

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1705

H.P. 1243

House of Representatives, January 16, 1996

**An Act to Establish Educational Services for Grades 7 to 12 in the
Towns of Mechanic Falls, Minot and Poland.**

(EMERGENCY)

Reported by Representative UNDERWOOD for the Committee to Plan for Education Services in the Towns of Mechanic Falls, Minot and Poland pursuant to Resolve 1995, chapter 55.

Reference to the Joint Standing Committee on Education and Cultural Affairs suggested and printing ordered under Joint Rule 20.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

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 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
8 agreements that have been terminated by the receiving school
administrative unit effective in the fall of 1996; and

10
12 **Whereas,** it is in the interest of the 3 towns to have
adequate planning and preparatory time to establish a new school
for the continuing education of their students; and

14
16 **Whereas,** it is necessary to put into operation a plan for
the construction of a new school in as timely a manner as
possible to ensure an orderly and timely transition to a new
18 school with the least amount of hardship on the students from
these towns; and

20
22 **Whereas,** that plan must be approved by the Legislature and
subsequently by the local voters in the respective towns; and

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

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

32 **Sec. 1. Alternative organizational plan authorized.** In order to
provide education services to the children of the towns of
34 Mechanic Falls, Minot and Poland, the following alternative
organizational plan is authorized. The school department in the
36 Town of Poland is authorized to construct a school in the Town of
Poland to accommodate students in grades 7 to 12 from the Town of
38 Poland. In conjunction with the construction of this school, the
school department in the Town of Poland shall make provisions to
40 modify the size and scope of the building to accommodate students
in grades 9 to 12 from the towns of Mechanic Falls and Minot.
42 The towns of Mechanic Falls and Minot shall enter into a
long-term contract with the Town of Poland for secondary school
44 services for those grade levels.

46 **Sec. 2. Town of Poland to contract with the towns of Mechanic Falls
and Minot.** In accordance with the alternative organizational
48 plan authorized in section 1, the towns of Mechanic Falls and
Minot shall enter into a contract with the Town of Poland for
50 secondary school services for at least 90% of the students in
grades 9 to 12 from

2 the towns of Minot and Mechanic Falls. The contract must be for
a period of not less than 20 years. In accordance with the
4 alternative organizational plan, the contract with Mechanic Falls
and Minot must provide that after a period of 15 years, the
6 contract may be terminated by any party unilaterally by giving a
5-year notice of that party's intent to terminate.

8 **Sec. 3. Emergency project.** Subject to referendum approval
required by section 9, the alternative organizational plan
10 authorized in section 1 is an emergency project. The project
authorized by this Act must be given priority status for the
12 State Board of Education's approval and immediate approval for
funding under the rules of the State Board of Education, chapter
14 61 for school construction projects.

16 **Sec. 4. Tuition rates; special education costs; transportation costs;
agreements.** The school department in the Town of Poland shall
18 provide secondary school services for the towns of Mechanic Falls
and Minot in accordance with the Maine Revised Statutes, Title
20 20-A, section 1258, subsection 1 and section 5801 including all
customary facilities and supplies for those resident students in
22 the proportions provided for in section 2 of this Act.

24 For the instruction, facilities and supplies furnished
during the school year by the Town of Poland, the towns of
26 Mechanic Falls and Minot shall pay the school department in the
Town of Poland the legal tuition rate provided in the Maine
28 Revised Statutes, Title 20-A, sections 5805 and 5807. The
tuition rates charged for students who attend regional vocational
30 programs must be determined by the laws of the State.

32 Responsibility for the cost of providing special education
services to students with disabilities from the towns of Poland,
34 Mechanic Falls and Minot is governed by the special education
rules of the Department of Education.

36 Each town named in this Act shall provide transportation for
secondary school students attending the school in the Town of
38 Poland and bear the cost of transportation for students to and
40 from the secondary school facility. These costs are over and
above tuition costs paid by sending towns.

42 **Sec. 5. Certain costs not currently covered by the State Board of
44 Education's rules for school construction projects.** The Department of
Education shall provide an interest-free loan in the amount of
46 \$561,658 to the school department in the Town of Poland for
certain costs relating to the purchase of library books,
48 reference materials, software,

2 audio-visual materials and textbooks not currently covered by the
3 State Board of Education's rules for school construction
4 projects. The Town of Poland shall establish a separate account,
5 to be operated as an enterprise fund, to manage these funds. The
6 loan is a supplement to the school department's general purpose
aid subsidies during fiscal year 1996-97.

8 Pro rata repayment of the loan must be over the 5 fiscal
9 years beginning July 1, 1999 through June 30, 2004 and must be
10 made as a negative adjustment to general purpose aid subsidies
11 paid to the towns of Mechanic Falls, Minot and Poland. Each
12 town's repayment share must be determined using a formula, 70% of
13 which must be based on each town's proportionate fiscal capacity
14 as defined in the Maine Revised Statutes, Title 20-A, section
15 15603, subsection 11-A and 30% of which must be based on each
16 town's proportionate student count in the grades served on April
17 1st of the previous year.

