sub-
8 section 1, paragraph D, subparagraphs (2) and (3),
9 shall be computed by estimating those costs in the year
10 of allocation of funds.

11 C. The requested funding level for the purchase of
12 buses under section 15504, subsection 1, paragraph F,
13 shall be the level of purchases approved by the commis-
14 sioner for the year prior to the year of allocation.

15 D. The requested funding level of principal and inter-
16 est payments under section 15504, subsection 1, para-
17 graph G, shall be computed by adding both known obli-
18 gations and the estimate of anticipated principal and
19 interest costs for the year of allocation of funds.

20 E. The requested funding level for leases under
21 section 15504, subsection 1, paragraph G, shall be the
22 level of leases approved by the commissioner for the
23 year prior to the year of allocation.

24 3. Estimate guidelines for elementary and secondary
25 operating costs. The recommendation for elementary and
26 secondary operating costs shall reflect the commissioner's
27 best estimate as to changes in pupil enrollment, economic
28 factors, adjustments based on actual changes in education
29 costs and any other considerations which effect a change in
30 the costs of education. The commissioner shall be ever con-
31 scious of the need for prudent restraint in educational
32 financing.

33 §15506. Governor's recommendation for funding levels

34 The Bureau of the Budget shall annually certify to the
35 Legislature the funding levels which the Governor recommends
36 for section 15504, subsection 1, paragraphs A to K and the
37 state's maximum obligation under section 15511, subsection
38 3. The Governor's recommendations shall be transmitted to
39 the Legislature within the time schedule set by Title 5,
40 section 1666.

41 §15507. Actions by the Legislature

1 The Legislature shall annually, prior to May 1st, enact
2 legislation which shall:

3 1. Basic elementary per pupil operating rate. Estab-
4 lish the basic elementary per pupil operating rate;

5 2. Basic secondary per pupil operating rate. Estab-
6 lish the basic secondary per pupil operation rate;

7 3. Basic education allocation. Establish the basic
8 education allocation;

9 4. Subsidy index. Establish a subsidy index for the
10 year of allocation;

11 5. Appropriation for basic educational allocation.
12 Appropriate the necessary funds for the state's share of the
13 basic educational allocation as defined in section 15503 and
14 computed in sections 15508 and 15509, subsections 1 and 3;

15 6. Appropriation for state share of local leeway.
16 Appropriate the necessary funds to meet the maximum state
17 obligation under section 15511, subsection 3;

18 7. Appropriation for unusual enrollment. Appropriate
19 the necessary funds for the contingent account for unusual
20 enrollment adjustments established by section 15509, subsec-
21 tion 4;

22 8. Appropriation for geographic isolation. Appropriate
23 the necessary funds for adjustments due to geographic
24 isolation as determined by section 15509, subsection 2;

25 9. Appropriation for small administrative units.
26 Appropriate the necessary funds for adjustments to small
27 school administrative units which qualify in accordance with
28 section 15509, subsection 8;

29 10. Appropriation for audit adjustments. Appropriate
30 the necessary funds for audit adjustments under section
31 15509, subsection 7;

32 11. Appropriation for private school student services.
33 Appropriate the necessary funds for reimbursement for pri-
34 vate school student services under section 15510, subsection
35 6; and

36 12. Appropriation for pupils placed directly by the
37 State for institutional residents. Appropriate the neces-
38 sary funds for:

1 A. Tuition and board for pupils placed directly by the
2 State in accordance with rules adopted or amended by
3 the commissioner; and

4 B. Special educational tuition and other tuition for
5 institutional residents of state-operated institutions
6 attending programs in school administrative units in
7 accordance with rules adopted or amended by the commis-
8 sioner.

9 §15508. Computation of the state-local allocation prior to
10 adjustments

11 The commissioner shall compute the state-local alloca-
12 tion for each school administrative unit prior to adjust-
13 ments under section 15509, as follows:

14 1. Elementary educational allocation. The elementary
15 educational allocation shall be determined by multiplying
16 the average number of resident elementary pupils in the unit
17 on April 1st and October 1st of the calendar year immedi-
18 ately prior to the year of allocation, excluding special
19 educational tuition pupils, by the basic elementary per
20 pupil operating rate, as established in section 15507.

21 2. Secondary educational allocation. The secondary
22 educational allocation shall be determined by multiplying
23 the average number of resident secondary pupils in the
24 school administrative unit on April 1st and October 1st of
25 the calendar year immediately prior to the year of alloca-
26 tion, excluding special educational tuition pupils, by the
27 basic secondary per pupil operating rate as established in
28 section 15507. Pupils enrolled in programs for school
29 dropouts and truants shall be counted in the manner provided
30 in section 5104 and pupils enrolled in adult educational
31 programs eligible for state subsidies shall be counted in
32 the manner provided in section 8605.

33 3. Basis of state-local allocation for special educa-
34 tion, vocational education, transportation and debt service;
35 legislative changes; transportation costs. The following
36 are provisions for the basis of state-local allocation for
37 special education, vocational education, transportation and
38 debt service, legislative changes and transportation costs.

39 A. A school administrative unit's state-local alloca-
40 tion for each of the items identified in subsections 4
41 to 7, except as otherwise specified, shall be 100% of
42 actual expenditures during the base year as is con-

1 tained in the commissioner's recommendation of educa-
2 tional costs.

3 B. If the Legislature increases or decreases the com-
4 missioner's recommendation for an item, the unit allo-
5 cation shall be increased or decreased by the same per-
6 centage.

7 C. If the Legislature appropriates for the transporta-
8 tion of pupils an amount which differs from the commis-
9 sioner's recommendation, the percentage of increase or
10 decrease in the amount shall apply only to the operat-
11 ing cost and not to the purchase of buses.

12 4. Special educational allocation; state wards. The
13 following provisions apply to special educational allocation
14 and state wards.

15 A. The special educational allocation shall be the
16 expenditures for special educational programs operated
17 or contracted for by the school administrative unit and
18 the expenditures for special educational tuition or
19 board, or both. Medical costs shall not be allowable
20 as a part of a tuition charge.

21 B. Special educational tuition and board for state
22 wards and other pupils placed directly by the State
23 shall be paid by the State in the year of allocation at
24 100% of the actual cost.

25 5. Vocational educational allocation; billing author-
26 ity; appeal to commissioner; payment of state subsidy. The
27 following provisions apply to vocational educational alloca-
28 tion, billing authority, appeals to commissioner and payment
29 of state subsidy.

30 A. The vocational educational allocation shall be the
31 expenditures for vocational educational programs
32 servicing the school administrative unit.

33 B. The vocational center or region may bill other
34 school administrative units as follows.

35 (1) A vocational center may bill its member units
36 for any legislatively approved reduction in voca-
37 tional educational subsidies in proportion to the
38 number of students served on October 1st and April
39 1st of the school year immediately prior to the
40 year of allocation. A vocational region may bill

1 vocational centers for students who are sent to
2 the region for vocational educational programs in
3 the same manner.

4 (2) If a bill is not paid within 30 days after
5 submission, the vocational center or region may
6 appeal to the commissioner under section 5810.

7 6. Transportation allocation; bus purchases. The fol-
8 lowing provisions apply to transportation allocation and bus
9 purchases.

10 A. The transportation allocation shall be the unit's
11 expenditures for transportation operating costs.

12 B. Reimbursement for expenditures for bus purchases
13 shall be limited to the total of expenditures for pur-
14 chases approved by the commissioner and made during the
15 year prior to the year of allocation.

16 7. Debt service allocation; reimbursement for major
17 capital projects; reimbursement for lease costs; vocational
18 region debt service. The following provisions apply to debt
19 service allocation, reimbursement for major capital
20 projects, reimbursement for lease costs and vocational
21 region debt service.

22 A. Debt service allocation shall be limited to lease
23 expenditures approved by the commissioner, insured
24 value factor expenditures and principal and interest
25 costs for major capital projects.

26 B. Principal interest costs for major capital projects
27 shall be reimbursed in the year of allocation.

28 C. Reimbursement for lease costs shall be limited to
29 total lease expenditures approved by the commissioner
30 and made during the year prior to the year of alloca-
31 tion.

32 D. State allocation for vocational region debt service
33 shall be computed as follows.

34 (1) A member school administrative units' pro-
35 rated share of the region's debt service payment
36 shall be determined by the region's cost-sharing
37 agreement and shall be included in the member
38 unit's state-local allocation.

1 (2) The reimbursement rate, as defined in section
2 15503, subsection 21, for a member school adminis-
3 trative unit shall be multiplied times the unit's
4 prorated share of the region's debt service pay-
5 ments to establish the state allocation for voca-
6 tional region debt service for that member unit.

7 (3) The sum of the member school administrative
8 units' state allocations for vocational region
9 debt service shall be the region's state alloca-
10 tion for debt service.

11 §15509. Adjustments included in state-local allocation

12 Adjustments to the state-local allocation shall be made
13 as allowed in subsections 1 to 8. A school administrative
14 unit may not be eligible for the adjustments identified in
15 subsections 2, 4, 5, 6 and 8 unless it has raised the maxi-
16 mum amount of its local allocation.

17 1. Equalizing adjustments; below and above average per
18 pupil operating costs. The following provisions apply to
19 equalizing adjustments, and below and above average per
20 pupil operating costs.

21 A. If a school administrative unit's average elemen-
22 tary or secondary per pupil operating cost in the base
23 year is less than the basic elementary or secondary per
24 pupil operating rate, the unit's per pupil state-local
25 allocation for elementary or secondary pupils respec-
26 tively shall be limited to an amount which equals:

27 (1) The unit's average elementary or secondary
28 per pupil operating costs for the base year; plus

29 (2) An amount equivalent to 1/3 of the difference
30 between:

31 (a) The unit's per pupil elementary or
32 secondary cost for the base year, as adjust-
33 ed; and

34 (b) The basic elementary or secondary per
35 pupil operating rate respectively.

36 B. If a school administrative unit's average elemen-
37 tary or secondary per pupil operating cost for the base
38 year is above the basic elementary or secondary per
39 pupil operating rate, the per pupil allocation for ele-

1 mentary or secondary pupils respectively shall be the
2 basic elementary or secondary per pupil operating rate.
3 If the 1973-74 expended local average elementary or
4 secondary per pupil operating cost exceeds the average
5 elementary or secondary per pupil operating rate, the
6 per pupil allocation for elementary or secondary pupils
7 shall be increased by 1/2 the lesser amount of the fol-
8 lowing differences:

9 (1) The difference between the basic elementary
10 or secondary per pupil operating rate and the
11 local average elementary or secondary per pupil
12 operating cost; or

13 (2) The difference between the basic elementary
14 and secondary per pupil operating rate and the
15 local average elementary or secondary per pupil
16 operating cost expended during the 1973-74 school
17 year.

18 2. Geographic isolation; determination; adjustment
19 limitation. The following provisions apply to geographic
20 isolation, determination and adjustment limitation.

21 A. The commissioner, with the approval of the state
22 board, shall determine geographic isolation if a school
23 administrative unit operates a school which is located
24 an unreasonably long distance from another school
25 facility or is situated in a location which has unique
26 problems in transporting students to another school
27 administrative unit.

28 B. If the school administrative unit is declared to be
29 geographically isolated, the commissioner shall adjust
30 the elementary and secondary per pupil allocation to
31 that unit to meet the educational needs of that unit.

