

# MAINE STATE LEGISLATURE

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**EDUCATION AND CULTURAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1138, L.D. 1581, Bill, "An Act to Amend Certain Effective Date and Referenda Provisions Regarding the Authorization for a Community School District in the Towns of Mechanic Falls, Minot and Poland"

Amend the bill by striking out the title and substituting the following:

**'Resolve, to Establish an Education Plan for the Towns of Mechanic Falls, Minot and Poland'**

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

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

**Whereas,** the towns of Mechanic Falls, Minot and Poland are currently providing education for grades 9 to 12 in Poland and Minot and grades 10 to 12 in Mechanic Falls, through tuition agreements that have been terminated by the receiving school starting in the fall of 1996; and

**COMMITTEE AMENDMENT**

2           **Whereas,** it is in the interest of the 3 towns to have  
adequate planning and preparatory time to establish a plan for  
4 the continuing education of their students; and

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

12           **Sec. 1. Establish committee to plan for education services.**

**Resolved:** That the citizens of the towns of Mechanic Falls,  
14 Minot and Poland, with the assistance of the Commissioner of  
Education, shall establish a committee to develop a plan for  
16 providing education services to the students of the 3 towns in  
grades 7 to 12. The plan must be approved by a majority of the  
18 committee and forwarded to the Legislature for consideration by  
December 1, 1995, and if approved, submitted to the voters of  
20 each town; and be it further

22           **Sec. 2. Role of the Commissioner of Education and the Department of  
Education. Resolved:**

That the Commissioner of Education and the  
24 commissioner's designees shall actively participate in and  
facilitate the work of the committee and establishment of an  
26 education plan pursuant to this resolve. The department shall  
provide technical assistance to the committee, as needed; and be  
28 it further

30           **Sec. 3. Committee membership. Resolved:** That the committee  
consists of 9 members appointed as follows:

32           1. Three school board members, one from each school unit  
34 appointed by the school board of that unit;

36           2. Three elected municipal officials, one from each town  
appointed by the town council, selectmen or other municipal  
38 governing body; and

40           3. Three public members, one from each town, appointed  
jointly by the members of the Senate and House of Representatives  
42 serving the towns; and be it further

44           **Sec. 4. Appointments; meetings; chair. Resolved:** That all  
appointments must be made no later than 30 days following the  
46 effective date of this resolve. Within 15 days of the  
appointment of all members, the Commissioner of Education shall  
48 call and convene the first meeting of the committee. All  
meetings must be held in a location and manner designed to ensure

2 of 8

2 public access and participation. The committee shall appoint a  
3 chair from among its members; and be it further

4 **Sec. 5. Organizational options. Resolved:** That the plan for  
5 providing education services to the children of the 3 towns in  
6 grades 7 to 12 must include one of the following options:

8 1. Maintenance of the current organizational and  
9 administrative structure of the 3 school units;

10 2. Formation of a community school district;

12 3. Formation of a school administrative district; or

14 4. Establishment of an alternative arrangement; and be it  
16 further

18 **Sec. 6. Other conditions. Resolved:** That a final plan submitted  
19 for approval to the inhabitants of the towns must meet the  
20 following conditions:

22 1. The plan for educating the children of the 3 towns must  
23 be approved by a majority of the voters in each town;

24 2. State funding for a school construction project to  
25 implement the plan is authorized upon approval of the plan by the  
26 3 towns and the Legislature, provided that at least 2 of the 3  
27 towns send all students in grades 7 to 12 to the new school;

30 3. The school construction project authorized is given  
31 priority status for State Board of Education approval and  
32 immediate approval for funding under chapter 61 of the State  
33 Board of Education's Rules for School Construction Projects;

34 4. Certain costs not currently covered by the State Board  
35 of Education's Rules for School Construction Projects may be  
36 included as an adjustment to the general purpose aid subsidies  
37 paid to the affected units in the first operational year. These  
38 costs relate to the purchase of library books at a rate of 15  
39 volumes per student, basic reference and audio-visual materials  
40 and software, as well as textbooks, for those grades not  
41 previously educated in the towns of Mechanic Falls, Minot and  
42 Poland. The adjustment must be repaid through reductions in the  
43 state share foundation allocation for the 5 years following the  
44 first operational year;

46 5. Only one school construction project in the 3-town  
47 region may be granted priority status and immediate approval for  
48 State Board of Education funding; and

50

6. A plan providing for the tuitioning of students from one or 2 towns to the new school require establishment of a tuition rate sufficient to cover an appropriate percentage of construction costs. The contract of a town or towns tuitioning students to the school must extend over the life of any bonds sold to finance construction of the school; and be it further

**Sec. 7. Report. Resolved:** That the committee shall submit a report on the plan, together with any necessary implementing legislation, including provisions to hold a referendum in each of the 3 towns to the Joint Standing Committee on Education and Cultural Affairs no later than December 1, 1995.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Further amend the bill by inserting at the end before the statement of fact the following:

**FISCAL NOTE**

This bill requires the towns of Mechanic Falls, Minot and Poland to form a study committee. The additional costs of this state mandate are expected to be insignificant. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.

The additional costs to provide assistance to this committee can be absorbed by the Department of Education utilizing existing budgeted resources.'

**STATEMENT OF FACT**

This amendment replaces the bill. The amendment establishes a citizen committee from the towns of Mechanic Falls, Minot and Poland to develop a plan for providing education services to the students of the 3 towns. The amendment requires the committee, with the assistance of the Commissioner of Education, to approve a plan to address the discontinuation of a tuition arrangement for students in grades 9 to 12 between the towns and the City of Auburn. The amendment requires the committee to submit a report and any necessary legislation to the Joint Standing Committee on Education and Cultural Affairs by December 1, 1995. If approved by the Legislature, the plan will be submitted to a referendum in each of the 3 towns.