

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(EMERGENCY)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 806

H. P. 607

House of Representatives, February 12, 1973

Referred to Committee on Education. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Ault of Wayne.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to the Community School District Law.

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

Whereas, there is an urgent need for some municipalities to construct additional facilities for secondary school pupils; and

Whereas, attempts to solve the school problems by other means have failed; and

Whereas, it is in the best interests of the local communities and the State to develop cooperative solutions; and

Whereas, some students may be denied a high school education if a solution to the problem cannot be found; and

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

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

Sec. 1. R. S., T. 20, § 351, amended. The 3rd paragraph from the end of section 351 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 567 of the public laws of 1971, is repealed.

Sec. 2. R. S., T. 20, § 356, amended. The 2nd sentence of section 356 of Title 20 of the Revised Statutes is amended to read as follows:

No town shall have less than one ~~nor more than 3~~ representatives representative on the committee.

Sec. 3. R. S., T. 20, §§ 360-A to 360-C, additional. Title 20 of the Revised Statutes is amended by adding 3 new sections, 360-A to 360-C, to read as follows:

§ 360-A. New district

On and after the effective date of this Act, a community school district shall be formed by 2 or more municipalities which shall be a body politic and corporate by proceeding as set forth in section 351. The provisions of section 351 relative to community school districts shall be applicable. In addition, there shall be voted upon articles in substantially the following form:

Article. . . . To see if the town will vote to accept the provisions of sections 360-C to 365 of Title 20 which shall determine the method of sharing costs and the method of budget approval of the community school district.

Article. . . . To see if the town will vote to have 3 members of its school committee serve as district trustees.

§ 360-B. Trustees chosen and duties

If the towns vote favorably on the 2nd article of section 360-A, 3 trustees for each town shall be chosen from the membership of the school committee by the school committee. The trustees shall have the duties of the board of trustees and the school committee as provided in sections 352 to 356.

In the event the towns do not accept the 2nd Article in section 360-A, the trustees and school committee shall be chosen and have the respective duties set forth in sections 352 to 356.

§ 360-C. Transfer of funds

As soon as a certificate of organization has been issued by the Secretary of State, each town shall transfer to the community school district treasurer that portion of its school appropriation which was raised for the students which are now the responsibility of the new community school district and is still unused. The transfer shall be made in 3 equal installments and shall be paid as follows: The 1st installment within 30 days, the 2nd installment half way between the organization of the district and the end of the town's fiscal year and the 3rd installment 15 days before the end of the town's fiscal year.

Sec. 4. R. S., T. 20, § 362, amended. Section 362 of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 567 of the public laws of 1971, is amended by adding at the end 2 new paragraphs to read as follows:

The trustees may call a special budget meeting when in their judgment a financial emergency exists. The trustees shall post warrants in each of the member municipalities following the same procedures that are used for the calling of the regular annual budget meeting.

At the special budget meeting, the voters may authorize an assessment or they may pledge borrowed funds to obtain additional moneys for the opera-

tion of the district schools. Whenever the voters authorize borrowing for operational purposes to cover an emergency situation, the amount so authorized shall be added to the next annual assessment.

Sec. 5. R. S., T. 20, § 365, additional. Title 20 of the Revised Statutes is amended by adding a new section 365 to read as follows:

§ 365. Assessment of municipalities

Any municipality may use the proceeds from gifts or trust funds allocated for educational purposes to pay its share of assessment to the municipality. In the fiscal year in which the assessment is so levied, the treasurer of each municipality shall pay in each quarter the amount of the assessment so levied in 4 equal quarterly installments to the treasurer of the community school district. The final installment shall be paid 15 days before the end of the fiscal year. In the case of the failure of the treasurer of a municipality to pay any installment or any part thereof on or before the end of any quarter, the treasurer of the community school district shall issue his warrant to the county sheriff for the amount of said assessment or so much thereof as shall then remain unpaid, requiring him to levy by distress and sale on the real and personal property of any of the residents of said community school district living in the municipality where such default takes place and the sheriff or any of his deputies shall execute said warrant, except as otherwise provided. If any community school district, which has financed school construction through the Maine School Building Authority, shall be delinquent in its payment to the authority, the department shall make payment to the authority on behalf of such community school district from any amounts properly payable to such district by such department, not exceeding the amount then presently due to the authority from such district and from the department to the district.

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

STATEMENT OF FACT

The purpose of this Act is to set up new procedures for municipalities which join together to form a community school district after the effective date hereof.