

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

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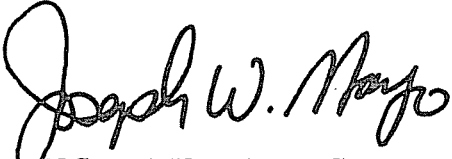
House of Representatives, March 31, 1994

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

(AFTER DEADLINE)

(EMERGENCY)

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.


JOSEPH W. MAYO, Clerk

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

2 **Mandate preamble.** This measure requires one or more local
4 units of government to expand or modify activities so as to
6 necessitate additional expenditures from local revenues but does
8 not provide funding for at least 90% of those expenditures.
10 Pursuant to the Constitution of Maine, Article IX, Section 21,
12 two thirds of all of the members elected to each House have
14 determined it necessary to enact this measure.

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

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

32 **Whereas,** the 5 towns were authorized to form a community
34 school district by Private and Special Law 1993, chapter 64; and

36 **Whereas,** on March 15, 1994, the voters of Hope, Camden,
38 Lincolntown and Rockport voted affirmatively to form the
40 district and the voters of Appleton voted against the formation
42 of the district; and

44 **Whereas,** the Appleton School Board and many voters,
46 including voters who voted against the formation, have expressed
48 a desire to vote a 2nd time; and

50 **Whereas,** the inhabitants of Hope, Camden, Lincolntown and
52 Rockport may form a community school district for the 4 towns if
54 the voters of Appleton vote a 2nd time against being included in
56 that district or Camden and Rockport and any 2 of the towns of
58 Appleton, Hope and Lincolntown may form the district if only 4
60 towns approve the cost-sharing formula; and

62 **Whereas,** the operational school year for the community
64 school district, unless otherwise provided for, will begin July
66 1st after the organization of the community school district as
68 required by the Maine Revised Statutes, Title 20-A, section 1604;
70 and

72 **Whereas,** it is in the interest of the 5 towns and School
74 Administrative District 28, which is currently providing
76 education for grades 9 to 12, to have adequate planning and
78 preparatory time to create and put into operation a new community
80 school district with a new school and to ensure an orderly
82 transition consistent with school year and fiscal year
84 requirements and statutory time limits for the conducting of
86 local referenda and elections; and

2 Whereas, in the judgment of the Legislature, these facts
3 create an emergency within the meaning of the Constitution of
4 Maine and require the following legislation as immediately
5 necessary for the preservation of the public peace, health and
6 safety; now, therefore,

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

8 Sec. 1. P&SL 1993, c. 64, §10, sub-§1 is amended to read:

9 1. **Formula approval.** The community school district shall
10 share its costs among the member municipalities beginning July 1,
11 1995 on the basis of a formula approved by the voters of each of
12 the member municipalities on or before November 15, 1994. The
13 vote must be conducted by secret ballot in accordance with the
14 Maine Revised Statutes, Title 30-A, sections 2528 to 2532. The
15 formula proposal or proposals must be prepared by a cost-sharing
16 committee on which each member municipality is represented by 2
17 representatives chosen by its municipal officers and one member
18 of each municipality's school committee chosen by the school
19 committee members from that municipality. The proposals for the
20 formula for sharing costs must first be approved by the
21 cost-sharing committee by a vote of a majority of those present
22 and voting. The cost-sharing committee shall make its first
23 proposal after conducting at least 3 public hearings in the
24 district on or before August 1, 1994. The community school
25 district committee shall set the dates for the voting and shall
26 pay for the costs of voting. The meeting must be called,
27 advertised and conducted according to the laws relating to
28 municipal elections, except that the municipal officers of the
29 towns are not required to prepare for posting, nor the town
30 clerks to post, a new list of voters and, for the purpose of
31 registration of voters, the boards of voter registration must be
32 in session on the secular day next preceding the special
33 election. The town clerks of the towns shall prepare the
34 required ballots, on which the town clerks shall reduce the
35 subject matter of this Act to the following question:

36 "Do you approve the formula for sharing costs among the
37 member municipalities of the community school district as
38 proposed by the cost-sharing committee?"