32 C. The geographic isolation adjustment shall not
33 exceed the amounts expended by the school administra-
34 tive unit in the base year which were in excess of the
35 basic elementary and secondary per pupil operating
36 rates in the year of allocation.

37 3. Pupils on federal land; adjustment; limitation.
38 The following provisions apply to pupils on federal land,
39 adjustment and limitation.

40 A. A school administrative unit which enrolls eligible
41 pupils under the United States Laws of September 30,

1 1950, Chapter 1124, United States Code, Section 236, et
2 seq., Public Law 81-874, shall count those pupils as
3 resident pupils for purposes of this chapter.

4 B. The state-local allocation to that school adminis-
5 trative unit shall be adjusted by subtracting the
6 receipts under the United States Laws of September 30,
7 1950, Chapter 1124, United States Code, Section 236, et
8 seq., Public Law 81-874, in the same proportion that
9 total local revenues under the state equalization pro-
10 gram are to total local revenues for education in that
11 unit.

12 C. The amount subtracted under paragraph B may not
13 exceed 90% of the school administrative unit's
14 entitlement for the year prior to the year of alloca-
15 tion or the base year, whichever is less. In adjusting
16 the allocation, the amounts subtracted for pupils
17 residing on land under control of the Federal Govern-
18 ment or a federal agency, or on a federal military
19 reservation shall not exceed 1/2 of the national aver-
20 age expenditure per pupil, as computed by the Federal
21 Government, multiplied by the number of the students in
22 the school administrative unit.

23 4. Unusual enrollment, computation of adjustment; pro-
24 ration; local authorization; contingent account. The fol-
25 lowing provisions apply to unusual enrollment, computation
26 of adjustment, proration, local authorization and contingent
27 accounts.

28 A. A school administrative unit may qualify for an
29 unusual enrollment adjustment to the state and local
30 allocation when the increase in pupils between October
31 1st of the year of allocation of funds and October 1st
32 of the year prior to the year of allocation of funds is
33 3% or more. The number of pupils in excess of a 3%
34 increase shall be multiplied by the appropriate per
35 pupil rate as established in this section to determine
36 the allowable adjustment.

37 B. All school administrative units shall be prorated
38 if necessary to remain within the sum appropriated for
39 that adjustment.

40 C. A school administrative unit may expend any funds
41 received through this adjustment without calling for a
42 special meeting of the local legislative body.

1 5. Decrease in enrollment; guaranteed allocation. A
2 school administrative unit which experiences a decrease in
3 enrollment in either elementary or secondary educational
4 programs of 33% or greater between April 1st of the base
5 year and October 1st of the year prior to the year of allo-
6 cation shall have its state-local allocation based on the
7 basic elementary or secondary per pupil operating rate.

8 6. Special educational adjustment; guidelines; limits;
9 local authorization. The following provisions apply to special
10 educational adjustment, guidelines, limits and location
11 authorization.

12 A. If a school administrative unit petitions the com-
13 missioner and demonstrates that the unexpected costs of
14 placement for educational purposes of a student in a
15 special educational program will cause a budgetary
16 hardship, the commissioner may adjust the unit's allo-
17 cation to include an amount not to exceed the educa-
18 tional cost of the placement under rules adopted or
19 amended by the commissioner.

20 B. The funds for the adjustment shall be limited to
21 the amount appropriated by the Legislature for that
22 purpose.

23 C. School boards may expend the funds allocated with-
24 out seeking approval from their legislative bodies.

25 7. Audit adjustments; limits. The following provi-
26 sions apply to audit adjustments and limits.

27 A. If errors are revealed by audit and corrected by
28 the commissioner under section 15504, subsection 4, the
29 school administrative unit's state-local allocation
30 shall be adjusted to include corrections.

31 B. The funds for these adjustments shall be limited to
32 the amount appropriated by the Legislature under
33 section 15507, subsection 10.

34 8. Small unit subsidy adjustments; legislative intent.
35 A school administrative unit may qualify for one of the fol-
36 lowing small unit subsidy adjustments.

37 A. If a school administrative unit is operating an
38 elementary school with 25 pupils or less in kindergar-
39 ten through grade 8 during the school year immediately
40 prior to the year of allocation, it shall receive a

1 minimum allocation for operating costs equal to 5/3 of
2 the state average elementary teachers' salary in the
3 school year immediately prior to the year of allocation
4 as determined by the commissioner.

5 B. If a school administrative unit is not operating an
6 elementary school or a secondary school and has 25
7 pupils or less in kindergarten through grade 8 during
8 the school year immediately prior to the year of allo-
9 cation, it shall receive a minimum allocation computed
10 by multiplying the elementary or secondary pupil
11 enrollment on October 1st in the year of allocation by
12 the state average elementary or secondary adjusted per
13 pupil operating rate or the actual cost of tuition pay-
14 ment in the year of allocation, whichever is less.

15 C. The small unit subsidy adjustment shall guarantee a
16 minimum subsidy payment for operating costs to those
17 school administrative units which qualify and it shall
18 be made only after the adjustments in subsections 1 to
19 7 have been made.

20 §15510. Schedules of payment of state allocation; appeals;
21 limitation of use

22 1. Schedules of payment of state allocation. The com-
23 missioner shall authorize state allocation payments to the
24 school administrative units to be made in accordance with
25 time schedules set forth in section 15005, sections 15901 to
26 15910 and Title 20, sections 3457 to 3460.

27 2. Notification of allocation; commissioner's duty;
28 superintendent's duty. The following provisions apply to
29 notification of allocation, commissioner's duty and
30 superintendent's duty.

31 A. The commissioner shall annually prior to May 21st
32 notify each school board of the amount allocated to the
33 school administrative unit.

34 B. Each superintendent shall report to the municipal
35 officers whenever the school administrative unit is
36 notified of the allocation or a change is made in the
37 allocation resulting from a December or June adjust-
38 ment.

39 3. Payments of state allocation to unit's treasurer;
40 basis. State allocation payments shall be made directly to
41 the treasurer of each school administrative unit. They

1 shall be based on audited financial reports submitted by
2 school administrative units.

3 4. Computation of state allocation payments to commu-
4 nity school districts. If a community school district is
5 organized to educate some, but not all, of the grades from
6 kindergarten through grade 12, the commissioner shall com-
7 pute state allocation payments for the member municipalities
8 as follows:

9 A. Compute the average number of resident pupils in
10 the municipality on April 1st and October 1st of the
11 calendar year prior to the year of allocation;

12 B. Compute the average number of resident pupils
13 during this period who were not educated by the commu-
14 nity school district;

15 C. Multiply the ratio of paragraph B divided by para-
16 graph A times the state valuation for the municipality
17 as determined by the State Tax Assessor. The result
18 shall be the part of the member municipality's valua-
19 tion which the department shall use to compute state
20 aid for the municipality; and

21 D. The sum of the remaining valuation of each member
22 municipality shall be the total state valuation which
23 the department shall use to compute state aid for the
24 community school district.

25 5. State allocation payments to vocational regions.
26 State allocations for debt service on bonds issued by the
27 cooperative boards of vocational regions shall be paid
28 directly to the treasurers of the boards, notwithstanding
29 any other statute.

30 6. Nonpublic school service reimbursements. The fol-
31 lowing provisions apply to nonpublic school service reim-
32 bursements.

33 A. Notwithstanding any other provision of this chap-
34 ter, if students attend nonpublic schools that are not
35 operated for profit in whole or in part, the commis-
36 sioner shall reimburse 50% of the expenditures of the
37 base year for providing services to these nonpublic
38 school students as authorized by Title 30, section
39 5104, subsections 5 to 8. Municipal officers shall
40 report these expenditures to the commissioner on forms
41 provided by him.

1 B. The total amount reimbursed under this section
2 shall not exceed the level of funds appropriated for
3 this item under section 15507, subsection 11.

4 C. Municipal officers shall submit documentation dem-
5 onstrating the amount of money appropriated for nonpub-
6 lic school student services for the base year.

7 D. The commissioner may adopt or amend rules to assure
8 that:

9 (1) All sums reimbursed were utilized and actual-
10 ly expended for programs authorized pursuant to
11 Title 30, section 5104, subsections 5 to 8;

12 (2) No municipality receives reimbursement for a
13 student who attends school at public expense; and

14 (3) All services provided to nonpublic school
15 students that require professional personnel are
16 provided by public employees.

17 7. Direct special educational payments. The commis-
18 sioner may make tuition and board payments directly to pri-
19 vate special educational boarding schools which receive
20 state wards or other pupils placed directly by the State.

21 8. Education of institutional residents. The commis-
22 sioner may pay tuition to to school administrative units for
23 institutional residents within the limits of the appropria-
24 tion made under section 15507, subsection 12.

25 9. Appeals. A school board may appeal the computation
26 of state allocation for the school administrative unit to
27 the state board in writing within 30 days of the date of
28 notification of the computed amount. The state board shall
29 review the appeal and make an adjustment if, in its judg-
30 ment, an adjustment is justified. The state board's deci-
31 sion shall be final as to facts supported by the record of
32 the appeal.

33 10. School purpose expense requirement. Notwithstand-
34 ing any other public or private statute, money allocated for
35 school purposes shall be expended only for school purposes.

36 11. Balance of allocations. Notwithstanding any other
37 public or private statute, balances of allocations at the
38 end of a school administrative unit's fiscal year shall be
39 carried forward to meet the next year's school needs.

1 §15511. Local allocation and appropriations

2 1. Local allocation computation; recorded vote; limit.
3 The following provisions apply to local allocation computa-
4 tion, recorded vote and limitation.

5 A. The commissioner shall compute the local allocation
6 using the subsidy index established under section
7 15507, subsection 4, and the state valuation of the
8 municipalities within each school administrative unit.

9 B. The legislative body of each school administrative
10 unit may vote to raise and appropriate an amount up to
11 the local allocation. This action shall be taken by a
12 recorded vote.

13 C. The commissioner's computation of the local alloca-
14 tion for each school administrative unit shall not
15 exceed the state-local allocation as adjusted by
16 section 15509 for that unit.

17 (1) Beginning July 1, 1981, the commissioner's
18 computation of the local allocation for each sin-
19 gle school administrative unit or for each member
20 municipality within a school administrative dis-
21 trict or community school district shall not
22 exceed the state-local allocation.

23 (2) The member municipality's share of a dis-
24 trict's state-local allocation shall, for the pur-
25 pose of this paragraph, be determined on the basis
26 of the average number of resident pupils in the
27 calendar year prior to the year of allocation.

28 D. The provisions of subsection 2 shall not apply to a
29 school administrative unit whose local allocation is
30 equal to or greater than its state-local allocation,
31 but that unit shall report to the commissioner the
32 amount of the appropriation for the state-local alloca-
33 tion.

34 2. Local appropriation of state-local allocation. An
35 article in substantially the following form shall be used
36 when a school administrative unit is considering the appro-
37 priation of the state-local allocation:

38 "Article : To see what sum the municipali-
39 ties/district will appropriate from the state-local
40 allocation for school purposes (Recommended \$) and

1 to see what sum the municipality/district will raise as
2 the local share (Recommended \$)."

3 3. Local leeway. The following provisions apply to
4 local leeway.

