

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1625

H.P. 1171

House of Representatives, May 10, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Education suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Frenchville.

Cosponsored by Representative McHENRY of Madawaska, Senator THERIAULT of Aroostook and Representative MARTIN of Van Buren.

STATE OF MAINE

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

**An Act to Authorize a Cooperative Agreement for the Construction
and Operation of a Vocational Center Located in School
Administrative District No. 33.**

(AFTER DEADLINE)

(EMERGENCY)



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

5 **Whereas,** School Administrative District No. 27, School
6 Administrative District No. 33 and the Madawaska School
7 Department desire to enter into a cooperative agreement which
8 would provide for the construction of a new vocational center
9 located in Frenchville; and

11 **Whereas,** the participating units need legislative authority
12 for such a cooperative undertaking immediately if School
13 Administrative District No. 33 is to begin the school
14 construction process in time to open the vocational center in
15 September 1991; and

17 **Whereas,** the construction of the vocational center and the
18 resulting improvement and coordination of programs are essential
19 to the education and well-being of the students of northern
20 Aroostook County; and

21 **Whereas,** in the judgment of the Legislature, these facts
22 create an emergency within the meaning of the Constitution of
23 Maine and require the following legislation as immediately
24 necessary for the preservation of the public peace, health and
25 safety; now, therefore,

27 **Be it enacted by the People of the State of Maine as follows:**

29 **Sec. 1. 20-A MRSA §8401,** as amended by PL 1985, c. 744, §1,
31 is further amended to read:

33 **§8401. Vocational centers**

35 The vocational centers shall operate at Augusta; Bath;
36 Biddeford; School Administrative District No. 61, (Bridgton);
37 Caribou; School Administrative District No. 46, (Dexter); School
38 Administrative District No. 9, (Farmington); School
39 Administrative District No. 27 (Fort Kent); Lewiston; Madawaska;
40 Portland; School Administrative District No. 1, (Presque Isle);
41 School Administrative District No. 54, (Skowhegan); School
42 Administrative District No. 24, (Van Buren); Waterville; and
43 Westbrook. School Administrative District No. 27, School
44 Administrative District No. 33 and Madawaska School Department
45 are authorized to enter into a cooperative agreement which
46 provides for the construction and operation of a vocational
47 center in School Administrative District No. 33.

49 **Sec. 2. 20-A MRSA §8404, sub-§3, ¶¶A and B,** as enacted by PL
50 1981, c. 693 §§5 and 8, are amended to read:

51

1 A. Shall prepare and submit an annual report on the
3 vocational center and vocational satellite programs, to the
state board and to each municipality served by the center;
and

5
7 B. May develop a cooperative agreement which shall
delineate the duties and powers of the advisory committee
9 and devise a formula for sharing costs. The agreement is
subject to ratification by all of the school boards of the
11 participating administrative units. This agreement shall be
reviewed annually, with a copy being submitted to the
13 commissioner. The cost-sharing formula shall pertain to the
cost of vocational educational programs which exceed
15 expenditures made for those programs in the base year; and

17 **Sec. 3. 20-A MRSA §8404, sub-§3, ¶C is enacted to read:**

19 C. In the event that the school boards of School
Administrative District No. 27, School Administrative
District No. 33, and Madawaska School Department enter into
a cooperative agreement pursuant to section 8401 and a new
vocational center in Maine School Administrative District
No. 33 becomes operational, the cost sharing formula for the
new vocational center established thereby shall pertain to
the cost of vocational educational programs which exceed
expenditures made for those programs in the base year as
adjusted pursuant to section 15603, section 5 and to the
local share of debt service costs attributable to
construction of the vocational center in School
Administrative District No. 33.

31 **Sec. 4. 20-A MRSA §8451, sub-§5, as enacted by PL 1985, c.**
33 **744, §3, is repealed and the following enacted in its place:**

35 **5. Northern Aroostook County.** Northern Aroostook County
37 shall also be a vocational region and shall be organized in the
following manner.

