

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 124

H. P. 97

House of Representatives, January 18, 1979

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

EDWIN H. PERT, Clerk

Presented by Mrs. Hutchings of Lincolnville.

Cosponsor: Mr. Sprowl of Hope.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Dissolve Membership of the Towns of Hope and Appleton from the
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 Hope have indicated their desire to withdraw from the Appleton-Hope Community School District by a 2/3 vote of the legal voters in that town present and voting at the Annual Town Meeting, called and held on March 13, 1978, 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 inhabitants of the Town of Appleton have indicated their desire to withdraw from the Appleton-Hope Community School District by a 2/3 vote of the legal voters in that town present and voting at the Annual Town Meeting, called and held on March 18, 1978, 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 1st and end on June 30th, and it being in the best interest of both the Town of Hope and the Town of Appleton that withdrawal of the said towns from the district, and the dissolution of the district, be effected simultaneously 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 and to dissolve. The inhabitants of the Town of Hope and the inhabitants of the Town of Appleton are hereby authorized to withdraw, respectively, from the Appleton-Hope Community School District, and to dissolve said community school district, upon the terms and conditions stated in this Act.

Sec. 2. Supervision and operations of schools of Town of Appleton and Town of Hope. The Town of Appleton and the Town of Hope, upon the effective date of this Act, shall have all the rights, privileges and powers permitted by law to supervise, operate and maintain schools, school facilities and educational services within the respective towns, as each of them would have enjoyed in the absence of participation in the Appleton-Hope Community School District.

Sec. 3. School committee members of Town of Appleton and Town of Hope. Members of the school committees of the towns of Appleton and Hope presently serving as trustees of the Appleton-Hope 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 members for their respective towns, without interruption, until the normal expiration of their respective elected terms.

Sec. 4. Division of assets of Appleton-Hope Community School District. The present trustees of the Appleton-Hope Community School District shall be the body, and they are hereby authorized to be the body, to determine equitable division of any assets of the Appleton-Hope Community School District, for the purpose of insuring that the towns of Appleton and Hope shall have delivered and returned to the other present member town of the Appleton-Hope Community School District such portions of the present assets of the community school district as represent, as nearly as possible, the proportionate share of total community school district assets contributed by or on behalf of the respective member towns at the date of creation of the community school district. The present trustees are specifically empowered to determine such division in

consideration of any modifications or adjustments of the total assets of the Appleton-Hope Community School District as resulted from withdrawal of the Town of Lincolnville from the former Appleton-Hope-Lincolnville Community School District, effective July 1, 1978.

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. 5. Transitional expenses and budget approval. The present trustees of the Appleton-Hope Community School District are authorized, and directed, to conduct the process of financial planning and approval of budget items for the supervision and operation of schools and school facilities in the respective towns in such manner as to effect the orderly transfer of funds, accounting responsibility and expenditures from the community school district to the respective member towns.

Sec. 6. Contracts. All contracts currently in existence to which the Appleton-Hope Community School District is a party, and which, but for this Act, would survive the withdrawal of the respective member towns from the community school district and dissolution of the community school district, shall be assigned, transferred or otherwise honored by the Town of Appleton and the Town of Hope in such manner as shall be deemed appropriate by the existing board of trustees of the community school district, 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 Community School District and individuals presently engaged in teaching services at either the Appleton School or the Hope School shall be honored in their entirety by the respective towns, subsequent to the withdrawal and dissolution authorized for this Act, in all respects and to the same extent as if the respective towns had originally entered into and executed such contracts.

Sec. 7. Transfer of real estate. The municipal officers of the Town of Hope and the Town of Appleton, and appropriate officials of the existing community school district, whether before or subsequent to withdrawal of the respective towns and dissolution of the community school district, are hereby authorized, empowered and directed to give such deeds and execute such instruments as may

be necessary to return to the inhabitants of the Town of Appleton or the inhabitants of the Town of Hope any interest or interests in real estate which existed prior to creation of the Appleton-Hope Community School District, or its predecessor community school district.

Sec. 8. Validation of acts of withdrawal and dissolution prior to June 30, 1979. Any and all actions, agreements or obligations taken, made or entered into by the Appleton-Hope Community School District, or either respective member town, in furtherance of the terms of this Act, pursuant to the authority stated in this Act, and in preparation for final withdrawal of the respective towns from the Appleton-Hope Community School District and dissolution of the 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, 1979.

The Appleton-Hope Community School District and the respective member towns, by and through their respective trustees or elected officers, 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 Community School District or the Town of Appleton, or the Town of Hope, for the purpose of preparing for final withdrawal from the community school district and dissolution of same.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, provided, however, that the Appleton-Hope Community School District shall continue in legal existence to, and including, June 30, 1979.

STATEMENT OF FACT

The purpose of this bill is to authorize the simultaneous withdrawal of the towns of Appleton and Hope from the Appleton-Hope Community School District, and to authorize the simultaneous and final dissolution of the Appleton-Hope Community School District. The Appleton-Hope Community School District is the successor school administrative unit to the former Appleton-Hope-Lincolnville Community School District. The Town of Lincolnville was authorized to withdraw from the former Appleton-Hope-Lincolnville Community School District by Private and Special Law, c. 96, 108th Legislature, Second Regular Session, effective March 8, 1978.