

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2129

H. P. 2066

House of Representatives, January 31, 1978

Referred to the Committee on Education. Sent up for concurrence and ordered printed. Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25.

EDWIN H. PERT, Clerk

Presented by Mrs. Hutchings of Lincolnville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Authorize the Town of Lincolnville to Withdraw from the Appleton-Hope-Lincolnville Community School District.

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

Whereas, the Maine Revised Statutes, Title 20, section 360, provides for a participating town to withdraw from a community school district as authorized by a special Act of the Legislature upon such terms as shall be contained in that special Act; and

Whereas, the inhabitants of the Town of Lincolnville have indicated their desire to withdraw from the Appleton-Hope-Lincolnville Community School District by a 2/3 vote of the legal voters in that town present and voting at a special meeting, called and held on December 19, 1977, in the manner provided for the calling and holding of town meetings, all as required by the Maine Revised Statutes, Title 20, section 360; and

Whereas, the fiscal year for any community school district organized after February 1, 1972, shall, pursuant to the Maine Revised Statutes, Title 20, section 360, begin on July 1 and end on June 30, and it being in the best interest of both the Town of Lincolnville and the Appleton-Hope-Lincolnville Community School District that withdrawal of the Town of Lincolnville from the district be effected so as to insure an orderly transition consistent with fiscal year requirements; 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. Authorization to withdraw. The inhabitants of the Town of Lincolnville are hereby authorized to withdraw from the Appleton-Hope-Lincolnville Community School District, upon the terms and conditions stated in this Act.

Sec. 2. Continued existence of community school district. The Appleton-Hope-Lincolnville Community School District, as formerly constituted, shall continue in existence, and shall be comprised of the inhabitants of the Towns of Appleton and Hope, in such form and under such procedures as originally created and constituted, except that the continued existence shall be consistent with and controlled by the terms and conditions of this Act, to the extent applicable.

Sec. 3. Rights and privileges of community school district. The Appleton-Hope Community School District, as constituted subsequent to withdrawal of the inhabitants of the Town of Lincolnville, shall have all of the rights and privileges of a district formed under the provisions of the Maine Revised Statutes, Title 20, section 351, et seq., and shall be governed by all of the applicable provisions of Title 20.

Sec. 4. Trustees of community school district. The Appleton-Hope Community School District, as constituted subsequent to withdrawal of the inhabitants of the Town of Lincolnville, shall continue to elect school trustees upon such conditions and at such intervals as provided by applicable provisions of the Maine Revised Statutes, Title 20.

Sec. 5. School committee members of Town of Lincolnville. Members of the school committee of the Town of Lincolnville presently serving as trustees of the Appleton-Hope-Lincolnville Community School District, shall terminate their duties as trustees upon the effective date of this Act, but shall in all other respects continue to serve and function as school committee members for the Town of Lincolnville, without interruption, until the normal expiration of their respective elected terms.

Sec. 6. Cost sharing within community school district. Upon the effective date of this Act, and subsequent to all acts necessary to effectively terminate participation of the inhabitants of the Town of Lincolnville in the formerly constituted Appleton-Hope-Lincolnville Community School District, costs shall be shared in the surviving Appleton-Hope Community School District in such manner and upon such conditions as provided in the Maine Revised Statutes, Title 20, section 361, and all other applicable provisions of Title 20.

Sec. 7. Budget approval in community school district. Budget approval for expenditures in the surviving Appleton-Hope Community School District shall be governed by applicable provisions of the Maine Revised Statutes, Title 20, section 362, pursuant to which voters shall act annually at a duly called budget meeting upon appropriations necessary for operation of the community school district.

Sec. 8. Division of assets of Appleton-Hope-Lincolnville Community School District. The present trustees of the Appleton-Hope-Lincolnville Community School District, including those trustees serving for the inhabitants of the Town of Lincolnville, shall be the body, and is hereby authorized to be the body, to determine equitable division of any assets of the Appleton-Hope-Lincolnville Community School District, for the purpose of insuring that the Town of Lincolnville shall have delivered and returned to it a portion of such assets as represent, as nearly as possible, that proportionate share of total community school district assets contributed by or on behalf of the Town of Lincolnville at the date of creation of the community school district.

