

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)



116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1640

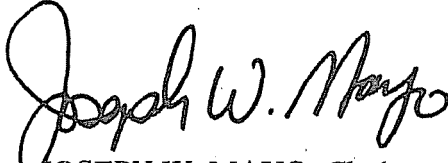
H.P. 1221

House of Representatives, January 5, 1994

**An Act to Authorize the Towns of Appleton, Camden, Hope,
Lincolnville and Rockport to Form a Community School District.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Education suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative WHITCOMB of Waldo.
Cosponsored by Representatives: BOWERS of Washington, NASH of Camden, Senator:
PINGREE of Knox.

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

Whereas, the inhabitants of the Towns of Appleton, Camden, Hope, Lincolnville and Rockport have indicated in the passing of resolutions and the appropriating of money a desire to form, in 1994, a community school district for the 5 towns and School Administrative District 28 for grades 9 to 12; and

Whereas, the operational school year for the community school district, unless otherwise provided for, will begin July 1st after the organization of the community school district as required by the Maine Revised Statutes, Title 20-A, section 1604; and

Whereas, it is in the interest of the 5 towns and School Administrative District 28, which is currently providing education for grades 9 to 12, to have adequate planning and preparatory time to create; and

Whereas, to put into operation a new community school district with a new school and to ensure an orderly transition consistent with school year and fiscal year requirements and statutory time limits for the conducting of local referenda and elections; 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. The inhabitants of the Towns of Appleton, Hope and Lincolnville and School Administrative District 28 are authorized to form a community school district in accordance with the Maine Revised Statutes, Title 20-A, chapter 105 and upon the terms of this Act.

Sec. 2. Continued existence. School Administrative District 28 continues to consist of the inhabitants of the Towns of Camden and Rockport for the purpose of owning and operating elementary schools for students in Kindergarten and grades one to 8 notwithstanding the provisions of the Maine Revised Statutes, Title 20-A, section 1258. The State Board of Education shall issue an amended certificate of organization for School Administrative District 28 effective July 1st of the first operational year of the community school district provided for in

2 this Act which is conclusive evidence of the lawful organization
4 of School Administrative District 28. The Towns of Appleton,
6 Hope and Lincolnville continue as school administrative units to
operate school for Kindergarten and grades one to 8, and such
operations are unaffected by the terms of this Act.

8 **Sec. 3. Rights and privileges.** The Appleton, Camden, Hope,
10 Lincolnville and Rockport Community School District and School
12 Administrative District 28 have all the rights and privileges of
14 a community school district and a school administrative district
respectively formed under the provisions of the Maine Revised
Statutes, Title 20-A, and are governed by all of the applicable
provisions of Title 20-A to the extent that the laws do not
conflict with the terms of this Act.

16 **Sec. 4. Initial organization and budget.** Notwithstanding any law
18 to the contrary, the Appleton, Camden, Hope, Lincolnville and
20 Rockport Community School District is organized upon the issuance
22 of the certificate of organization by the Commissioner of
24 Education. The school boards of the Towns of Appleton, Hope and
26 Lincolnville and the Board of Directors of School Administrative
28 District 28, acting as a committee of the whole, are responsible
30 for preparing and submitting a budget to the voters as authorized
32 by the Maine Revised Statutes, Title 20-A, section 1701 and as
34 modified by the terms of section 11 of this Act, prior to June 1,
36 1994 for the fiscal year beginning July 1, 1994. The school
district committee is responsible for preparing and submitting a
budget to the voters in 1995 as authorized by Title 20-A, section
1701 and as modified by the terms of section 11 of this Act for
the fiscal year beginning July 1, 1995 and for each year after
that fiscal year. The combined boards have the authority to act
as the governing body of the district until the election of the
school district committee including the authority to submit an
application to the State Board of Education for school
construction approval.

38 **Sec. 5. Transition period and first operational year.** The community
40 school district has a transition period beginning July 1, 1994.
42 The school district committee is authorized to employ personnel
44 and to make expenditures and to do all other acts of a community
46 school district except the assumption of the control and
48 operation of grades 9 to 12 during the transition period. The
50 State Board of Education and the Commissioner of Education shall
issue a certificate of organization to the community school
district consistent with the terms of this Act. The transition
period ends and the school district committee assumes control and
operation of grades 9 to 12 in the district on July 1st of the
year prior to the year of the scheduled occupation of new school
facilities owned by the district.