5 A. The legislative body of a school administrative
6 unit may, in addition to that unit's state-local allo-
7 cation, authorize an additional expenditure for elemen-
8 tary or secondary pupils, or both, not to exceed a
9 local appropriation for each municipality of 1.2 mills
10 on the state valuation in effect on July 1st or \$125
11 per pupil, whichever is less, for the 1980-81 year of
12 distribution. A school administrative unit may not
13 participate in local leeway unless it has raised the
14 minimum amount of its local allocation, as computed by
15 the commissioner under subsection 1, paragraph A, or as
16 provided under subsection 1, paragraph D.

17 B. A school administrative unit may appropriate local
18 leeway funds no later than 90 days following the final
19 adoption of the school budget. A school administrative
20 unit may file a request for a waiver of this require-
21 ment with the state board. If a school administrative
22 unit demonstrates to the satisfaction of the state
23 board that unusual circumstances require additional
24 local leeway appropriations to avoid serious educa-
25 tional hardship in that unit, the state board may grant
26 that unit a waiver and authorize these additional
27 appropriations.

28 C. The local appropriations shall be divided equally
29 over a 12-month period.

30 D. The funds appropriated under this subsection shall
31 be called "local leeway."

32 (1) The purpose of local leeway appropriations
33 shall be to provide that all school administrative
34 units may raise and appropriate at least the
35 amount per pupil established at the computed mill
36 rate for that year to supplement the adjusted
37 allocation when necessary in the judgment of the
38 unit.

39 (2) The amount appropriated by the Legislature
40 under section 15507, subsection 6, shall be the
41 maximum state obligation under this subsection.

1 E. A school administrative unit may establish an "ac-
2 counts receivable" in anticipation of state aid under
3 this subsection when the fiscal year closes on June
4 30th.

5 F. If the local leeway authorization by a school
6 administrative unit exceeds the maximum levy for a
7 municipality within that unit, the commissioner shall
8 add to allocation of the unit for its fiscal year a sum
9 which equals the excess over the maximum levy of the
10 municipality within the unit.

11 G. If the local leeway appropriation fails to produce
12 the amount per pupil established at the computed mill
13 rate for that year under this subsection, the commis-
14 sioner shall add to the allocation of the school admin-
15 istrative unit for its fiscal year a sum which, when
16 combined with the local leeway appropriation, shall
17 equal the amount per pupil established at the computed
18 mill rate for that year. This sum shall be paid annu-
19 ally to the unit no later than December 31st for the
20 previous 12-month period.

21 H. If a school administrative unit raises less than
22 the local leeway maximum, the levy on a municipality
23 within the school administrative unit shall be in the
24 same proportion as the municipality's share is to the
25 total when the maximum amount allowed is raised.

26 I. If a school administrative unit raises less than
27 the local leeway maximum, the State shall pay its share
28 in the same proportion to the maximum state share that
29 the amount raised locally is to the maximum local
30 share.

31 J. An article in substantially the following form
32 shall be used when a municipality, school administra-
33 tive district or community school district is consider-
34 ing the appropriation of local leeway funds:

35 "Article : To see what sum the municipality or
36 district shall appropriate from local leeway for
37 school purposes (Recommended total \$, local
38 share \$, state share \$), and to see if the
39 municipality or district shall raise the local
40 share of \$."

41 K. The provisions of paragraph I shall not apply to a
42 school administrative unit whose local allocation is

1 equal to or greater than its state-local allocation.
2 That unit shall report to the commissioner the amount
3 of the appropriation for local leeway.

4 §15512. Local funds without state participation

5 1. Authorization. A school administrative unit may
6 raise and expend funds for educational purposes in addition
7 to the funds available under section 15508 to 15511.

8 2. Calculation of operating costs. For the purposes
9 of this chapter, moneys raised under subsection 1 shall be
10 included in any future calculation of the school administra-
11 tive unit's elementary and secondary per pupil operating
12 costs, but shall not be included in any future calculations
13 of the state average or total operating costs.

14 3. Administrative costs for units with no pupils. If
15 a school administrative unit is required to pay administra-
16 tive costs and has no allocation of state and local funds,
17 that unit may raise and expend funds for administrative
18 costs.

19 §15513. Municipal assessment paid to district

20 1. Presentation of assessment schedule. The assess-
21 ment schedule based on the budget approved at a community
22 school district of school administrative district budget
23 meeting shall be presented to the treasurer of each municipi-
24 ality which is a member of the district.

25 The assessment schedule shall include each member
26 municipality's share of the district's local allocation,
27 local leeway and local appropriation without state parti-
28 cipation.

29 2. Municipal treasurer's payment schedule. The treas-
30 urer of the member municipality, after being presented with
31 the assessment schedule, shall forward 1/12 of that member
32 municipality's share to the treasurer of the district on or
33 before the 20th day of each month of the fiscal year begin-
34 ning in July.

35 §15514. Special school districts

36 1. School administrative unit. For the purposes of
37 section 15517 and Title 20, sections 3457 to 3460, a special
38 school district shall be deemed to be a school administra-
39 tive unit.

1 2. Debt service. Debt service on bonds or notes
2 issued by a special school district shall be included in the
3 school budget of the school administrative unit which oper-
4 ates the schools constructed by that district. The school
5 board for the school administrative unit which operates the
6 special district's schools shall pay to the special school
7 district all sums necessary to meet the payments of prin-
8 cipal and interest on bonds or notes when due and to cover
9 maintenance or other costs for which the special school dis-
10 trict is responsible.

11 §15515. School budget; budget formats

12 1. Content. A school administrative unit shall
13 include in its school budget document:

14 A. Its state-local allocation, its local leeway and
15 any additional expenditures authorized by statute; and

16 B. A summary of anticipated revenues and estimated
17 school expenditures for the fiscal year.

18 2. Budget deadlines. The following time limitations
19 shall apply to adoption of a budget.

20 A. At least 7 days before the initial meeting of the
21 legislative body responsible for adopting a budget, a
22 detailed budget document shall be available to that
23 legislative body and to any person residing within the
24 geographic area served by the school administrative
25 unit.

26 B. Notwithstanding a provision of statute or charter
27 to the contrary, school administrative units may adopt
28 an annual budget prior to June 30th, except that the
29 school budgets for vocational regions shall be adopted
30 on or before August 1st.

31 3. Budget format. The following provisions shall
32 apply to a budget format.

33 A. Except as provided in subsection 4, the budget for-
34 mat shall be that prescribed by a majority of the
35 school board until an article prescribing the school
36 budget format is approved by a majority of voters in an
37 election in which the total vote is at least 20% of the
38 number of votes cast in the municipality in the last
39 gubernatorial election, or 200, whichever is less.

1 B. The format of the school budget may be determined
2 in accordance with section 1306.

3 C. It is the intent of the Legislature that a school
4 board shall attempt to obtain public participation in
5 the development of the school budget.

6 4. Budget format; town or city charter. In a municipi-
7 ality where the responsibility for final adoption of the
8 school budget is vested by municipal charter in a council,
9 the school budget format may be changed through amendment of
10 the charter under the home rule procedures of Title 30, sec-
11 tions 1911 to 1920, except that the amendment shall be
12 approved by a majority of voters in an election in which the
13 total vote is at least 20% of the number of votes cast in
14 the municipality in the last gubernatorial election.

15 5. Budget format; town meeting. When the final budget
16 authority is vesting in a town meeting operating under the
17 general enabling procedures of Title 30, the format of the
18 school budget may be determined by the town meeting or under
19 the procedures of Title 30, section 2053 or 2061.

20 6. Budget format; community school district. The fol-
21 lowing provisions shall apply to the budget format of a com-
22 munity school district.

23 A. An article containing the district's proposed bud-
24 get format shall be placed on the next warrant issued
25 or ballot printed if:

26 (1) A majority of the district school committee
27 votes to place it on the warrant or ballot; or

28 (2) A written petition of at least 10% of the
29 number of voters voting in the last gubernatorial
30 election in each municipality within the community
31 school district requests it to be on the warrant
32 or ballot.

33 B. The article containing the budget format may be
34 voted on by secret ballot at an election conducted in
35 accordance with Title 30, sections 2061 to 2065.

36 C. The district school committee shall:

37 (1) Issue a warrant specifying that the municipal
38 officers of the municipalities within the commu-
39 nity school district to place the budget format
40 article on the secret ballot; and

1 (2) Prepare and furnish the required number of
2 ballots for carrying out the election, including
3 absentee ballots.

4 7. Budget format; articles. The articles prescribed
5 in this chapter shall be included in the budget format and
6 voted on in the adoption of the budget in order to determine
7 state and local cost sharing.

8 8. Change in budget format. Any change in the budget
9 format shall be voted on at least 90 days prior to the bud-
10 get year for which that change is to be effective.

11 §15516. Actions on budget

12 The following provisions shall apply to approving a
13 budget.

14 1. Checklist required. Prior to the articles dealing
15 with school appropriations being voted on, the moderator of
16 a regular or special school budget meeting shall require the
17 clerk or secretary to make a checklist of the registered
18 voters present. The number of voters listed on the check-
19 list shall be conclusive evidence of the number present at
20 the meeting.

21 2. Reconsideration. Notwithstanding another statute
22 to the contrary, in school administrative units where the
23 school budget is finally approved by the voters, a special
24 budget meeting to reconsider action taken on the budget may
25 only be called as follows.

26 A. It shall be held within 30 days of the regular bud-
27 get meeting.

28 B. In a school administrative district or community
29 school district, it shall be called by the school
30 board, or as follows:

31 (1) At least 10% of the number of voters voting
32 in the last gubernatorial election in member
33 municipalities of the school administrative unit,
34 or 100 voters, whichever is less, shall present a
35 signed petition within 15 days of the regular bud-
36 get meeting to the school board, specifying the
37 article or articles to be reconsidered; and

38 (2) On receiving the petition, the school board
39 shall call the special reconsideration budget

1 meeting to be held within 15 days of the date the
2 petition was received.

3 C. In a municipality the meeting shall be called by
4 the municipal officers:

5 (1) Within 15 days after receipt of a request
6 from the school board, if the request is received
7 within 15 days of the budget meeting and it speci-
8 fies the article or articles to be reconsidered;
9 or

10 (2) Within 15 days after receipt of a petition
11 presented in accordance with Title 30, section
12 2065, if the petition is received within 15 days
13 of the budget meeting and it specifies the article
14 or articles to be reconsidered.

15 3. Invalidation of action of a special reconsideration
16 budget meeting. If a special budget meeting is called to
17 reconsider action taken at a regular budget meeting, the ac-
18 tions of the meeting shall be invalid if the number of
19 voters at the special budget meeting is less than the number
20 of voters present at the regular budget meeting.

21 4. Line item transfers. Meetings requested by a
22 school board for the purpose of transferring funds from one
23 category or line item to another shall be posted for voter
24 or council action within 15 days of the date of the request.

25 §15517. Bonds; notes; other

26 All bonds, notes or other evidences of indebtedness
27 issued for school purposes by a school administrative unit,
28 as defined in section 15001, for major capital expenses or
29 for current operating expenses, including tax or other reve-
30 nue anticipation notes, shall be general obligations of the
31 unit.

32 1. Tax assessments. The municipal officers or school
33 board shall require the sums which may be necessary to meet
34 in full the principal of and interest on these bonds, notes
35 or other evidences of indebtedness payable in each year to
36 be assessed and collected in the manner provided by law for
37 the assessment and collection of taxes.