39 A. Public secondary schools located at Van Buren,
Madawaska, St. Agatha, Fort Kent and Allagash shall be
served by regional vocational centers located in Van Buren,
Madawaska and Fort Kent, provided that in the event that the
school boards of School Administrative District No. 27 (Fort
Kent), School Administrative District No. 33 (St. Agatha)
and Madawaska enter into a cooperative agreement pursuant to
section 8401, the agreement shall provide that if a new
vocational center located in Maine School Administrative
District No. 33 becomes operational, vocational students
from Maine School Administrative District No. 10 (Allagash)
shall be allocated slots in the vocational programs at the
center as tuition students on the same basis as students
51 from the 3 participating units and that vocational students

1 from School Administrative District No. 24 (Van Buren) shall
2 be permitted to attend that vocational center on a tuition
3 basis to the extent that there are unused slots available in
4 the vocational programs at the center.

5
6 B. Notwithstanding sections 8452 to 8459, these regional
7 centers shall be governed by their respective boards, but
8 shall have an advisory committee for the northern Aroostook
9 County area, provided that in the event that the school
10 boards of School Administrative District No. 27, School
11 Administrative District No. 33 and Madawaska School
12 Department enter into a cooperative agreement pursuant to
13 section 8401, the northern Aroostook County advisory
14 committee shall be made up of representatives of those 3
15 administrative units and the advisory committee shall have
16 authority to review applications for employment and
17 personnel records relating to the vocational director and
18 teachers in the vocational program in order for the advisory
19 committee to make employment recommendations to the
20 Superintendent of Schools of Maine School Administrative
21 District No. 33.

22
23 C. In the event that School Administrative District No. 27,
24 School Administrative District No. 33 and Madawaska School
25 Department enter into a cooperative agreement pursuant to
26 section 8401, not later than June 30, 1989, the school
27 boards of the 3 participating units shall, in conjunction
28 with the advisory committee, develop and submit a plan to
29 the Commissioner of Educational and Cultural Services for
30 delivery of secondary vocational services within the 3
31 participating units. The plan shall include:

32
33 (1) A proposal for the construction of a new
34 vocational center in School Administrative District No.
35 33;

36
37 (2) Provisions for assignment without loss of salary
38 of all continuing contract vocational teachers employed
39 by School Administrative District No. 27 and Madawaska
40 School Department to School Administrative District No.
41 33 if a new vocational center in School Administrative
42 District No. 33 becomes operational;

43
44 (3) Assurances that all 3 participating administrative
45 units and School Administrative District No. 10 on a
46 tuition basis, shall have access to programs at the new
47 vocational center in proportion to the number of high
48 school juniors and seniors in each administrative unit.

49
50 D. The plan developed under paragraph C shall be submitted
51 to the Commissioner of Educational and Cultural Services for
approval. The commissioner may make necessary

1 recommendations to the participating units to assist in the
2 implementation of the plan for the school year 1991-92. The
3 plan shall be approved by the commissioner by August 30,
4 1989.

5
6 E. If the school boards of School Administrative District
7 No. 27, School Administrative District No. 33 and Madawaska
8 enter into a cooperative agreement pursuant to section 8401
9 and if a plan developed under paragraph C is approved by the
10 commissioner, School Administrative District No. 33 shall
11 have the authority to undertake school construction projects
12 for vocational education in accordance with the provisions
13 of chapter 609 and to borrow money and issue bonds and notes
14 of the district for school construction projects in
15 accordance with section 1311 and sections 1351 to 1354.

16
17 F. Section 8301, subsection 5 and sections 8452 to 8467
18 shall not apply to the vocational region established for
19 northern Aroostook County under this section.

20 **Sec. 5. Reallocation of state subsidy.** If the school boards of
21 School Administrative District No. 27, School Administrative
22 District No. 33 and Madawaska enter into a cooperative agreement
23 pursuant to section 8401 and if a new vocational center becomes
24 operative in School Administrative District No. 33, the
25 Department of Educational and Cultural Services shall reallocate
26 the state subsidy for vocational education to ensure that the
27 subsidy goes to the unit actually providing vocational programs
28 in that year rather than to the units which provided vocational
29 programs during the 2 preceding base years. If the vocational
30 center in School Administrative District No. 33 becomes
31 operational in the middle of a fiscal year, the State Board of
32 Education shall prorate the subsidy for vocational education paid
33 in that fiscal year in proportion to the costs incurred by each
34 unit for providing vocational education in that year.

35
36 **Emergency clause.** In view of the emergency cited in the
37 preamble, this Act shall take effect when approved.
38

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41 **STATEMENT OF FACT**
42

43
44 This bill permits School Administrative District No. 27,
45 School Administrative District No. 33 and the Madawaska School
46 Department to enter into a cooperative agreement which would
47 provide for the construction of a new vocational center.