

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 983

S.P. 355

In Senate, March 23, 1995

An Act to Authorize the Towns of Mechanic Falls, Minot and Poland to Form a Community School District.

(EMERGENCY)

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator CLEVELAND of Androscoggin.
Cosponsored by Senator STEVENS of Androscoggin, Representative AIKMAN of Poland and Senators: ABROMSON of Cumberland, AMERO of Cumberland, BERUBE of Androscoggin, BUTLAND of Cumberland, CARPENTER of York, CASSIDY of Washington, ESTY of Cumberland, FERGUSON of Oxford, HALL of Piscataquis, HANLEY of Oxford, HARRIMAN of Cumberland, HATHAWAY of York, KIEFFER of Aroostook, LORD of York, Representatives: AULT of Wayne, BARTH of Bethel, BIRNEY of Paris, BRENNAN of Portland, BUCK of Yarmouth, CLUKEY of Houlton, DAMREN of Belgrade, GAMACHE of Lewiston, GERRY of Auburn, JOSEPH of Waterville, JOY of Crystal, JOYCE of Biddeford, JOYNER of Hollis, KERR of Old Orchard Beach, McELROY of Unity, NICKERSON of Turner, OTT of York, POULIOT of Lewiston, RICKER of Lewiston, UNDERWOOD of Oxford, WINGLASS of Auburn.

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

4
6 **Whereas,** the school committees of the towns of Mechanic
Falls, Minot and Poland have indicated a desire to form, in 1995,
a community school district for the 3 towns for grades 7 to 12;
8 and

10 **Whereas,** the current schools in the towns of Mechanic Falls,
Minot and Poland are in need of additions; and

12
14 **Whereas,** it is in the interest of the 3 towns, which are
currently providing education for grades 9 to 12 in Poland and
Minot and grades 10 to 12 in Mechanic Falls, through tuition
16 agreements that have been terminated by the receiving school
starting the fall of 1996 and non-renewed, to have adequate
18 planning and preparatory time to create a community school
district; and

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

26 **Whereas,** it is necessary to put into operation a new
28 community school district with a new school and to ensure an
orderly transition consistent with school-year and fiscal-year
30 requirements and statutory time limits for the conducting of
local referenda and elections; and

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

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

40 **Sec. 1. Authorization.** The inhabitants of the towns of
42 Mechanic Falls, Minot and Poland are authorized to form a
community school district in accordance with the Maine Revised
44 Statutes, Title 20-A, chapter 105 and upon the terms of this Act.

46 **Sec. 2. Continued existence.** School Union 29 and the municipal
48 entities of Mechanic Falls, Minot and Poland continue to consist
of the inhabitants of the towns of Mechanic Falls, Minot and
Poland for the purpose of owning and operating elementary schools
50 for students in kindergarten and grades one to 6, 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 Union 29, effective July 1st of the first operational year of the community school district provided for in this Act, which is conclusive evidence of the lawful reorganization of School Union 29. The towns of Mechanic Falls, Minot and Poland continue as school units to operate schools for kindergarten and grades one to 6 and those operations are unaffected by the terms of this Act.

Sec. 3. Rights and privileges. The Mechanic Falls, Minot and Poland Community School District, referred to in this Act as the "district," has all the rights and privileges of community school districts and municipal school units, 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.

Sec. 4. Emergency project. Approval of this Act by the Legislature and the majority of the legal voters voting in the towns of Mechanic Falls, Minot and Poland authorizes a building project to house the students of the 3 towns in grades 7 to 12 as an emergency project. The project authorized by this Act must be given priority status for State Board of Education approval and immediate approval for funding under chapter 61 of the State Board of Education's Rules for School Construction Projects.

Pursuant to the 3-town building project, this Act authorizes the inclusion of certain costs not currently covered by the State Board of Education's Rules for School Construction Projects in the debt service. These costs relate to the purchase of library books at a rate of 15 volumes per student, basic reference and audio visual materials and software, as well as textbooks.

Sec. 5. Initial organization and budget. Notwithstanding any law to the contrary, the district is organized upon the issuance of the certificate of organization by the State Board of Education. The school committees of the towns of Mechanic Falls, Minot and Poland, acting as a committee-of-the-whole, are responsible for preparing and submitting a budget to the voters, as authorized by the Maine Revised Statutes, Title 20-A, section 1701, prior to June 30th for each fiscal year beginning July 1st, for fiscal years 1995-96, 1996-97 and 1997-98. The school committees of Mechanic Falls, Minot and Poland, acting as a committee-of-the-whole, voting in proportion to population, as does the existing School Union 29 committee, have the authority to act as the governing body of the district until the election of the district school committee. The combined district school committees have the authority to submit an application to the State Board of Education for school construction approval. The members of the district school committee must be elected by the

individual towns no later than July 1, 1997 and take office July 1, 1997.