38 2. Reduction. The sums to be assessed and collected
39 shall be reduced by the amount of an allocation of funds

1 appropriated by the Legislature to pay the principal and
2 interest owed by the unit in a given year as certified to
3 the school administrative unit by the commissioner. The
4 commissioner shall certify the amount due to the unit within
5 30 days of its appropriation by the Legislature.

6 3. Collection. After assessment and reduction, the
7 remaining sum shall be payable from ad valorem taxes which
8 may be levied without limit as to rate or amount upon all
9 the taxable property within the unit.

10 §15518. Compliance with federal and state laws and regula-
11 tions

12 1. Commissioner's duty. The commissioner shall assure
13 that federal or state funds distributed to a school adminis-
14 trative unit are spent in compliance with:

15 A. Provisions of federal laws and regulations, United
16 States Code, Title 31, Section 1242, as amended, and
17 the Code of Federal Regulations, Title 31, Part 51,
18 subpart 8, chapter 1, revenue sharing;

19 B. Title 9 of the Education Amendments of 1972, 20
20 United States Code, Section 1681 et seq., and the Code
21 of Federal Regulations, Title 45, Part 86;

22 C. Title 6 of the United States Civil Rights Act of
23 1964, Title 42 of the United States Code 2000d and the
24 Code of Federal Regulations, Title 45, Part 5;

25 D. Title 5, chapter 337, Human Rights Act and the
26 rules adopted or amended under Title 5, sections 4551
27 to 4632; and

28 E. Title 5, section 781 to 790, Code of Fair Practices
29 and Affirmative Action.

30 2. Assistance. On request of the commissioner, the
31 Human Rights Commission and the Department of the Attorney
32 General shall assist the department in meeting its obli-
33 gation to respond to complaints raised under this section.

34 CHAPTER 607

35 MAINE SCHOOL BUILDING AUTHORITY

36 §15701. Short title

1 This chapter may be know and may be cited as the "Maine
2 School Building Authority Act."

3 §15702. Purpose

4 The purpose of the "Maine School Building Authority,"
5 shall be to promote the diffusion of the advantages of edu-
6 cation, which is essential to the preservation of the rights
7 and liberties of the people, and to aid in the provision of
8 public school buildings in the State.

9 §15703. Definitions

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

12 1. Authority. "Authority" means the Maine School
13 Building Authority.

14 2. Cost. "Cost" as applied to a project includes:

15 A. The cost of construction or acquisition;

16 B. The cost of the acquisition of land, rights-of-way,
17 property rights, easements and interests acquired by
18 the authority for the construction or acquisition;

19 C. The cost of demolition or removing buildings or
20 structures on acquired lands , including the cost of
21 acquiring lands to which the buildings or structures
22 may be moved;

23 D. The cost of furnishings and equipment, financing
24 charges, insurance, interest prior to and during con-
25 struction and for up to one year after completion of
26 construction;

27 E. The cost of architectural and legal expenses,
28 plans, specifications, estimates of cost, administra-
29 tive expense and other expenses necessary or incidental
30 to the construction or acquisition;

31 F. The financing of the construction or acquisition
32 and the placing of the project in operation; or

33 G. Any other obligation or expense incurred in connec-
34 tion with the construction or acquisition of a project.

1 3. Project or school construction project. "Project"
2 or "school construction project" means a public school
3 building or an extension or enlargement of a building,
4 including land, furniture and equipment for use as a public
5 school, together with the property rights, easements and
6 interests which may be acquired by the authority for the
7 construction or the operation of that building.

8 4. School building. "School building" means, but
9 shall not be limited to, a structure used or useful for
10 schools and playgrounds, including facilities for physical
11 education.

12 §15704. Organization

13 1. Establishment. The Maine School Building Authority
14 shall be a public instrumentality of the State. The exer-
15 cise by the authority of the powers conferred by this chap-
16 ter shall be the performance of essential governmental func-
17 tions.

18 2. Membership. The authority shall consist of:

19 A. Nine members of the state board;

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

22 C. The commissioner.

23 3. Administration. The commissioner shall be chairman
24 of the authority. The authority shall elect one of its mem-
25 bers as a vice-chairman, and shall also elect a secretary
26 and treasurer who need not be a member of the authority, to
27 serve at the pleasure of the authority. The secretary and
28 treasurer shall be bonded as the authority directs.

29 4. Quorum. Six members of the authority shall consti-
30 tute a quorum and the affirmative vote of 5 members shall be
31 necessary for an action. A vacancy in the membership may
32 not impair the right of the quorum to exercise all rights
33 and perform all duties of the authority.

34 5. Expenses. Members of the authority shall be reim-
35 bursed for their actual expenses necessarily incurred in the
36 performance of their duties.

37 §15705. Powers

1 The authority may:

2 1. Bylaws. Adopt bylaws for the regulation of its
3 affairs and the conduct of its business;

4 2. Seal. Adopt or alter an official seal;

5 3. Office. Maintain an office;

6 4. Sue and be sued. Sue and be sued in its own name.
7 Civil actions against the authority shall be brought only in
8 the county in which the principal office of the authority
9 shall be located;

10 5. Construct, repair or alter school projects. Con-
11 struct or acquire, extend, enlarge, repair or improve school
12 projects, if:

13 A. The board of directors of a school administrative
14 district has certified the need for the facilities to
15 the authority;

16 B. The school board of a municipal school administra-
17 tive unit has certified the need for the facilities to
18 the municipal officers of the unit, together with their
19 recommendations for school construction and these
20 recommendations have been approved by the municipal
21 officers and state board; or

22 C. The district school committee of a community school
23 district has certified the need for these facilities to
24 the board of trustees of the community school district,
25 together with the recommendations for school construc-
26 tion and these recommendations have been approved by
27 the district board of trustees and the state board;

28 6. Revenue bonds. Issue revenue bonds of the author-
29 ity for its corporate purposes, payable, except as provided
30 in this chapter, solely from the rentals and revenues
31 pledged for their payment; and to:

32 A. Refund its bonds; and

33 B. Secure a bond issued by a trust agreement by and
34 between the authority and a corporate trustee. A
35 trustee may be a trust company or bank having the
36 powers of a trust company within or without the State;

- 1 7. Temporary loans. Make temporary loans to finance
2 individual projects until the authority issues revenue
3 bonds;
- 4 8. Rentals and charges. Fix, alter, charge and col-
5 lect rentals and other charges at reasonable rates for the
6 use of school projects. These rates shall be determined by
7 the authority to fund:
- 8 A. The expenses of the authority;
- 9 B. The improvement, repair and maintenance of these
10 projects;
- 11 C. The payment of the principal of and the interest on
12 its revenue bonds; and
- 13 D. To fulfill the terms and provisions of agreements
14 made with the purchasers or holders of these bonds;
- 15 9. Acquire and dispose of property. Acquire, hold and
16 dispose of real and personal property;
- 17 10. Acquire land; eminent domain. Acquire in the name
18 of the authority, by purchase or otherwise, on the terms and
19 conditions and in the manner it deems proper, or by the
20 exercise of the power of eminent domain, land or property
21 rights. Using eminent domain, the authority may not take
22 more than 25 acres for one project. In using eminent
23 domain, the authority shall be governed by Title 35, chapter
24 263;
- 25 11. Contracts, leases and agreements. Make and enter
26 into contracts, leases and agreements necessary or inci-
27 dental to the performance of its duties;
- 28 12. Utilize services of other departments. Utilize
29 the services of agencies and departments of the State when-
30 ever feasible;
- 31 13. Employees. Employ other persons and agents, and
32 fix their compensation;
- 33 14. Supplement lease agreements. As funds are appro-
34 priated, make a grant to a school administrative unit if the
35 borrowing capacity of the unit, the lease or rental policies
36 of the authority, and other available funds are not suffi-
37 cient to finance the minimum classroom facilities needed.

1 A. The authority shall adopt or amend rules to deter-
2 mine eligibility for these grants. The authority's
3 determination of eligibility shall become final on
4 approval of the Governor.

5 B. The grant of state-appropriated funds shall be con-
6 sidered as matching funds for a federal law requiring
7 matching funds for school construction assistance.

8 C. The authority may make an additional grant to units
9 extending school opportunities to children living in
10 unorganized territories by adding to the grant the per-
11 centage determined by dividing the number of pupils
12 enrolled in the unit from unorganized territories on
13 the preceding April 1st by the total unit enrollment
14 reported in the latest annual report required under
15 section 6004.

16 D. It is the intent of the Legislature that grants
17 under this subsection shall be made only as supplemen-
18 tary financial aid to those units which cannot finance
19 minimum needed classroom facilities within the maximum
20 loan limit policy of the authority. Grants may not be
21 considered as a precedent for granting general major or
22 minor capital cost funds for school construction; and

23 15. Other acts. Do all acts necessary or convenient
24 to carry out the powers expressly granted in this chapter.

25 §15706. Contracts

26 1. Authorization. The authority may authorize a
27 school administrative unit to design and construct a
28 project, and to acquire the necessary land, furnishings and
29 equipment for it. This authorization shall be subject to
30 the supervision and approval of the authority.

31 A. A school administrative unit may convey to the
32 authority property rights, easements and other inter-
33 ests, which may be necessary or convenient for the con-
34 struction and operation of the project on terms agreed
35 on between the authority and the unit.

36 B. A school administrative unit, notwithstanding the
37 prior creation of a special school district coterminous
38 with that unit, may contract with the authority for the
39 lease or use of a project for a period and for consid-
40 eration and on terms and conditions as agreed on
41 between the unit and the authority. Rentals or other

1 charges provided by these contracts to be paid for the
2 lease or use of a project shall be current operating
3 expenses of the unit, but shall be excluded in the com-
4 putation for state school subsidy.

5 2. Approval. A contract, lease or agreement between a
6 school administrative unit and the authority may not be
7 valid unless first approved by the vote of a majority of:

8 A. The residents of a municipality voting on this
9 question;

10 B. In a community school district, the residents of
11 each municipality within the district; or

12 C. The residents of a school administrative district
13 in the manner provided in sections 1351 to 1354.

14 3. Delinquency. If a school administrative unit is
15 delinquent in its payments to the authority, the department
16 shall make payment to the authority in lieu of the unit from
17 amounts properly payable to that unit by the department.
18 This payment shall not exceed the amount then presently due
19 to the authority from the unit. If the amounts properly
20 payable to a community school district are less than the
21 amount then presently due to the authority, the department
22 shall pay the balance to the authority from the amounts
23 properly payable to the participating municipalities in the
24 district. The amount withheld from each of the municipali-
25 ties shall be proportional to the balance of that
26 municipality's state valuation divided by the total state
27 valuation of all of the municipalities within the district.

28 4. Delays. Notwithstanding any other law, a delay in
29 the actual completion of a project beyond the date as esti-
30 mated by the authority, or any damage to or destruction of
31 the whole or a portion of the project may not operate to
32 relieve the school administrative unit of its obligation to
33 pay the rentals and other charges as provided in the con-
34 tract, lease or agreement.

35 5. Confirmed agreements. A contract, lease or agree-
36 ment entered into in accordance with this section shall be
37 ratified and confirmed.

38 §15707. Revenue bonds

39 The authority may provide by resolution for the issu-
40 ance of revenue bonds. These bonds may not exceed
41 \$25,000,000 outstanding at any one time.