Sec. 6. Selection of representatives on the school district committee.

The school district committee consists of representation of the Towns of Appleton, Hope and Lincolnville and School Administrative District 28. The representatives of the towns must be directly elected and the representatives of School Administrative District 28 must be members of the School Administrative District 28 Board of Directors. The representation of the Towns of Appleton, Hope and Lincolnville and School Administrative District 28 must be in approximately the same ratio to the total membership of the school district committee as the municipality's latest Federal Decennial Census is to the latest Federal Decennial Census of all the member municipalities and School Administrative District 28. Federal Estimated Census figures must be used if they are more recent than the Federal Decennial Census figures; except that a municipal member may not have less than one representative on the school district committee. Until the Federal Decennial Census of 2000 results are available, the Towns of Appleton and Hope shall elect one representative each; the Town of Lincolnville shall elect 2 representatives; and the School Administrative District 28 Board of Directors shall appoint from its membership 7 representatives. The terms of the representatives of School Administrative District 28 on the school district committee end with the terms of those representatives on the School Administrative District Board of Directors. The representatives elected from the Towns of Appleton, Hope and Lincolnville have 3-year terms and the terms must be staggered for member municipalities with more than one representative. The election process of the municipal representatives must be in the same manner and at the same time as election of municipal officials provided for in the Maine Revised Statutes, Title 30-A and local ordinances or charters.

Sec. 7. Alternate representatives. The school boards for the Towns of Appleton, Hope and Lincolnville and the Board of Directors of School Administrative District 28 may each appoint from their membership one alternate representative who may attend the meetings of the school district committee and who acts as liaison between the respective school board and the school district committee. If a school district committee representative is absent from a meeting, the appointed alternate representative is allowed all the rights and privileges of the absent representative.

Sec. 8. Vacancies. Vacancies on the school district committee are filled as follows.

1. Towns of Appleton, Hope and Lincolnville. A vacancy in a representative's term from the Towns of Appleton, Hope and

Lincolnvile is filled by an appointment by the school board of the municipality in which the vacancy occurs until the next general election.

2. School Administrative District 28. A vacancy in a term of a representative or alternate representative of School Administrative District 28 is filled for the unexpired term by the board with the appointing authority for that representative or alternate representative.

Sec. 9. Transition cost sharing. The sharing of community school district costs during the transition period is a ratio based on 70% state valuation for each member and 30% pupils for each member.

Sec. 10. Operational cost sharing. The following provisions apply for sharing community school district costs among the members beginning the first year of the operation of grades 9 to 12.

	<u>Appleton</u>	<u>Hope</u>	<u>Lincolnvile</u>	<u>Camden</u>	<u>Rockport</u>
Year 1					
% of	4.61	6.85	13.31	44.23	30.99
Total					
Year 2					
% of	5.19	6.57	13.35	44.12	30.76
Total					
Year 3					
% of	5.78	6.30	13.39	44.02	30.52
Total					

Year 4 and After: A ratio based on 70% state valuation for each town and 30% pupils for each town.

All other provisions including the amendment provisions of the Maine Revised Statutes, Title 20-A, section 1704 apply.

Sec. 11. Budget approval. The procedure for preparing a budget is as follows.

1. Preparation. The school district committee shall prepare annually a budget for the operation and capital expenditures of the community school district.

2. Articles. The school district committee shall prepare appropriate articles using a line-item category format to authorize budget expenditures and to determine the sums of money that are assessed to each member municipality.

2 **3. Public hearings.** The school district committee shall
3 hold at least one public hearing within the district at least 7
4 days apart from and at least 10 days prior to the final
5 preparation of the line-item budget articles to be voted on in
6 each municipality. At least 7 days before the date set for the
7 public hearing, the school district committee shall give notice
8 of the public hearing by having a copy of the proposed article,
9 together with the time and place of the hearing, posted in the
10 same manner required for posting of a warrant for a town meeting
11 under the Maine Revised Statutes, Title 30-A, section 2523.
12 Notices of the hearing must be posted in each municipality of the
13 community school district. The school district committee shall
14 make a return on the original notice, stating the manner of
notice and the time it was given.