18 **Sec. 6. Transfer of existing assets.** Textbooks and other
19 materials exclusively relating to grades 9 to 12 in the towns of
20 Minot and Mechanic Falls existing in June 1998 must be
21 transferred to the secondary school in the Town of Poland during
22 the summer preceding the first year of operation.

24 **Sec. 7. State subsidies for the first year of operation.** For purposes
25 of this Act, the actual local operating costs defined in the
26 Maine Revised Statutes, Title 20-A, section 15603, subsection
27 26-A, paragraph A for the secondary school in the Town of Poland
28 must be amended to include the aggregate operating expenditure
29 amount for high school student tuition for the towns of Mechanic
30 Falls and Minot reported on the EMF 45 forms for the 2nd year
31 prior to the opening of the secondary school of the Town of
32 Poland. This amount must be considered to be the school
33 department's actual expenditure for high school tuition for the
34 2nd year prior to the first operating year of the secondary
35 school.

38 **Sec. 8. Joint school committee organization.** Except as otherwise
39 provided in this Act, contracts for school privileges must be
40 established between the Town of Poland and the towns of Mechanic
41 Falls and Minot in accordance with the Maine Revised Statutes,
42 Title 20-A, section 2703.

44 As a part of the tuition contracts, a joint committee is
45 established. The committee consists of 7 members from the seated
46 school committee in the Town of Poland and one from each of the
47 school committees in the towns of Minot and Mechanic Falls. This
48 committee shall meet independently from the school committee in
the Town of Poland and has the following powers and duties:

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1. To select and employ teachers for the secondary school
in the Town of Poland;

2. To set teachers' salaries;

3. To arrange for the course of studies;

4. To supervise the instruction; and

5. To adopt, amend and enforce rules pertaining to the educational activities of the secondary school in the Town of Poland.

If the tuition contract between the Town of Poland and the Town of Minot or between the Town of Poland and the Town of Mechanic Falls is terminated, membership on the committee from the Town of Minot or from the Town of Mechanics Falls, as the case may be, is forfeited as of the date that the tuition contract is terminated.

Sec. 9. Referendum; effective date. This Act must be submitted to the legal voters of the towns of Poland, Mechanic Falls and Minot at a special town meeting called for the purpose within 60 days of the approval of this Act. That special town meeting must be called, advertised and conducted according to the law relating to municipal elections; except, however, that the municipal officers of the town may not be required to prepare for posting, nor the town clerk to post, a new list of voters and for the purpose of registration of voters the board of voter registration must be in session on the secular day next preceding the special election. The town clerk of the town shall prepare the required ballots, on which the clerk shall reduce the subject matter of this Act to the following question:

"Do you approve of authorizing an alternative organizational plan that includes the building of a school in the Town of Poland for grades 7 to 12, to which the towns of Mechanic Falls or Minot or both will send grade 9-12 students?"

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

If the towns of Minot, Mechanic Falls or Poland vote not to approve the question in this section within 60 days of the effective date of this Act, that town has an additional 60 days from the date of the vote to hold another referendum on the question if a majority of the municipal officers of that town considers it to be in the best interest of the town.

The result of the vote must be declared by the municipal officers of the towns of Poland, Mechanic Falls and Minot and due

2 certificate must be filed by the town clerk with the Secretary of
3 State.

4 This Act takes effect for all purposes immediately upon its
5 acceptance by a majority of the voters of the Town of Poland and
6 the voters of either the towns of Mechanic Falls or Minot. If
7 either the town of Minot or Mechanic Falls fails to approve the
8 question in this section within 120 days of legislative approval
9 of this Act, then this Act does not apply to that town and that
10 town is relieved from all rights and obligations under this Act.

11 **Sec. 10. Graduating seniors; attendance option.** During the first
12 year of operation of the secondary school in the Town of Poland,
13 students from Poland entering their senior year may attend and
14 graduate from the system they attended as juniors during the year
15 immediately preceding the first year of operation of the
16 secondary school.

17 During the first year of operation of the Poland secondary
18 school, students from the towns of Mechanic Falls and Minot
19 entering their senior year may attend and graduate from the
20 system they attended as juniors during the year immediately
21 preceding the first year of operation of the secondary school.

22 For subsidy purposes, those students attending elsewhere
23 from the Town of Poland during the first year of operation will
24 be considered resident students at the secondary school.

25 **Sec. 11. Other tuition students.** Nothing in this Act precludes
26 the school department in the Town of Poland from accepting
27 tuition students from school departments other than those of the
28 towns of Mechanic Falls and Minot.

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

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33 **STATEMENT OF FACT**

34 This bill represents the findings of the committee
35 established by Resolve 1995, chapter 55 to develop a plan for
36 providing education services to the students of the towns of
37 Poland, Mechanic Falls and Minot.

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