

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1473

H. P. 1124

House of Representatives, March 21, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Silsby of Ellsworth.

Cosponsors: Mr. Churchill of Orland, Mr. Bunker of Gouldsboro and Mr. Bordeaux of Mount Desert.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Form the Boggy Brook Vocational School.

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

Whereas, the provision of vocational education at the secondary school level is vital to the education of all Maine students; and

Whereas, these services are not presently being offered in Region 5; and

Whereas, the creation of a new governance structure for providing vocational education in this area is necessary in order to reestablish strong local support for these programs; and

Whereas, the creation of the Boggy Brook Vocational School will create such a governance structure; 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. Bogy Brook Vocational School; establishment. There is established the Bogy Brook Vocational School, hereinafter called the "school," which is authorized to provide vocational education programs, as defined in the Revised Statutes, Title 20, section 2356-A, subsection 3, for the towns formerly served by vocational Region 5.

1. Board of directors. The school shall be administered by a board of directors consisting of 6 members.

2. Membership. Each member of the board shall represent a district. These districts shall be composed as follows:

- A.** District I, which shall include Bucksport, Prospect, Verona and Orland;
- B.** District II, which shall include Castine, Brooksville, Brooklin, Blue Hill, Penobscot, Sedgwick and Surry;
- C.** District III, which shall include Deer Isle, Stonington, Tremont, Southwest Harbor, Swans Island, Long Island Pt. and Cranberry Isles;
- D.** District IV, which shall include Ellsworth, Otis, Trenton, Mariaville, Waltham and Eastbrook;
- E.** District V, which shall include Lamoine, Bar Harbor and Mt. Desert; and
- F.** District VI, which shall include Franklin, Hancock, Sorrento, Sullivan, Steuben, Gouldsboro and Winter Harbor.

3. Election of board. The members of the board shall be elected at the statewide general election on the first Tuesday after the first Monday in November. In years in which there is no general election, members shall be chosen at a special election called in accordance with the Revised Statutes, Title 20, section 225.

4. Terms. The members of the board shall be elected for 4-year terms, except that of the first members elected to the board, 3 shall serve for 4 years and 3 shall serve for 2 years. Members of the board first chosen shall designate by lot the members who shall serve 3-year initial terms.

5. Organization of board.

A. The members of the board shall take an oath of office in the same form as provided in the Revised Statutes, Title 20, section 302, for the directors of a School Administrative District. A certificate of the oath shall be on file in the office of the board.

B. The board shall meet upon the call of the State Board of Education within 10 days following the election and shall elect a chairman and a vice-chairman from among its members. The board shall select a treasurer and a secretary. The treasurer and secretary may be persons who are not members of the board.

C. The treasurer shall give a bond to the board in the sum and with the sureties which the board may determine. The bond shall be deposited with the chairman. The expenses of the bonds shall be paid by the board.

D. The secretary of the board shall forthwith file a return with the State Board of Education setting forth the names of the officers of the board and certifying that the board has been properly organized.

E. The State Board of Education is authorized to issue a certificate of organization to the board and this certificate shall be conclusive evidence that the board has been properly organized. The original certificate shall be kept on file by the secretary of the board and copies shall be filed with the commissioner.

6. Powers and duties of the board.

A. The board shall provide vocational programs, as defined in the Revised Statutes, Title 20, section 2356-A, subsection 3, primarily for students in the administrative units of the 6 districts set out in subsection 1.

B. The board shall have all of the powers and duties provided in the Revised Statutes, Title 20, sections 306 to 309-D and section 473, excluding subsection 3.

C. The board is authorized to establish tuition charges for students enrolled in programs of vocational education. Tuition charges shall not exceed the actual operating costs of the school.

D. The board is authorized to employ a certified vocational administrator who may be appointed as secretary and treasurer for the board. The administrative officer shall have the authority to nominate teachers and shall perform other duties assigned by the board.

7. Debt on Region 5 vocational facility. The State shall assume the obligations for any outstanding debt on the vocational facility in Region 5 as established in the Revised Statutes, Title 20, section 2356-G. The obligation of the State shall be reduced by the balance in the construction account of Region 5.

8. Reimbursement for tuition and transportation. The State shall reimburse the units with students enrolled in the school for 100% of the tuition and transportation costs which are attributable to the enrollment of these students at the school in the year of allocation of funds.

9. Information for subsidy purposes. The commissioner is authorized to obtain any information relating to expenditures and estimated costs which are necessary in order to carry out the reimbursement provisions of subsection 8.

10. Vocational Region 5 dissolved. Vocational Region 5, Hancock County, as established under the Revised Statutes, Title 20, chapter 307, is dissolved and all rights, duties, powers, obligations, assets, liabilities, privileges and immunities of the region and its cooperative board, except as provided in this Act, are transferred to and are assumed by the board of the Boggy Brook Vocational School.

Sec. 2. 20 MRSA § 2356-G, first sentence, as repealed and replaced by PL 1975, c. 513, § 10, is amended to read:

There are created **4 10** vocational regions for vocational education whose boundaries are set forth in this section.

Sec. 3. 20 MRSA § 2356-G, sub-§ 1, Region 5. HANCOCK COUNTY, as repealed and replaced by PL 1977, c. 205, § 8, is repealed.

Sec. 4. 20 MRSA § 2356-G, sub-§ 1, last ¶, as repealed and replaced by PL 1975, c. 513, § 10, is amended to read:

The boundaries of the **4 10** regions shall not be changed except by action of the Legislature, provided that any unit contracting for secondary education outside of its region shall become a part of the region where such a contract exists.

Sec. 5. 20 MRSA § 2356-G, sub-§ 2, as repealed and replaced by PL 1975, c. 513, § 10, is amended to read:

2. Program approval. The State Board of Education shall approve vocational programs in the **4 10** regions as funding becomes available based upon plans submitted by the cooperative boards of the **4 10** vocational regions.

Sec. 6. 20 MRSA § 2356-G, sub-§ 4, first sentence, as repealed and replaced by PL 1977, c. 205, § 11, is amended to read:

The cooperative boards of the **4 10** regions for vocational education as set forth in this section shall have all the rights and duties that are set forth in sections 306 through 309-D and section 473, excluding subsections 3 and 5.

Sec. 7. 20 MRSA § 2356-G, sub-§ 6, first sentence, as repealed and replaced by PL 1977, c. 205, § 13, is amended to read:

The **4 10** regions for vocational education, as designated, agree to appropriate the necessary local funds, in accordance with the agreed-upon method of sharing costs, to pay the operating and construction costs for the regional programs for vocational education as may be required by sections 2356-A to 2356-H.

Sec. 8. 20 MRSA § 4750, sub-§ 5-A is enacted to read:

5-A. Payments for vocational education programs at the Boggy Brooks Vocational School. Notwithstanding any other provision of this chapter, the State shall reimburse the Boggy Brook Vocational School for 100% of its debt service costs in the year of allocation of funds and shall reimburse any unit with students enrolled at this school 100% of the tuition and transportation costs in the year of allocation of funds which are attributable to the enrollment of students from these units at the school.

Sec. 9. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

1979-80

EDUCATIONAL AND CULTURAL SERVICES

DEPARTMENT OF

All Other

\$50,000

The department shall allocate these funds to the Region 5 cooperative board for the purpose of administering the region until the board of Boggy Brook Vocational School is elected.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved except for section 1, subsection 10, which shall become effective upon the certification of the board of the Boggy Brook Vocational School.

STATEMENT OF FACT

The purpose of this bill is to abolish Vocational Region 5 and to establish a new vocational school to serve the area formerly served by Region 5.