16 **4. Local vote.** The school district committee shall prepare
17 warrants for the school district budget. The vote must be
18 conducted in the Towns of Appleton, Hope and Lincolnville in
19 accordance with Title 30-A, sections 2528 to 2532. The vote in
20 the Towns of Camden and Rockport must be conducted in the same
21 manner as the vote on the School Administrative District 28
22 budget. The return and counting of votes must be conducted in
23 accordance with the procedures set forth in Title 20-A, section
24 1353, subsection 3.

26 **5. Warrant.** The school district committee shall issue a
27 warrant ordering each municipality within the community school
28 district to place the school district budget articles on a ballot
29 and shall set the same date for each municipality to call a
30 special town meeting to vote on the district budget. The
31 community school district shall prepare and distribute the
32 warrant at least 30 days prior to the date of the voting. The
33 warrant must be directed to a resident of the community school
34 district by name, ordering the resident to notify the municipal
35 officers of each municipality within the district to call a town
36 meeting on the date specified by the school district committee.
37 Another date may not be used. The resident who serves the
38 warrant shall make the return on the warrant, stating the manner
39 and time of service. The resident must serve the warrant on the
40 municipal clerk of each municipality within the district by
41 delivering an attested copy of the warrant in hand within 3 days
42 of the date of the warrant. The municipal clerk, on receipt of
43 the warrant, shall notify immediately the municipal officers
44 within the municipality. The municipal officers shall meet,
45 countersign and have the warrant posted. The warrants and all
46 other notices of the voting must be in the same manner as
47 provided in Title 21-A.

2 **6. Ballots.** The school district committee shall prepare
and furnish the required number of ballots for conducting the
vote.

4
6 **7. Summary articles.** The warrant must provide for the
summarization of the action taken on the budget for the purposes
of determining the community school district's state and local
8 allocations with the articles prescribed in Title 20-A, chapter
606.

10
12 **8. Majority vote.** Approval by a majority of the voters
voting in the community school district is necessary for the
approval of the annual budget.

14
16 **9. Special budget meeting.** The school district committee
may call a special budget meeting when an article in the school
budget warrant fails to pass by a majority vote or when, in the
18 school district committee's judgment, a financial emergency
exists. A special budget meeting must be conducted in accordance
20 with Title 20-A, section 1701.

22 **10. Line-item transfer of funds.** The school district
committee may transfer funds of not more than 2% of the total
24 budget between line-item categories.

26 **Sec. 12. Educational continuity and coordination.** The school
district committee and its superintendent and administration
28 shall consult and work with the municipal school boards and the
Board of Directors of School Administrative District 28 and their
30 respective superintendents and administrations to establish and
implement policies to achieve educational continuity and
32 coordination in the community school district for Kindergarten
and grades one to 12.

34
36 **Sec. 13. Transfer of assets.** All real property that is
currently used for grades 9 to 12 remains with the existing towns
or school administrative district and may not be transferred to
38 the community school district. All school supplies and
equipment, except school buses, purchased for and in use
40 primarily by grades 9 to 12 and owned by each town encompassed by
the community school district or School Administrative District
42 28 transfer to the community school district, as determined by
each school board and the Board of Directors of School
44 Administrative District 28 on July 1st of the first operational
year. The Commissioner of Education or the commissioner's
46 designee is authorized to settle any dispute that may arise in
the division and transfer of assets. The commissioner's decision
48 is final and binding.

2 **Sec. 14. Transfer of contracts.** Contracts of the municipalities
3 within the community school district and School Administrative
4 District 28 with all principals, assistant principals, teachers,
5 teacher assistants and all other employees of School
6 Administrative District 28 directly associated with the operation
7 of grades 9 to 12, except for contracts with superintendents, are
8 automatically assigned to the community school district on July
9 1st of the first operational year except for the last 4 to 5
10 payments due on contracts for the preceding school year. The
11 community school district is responsible for assigning teachers
12 and all other employees to their duties and making payments on
13 their contracts beginning July 1st of the first operational year,
14 except for the last 4 to 5 payments due on contracts for the
15 preceding school year. The Commissioner of Education or the
16 commissioner's designee is authorized to settle any dispute
17 relating to the assignment of contracts. The commissioner's
18 decision is final and binding.

