

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (New Draft of H.P. 1345, L.D. 1882)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2118

8
9 H.P. 1503

House of Representatives, March 3, 1986

10 Reported by Representative Soucy from the Committee on Education and
11 printed under Joint Rule 2. Original bill sponsored by Representative
12 Wentworth of Wells. Cosponsored by Senator Hichens of York, Senator
Dutremble of York, and Representative Brown of Gorham.

EDWIN H. PERT, Clerk

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 for the school committee of the district; and

29 Whereas, the error in the law which created the
30 district may impair the ability of the district to
31 obtain financing for a school construction project
32 which has been approved by the voters of the district
33 and by the State Board of Education; and

34 Whereas, in the judgment of the Legislature,
35 these facts create an emergency within the meaning of

1 the Constitution of Maine and require the following
2 legislation as immediately necessary for the preservation
3 of the public peace, health and safety; now,
4 therefore,

5 Be it enacted by the People of the State of Maine as
6 follows:

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

9 If a declared vote is affirmative in regard to
10 the question, there is hereby created a community
11 school district for grades kindergarten to 12 under
12 the Maine Revised Statutes, Title 20 20-A, notwithstanding
13 the formation and organizational requirements of the statute. The community school district,
14 consisting of the Town of Ogunquit and the Town of
15 Wells, shall be deemed to have been formed, organized
16 and in existence on the effective date of this Act as
17 provided in section 5 of this Act. The duties of the
18 trustees of the community school district and the
19 school committee in the organization and management
20 of the affairs of the district in accordance with the
21 Maine Revised Statutes, Title 20 20-A, shall be carried
22 out by a school committee consisting of 6 members,
23 3 from each town, to be appointed and elected
24 as are trustees under the statute.
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26 The method of voting by members of the school
27 committee shall be in accordance with Method B:
28 Weighted Votes of the Maine Revised Statutes, Title
29 20 20-A, section 301 1252, except that the 2% limitation
30 contained therein shall not apply and each member
31 from Wells shall have 276 votes and each member
32 from Ogunquit shall have 57 votes. Pursuant to a majority
33 vote of the school committee and with the approval
34 of the Commissioner of Educational and Cultural
35 Services, the weighting of the votes of the members
36 of the school committee may be changed to reflect
37 changes in population as determined by the most
38 recent Federal Decennial Census or Federal Estimated
39 Census. A simple majority of the members of the
40 school committee shall constitute a quorum.

41 Sec. 2. P&SL 1979, c. 45, §6, is amended by adding
42 after the 5th paragraph the following:

1 If at any time after July 1, 1986, the State
2 Board of Education determines, pursuant to the Maine
3 Revised Statutes, Title 20-A, section 1255, that the
4 school committee is in need of reapportionment, the
5 school committee shall be reapportioned in accordance
6 with the procedures for reapportionment established
7 in the Maine Revised Statutes, Title 20-A, section
8 1255, and thereafter, the number of members of the
9 school committee from each town and the weighting of
10 their votes, shall be determined pursuant to the re-
11 apportionment procedures.

12 **Sec. 3. Approval and validation.** Notwithstand-
13 ing the provisions of Private and Special Law 1977,
14 chapter 45, section 6, requiring that the method of
15 voting by members of the school committee shall be in
16 accordance with Method B: Weighted Votes of the Maine
17 Revised Statutes, Title 20, section 301, the votes of
18 the school committee of the Wells-Ogunquit Community
19 School District prior to the effective date of this
20 Act are approved and validated. The votes of the
21 school committee which are approved and validated in-
22 clude, without limitation:

23 1. All votes relating to the calling and con-
24 ducting of a district meeting referendum on September
25 17, 1985, for the purpose of voting on a school con-
26 struction project and the related issuance of debt;
27 and

28 2. All votes relating to the issuance of bonds
29 or notes in the name of the district for the purpose
30 of financing the school construction project.

31 **Emergency clause.** In view of the emergency cited
32 in the preamble, this Act shall take effect when ap-
33 proved.

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STATEMENT OF FACT

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The new draft amends the private and special law which created the Wells-Ogunquit Community School District, in order to correct an error concerning the method of voting in the private and special law which created the district. Section 1 corrects this error and provides that the votes of the members of the school committee shall be weighted in accordance with the population of the towns which they represent.

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Section 2 provides that if it becomes necessary in the future to reapportion the school committee, the school committee may be reapportioned in accordance with the procedures of the Maine Revised Statutes, Title 20-A, section 1255, without the necessity of further legislation.

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Section 3 approves and validates the votes of the school committee prior to the effective date of this bill, notwithstanding the fact that due to an error in the private and special law which created the district, the method of voting on such actions was not, and could not be, conducted in accordance with Method B: Weighted Votes. Among the votes which are approved and validated are those relating to the calling of a district meeting referendum to vote on a school construction project and those relating to the issuance of bonds or notes in the name of the district for the purpose of financing that school construction project.

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