1 1. Payment of principal and interest. Except as pro-
2 vided in this chapter, the principal and interest on those
3 bonds shall be payable solely from the funds provided for
4 this payment.

5 2. Dates; redemption. The bonds of each issue:

6 A. Shall be dated;

7 B. Shall bear interest at rates determined by the
8 authority;

9 C. Shall mature at a date not to exceed 40 years from
10 their date of issue; and

11 D. May be made redeemable before maturity, at the
12 option of the authority, at a price and under terms
13 established by the authority prior to their issuance.

14 3. Form. The authority shall determine the form of
15 the bonds, including interest coupons to be attached, the
16 denomination of the bonds and the places of payment of prin-
17 cipal and interest. The authority may designate a bank or
18 trust company within or without the State for these pay-
19 ments. The bonds and attached coupons shall be signed by
20 the chairman of the authority or shall bear his facsimile
21 signature. The official seal of the authority shall be
22 impressed on the bonds and attested by the secretary and
23 treasurer. If any officer whose signature or a facsimile of
24 whose signature appears on bonds or coupons shall cease to
25 be an officer before the delivery of the bonds, the signa-
26 ture or facsimile shall nevertheless be valid and sufficient
27 for all purposes.

28 4. Bonds as negotiable instruments. The authority's
29 bonds shall have all the qualities and incidents of nego-
30 tiable instruments under Title 11, sections 1-101 to 10-108.
31 Bonds may be issued in coupon or in registered form, or
32 both. Provision may be made for the registration of coupon
33 bonds as to principal or as to both principal and interest,
34 and for the reconversion into coupon bonds or bonds regis-
35 tered as to both principal and interest.

36 5. Bond sales. The authority may sell bonds either at
37 public or at private sale. It may determine the sale price
38 of bonds.

39 6. Proceeds of bonds. The proceeds of the bonds shall
40 be used solely for the payment of the cost of projects.

1 A. The authority shall determine the manner of dis-
2 bursement of the proceeds. The authority may restrict
3 the disbursement by authorizing resolution or by trust
4 agreement securing the issuance of the bonds.

5 B. The authority may, under similar restrictions,
6 issue interim receipts, notes or temporary bonds prior
7 to the preparation of definitive bonds with or without
8 coupons. These interim notes may be exchangeable or
9 definitive bonds when these bonds are available for
10 delivery.

11 C. The authority may provide for the replacement of
12 bonds which become mutilated, destroyed or lost.

13 D. Bonds may be issued without obtaining the consent
14 of any agency of the State, and without any other pro-
15 ceedings or conditions, except as specifically required
16 by this chapter.

17 §15708. State credit

18 Except as provided in this section, issued revenue
19 bonds may not be deemed to constitute a debt or pledge of
20 credit of the State. The bonds shall be payable solely from
21 the funds provided for payment, and a statement to that
22 effect shall be placed on the face of the bonds.

23 1. Exceptions. The authority, acting on behalf of the
24 State, may insure the payment of its revenue bonds. To this
25 end, the faith and credit of the State shall be pledged,
26 consistent with the terms and limitations of the Constitu-
27 tion of Maine, Article IX, Section 14-C. The authority
28 shall, in the resolution authorizing the issuance of these
29 revenue bonds, provide that the payment of these revenue
30 bonds shall be insured by the State. On the adoption of the
31 resolution, the payment of these revenue bonds shall be
32 deemed to have been insured by the State and the faith and
33 credit of the State to have been pledged to that payment.
34 The insurance shall take effect without obtaining the con-
35 sent of any agency of the State, and without any other pro-
36 ceedings or conditions except as specifically required by
37 this chapter.

38 2. State payments. If moneys are required to pay the
39 revenue bonds so insured, the authority shall, in writing,
40 request the Governor to provide the necessary funds. The
41 Governor shall transfer sufficient moneys to the authority
42 from the State Contingent Account or from the proceeds of

1 bonds. If bonds are to be issued for that payment, the Gov-
2 ernor shall order the Treasurer of State to issue bonds in
3 the amount requested subject to the following conditions.

4 A. The aggregate of the bonds may not exceed the
5 amount set forth in the Constitution of Maine, Article
6 IX, Section 14-C.

7 B. The bonds shall mature at a time not to exceed 20
8 years from the date of issue.

9 C. The Governor shall determine the interest rates and
10 terms for the issue of the bonds.

11 D. The bonds shall constitute a pledge of the faith
12 and credit of the State.

13 §15709. Trust funds

14 Notwithstanding any other law, all moneys received
15 under this chapter whether as proceeds from the sale of
16 bonds or as revenues, shall be deemed to be trust funds to
17 be held and applied solely as provided in this chapter. The
18 resolution authorizing the bonds or trust agreement securing
19 these bonds shall provide that a person with which these
20 moneys are deposited shall act as trustee of the moneys, and
21 shall hold and apply the moneys for the purposes and subject
22 to the conditions of this chapter.

23 §15710. Revenue refunding bonds

24 1. Authorization. The authority may provide by reso-
25 lution for the issuance of revenue refunding bonds for:

26 A. Refunding bonds then outstanding which shall have
27 been issued under this chapter, including the payment
28 of a redemption premium or accrued interest; or

29 B. Constructing enlargements, extensions or improve-
30 ments by the original project.

31 2. Conditions. The issuance of these bonds, their
32 maturities and other details, the rights of the holders and
33 the rights, duties and obligations of the authority shall be
34 governed by this chapter, insofar as they may be applica-
35 ble.

36 3. Insurance. The provisions of section 15708 shall
37 apply to these revenue refunding bonds.

1 §15711. Transfer

2 When bonds have been paid, or a sufficient amount for
3 the payment of the bonds and the interest has been set aside
4 in trust for the benefit of the bondholders, the project
5 shall be conveyed by the authority to the lessee school
6 administrative unit.

7 §15712. Investment

8 Revenue bonds and revenue refunding bonds shall be
9 securities in which public officers and public bodies of the
10 State and its political subdivisions, insurance companies,
11 trust companies and their commercial departments, banking
12 associations, investment companies, savings banks, execu-
13 tors, trustees and other fiduciaries and other persons who
14 are now or may be authorized to invest in bonds or other
15 obligations of a similar nature, may properly and legally
16 invest funds, including pension and retirement funds or cap-
17 ital under their control or belonging to them. The bonds
18 shall be securities which may properly and legally be depos-
19 ited with and received by a state or municipal officer or an
20 agency or political subdivision of the State for a purpose
21 for which the deposit of bonds may be authorized by law.

22 §15713. Other bonding authority

23 This chapter shall not be regarded as in derogation of
24 any power now existing. The issuance of bonds need not com-
25 ply with the requirements of other laws applicable to the
26 issuance of bonds.

27 §15714. Remedies

28 A holder of bonds or coupons and the trustee under a
29 trust agreement, except to the extent the rights may be re-
30 stricted by that trust agreement, may, by civil action, pro-
31 tect and enforce all his applicable rights and may enforce
32 and complete the performance of all duties required by this
33 chapter.

34 §15715. Preliminary expenses

35 A school board may, with the approval of the authority,
36 expend out of funds available for the purpose, moneys neces-
37 sary for preliminary expenses, including architectural and
38 other services. Expenses incurred by the school board prior
39 to the issuance of revenue bonds shall be paid by the board

1 and charged to the appropriate project. The school board
2 shall keep proper records of accounts showing each amount
3 charged. On the issuance of revenue bonds for the project,
4 the funds expended by the school board for the project shall
5 be reimbursed from the proceeds of the bonds.

6 §15716. Direct payment

7 The commissioner may pay to the authority funds due to
8 a school administrative unit as part of its state allocation
9 as follows.

10 1. Application. If a school administrative unit is
11 obligated to make payments to the authority on December 1st,
12 its school board may apply in writing to the commissioner
13 setting forth:

14 A. The amount due;

15 B. The date due;

16 C. The name of the trustee of the authority who shall
17 receive the payment; and

18 D. Their statement that they desire that the amount
19 specified be paid directly to the designated trustee
20 from moneys apportioned to the unit.

21 If the commissioner and the Treasurer of State approve the
22 request, the specified amount shall be paid directly to the
23 designated trustee prior to the due date. It shall also be
24 deducted from the amount due to the school administrative
25 unit from the State.

26 §15717. Exemption from taxation

27 As the exercise of the powers granted by this chapter
28 will be in all respects for the benefit of the people of the
29 State and for the improvement of their educational facili-
30 ties, and as projects constructed under this chapter consti-
31 tute public property, the authority may not be required to
32 pay taxes or assessments on its property, a project or on
33 income from property or projects. Bonds issued under this
34 chapter, their transfer and their income, including profit
35 made on their sale, shall at all times be free from taxation
36 within the State.

37 §15718. Liberal construction

1 This chapter, being necessary for the welfare of the
2 State and its inhabitants, shall be liberally construed to
3 effect its purposes.

4 CHAPTER 609

5 SCHOOL CONSTRUCTION

6 §15901. Definitions

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

9 1. Concept approval. "Concept approval" means the
10 initial approval of a school construction project by the
11 state board which indicates:

12 A. Acknowledgment of the local need;

13 B. Approval of the preliminary design;

14 C. Approval of estimated costs; and

15 D. The state board's intent to issue final approval
16 subject to a favorable local vote and approval of final
17 cost estimates.

18 2. Maintenance of plant. "Maintenance of plant" means
19 those activities concerned with keeping the grounds, build-
20 ings and equipment at their original condition of complete-
21 ness or efficiency either through repairs or by replacement
22 of property.

23 3. Major capital cost. "Major capital cost" means
24 school construction projects and may include the cost for
25 equipment approved under a school construction project.

26 4. School construction project. "School construction
27 project" means:

28 A. On-site additions to existing schools;

29 B. New schools;

30 C. The cost of land acquisition;

31 D. The building of or acquisition of other facilities
32 related to the operation of school administrative
33 units;

1 E. Major renovations of existing schools, which in the
2 judgment of the commissioner are more feasible than new
3 construction; and

4 F. Off-site construction may only be included within
5 the meaning of this term if, in the judgment of the
6 commissioner, it is economically in the best interests
7 of the State or there is no other practical way to com-
8 plete a project.

9 5. Total cost of school construction projects. "Total
10 costs of school construction projects" means all costs
11 related to or incidental to the project, except financing
12 costs and proceeds from insured losses.

13 §15902. Administrative units

14 1. Building committee. The legislative body of a
15 school administrative unit may at a regular or specially
16 called meeting establish a special building committee. If
17 the legislative body does not establish a special building
18 committee, then the school board shall act as the building
19 committee and may delegate the powers and duties of the
20 building committee to the superintendent.

21 2. School board approval. A plan for a school con-
22 struction project voted for by a school administrative unit
23 shall be approved by the school board.

24 3. Authority to sell bonds. A school administrative
25 unit may sell bonds to raise the local share of project
26 costs.

27 4. Final report to commissioner. On the completion of
28 a school construction project, the building committee shall
29 certify to the commissioner that the construction project
30 has been completed in conformity with the approved plans and
31 specifications.

32 §15903. Approval of plans and specifications

33 1. Application. A school construction project or the
34 minor capital costs of a project with an estimated cost of
35 more than \$25,000 shall meet the requirements of this
36 section.

37 2. Requirements. The plans and specifications shall
38 contain suitable provision for the health, welfare and
39 safety of persons who will utilize the project.