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

41 This Act takes effect for all purposes after its acceptance by a
42 majority of the legal voters voting on the question of the
43 cost-sharing formula in each of the 5 towns and the declaration
44 of the Commissioner of Education.

45 Sec. 2. P&SL 1993, c. 64, §10, sub-§§1-A and 1-B are enacted to
46 read:

2 1-A. Four-town district approval. The vote on the
3 cost-sharing formula must have included on the same secret ballot
4 the following question:

6 "Do you favor joining a 4-town community school district
7 with the towns of Camden and Rockport and 2 of the 3 towns
8 of Appleton, Hope and Lincolnville if the voters of one of
9 the towns of Appleton, Hope and Lincolnville do not accept
10 the cost-sharing formula and if a new vote on a new formula
11 for the 4 towns is held on or before March 15, 1995?"

12 This Act takes effect for all purposes except for a cost-sharing
13 formula for a 4-town district after its acceptance by a majority
14 of the legal voters voting on the question of the 4-town district
15 in the towns of Camden and Rockport and in 2 of the 3 towns of
16 Appleton, Hope and Lincolnville if all 5 towns do not accept a
17 cost-sharing formula on or before November 15, 1994 and the
18 declaration of the Commissioner of Education.

20 1-B. Four-town formula approval. If the voters accept a
21 4-town district on or before November 15, 1994 with the towns of
22 Camden and Rockport and 2 of the 3 of the towns of Appleton, Hope
23 and Lincolnville, the community school district shall share its
24 costs among the member municipalities beginning July 1, 1995 on
25 the basis of a formula approved by the voters of each of the
26 member municipalities on or before March 15, 1995. The vote must
27 be conducted by secret ballot in accordance with the Maine
28 Revised Statutes, Title 30-A, sections 2528 to 2532. The formula
29 proposal must be prepared by a cost-sharing committee on which
30 each member municipality is represented by 2 representatives
31 chosen by its municipal officers and one member of each
32 municipality's school committee chosen by the school committee
33 members from that municipality. The proposal for the formula for
34 sharing costs must first be approved by the cost-sharing
35 committee by a vote of a majority of those present and voting.
36 The cost-sharing committee shall make its proposal after
37 conducting at least 3 public hearings in the district on or
38 before January 15, 1995. The community school district committee
39 shall set the date for the voting and pay for the costs of
40 voting. The meeting must be called, advertised and conducted
41 according to the laws related to municipal elections, except that
42 the municipal officers of the towns are not required to prepare
43 for posting, nor the town clerks to post, a new list of voters
44 and, for the purpose of registration of voters, the boards of
45 voter registration must be in session on the secular day next
46 preceding the special election. The town clerks of the towns
47 shall prepare the required ballots, on which the town clerks
48 shall reduce the subject matter of this Act to the following
49 question:

2 "Do you approve the formula for sharing costs among the 4
4 member municipalities of the community school district as
6 proposed by the cost-sharing committee?"

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

12 This Act takes effect for all purposes after its acceptance by a
14 majority of the legal voters on the question of the cost-sharing
16 formula in each of the 4 towns and the declaration of the
18 Commissioner of Education.

20 **Sec. 3. P&SL 1993, c. 64, §10, sub-§2 is amended to read:**

22 **2. Failure to approve.** If the voters do not approve a
24 cost-sharing formula on or before ~~November--15,--1994~~ March 15,
26 1995 or the 4-town district as provided for in sections 22 and
28 23, the community school district shall sell any interest it has
30 in any real property upon terms approved by the community school
32 district committee and distribute the proceeds, after costs, and
34 the balance of any funds, to the member municipalities in
36 proportion to each municipality's contribution; all personal
38 property must be transferred to School Administrative District
40 28, and the community school district shall dissolve on June-30,
42 1995 upon the distribution of the real property proceeds.

