

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 792

H. P. 651 House of Representatives, February 11, 1981
Speaker laid before the House and referred to the Committee on Education.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative McPherson of Eliot.
Cosponsor: Representative LaPlante of Sabattus.

STATE OF MAINE

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

AN ACT to Dissolve the Wells-Ogunquit 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 Wells-Ogunquit Community School District was created by Private and Special Law 1979, chapter 45, "AN ACT to Separate Ogunquit Village Corporation from the Town of Wells."; and

Whereas, the Revised Statutes, Title 20 sections 381 and 382 provide for the dissolution of 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, pursuant to the Revised Statutes, Title 20, section 372, subsection 7, the fiscal year of the Wells-Ogunquit Community School District begins on July 1st and ends on June 30th, and it being in the best interests of both the Town of Ogunquit and the Town of Wells that the dissolution authorized by this Act take effect concurrently with the close of a fiscal year so as to ensure 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 dissolution. The inhabitants of the Town of Ogunquit are hereby authorized to withdraw from the Wells-Ogunquit Community School District, and the Wells-Ogunquit Community School District is thereby and by virtue of this Act dissolved, upon the terms and conditions stated in this Act.

Sec. 2. Supervision and operations of schools of Town of Ogunquit and Town of Wells. The Town of Ogunquit and the Town of Wells, 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 Wells-Ogunquit Community School District.

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

Sec. 4. Division of assets of Wells-Ogunquit Community School District. The present trustees of the Wells-Ogunquit 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 Wells-Ogunquit Community School District, for the purpose of ensuring that the Towns of Wells and Ogunquit shall have delivered and returned to them 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 and from the date of creation of the community school district.

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

Sec. 5. Transitional expenses and budget approval. The present trustees of the Wells-Ogunquit 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 responsibilities and expenditures from the community school district to the respective member towns.

Sec. 6. Contracts. All contracts currently in existence to which the Wells-Ogunquit Community School District is a party, and which, but for this Act, would service the dissolution of the community school district, shall be assigned, transferred or otherwise honored by the Town of Ogunquit and the Town of Wells

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 the contracts shall not be prejudiced.

The Commissioner of Educational and Cultural Services 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 has the effect of terminating, diminishing, enlarging or in any other way affecting the rights of tenure of any parties to such contracts otherwise provided or recognized by law.

Notwithstanding any other provisions of this section, the existing debt service in the form of bonded indebtedness originally granted by the Town of Wells arising from the construction of the existing high school located in the Town of Wells and subsequently assumed by the Wells-Ogunquit Community School District pursuant to Private and Special Law 1979, chapter 45, section 6, shall be assumed by the Town of Wells.

Sec. 7. Transfer of real estate. The municipal officers of the Town of Ogunquit and the Town of Wells, and appropriate officials of the Wells-Ogunquit Community School District, whether before or subsequent to dissolution of the community school district, shall give such deeds and execute such instruments as may be necessary to transfer to the inhabitants of the Town of Ogunquit or the inhabitants of the Town of Wells where applicable any interest or interests in real estate now owned or under the control of the community school district to the town in which the community school district is geographically located.

Sec. 8. Validation of acts in anticipation of dissolution. Any and all actions, agreements or obligations taken, made or entered into by the Wells-Ogunquit 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 the dissolution of the Wells-Ogunquit 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 Wells-Ogunquit Community School District and the respective members 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, devise or encumber real estate or either Wells-Ogunquit Community School District or the Town of Ogunquit or the Town of Wells, for the purpose of preparing for final dissolution of the community school district.

Sec. 9. Computation of state-local allocation. The Commissioner of Educational and Cultural Services is authorized to prorate expenditures made by the Wells-Ogunquit Community School District for the purpose of determining state-local allocations for the respective towns.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, provided the Wells-Ogunquit Community School District shall continue in legal existence to and including June 30, 1981.

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.