Sec. 6. Transition period and first operational year. The district has a transition period beginning July 1, 1995. The district school committee is authorized to employ personnel, to make expenditures and to do all other acts of a community school district, except the assumption of the control and operation of grades 7 to 12, during the transition period. The State Board of Education shall issue a certificate of organization to the district consistent with the terms of this Act. The transition period ends and the district school committee assumes control and operation of grades 7 to 12 in the district on July 1st of the year of the scheduled occupation of new school facilities owned by the district.

Sec. 7. Selection of representatives of the district school committee. The district school committee consists of the representatives of the towns of Mechanic Falls, Minot and Poland, who must be directly elected. The representation of each of the towns of Mechanic Falls, Minot and Poland must be approximately the same ratio to the total membership of the district school committee as each town's latest Federal Decennial Census is to the latest Federal Decennial Census of all the member municipalities. 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 district school committee. The representatives elected from the towns of Mechanic Falls, Minot and Poland have 3-year terms and the terms must be staggered for member municipalities with more than one representative. Municipal representatives must be elected in the same manner, and at the same time, as municipal officials provided for in the Maine Revised Statutes, Title 30-A and local ordinances or charters.

Sec. 8. Alternate representatives. The school boards for the towns of Mechanic Falls, Minot and Poland may each appoint from their membership one alternate representative who may attend the meetings of the district school committee and who acts as a liaison between the respective school committees and the district school committee. If a district school committee representative is absent from a meeting, the appointed alternate representative is allowed all the rights and privileges of the absent representative.

Sec. 9. Vacancies. Vacancies on the district school committee are filled as follows.

1. Towns of Mechanic Falls, Minot and Poland. A vacancy in a representative's term from the towns of Mechanic Falls, Minot and Poland must be filled by an appointment by the school board

of the municipality in which the vacancy occurs until the next
2 general election.

4 **Sec. 10. Operational cost-sharing formula approval.**

6 **1. Formula approval.** The district shall share its costs
among the member municipalities beginning July 1, 1995 on the
8 basis of a formula approved by the voters of each of the member
municipalities on or before May 3, 1995. The vote must be
10 conducted by secret ballot in accordance with the Maine Revised
Statutes, Title 30-A, sections 2528 to 2532. The formula
12 proposal or proposals must be prepared by a cost-sharing
committee on which each member municipality is represented by 2
14 representatives chosen by its municipal officers and one member
of each municipality's school committee chosen by the school
16 committee members from that municipality. The proposals for the
formula for sharing costs must first be approved by the
18 cost-sharing committee by a vote of a majority of those present
and voting. The cost-sharing committee shall make its first
20 proposal after conducting at least 3 public meetings on or before
April 21, 1995. Each municipality shall hold a referendum vote
22 and shall pay for the costs of voting. The meeting must be
called, advertised and conducted according to the laws relating
24 to municipal elections. The boards of voter registration must be
in session on the secular day next preceding the meeting. The
26 town clerks of the towns shall prepare the required ballots on
which the town clerks shall reduce the subject matter of this Act
28 to the following question:

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

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

36 The Act takes effect for all purposes after its acceptance by a
38 majority of the legal voters voting on the questions of the
formation of a community school district for the member towns and
40 the cost-sharing formula in each of the member towns, and after
the declaration of the State Board of Education.

42 All provisions of the Maine Revised Statutes, Title 20-A, section
44 1704 apply.

46 **Sec. 11. Budget approval.** The procedure for preparing a
budget must be in accordance with the Maine Revised Statutes,
48 Title 20-A, section 1701.

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

2 **2. Articles.** The district school committee shall prepare
3 appropriate articles to authorize budget expenditures and to
4 determine the sums of money assessed for each member municipality.

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

18 **4. Local vote.** The district school committee shall prepare
19 warrants for the district budget. The vote must be conducted in
20 accordance with the Maine Revised Statutes, Title 20-A, section
21 1701. The district school committee shall post warrants in each
22 of the member municipalities calling for an annual budget meeting.

24 **5. Summary articles.** The warrant must provide for the
25 summarization of the action taken on the budget for the purposes
26 of determining the district's state and local allocation with the
27 articles prescribed in the Maine Revised Statutes, Title 20-A,
28 chapter one.

30 **6. Majority vote.** Approval by a majority of the voters
31 voting at the district annual meeting is necessary for the
32 approval of the annual budget.

34 **7. Special budget meeting.** The district school committee
35 may call a special budget meeting when an article in the school
36 budget warrant fails to pass by a majority vote or when, in the
37 district school committee's judgment, a financial emergency
38 exists. A special budget meeting must be conducted in accordance
39 with the Maine Revised Statutes, Title 20-A, section 1701.