1 3. Approval. Before acceptance by a school board, the
2 plans and specifications shall be approved by the following:

3 A. The Bureau of Public Improvements, Department of
4 Finance and Administration;

5 B. The department;

6 C. The Department of Human Services; and

7 D. The State Fire Marshal.

8 4. Changes. Changes in the plans and specifications
9 shall be approved by the department.

10 5. Inspection and compliance. If it appears to the
11 commissioner that the school construction project has not
12 been completed in conformity with the approved plans and
13 specifications, the commissioner may cause an inspection of
14 the project to be made. The commissioner shall notify the
15 building committee of the findings of the investigation and
16 of any changes required. The building committee shall make
17 the changes within a reasonable period of time. Failure to
18 do so shall render the school administrative unit liable to
19 the penalties provided in section 6801.

20 §15904. Local vote

21 Prior to final approval by the state board, a school
22 construction project must receive a favorable vote conducted
23 in accordance with the following.

24 1. Councils. In a municipality where the responsibil-
25 ity for final adoption of the school budget is vested in a
26 municipal council by municipal charter or in a town meeting,
27 the vote shall be by secret ballot in accordance with the
28 appropriate provisions set forth in Title 21 and Title 30.

29 2 School administrative districts. In a school admin-
30 istrative district or vocational region the vote shall be
31 conducted in accordance with sections 1351 to 1354.

32 3. Community school districts. In a community school
33 district, the vote shall be conducted in accordance with
34 Title 30, sections 2061 to 2065. The district school com-
35 mittee shall:

36 A. Issue a warrant ordering the municipalities within
37 the district to place the school construction article
38 on the ballot; and

1 B. Prepare and furnish the required number of ballots
2 for carrying out the vote.

3 4. Form. The article shall indicate:

4 A. That the initial local share of the total cost of
5 the project shall be 5% of the total cost or one mill
6 multiplied by the school administrative unit's state
7 valuation, whichever is less;

8 B. The actual initial local share;

9 C. That the entire additional operating costs of the
10 new project during its first 2 years shall be borne by
11 revenues raised by the school administrative unit;

12 D. The estimated amount of the additional operating
13 costs during each of the first 2 years; and

14 E. The state allocation percentage in the year in
15 which the project received concept approval.

16 \$15905. State board

17 1. Approval authority. The state board must approve a
18 school construction project.

19 A. The state board may approve projects as long as no
20 project approval will cause debt service costs, as de-
21 defined in section 15503, subsection 9, paragraph A, to
22 exceed \$30,000,000 in a subsequent fiscal year.

23 B. Nonstate funded projects, such as school construc-
24 tion projects or portions of projects financed by pro-
25 ceeds from insured losses, money from federal sources,
26 other noneducational funds or local funds which shall
27 not be reimbursed by the State, shall be outside the
28 total cost limitations set by the Legislature.

29 2. Secondary school construction project limitations.
30 The state board may approve a secondary school construction
31 project designed to accommodate fewer than 300 pupils only
32 if the state board has determined that the school will have
33 an adequate educational program. The board may not approve
34 a secondary school construction project if fewer than 10
35 full-time teachers will be employed at the school, unless
36 the location of the school would be geographically isolated.

1 3. Certificate of approval. A certificate of approval
2 shall be issued for each project approved by the state
3 board. The certificate shall bear the amount of state aid
4 and other stipulations or conditions. The certificate shall
5 be signed by the commissioner and shall be conclusive evi-
6 dence of the facts stated on it.

7 4. Rules. The state board may adopt or amend rules
8 relating to the approval of school construction projects.

9 §15906. Suits challenging school bond issues, security re-
10 quired

11 In any action challenging the validity of the issuance
12 of bonds for a school construction project authorized and
13 approved under this chapter, or seeking to enjoin the com-
14 mencement, construction or completion of any such school
15 construction project, the following shall apply.

16 1. The plaintiff to provide security. If the court
17 has granted a motion to dismiss or has granted summary judg-
18 ment against the plaintiff, the court may require the plain-
19 tiff to provide security during the period of any appeal
20 from that judgment to cover any costs or damages as may be
21 incurred or suffered by any party resulting from delay of
22 the project, including any loss of purchasing power during
23 the period of delay.

24 2. The amount of security. In determining the amount
25 of security to be required, the court shall consider a
26 recognized index of building costs, the consumer price index
27 and other relevant evidence concerning the cost of the
28 project and the estimated period of delay during the appeal.

29 §15907. Payment

30 1. Payment of state's share. The state allocation for
31 debt service costs shall be paid by the commissioner to
32 each unit according to that unit's debt retirement schedule.

33 2. Payment of local share. A school administrative
34 unit shall pay the local share of their project costs.

35 3. Local funds ineligible for state aid. Notwith-
36 standing any other law, the initial local share of school
37 construction projects shall not be considered educational
38 costs for purposes of computing the state and local alloca-
39 tion under chapter 605.

1 §15908. Design limits

2 1. Technical assistance. In order to provide the
3 technical assistance required by the state board in assess-
4 ing proposed school construction projects, the Bureau of
5 Public Improvements may contract for the services of a pro-
6 fessional engineer whenever the bureau is not employing
7 qualified personnel on a full-time basis.

8 2. Energy conservation standards. The state board
9 shall approve only those projects which have been designed
10 in accordance with rigorous standards for the conservation
11 of energy.

12 3. Life-cycle costs. The department and the Bureau of
13 Public Improvements may not approve the plans and specifica-
14 tions of a project which does not meet the requirements of
15 Title 5, chapter 153, subchapter I-A.

16 §15909. Financing

17 1. Rate of construction aid. A school administrative
18 unit's initial local share of the total cost of a project
19 shall be either 5% of the total cost or the equivalent of
20 one mill multiplied by the unit's state valuation, whichever
21 is less.

22 A. The one mill shall be calculated on the state
23 valuation in effect at the time the project is first
24 approved by the state board.

25 B. The unit's initial local share shall be applied to
26 the project costs during the period of construction.

27 C. The unit's initial local share may be derived from
28 local appropriations or gifts.

29 D. The unit's initial local share shall not be consid-
30 ered an educational cost for purposes of subsidy reim-
31 bursement under chapter 605.

32 2. Bonds. A school administrative unit shall sell
33 bonds in its name for the total cost of the project minus
34 the amounts listed in paragraph A. Bond sales shall be con-
35 sistent with rules adopted or amended by the state board.

36 A. The amount to be bonded shall be determined as fol-
37 lows. The total cost of the project shall be reduced
38 by:

- 1 (1) The initial local share;
- 2 (2) Proceeds from insured losses;
- 3 (3) Money from federal sources; and
- 4 (4) Other noneducational funds, except gifts and
- 5 moneys from federal revenue sharing sources.

6 B. A school administrative unit may borrow money for
7 projects in anticipation of bond sales. Borrowing
8 shall be consistent with rules adopted or amended by
9 the state board.

10 3. Deductions; cost of project. Proceeds from insured
11 losses, money from federal sources and other noneducational
12 funds shall be deducted from the total cost of the project
13 to determine the amount on which the state's share shall be
14 calculated. Proceeds from gifts or moneys from federal rev-
15 enue sharing sources shall be treated as local appropri-
16 tions.

17 §15910. Requirements

18 The following requirements shall apply to a school con-
19 struction project.

20 1. Applications. An application for approval of a
21 project shall include the information required by the state
22 board.

23 2. Reports. A school administrative unit shall file:

24 A. A copy of the debt retirement schedule with the
25 commissioner as soon as bonds are sold; and

26 B. A final report on a project to include any informa-
27 tion the commissioner may require. This report shall
28 be made within the time specified by rule by the com-
29 missioner.

30 3. Penalty. Failure to submit accurate reports within
31 specified times shall be deemed sufficient cause for with-
32 holding school construction aid until the school administra-
33 tive unit complies.

34 4. Time of signing. A school administrative unit may
35 not sign a contract for construction or begin construction
36 until the final plans and specifications have been approved

1 by the commissioner, the Bureau of Public Improvements, the
2 Department of Human Services and the State Fire Marshal.

3 §15911. Community services; conditions of approval

4 The state board may approve construction of school
5 buildings without obligating the State to pay a share of the
6 costs of those buildings, if those portions are to be con-
7 structed to fulfill a community service need.

8 1. Community service. "Community service" means a
9 service which does not fulfill an educational purpose or
10 which is not restricted to a school-age population.

11 2. Breakdown of costs. If construction of facilities
12 to meet a community service need occurs in conjunction with
13 a school construction project, the board shall:

14 A. Require a breakdown of costs for the entire
15 project; and

16 B. Approve a plan as to how operating costs, including
17 repairs, shall be shared by agreement between the
18 municipal officers and the school board.

19 3. Findings. The state board's finding shall become a
20 part of the certificate of approval and shall be the basis
21 on which all costs shall be apportioned between the municip-
22 ality and the school administrative unit for as long as
23 that portion of the project shall:

24 A. Continue to serve that community need; and

25 B. Remain under the control of persons other than the
26 school board.

27 4. Application. An application from a school adminis-
28 trative unit for approval of a school construction project
29 shall include evidence that approval will result in meeting
30 or helping to meet the total construction and program needs
31 of the area to be served.

32 §15912. Inspection of facility; compliance

33 If it appears that a school administrative unit has
34 failed to maintain a school facility which protects the
35 health, welfare and safety of the persons utilizing the
36 facility, the commissioner may cause an inspection to be
37 made. The commissioner shall notify the school administra-

1 tive unit of the findings of the investigation and of any
2 changes to be made. The school administrative unit shall
3 make the changes promptly. If it fails to make the changes,
4 it shall be liable to the penalties provided in section
5 6801.

6 §15913. School bus shelters

7 1. Placement. School bus shelters for school chil-
8 dren, when approved by the school board of the unit in which
9 they are located, may be placed or maintained outside the
10 right-of-way and at least 33 feet from the center line of a
11 highway.

12 2. Requirement. A shelter shall be:

13 A. Constructed of steel or other durable material with
14 concrete floor raised above ground level;

15 B. Kept clean, well painted or otherwise suitably
16 maintained at all times; and

17 C. Kept free from snow.

18 3. Removal. The school board may order its removal if
19 it does not meet these requirements.

20 CHAPTER 611

21 CONDEMNATION

22 §16101. Authority for condemnation

23 1. Conditions. A school administrative unit may con-
24 demn land for the construction or enlargement of school
25 buildings and playgrounds when:

26 A. The owner of the property refuses to sell;

27 B. The parties are unable to agree on a price within
28 60 days of the first offer; or

29 C. The owner of the property resides outside the State
30 and has no authorized agent or attorney within the
31 State.

32 2. School administrative units. The following school
33 administrative units may condemn land for school construc-
34 tion:

1 A. Municipalities;

2 B. School administrative districts; and

3 C. Community school districts.

4 3. Restrictions. A school administrative unit may not
5 condemn lots exceeding 25 acres for one project.

6 §16102. Procedures

7 1. Authority to condemn. When the location of a
8 school lot has been legally determined by a school adminis-
9 trative unit, the land may be condemned:

10 A. In a municipality by the municipal officer;

11 B. In a school administrative district by a school
12 board; and

13 C. In a community school district by the district
14 board of trustees.

15 2. Appraisal. Damages for condemnation shall be
16 determined:

17 A. As provided for laying out town ways for municipal-
18 ities; or

19 B. As provided for laying out county ways in Title 23,
20 sections 2052 and 2054, for school administrative dis-
21 tricts and community school districts, except that
22 notice need not be given to the Department of Trans-
23 portation.

