

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)

1 (EMERGENCY)
2 (After Deadline)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 1882

8
9 H.P. 1345 House of Representatives, January 16, 1986
10 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 27.

11 Reference to the Committee on Education suggested and ordered printed.
EDWIN H. PERT, Clerk

12 Presented by Representative Wentworth of Wells.

Cosponsored by Senator Hichens of York, Senator Dutremble of York
and Representative Brown of Gorham.

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-SIX
18

19 AN ACT to Reapportion the Wells-Ogunquit
20 Community School District.
21

22 **Emergency preamble.** Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, the private and special law which cre-
26 ated the Wells-Ogunquit Community School District
27 contained an error relating to the method of voting
28 of the school committee of the district; and

29 Whereas, the State Board of Education has adopted
30 a plan of reapportionment for the district pursuant
31 to the Maine Revised Statutes, Title 20-A, section
32 1255, which cannot be implemented without changes to
33 the private and special law which created the dis-
34 trict; and

1 Whereas, the annual town elections in March of
2 1986 provide an opportunity to reapportion the dis-
3 trict's school committee without disrupting the terms
4 of school committee members; and

5 Whereas, the error in the law which created the
6 district may impair the ability of the district to
7 obtain financing for a school construction project
8 which has been approved by the voters of the district
9 and by the State Board of Education; and

10 Whereas, in the judgment of the Legislature,
11 these facts create an emergency within the meaning of
12 the Constitution of Maine and require the following
13 legislation as immediately necessary for the preser-
14 vation of the public peace, health and safety; now,
15 therefore,

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

18 Sec. 1. P&SL 1979, c. 45, §6, 4th and 5th ¶¶ are
19 amended to read:

20 If a declared vote is affirmative in regard to
21 the question, there is hereby created a community
22 school district for grades kindergarten to 12 under
23 the Maine Revised Statutes, Title 20, notwithstanding
24 the formation and organizational requirements of the
25 statute. The community school district, consisting
26 of the Town of Ogunquit and the Town of Wells, shall
27 be deemed to have been formed, organized and in exist-
28 tence on the effective date of this Act as provided
29 in section 5 of this Act. The duties of the trustees
30 of the community school district and the school com-
31 mittee in the organization and management of the af-
32 fairs of the district in accordance with the Maine
33 Revised Statutes, ~~Title 20~~ Title 20-A, shall be car-
34 ried out by a school committee consisting of 6 8 mem-
35 bers, 3 from each town, 6 from the Town of Wells and
36 2 from the Town of Ogunquit, to be appointed and
37 elected as are trustees under the statute.

38 The method of voting by members of the school
39 committee shall be in accordance with Method B:
40 Weighted Votes of the Maine Revised Statutes, ~~Title~~
41 20, section 301 Title 20-A, section 1252, and each

1 member from Wells shall have 138 votes and each mem-
2 ber from Ogunquit shall have 85 votes.

3 Sec. 2. P&SL 1979, c. 45, §6, is amended by add-
4 ing after the 5th paragraph the following:

5 The terms of the members of the school committee
6 elected prior to March 1, 1986, shall continue until
7 they expire. Until July 1, 1986, the 6-member school
8 committee with 3 members from each town shall have
9 full authority to act as the school committee of the
10 district. During this period, the votes of the mem-
11 bers of the school committee from each town shall be
12 weighted on the basis of the population of the towns
13 which they represent as determined by the 1982 Feder-
14 al Estimated Census.

15 At the town election in March of 1986, the Town
16 of Wells shall elect 4 members to the school commit-
17 tee in addition to the 2 members whose terms continue
18 beyond 1986, thereby increasing the number of members
19 from the Town of Wells from 3 to 6. The terms of the
20 members of the school committee elected in March of
21 1986 shall commence July 1, 1986. Two of the 4 mem-
22 bers to be elected from Wells in 1986 shall be
23 elected to a 3-year term, one shall be elected to a
24 2-year term and one shall be elected to a one-year
25 term. At the annual town election in March of 1986,
26 the Town of Ogunquit shall not replace the member
27 whose 3-year term expires on June 30, 1986, and the
28 number of members of the school committee from the
29 Town of Ogunquit shall be reduced from 3 to 2 as of
30 July 1, 1986. Following the town elections in 1986,
31 all members of the school committee shall be elected
32 to 3-year terms.

33 If at any time after July 1, 1986, the State
34 Board of Education determines that the school commit-
35 tee is in need of reapportionment, the school commit-
36 tee shall be reapportioned in accordance with the
37 procedures for reapportionment established in the
38 Maine Revised Statutes, Title 20-A, section 1255, and
39 thereafter, the number of members of the school com-
40 mittee from each town and the weighting of their
41 votes, shall be determined pursuant to the reappor-
42 tionment procedures.

1 committee shall continue to act as the school commit-
2 tee until June 30, 1986. As of July 1, 1986, the
3 school committee is changed from a 6-member committee
4 with 3 representatives of each town to an 8-member
5 committee with 6 members from Wells and 2 from
6 Ogunquit. The terms of the members of the school
7 committee are staggered so that 2 members from Wells
8 are elected each year and so that the 2 members from
9 Ogunquit are elected in different years. This sec-
10 tion also provides that in the future the school com-
11 mittee may be reapportioned in accordance with the
12 procedures of the Maine Revised Statutes, Title 20-A,
13 section 1255, without the necessity of further legis-
14 lation.

15 Section 4 approves and validates the votes of the
16 school committee prior to the effective date of this
17 bill, notwithstanding the fact that due to an error
18 in the private and special law which created the dis-
19 trict, the method of voting on such actions was not,
20 and could not be, conducted in accordance with Method
21 B: Weighted Votes. Among the votes which are ap-
22 proved and validated are those relating to the call-
23 ing of a district meeting referendum to vote on a
24 school construction project and those relating to the
25 issuance of bonds or votes in the name of the dis-
26 trict for the purpose of financing that school con-
27 struction project.

28

5360010986