40 **8. Educational continuity and coordination.** The district
41 school committee and its superintendent and administration shall
42 consult and work with the municipal school committees to
43 establish and implement policies to achieve educational
44 continuity and coordination in the district for kindergarten and
45 grades one to 12.

46 **9. Transfer of assets.** All real property that is currently
47 used for grades 7 and 8 remains with the existing towns and may
48 not be transferred to the district. All school supplies and
49 equipment, except school buses, purchased for and in use
50 primarily by grades 7 and 8 and owned by each town encompassed by

2 the district must be transferred to the district, as determined
3 by each school committee on July 1st of the first operational
4 year. The Commissioner of Education or the commissioner's
5 designee is authorized to settle any dispute that may arise in
6 the division and transfer of assets. The commissioner's decision
7 is final and binding.

8 **10. Transfer of contracts.** Contracts of the municipalities
9 within the district and School Union 29 with all principals,
10 assistant principals, teachers, teacher assistants and all other
11 employees of School Union 29 directly associated with the
12 operation of grades 7 to 12, except for contracts with
13 superintendents, are proportionately assigned to the district on
14 July 1st of the first operational year except for the last 4 to 5
15 payments due on contracts for the preceding school year. The
16 district is responsible for assigning teachers and all other
17 employees to their duties and making payments on their contracts
18 beginning July 1st of the first operational year, except for the
19 last 4 to 5 payments due on contracts for the preceding school
20 year. The Commissioner of Education or the commissioner's
21 designee is authorized to settle any dispute relating to the
22 assignment of contracts. The commissioner's decision is final
23 and binding.

24 **Sec. 12. Name.** Within 2 years of the issuance of the
25 certificate of organization, the district school committee shall
26 petition the State Board of Education to accept a name for the
27 district after consulting with and considering the
28 recommendations of the school committees for each municipality,
29 and after considering the recommendations of the administrators,
30 teachers and students in the district. The State Board of
31 Education shall authorize the use of the name unless it finds
32 that the name is similar to the name authorized for use by
33 another administrative unit and that the similarity could cause
34 public confusion. Upon approval by the State Board of Education,
35 the board shall issue an amended certificate of organization for
36 the district using the approved name, which certificate is
37 conclusive evidence of the lawful organization of the district.
38 Until the name has been approved, the district is known as the
39 Mechanic Falls, Minot and Poland Community School District.

42 **Sec. 13. District school committee to act as district board of**
43 **trustees.** The school district committee shall perform the
44 functions of the district board of trustees as provided for in
45 the Maine Revised Statutes, Title 20-A, section 1651.

46 **Sec. 14. Certificate of organization.** Each municipal clerk shall
47 file a return of the votes cast to the Commissioner of Education,
48 who shall determine immediately if a majority of those voting in
49 each municipality favored the article forming the district

2 and who shall so declare and issue to the district a certificate
of organization that is conclusive evidence of its lawful
organization.

4
6 **Sec. 15. Controlling law.** If the provisions of this Act
conflict with the provisions of the Maine Revised Statutes, Title
20-A, the provisions of another private and special law or the
8 provisions of a municipal ordinance, then the provisions of this
Act control.

10
12 **Sec. 16. Alternative authorization.** The inhabitants of the towns
of Mechanic Falls, Minot and Poland are authorized to form a
community school district in accordance with the Maine Revised
14 Statutes, Title 20-A, chapter 105 and, upon the terms of this
Act, if the voters of one town do not vote to form a community
16 school district on or before June 23, 1995, this Act does not
apply to the town that does not approve the formation of the
18 district.

20 **Sec. 17. Emergency clause; referendum; effective date.** In view of
the emergency cited in the preamble, this Act takes effect when
22 approved only for the purpose of permitting its submission to the
legal voters of the towns of Mechanic Falls, Minot and Poland. A
24 meeting must be called and held in each municipality for the
purpose of voting on May 3, 1995. The meeting must be called,
26 advertised and conducted according to the laws related to
municipal elections. The boards of voter registration must be in
28 session on the secular day next preceding the meeting. The town
clerks of the towns shall prepare the required ballots on which
30 the town clerks shall reduce the subject matter of this Act to
the following question:

32
34 "Do you favor joining the community school district for
grades 7-12 as provided for in the Act to Authorize the
Towns of Mechanic Falls, Minot and Poland to Form a
36 Community School District with any combination of at least 2
towns passed by the 117th Legislature?"

38
40 The voters shall indicate by a cross or check mark placed
against the word "Yes" or "No" their opinion of the same.

42 This Act takes effect for all purposes after its acceptance
by a majority of the legal voters voting on the question in each
44 of the member towns and the declaration of the Commissioner of
Education.

STATEMENT OF FACT

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4 This bill authorizes the formation of a community school
6 district for grades 7 to 12 for the towns of Mechanic Falls,
8 Minot and Poland. 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 in a referendum vote by the majority of the voters
 voting at least 2 of the towns.