24 3. Payment of damages. The school board may take lots
25 for school construction after payment of these damages. If
26 the owner of the condemned property resides outside the
27 State the damages shall be deposited in the municipal treas-
28 ury for municipalities and in the county treasury for other
29 school administrative units.

30 4. Description. The school board shall cause a plan
31 and description of the lots, as they have laid them out, to
32 be recorded in the registry of deeds where the land lies,
33 within 30 days of payment or deposit of damages.

34 5. Notice. The school board shall serve on the owner
35 a certified copy of the vote directing the condemnation.

1 This notice shall be served according to the Maine Rules of
2 Civil Procedure.

3 §16103. Reversion

4 If land taken under this chapter has ceased to be used
5 for school purposes for 2 successive years, the lot shall
6 revert to the owner, the owner's heirs or assigns, on
7 demand. The request for reversion shall be made in writing
8 to the school board. The school board may enter the lot and
9 remove the school buildings within 6 months after the
10 demand.

11 §16104. Appeals

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

15 1. Procedure. The owner shall file a complaint in the
16 court and serve the school administrative unit with a copy
17 within 90 days of the date of recording of the description
18 of the lot in the registry of deeds. The complaint shall
19 set forth substantially the facts, but shall not state the
20 amount of the damages previously awarded to the owner.

21 2. Determination of damages. The damages may be
22 determined in the Superior Court by a committee of reference
23 if the parties so agree, or by a jury verdict.

24 3. Costs. If the damages are increased, the school
25 administrative unit shall pay the damages and costs; other-
26 wise, the costs shall be paid by the appellant.

27 4. Committee of reference compensation. A committee
28 of reference shall be allowed a reasonable compensation for
29 its services. This compensation shall be fixed by the court
30 upon the presentation of its report and paid from the county
31 treasury upon the certificate of the clerk of courts.

32 5. Further appeal. An appeal may be taken by a party
33 from the judgment of the court to the Supreme Judicial
34 Court.

35 §16105. School lots; erroneous description

36 1. Reappraisal. If a school administrative unit has
37 designated, located and described a lot upon which to con-
38 struct or enlarge a school and by mistake or omission has

1 failed to comply with the law whereby the location has been
2 rendered invalid, 3 legal voters and taxpayers of that unit
3 may apply in writing to the school board and have the lot,
4 so designated or described, reappraised by them.

5 2. Notice. The school board to whom an application
6 has been made shall give not less than 7 nor more than 20
7 days' notice to the municipal clerks and to the person
8 owning or having charge of the real estate. The notice
9 shall contain the time and place for the hearing. After
10 examination and hearing of all interested, the school board
11 shall appraise and affix a fair value to the lot as set out,
12 exclusive of improvements made by the school administrative
13 unit. As soon as practicable, the school board shall notify
14 the municipal clerks and the person owning or having charge
15 of the real estate of the appraisal.

16 3. Assessment and collection. The sum fixed as the
17 value of the lot shall be assessed, collected and paid over
18 as other school money.

19 4. Tender. A sum which has been tendered and is in
20 the hands or under the control of the persons owning or hav-
21 ing charge of the land shall be allowed in payment of the
22 appraisal.

23 5. Appeal by either party. The school board or the
24 person owning or having charge of the land reappraised may
25 appeal within 10 days if they are dissatisfied with the
26 reappraisal.

27 A. The claim for appeal shall be submitted to the
28 county commissioners of the county in which the land
29 lies, and shall include a copy of the proceedings.

30 B. The determination of the appeal shall be by a
31 majority of the commissioners who are not residents of
32 the school administrative unit.

33 C. The determination may be appealed by an aggrieved
34 party to the Superior Court as provided under section
35 16104.

36 6. Improvements inure to units. If a school adminis-
37 trative unit has erected or moved a building on or improved
38 a lot, the improvement shall inure to the benefit of the
39 school administrative unit. The building or improvements
40 may be as completely occupied and controlled by the school
41 administrative unit as it would have been if the location
42 had been in strict conformity to law.

1 7. Tax not affected. The legality of a tax assessed
2 to build, repair or remove a school building and to pay for
3 a lot shall not be affected by a mistake or error in desig-
4 nation or location of a lot.

5 **Sec. 6. Transition.** The following provisions shall
6 apply to the transition from the Revised Statutes, Title 20
7 to Title 20-A.

8 1. Definition. For the purposes of this section:

9 A. "Management board" means a school board, advisory
10 committee, cooperative committee, joint committee or
11 other governing body of a school unit; and

12 B. "School unit" means a school administrative unit,
13 vocational region, school union, union school and
14 vocational-technical institutes.

15 2. Personnel. This Act shall have no effect on the
16 terms or appointment of an employee of the department, of a
17 school unit or management board operating under this Title.

18 3. Funds and equipment transferred in department.
19 Notwithstanding the provisions of the Revised Statutes,
20 Title 5, all accrued expenditures, assets, liabilities, bal-
21 ances of appropriations, transfers, revenues or other avail-
22 able funds in an account or subdivision of an account of the
23 Department of Educational and Cultural Services shall be
24 transferred to the proper place under this Act by the State
25 Controller on the request of the Commissioner of Educa-
26 tional and Cultural Services and the State Budget Officer,
27 and with the approval of the Governor.

28 4. Funds and equipment transferred in school unit.
29 Notwithstanding the provisions of the Revised Statutes,
30 Title 5, all accrued expenditures, assets, liabilities, bal-
31 ances of appropriations, transfers, revenues or other avail-
32 able funds in an account or subdivision of an account of a
33 school unit shall be transferred to the proper place under
34 this Act on the approval of the management board.

35 5. Agreements, leases, contracts, authorizations or
36 bonds. All agreements, leases, contracts, authorizations,
37 notes or bonds, issued under the Revised Statutes, Title 20,
38 prior to the effective date of this Act shall continue to be
39 valid under the terms of issuance until they expire or are
40 rescinded, amended or revoked.

1 6. Dedicated revenues. This Act shall not be con-
 2 strued to change the status of any dedicated revenues. All
 3 dedicated revenues existing prior to this Act shall not
 4 lapse because of this Act, but shall be transferred to the
 5 funds of the same name which are created by this Act.

6 **Sec. 7. Legislative intent.** It is the intent of the
 7 Legislature that this Act shall be considered a revision of
 8 the Department of Educational and Cultural Services' govern-
 9 ing statutes.

10 **Emergency clause.** In view of the emergency cited in
 11 the preamble, this Act shall take effect when approved.

12 STATEMENT OF FACT

13 This new draft reorganizes the education statutes.
 14 Title 20, except for sections 1221,1223 to 1230 and 3457 to
 15 3460, is repealed. A new Title, Title 20-A, Education, is
 16 established. The following table shows the derivation of
 17 sections from the old to the new.

18 <u>Old - Title 20</u>	New - Title 20-A
19 1	201
20 1-A	201, 202, 251
21 1-B	202, 203
22 3	256
23 4	2
24 5	2
25 6	6801
26 21	3
27 22	3
28 23	3
29 51	401, 405, 406, 15302
30 52	402
31 53	403
32 54	404
33 55	405
34 57	254, 10104
35 58	254, 3002, 3003
36 59	13001, 13002
37 71	10301, 10302
38 72	10302
39 73	10308
40 74	10310
41 75	10303
42 76	10304

1	77	.....	10305
2	78	.....	10306
3	79	.....	10311
4	80	.....	10309
5	81	.....	10307
6	102	.... 253, 254, 255, 256, 257, 258, 259, 853, 2901, 2902,	
7		. 2904, 2905, 3051, 4001, 4202, 4203, 4205, 4601, 4602	
8	103	.....	252, 255
9	104	.....	255
10	105	.....	253
11	106	.....	253
12	151	.....	1901
13	152	.....	1051, 1052
14	153	..... 1051, 1052, 1053, 1054,	1902
15	154	.....	1051
16	155	.....	1901
17	156	.....	1901
18	157	.....	1901
19	158	.....	1903
20	159	.....	254
21	160	.....	1051
22	161	..... 1055, 13201, 13202, 13203, 13205	
23	162	.....	6808
24	211	.....	1201
25	212	.....	402, 405
26	213	.....	1202, 1203
27	213-A	.....	1258
28	215	.....	1203
29	216	.....	1204, 1206
30	217	.....	1205
31	218	.....	1312
32	219	.....	1207
33	220	.....	5401
34	221	..... 1051, 1052, 1053, 1054,	1055
35	222	.....	1401, 1402
36	222-A	.....	1403
37	222-B	.....	1404
38	222-C	.....	1405
39	222-D	.....	1406
40	222-E	.....	1407
41	223	.....	406
42	224	.....	1206
43	225	.....	1351, 1352, 1353, 1354
44	226	..... 1302, 1303, 1304, 1306,	1307
45	226-A	.....	1305
46	301	..... 1203, 1251, 1252, 1253,	1255
47	301-A	.....	1253, 1255
48	302	..... 1002, 1004, 1251, 1253,	1254
49	304	.....	1311

1	305	..... 1203, 1301, 1302, 1303, 1304, 1308, 1309, 1310
2	306	..... 1255, 1256, 1257, 4003, 4006
3	307	..... 1313, 1314
4	308	..... 1255
5	309	..... 2501
6	309-A	..... 2501
7	309-B	..... 2501
8	309-C	..... 1003, 1314, 1315
9	309-D	..... 1002
10	310	..... 3601
11	311	..... 3602
12	311-A	..... 3603
13	311-B	..... 3604
14	312	..... 3605
15	312-A	..... 3606
16	312-B	..... 3607
17	312-C	..... 3608
18	312-D	..... 3609
19	312-E	..... 3610
20	312-F	..... 3611
21	312-G	..... 3612
22	313	..... 3613
23	314	..... 3614
24	314-A	..... 3615
25	314-B	..... 3616
26	314-C	..... 3617
27	314-D	..... 3618
28	314-E	..... 3619
29	314-F	..... 3620
30	314-G	..... 3621
31	314-H	..... 3622
32	314-I	..... 3623
33	315	..... 3624
34	315-A	..... 3625
35	315-B	..... 3626
36	315-C	..... 3627
37	315-D	..... 3628
38	315-E	..... 3629
39	315-F	..... 3630
40	315-G	..... 3631
41	315-H	..... 3632
42	315-I	..... 3633
43	315-J	..... 3634
44	316	..... 3635
45	316-A	..... 3636
46	316-B	..... 3637
47	316-C	..... 3638
48	316-D	..... 3639
49	317	..... 3640

1	317-A	3641
2	317-B	3642
3	317-C	3643
4	317-D	3644
5	317-E	3645
6	317-F	3646
7	317-G	3647
8	318	3648
9	318-A	3649
10	318-B	3650
11	319	3651
12	320	3652
13	320-A	3653
14	320-B	3654
15	320-C	3655
16	320-D	3656
17	321	3657
18	321-A	3658
19	321-B	3659
20	321-C	3660
21	321-D	3661
22	322	3662
23	322-A	3663
24	322-B	3664
25	322-C	3665
26	322-D	3666
27	322-E	3667
28	322-F	3668
29	322-G	3669
30	322-H	3670
31	322-I	3671
32	371	1601, 1602, 1654
33	372	1602, 1603, 1604, 1651, 1701, 15003
34	373	1002, 1004, 1652, 1653, 1654, 4003
35	374	1604
36	374-A	1705
37	375	1051, 1052, 1053, 1054, 1055
38	376	1651, 1702
39	377	5401
40	378	1704
41	379	1701
42	380	1703
43	381-A	1751
44	382	1752
45	411	2351
46	471	2302, 2303, 2305
47	472	1002, 1004, 2305
48	473	1001, 4003, 4801, 13603, 13604
49	474	2306

