

MAINE STATE LEGISLATURE

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New Draft of: H. P. 605, L. D. 682
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1635

H. P. 1529

House of Representatives, May 21, 1981

Reported by Report "B" from the Committee on Local and County Government. Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Clarify Certain Provisions of Law Relating to the Method of Voting for School Committee Members of the Wells-Ogunquit Community School District.

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

Sec. 1. P&SL 1979, c. 45, § 6, 7th ¶, last sentence is amended to read:

The duties of the trustees of the community school district school committee in the organization and management of the affairs of the district in accordance with the Revised Statutes, Title 20, shall be carried out by a school committee consisting of 6 members, 3 from each town, to be appointed ~~and elected as are trustees under the statute~~ by the municipal officers of each municipality. A quorum shall consist of not less than 4 school committee members.

Sec. 2. P&SL 1979, c. 45, § 6, 11th ¶, is repealed and the following enacted in its place:

Fifty percent of the total local share will be assessed among the participating towns in the same proportion as the state valuation of each participating town for the year preceding that year to which the budget applies bears to the total for both towns. Fifty percent of the total local share will be assessed among the participating towns in the same proportion as the percentage of resident pupils of each town, enrollment to be taken as the average of the enrollments of April 1st and October 1st of the year preceding that year to which the budget applies.

Sec. 3. Referendum vote. This Act shall be submitted to the legal voters of the Town of Ogunquit and the Town of Wells at the next statewide election.

The clerks of both towns shall prepare the required ballots on which they shall reduce the subject matter of this Act to the following question:

“Shall the members of the School Committee of the Wells-Ogunquit Community School District be appointed by the municipal officers of each municipality rather than elected by the voters?”

The following is to be included on the referendum ballot: “If a majority vote of the Town of Wells and the Town of Ogunquit is negative on the above question then 50% of the costs of the Wells-Ogunquit Community School District will be apportioned between the towns of Wells and Ogunquit based on each town’s state valuation and 50% of the costs will be apportioned between the towns based on each town’s student enrollment.” The voters shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. A majority vote by the legal voters voting at the election shall determine the outcome.

The results of the vote shall be declared by the clerks of each town and due certification thereof shall be filed with the Secretary of State.

Sec. 4. Transition. If section 1 becomes effective under section 5, members of the Wells-Ogunquit Community School District Committee serving on the effective date of section 1 shall continue in office for the remainder of the term in which they currently serve. Any vacancy occurring after the effective date of section 1 shall be filled by appointment by the municipal officers of the respective municipalities as provided in section 1.

Sec. 5. Effective date. Sections 1 and 4 shall become effective upon a majority affirmative vote under section 3. Section 2 shall become effective upon a majority negative vote under section 3.

STATEMENT OF FACT

The purpose of this new draft is to provide the voters of Wells and Ogunquit with 2 options for resolving the question of an adequate voice for both towns in the operation of their community school district. The voters of both towns will be asked by referendum whether they wish to change from direct election of school committee members to appointment of the members by the municipal officers. This change from election to appointment is necessary to permit a constitutional deviation from the “one man, one vote” rule allowing the vote of the school committee members from Ogunquit to have a small amount of added weight though still less than that of the Wells’ members. This change in the usual weighted vote approach is necessary in fairness to Ogunquit taxpayers who pay for the school costs based on 100% state valuation.

If the voters reject the proposal in this new draft, the method of sharing of school costs will be changed. The change to 50%-valuation 50% per student cost-sharing would reduce the amount Ogunquit pays for school costs which, under the 100% state valuation formula, amounts to approximately 30% of the costs despite having only 10% of the students.