The Commissioner of Educational and Cultural Services of the State of Maine is hereby authorized to arbitrate and settle any disputes which may arise in connection with such division and return of assets.

Sec. 9. Contracts. All contracts currently in existence to which the Appleton-Hope-Lincolnville Community School District is a party, and which, but for this Act would survive the withdrawal of the inhabitants of the Town of Lincolnville from the community school district, shall be assigned, transferred, or otherwise honored by the Town of Lincolnville and the surviving Appleton-Hope Community School District in such manner as shall be deemed appropriate by the existing board of trustees of the community school district, in the consultation with representatives of the inhabitants of the Town of Lincolnville, and in such manner that individual or collective rights of any parties under such contracts shall not be prejudiced, and in such manner as to comply with the applicable restrictions of the Maine Revised Statutes, Title 20, section 360, barring withdrawal of a town from a community school district while the community school district has outstanding indebtedness.

The Commissioner of Educational and Cultural Services of the State of Maine is authorized to arbitrate and settle any disputes relating to contracts.

No assignment, termination or other disposition of any existing contract relating to teachers or other instructional staff shall have the effect of terminating, diminishing, enlarging, or in any other way affecting any rights of tenure of any parties to such contracts otherwise provided or recognized by law.

Notwithstanding any other provision in this section, any and all teaching contracts currently in existence between the Appleton-Hope-Lincolnville Community School District and individuals presently engaged in teaching services at the Lincolnville School, shall be honored in their entirety by the Town of Lincolnville, subsequent to the withdrawal authorized in this Act, in all respects and to the same extent as if the Town of Lincolnville had originally entered into and executed such contracts.

Sec. 10. Supervision of schools of Town of Lincolnville. The Town of Lincolnville, upon the effective date of this Act, shall have all rights, privileges and powers permitted by law to supervise and maintain schools, school facilities and educational services within the Town of Lincolnville, as the Town of Lincolnville would have enjoyed in the absence of its participation in the Appleton-Hope-Lincolnville Community School District.

Sec. 11. Transfer of real estate. The municipal officers of the Towns of Hope, Appleton and Lincolnville, and appropriate officials of the community school district, whether before or subsequent to withdrawal of the inhabitants of the Town of Lincolnville, are hereby authorized and empowered to give such deeds and execute such instruments as may be necessary to return to the inhabitants of the Town of Lincolnville, or to the community school district, any interest or interests in real estate which existed prior to creation of the Appleton-Hope-Lincolnville Community School District.

Sec. 12. Validation of acts of withdrawal prior to June 30, 1978. Any and all actions, agreements or obligations taken, made or entered into by the Appleton-Hope-Lincolnville Community School District, and the Town of Lincolnville, in furtherance of the terms of this Act, pursuant to the authority stated in this Act, and in preparation for final withdrawal of the Town of Lincolnville from the Appleton-Hope-Lincolnville Community School District, shall have the same binding force and effect when accomplished or initiated, notwithstanding whether the same was accomplished or initiated prior to, or subsequent to, June 30, 1978.

The Appleton-Hope-Lincolnville Community School District and the Town of Lincolnville are specifically authorized, effective upon approval of this Act, to take any and all actions necessary to transfer, demise or otherwise encumber real estate of either the Appleton-Hope-Lincolnville Community School District or the Town of Lincolnville, for the purpose of preparing for final withdrawal of the Town of Lincolnville, as authorized herein.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, provided, however, that the Appleton-Hope-Lincolnville Community School District shall continue in legal existence to, and including, June 30, 1978.

STATEMENT OF FACT

The purpose of this bill is to authorize the Town of Lincolnville to withdraw from the Appleton-Hope-Lincolnville Community School District.