19 **Sec. 15. Name.** Within 2 years of the issuance of the
20 certificate of organization, the school district committee shall
21 petition the State Board of Education to accept a name for the
22 community school district after consulting with and considering
23 the recommendations of the school boards for each municipality,
24 and after considering the recommendations of the administrators,
25 teachers and students in the community school district. The
26 State Board of Education shall authorize the use of the name
27 unless it finds that the name is similar to the name authorized
28 for use by another administrative unit and that the similarity
29 could cause public confusion. Upon approval by the State Board
30 of Education, the Commissioner of Education shall issue an
31 amended certificate of organization for the community school
32 district using the approved name, which certificate is conclusive
33 evidence of the lawful organization of the community school
34 district. Until the name has been approved, the community school
35 district is known as the Appleton, Camden, Hope, Lincolnville and
36 Rockport Community School District.

37 **Sec. 16. School district committee to act as district board of**
38 **trustees.** The school district committee shall perform the
39 functions of the district board of trustees as provided for in
40 the Maine Revised Statutes, Title 20-A, section 1651.
41

42 **Sec. 17. Certificate of organization.** Each municipal clerk shall
43 file a return of the votes cast to the Commissioner of Education
44 who shall determine immediately if a majority of those voting in
45 each municipality favored the article forming the community
46 school district and the commissioner shall so declare and issue
47 to the community school district a certificate of organization
48 that is conclusive evidence of its lawful organization.

2 **Sec. 18. Controlling law.** If the provisions of this Act
3 conflict with the provisions of the Maine Revised Statutes, Title
4 20-A; a Private and Special Act of the Legislature; or a
5 municipal charter, ordinance or exercise of home rule powers, as
6 currently exist and as amended, then the provisions of this Act
7 control. Otherwise, provisions of Title 20-A control.

8
9 **Sec. 19. Emergency clause; referendum; effective date.** In view of
10 the emergency cited in the preamble, this Act takes effect when
11 approved only for the purpose of permitting its submission to the
12 legal voters of the Towns of Appleton, Camden, Hope, Lincolnville
13 and Rockport. A special town meeting must be called and held in
14 each municipality for the purpose on March 15, 1994. The meeting
15 must be called, advertised and conducted according to the laws
16 related to municipal elections, except that the municipal
17 officers of the towns are not required to prepare for posting,
18 nor the town clerks to post, a new list of voters and, for the
19 purpose of registration of voters, the boards of voter
20 registration must be in session on the secular day next preceding
21 the special election. The town clerks of the towns shall prepare
22 the required ballots, on which the town clerks shall reduce the
23 subject matter of this Act to the following question:

24 "Do you favor joining the community school district for
25 grades 9 to 12 as provided for in the Act to Authorize the
26 Towns of Appleton, Camden, Hope, Lincolnville and Rockport
27 to Form a Community School District, passed by the 116th
28 Legislature?"

29 The voters shall indicate by a cross or check mark placed
30 against the word "Yes" or "No" their opinion of the same.

31 This Act takes effect for all purposes after its acceptance
32 by a majority of the legal voters voting on the question in each
33 of the 5 towns and the declaration of the Commissioner of
34 Education.

35 36 37 38 39 40 **STATEMENT OF FACT**

41 This bill authorizes the formation of a community school
42 district for grades 9 to 12 for the Towns of Appleton, Camden,
43 Hope, Lincolnville and Rockport. Currently, the Towns of
44 Appleton, Hope and Lincolnville contract for high school
45 education for their students with School Administrative District
46 28, which consists of the Towns of Camden and Rockport. The
47 residents of each town have already passed resolutions supporting
48 the creation of this community school district. This bill

modifies community school district laws to meet the special needs
and history in these towns. The community school district will
not be created unless it is approved by the majority of the
voters voting in each of the 5 towns in a referendum vote.

This document has not yet been reviewed to determine the
need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.