44 **Sec. 4. P&SL 1993, c. 64, §11, first ¶ is amended to read:**

46 **Sec. 11. Budget approval.** The procedure for preparing a
48 budget starting in 1995 1996 is as follows.

50 **Sec. 5. P&SL 1993, c. 64, §20 is amended to read:**

52 **Sec. 20. Emergency clause; referendum; effective date.** In view of
54 the emergency cited in the preamble, this Act takes effect when
56 approved only for the purpose of permitting its submission to the
58 legal voters of the Towns of Appleton, Camden, Hope, Lincolnville
60 and Rockport. A special town meeting must be called and held in
62 each municipality for the purpose on March 15, 1994. A special
64 town meeting must be called and held in the Town of Appleton for
66 the purpose on or before May 3, 1994. The meeting must be
68 called, advertised and conducted according to the laws related to
70 municipal elections, except that the municipal officers of the
72 towns are not required to prepare for posting, nor the town
74 clerks to post, a new list of voters and, for the purpose of
76 registration of voters, the boards of voter registration must be
78 in session on the secular day next preceding the special
80 election. The town clerks of the towns shall prepare the
82 required ballots, on which the town clerks shall reduce the
84 subject matter of this Act to the following question:

2 "Do you favor joining the community school district for
3 grades 9 to 12 as provided for in the Act to Authorize the
4 Towns of Appleton, Camden, Hope, Lincolnville and Rockport
5 to Form a Community School District, passed by the 116th
6 Legislature?"

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

10 This Act takes effect for all purposes excepting a
11 cost-sharing formula after its acceptance by a majority of the
12 legal voters voting on the question in each of the 5 towns and
13 the declaration of the Commissioner of Education.

14
15 **Sec. 6. P&SL 1993, c. 64, §§21 to 24 are enacted to read:**

16
17 **Sec. 21. Alternative authorization.** The inhabitants of the towns
18 of Hope, Lincolnville, Camden and Rockport as members of School
19 Administrative District 28 are authorized to form a community
20 school district in accordance with the Maine Revised Statutes,
21 Title 20-A, chapter 105 and upon the terms of this Act if the
22 voters of the Town of Appleton do not vote to form a community
23 school district on or before May 3, 1994 and sections 1 to 19,
24 this section and sections 22 to 24 apply to this community school
25 district, excepting references to the Town of Appleton.

26
27 **Sec. 22. Four-town referendum emergency clause; effective date.**
28 In view of the emergency cited in the preamble, this section
29 takes effect when approved only for the purpose of permitting its
30 submission to the legal voters of the towns of Camden, Hope,
31 Lincolnville and Rockport, if the voters of the Town of Appleton
32 vote not to form the community school district on or before May
33 3, 1994. A special town meeting must be called and held in each
34 municipality for the purpose on or before November 15, 1994. The
35 meeting must be called, advertised and conducted according to the
36 laws relating to municipal elections, except that the municipal
37 officers of the towns are not required to prepare for posting,
38 nor the town clerks to post, a new list of voters and, for the
39 purpose of registration of voters, the board of voter
40 registration must be in session on the secular day next preceding
41 the special election. The town clerks of the towns shall prepare
42 the required ballots on which the town clerks shall reduce the
43 subject matter of this Act to the following question:

44
45 "Do you favor joining the community school district for
46 grades 9 to 12 for the towns of Camden, Hope, Lincolnville
47 and Rockport as provided for in Private and Special Law
48 1993, chapter 64, as passed by the 116th Legislature?"

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

4 This Act takes effect for all purposes excepting a
5 cost-sharing formula after its acceptance by a majority of the
6 legal voters voting on the question in each of the 4 towns and
7 the declaration of the Commissioner of Education.