1	475	.....	2304
2	476	.....	2301
3	521	.....	2101
4	522	.....	2101, 2102
5	571	.....	6802
6	801	.....	4802, 4803, 4804
7	802	.....	1055, 1056, 4805
8	803	.....	4007
9	804	.....	15913
10	805	.....	6001
11	806	.....	4008
12	807	.....	6101
13	808	.....	6102
14	851	.....	1
15	852	.....	15002
16	853	.....	2352
17	854	.....	6801
18	855	.....	4801
19	856	.....	4001, 4002
20	857	.....	4002
21	859	.....	5201, 5202, 5205, 8802
22	860	.....	5205
23	861	.....	5205
24	862	.....	5401, 5601, 5802
25	863	.....	13801
26	911	.....	5001, 5002, 5003, 5051, 5053
27	912	.....	5203, 5204, 5804, 5810
28	913	.....	5052
29	914	.....	5051
30	915	.....	5053
31	916	.....	4204
32	918	.....	4009
33	931	.....	5101
34	932	.....	5102
35	933	.....	5103
36	934	.....	5104
37	961	.....	6003
38	962	.....	6002
39	963	.....	6002
40	964	.....	6002
41	965	.....	6002
42	966	.....	5205, 6004
43	967	.....	6051, 6052
44	1011	.....	4601
45	1012	.....	4601
46	1013	.....	6301
47	1014	.....	6301
48	1015	.....	6552
49	1051	.....	6601

1	1052	.....	6601
2	1053	.....	6602
3	1054	.....	6603
4	1055	.....	6051, 6152
5	1091	.....	6551
6	1131	.....	6402
7	1134	.....	6403
8	1135	.....	6451
9	1135-A	.....	6452
10	1138	.....	6301
11	1140	.....	6401
12	1171	.....	6501
13	1172	.....	6501
14	1174	.....	6501
15	1191	.....	6351
16	1192	.....	6351
17	1193	.....	6351
18	1194	.....	6351
19	1195	.....	6351
20	1196	.....	6351
21	1221	..... not repealed (Title 20, §1221)	
22	1222	.....	4601
23	1223	..... not repealed (Title 20, §1223)	
24	1224	..... not repealed (Title 20, §1224)	
25	1225	..... not repealed (Title 20, §1225)	
26	1226	..... not repealed (Title 20, §1226)	
27	1227	..... not repealed (Title 20, §1227)	
28	1228	..... not repealed (Title 20, §1228)	
29	1229	..... not repealed (Title 20, §1229)	
30	1230	..... not repealed (Title 20, §1230)	
31	1231	.....	4803
32	1233	.....	4805
33	1281	.....	4401, 4404, 4601
34	1282	.....	4406
35	1284	.....	4404
36	1285	.....	4005, 5401, 5601
37	1286	.....	4401, 5204
38	1288	.....	4001
39	1289	.....	2701, 2702, 2703, 2704
40	1241	.....	4002, 5204, 5601, 5810
41	1292	.....	5204, 5805, 5806, 5807, 5810, 5814, 7255
42	1292-A	.....	5809
43	1294	.....	1055
44	1295	.....	6803
45	1341	.....	4005
46	1342	.....	4005
47	1343	.....	4005
48	1344	.....	2901, 2902, 2903
49	1345	.....	2954

1	1346	2953
2	1347	2953
3	1348	2955
4	1451	3201, 3202, 3251
5	1453	3252, 5401, 5601
6	1454	3253, 5601
7	1455	3304
8	1456	3254
9	1457	3255
10	1458	3351
11	1459	3301
12	1460	3303
13	1461	3351
14	1461-A	3351
15	1462	3351
16	1463	3351
17	1464	3351
18	1465	3351
19	1466	3351
20	1467	3351
21	1468	3351
22	1469	3351
23	1470	3351
24	1471	3351
25	1472	3301
26	1473	3305
27	1474	3401
28	1475	3305
29	1476	3301, 3402
30	1477	3403
31	1478	3302
32	1479	3351
33	1751	13001
34	1752	13004
35	1753	13003
36	1754	13003
37	1801	13005
38	1802	13006
39	1851	13401
40	1901	6809, 13402
41	1902	13001, 13402
42	1951	13601
43	2001	13602
44	2011	13901
45	2012	13902
46	2013	13903
47	2014	13904
48	2015	13905
49	2016	13906

1	2017	13907
2	2018	13908
3	2019	13909
4	2021	13951
5	2022	13952
6	2202-A	10701, 10701, 10702, 10703, 10704, 10705, 10706,
7		10707, 10708, 10709, 10710
8	2203	10002
9	2004	10003
10	2204-A	10001
11	2205	12402
12	2206	12401
13	2207	12401
14	2208	12404
15	2209	12405
16	2210	12403
17	2211	12406
18	2231	11401
19	2232	11402
20	2233	11403
21	2234	11404
22	2235	11405
23	2236	11406
24	2241	12001
25	2242	12002
26	2243	12003
27	2244	12004, 12005
28	2251	10902
29	2252	10903
30	2253	10904
31	2254	10905
32	2255	10906
33	2256	10906
34	2261	10101
35	2261-A	10101
36	2262	10102
37	2263	10103, 10104
38	2264	10105
39	2265	10106
40	2266	10107
41	2267	10108
42	2268	10109
43	2268-A	10109
44	2269	10110
45	2270	10111
46	2271	11801
47	2272	11802
48	2273	11802, 11803, 11804
49	2273-A	11804

1	2274	11805
2	2276	11805
3	2277	11806, 11807
4	2278	11808
5	2279	11809
6	2311	11202
7	2312	11202
8	2313	11203
9	2314	11201
10	2351	8302
11	2351-A	8301
12	2352	8303
13	2353	8304
14	2355-A	8306
15	2355-B	8307
16	2356-A	5401, 8301, 8305, 8401, 8402, 8403, 8404, 8405
17	2356-B	8351, 8457
18	2356-C	8353
19	2356-F	8305
20	2356-G	5401, 8451, 8452, 8453, 8457, 8458, 8459, 8460,
21		8461, 8462, 8463, 8464, 8465, 8466, 8467
22	2356-H	352
23	2356-I	8353
24	2356-J	5809
25	2371	11601
26	2372	11602, 11603, 11604, 11605, 11606, 11607
27	2373	11608
28	2381	8601
29	2382	8603
30	2383	8604
31	2384	8605
32	2385	8606
33	2386	8607
34	2387	8608
35	2388	8609
36	2389	8610
37	2390	8602
38	2401	4603
39	2451	4604
40	2452	4604
41	2453	4604
42	2454	4604
43	2455	4604
44	2501	8801
45	2551	9001
46	2552	9002
47	2553	9003
48	2554	9003
49	2601	801

1	2602	802
2	2603	803
3	2604	851
4	2605	852
5	2651-A	9201
6	2652-A	9202
7	2653-A	9203
8	2654-A	9204
9	2661	9501
10	2662	9502
11	2663	9503
12	2664	9504
13	2701	12201
14	2702	12202
15	2703	12203
16	2704	12204
17	2720	10501
18	2721	10502
19	2751	11001
20	2752	11002
21	2753	11003
22	2754	11004
23	2755	11005
24	2756	11006
25	2757	11007
26	2758	11008
27	2759	11009
28	2760	11010
29	2801	11051
30	2802	11052
31	2803	11053
32	2804	11054
33	2805	11055
34	2901	601
35	2902	602
36	2903	603
37	2904	604
38	2905	605
39	2906	606
40	2907	607
41	2908	608
42	2909	609
43	2921	651
44	2922	652
45	2923	653
46	3121	7201
47	3122	7201, 7204, 7501, 7502, 7503
48	3123	7001
49	3124	7202, 7203

1	3125	.....	7001, 7204, 7251, 7252, 7253, 7254, 7255	
2	3126	.....	7202, 7204, 7205, 7301	
3	3127	.....		7206
4	3128	.....	7202, 7204	
5	3129	.....		7202
6	3130	.....		7302
7	3131	.....	7002, 7201, 7204, 7207, 7208, 7301,	7706
8	3132	.....		7003
9	3161	.....		7901
10	3162	.....		7902
11	3201	.....		7701
12	3202	.....	7001,	7702
13	3203	.....		7703
14	3204	.....		7704
15	3205	.....		7705
16	3301	.....		8101
17	3302	.....		8102
18	3303	.....		8103
19	3451	.....		15002
20	3452	.....	1, 1051,	15001
21	3453	.....		15004
22	3453-A	.....		15003
23	3454	.....		15005
24	3455	.....	15005,	15716
25	3457	.....	not repealed (Title 20, §3457)	
26	3458	.....	not repealed (Title 20, §3458)	
27	3459	.....	not repealed (Title 20, §3459)	
28	3460	.....	not repealed (Title 20, §3460)	
29	3471	.....	15901, 15904, 15905,	15908
30	3471-A	.....		15906
31	3472	.....	15901, 15902, 15907,	15909
32	3473	.....		1510
33	3474	.....		5803
34	3475	.....		15911
35	3476	.....		4001
36	3477	.....	15901,	15907
37	3481	.....		15912
38	3482	.....		15902
39	3483	.....	15902, 15903,	15905
40	3501	.....		15701
41	3502	.....		15702
42	3503	.....		15708
43	3504	.....		15704
44	3505	.....		15703
45	3506	.....		15705
46	3507	.....		15706
47	3508	.....		15707
48	3508-A.	.....		15708
49	3509	.....		15709

1	3510	.....	15714
2	3511	.....	15710
3	3512	.....	15711
4	3513	.....	15715
5	3514	.....	15712
6	3515	.....	15713
7	3516	.....	15718
8	3517	.....	15717
9	3561	..... 4006, 5401, 5601	
10	3562	..... 16101, 16102	
11	3562-A	..... 16101, 16102	
12	3562-B	..... 16101, 16102	
13	3562-C	.....	16103
14	3562-D	.....	4004
15	3563	.....	16104
16	3564	.....	16105
17	3565	.....	16105
18	3566	.....	16105
19	3567	.....	16105
20	3568	.....	16105
21	3569	.....	16105
22	3570	.....	16105
23	3671	.....	15301
24	3672	.....	15302
25	3673	.....	15303
26	3674	.....	15304
27	3771	.....	6804
28	3772	.....	6805
29	3773	.....	6806
30	3774	.....	6807
31	4741	.....	15501
32	4742	.....	15502
33	4743	..... 4001,	15503
34	4744	.....	15504
35	4745	.....	15505
36	4746	.....	15506
37	4747	.....	15507
38	4748	.....	15508
39	4749	.....	15509
40	4750	.....	15510
41	4751	.....	15511
42	4752	.....	15512
43	4753	.....	15513
44	4754 1,	15514

1	4755	15515
2	4755-A	out of date
3	4756-A	15516
4	4757	15517
5	4758	15518

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