8
9 **Sec. 23. Cost-sharing among the towns of Camden, Hope, Lincolnville**
10 **and Rockport. The following provisions apply to sharing district**
11 **costs among the towns of Camden, Hope, Lincolnville and Rockport.**

12 1. Formula approval. The community school district shall
13 share its costs among the member municipalities beginning July 1,
14 1996 on the basis of a formula approved by voters of each of the
15 member municipalities on or before November 15, 1994. The vote
16 must be conducted by secret ballot in accordance with the Maine
17 Revised Statutes, Title 30-A, sections 2528 to 2532. The formula
18 proposal must be prepared by a cost-sharing committee on which
19 each member municipality is represented by 2 representatives
20 chosen by its municipal officers and one member of each
21 municipality's school committee chosen by the school committee
22 members from that municipality. The proposal for the formula for
23 sharing costs must first be approved by the cost-sharing
24 committee by a vote of a majority of those present and voting.
25 The cost-sharing committee shall make its proposal after
26 conducting at least 3 public hearings in the district on or
27 before September 15, 1994. The community school district
28 committee shall set the date for the voting and shall pay for the
29 costs of voting. The meeting must be called, advertised and
30 conducted according to the laws related to municipal elections,
31 except that the municipal officers of the towns are not required
32 to prepare for posting, nor the town clerks to post, a new list
33 of voters and, for the purpose of registration of voters, the
34 boards of voter registration must be in session on the secular
35 day next preceding the special election. The town clerks of the
36 towns shall prepare the required ballots on which town clerks
37 shall reduce the subject matter of this Act to the following
38 question:

39 "Do you approve the formula for sharing the costs of the
40 community school district among the towns of Camden, Hope,
41 Lincolnville and Rockport as proposed by the cost-sharing
42 committee?"

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

45 This Act takes effect for all purposes after its acceptance by a
46 majority of the legal voters on the question of the cost-sharing

formula in each of the 4 towns and the declaration of the Commissioner of Education.

2. Failure to approve. If the voters do not approve a cost-sharing formula on or before March 15, 1995, the community school district shall sell any interest it has in any real property upon terms approved by the community school district committee and distribute the proceeds, after costs, and the balance of any funds to the member municipalities in proportion to each municipality's contribution; all personal property must be transferred to School Administrative District 28, and the community school district shall dissolve upon the distribution of the real property proceeds.

3. Amendment to formula. The cost-sharing formula may be amended pursuant to the Maine Revised Statutes, Title 20-A, section 1704.

Sec. 24. First-year budget; initial organization and elections. Notwithstanding any law or provision of this Act to the contrary, the community school district is organized upon the issuance of the certificate of organization by the Commissioner of Education. The school boards of the towns of Hope and Lincolnville and the Board of Directors of School Administrative District 28, acting as a committee of the whole, are responsible for preparing and approving a budget for the fiscal year beginning July 1, 1995, and preparing and submitting a budget to the voters as authorized by the Maine Revised Statutes, Title 20-A, section 1701 and as modified by the terms of section 11 of this Act, prior to June 1, 1996 for the fiscal year beginning July 1, 1996. The school district committee is responsible for preparing and submitting a budget to the voters in 1997 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, 1997 and for each year after that fiscal year. The combined boards have the authority to act as the governing body of the district and as the school district committee until July 1, 1995 including the authority to submit an application to the State Board of Education for school construction approval. The first election of the school district committee representatives from the towns of Appleton, Hope and Lincolnville that are municipal members of the district must be conducted in the spring of 1995 at the same time as the election of municipal officers and the term of office begins July 1, 1995.

STATEMENT OF FACT

This bill permits the Town of Appleton to vote again to join a community school district with the towns of Camden, Hope, Lincolnville and Rockport. If the vote is negative, it permits the towns of Camden, Hope, Lincolnville and Rockport to form the

community school district for grades 9 to 12. It also permits
2 the towns of Camden and Rockport plus 2 out of the 3 towns of
Appleton, Hope and Lincolnville to form the district if one of
4 the 3 does not approve the cost-sharing formula.