

# MAINE STATE LEGISLATURE

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 181, L.D. 541, Bill, "An Act To Ensure Timely Responses to Requests for School Administrative District Reapportionments"

Amend the bill by inserting after the title and before the enacting clause 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, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to take advantage of its provisions, which require the Commissioner of Education to make more timely determinations regarding the reapportionment of school administrative districts; 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, '

Further amend the bill by striking out everything after the

COMMITTEE AMENDMENT

2 enacting clause and before the summary and inserting in its place  
the following:

4 'Sec. 1. 20-A MRSA §1255, sub-§§1 and 3, as amended by PL 1987,  
6 c. 395, Pt. A, §54, are further amended to read:

8 1. Duties of commissioner. The commissioner shall  
determine if a district is apportioned in accordance with the  
principles of one man person, one vote, if:

10 A. ~~He~~ The commissioner receives a request by the board of  
12 directors;

14 B. ~~He~~ The commissioner receives a petition signed by  
16 district voters equal to at least 10% of the voters who  
voted in the last gubernatorial election in the district;  
18 or

20 C. ~~He~~ The commissioner determines a district is not  
apportioned according to the principles of one man person,  
22 one vote.

24 The commissioner shall make a determination under paragraph A or  
B within 30 days of receiving the request or the petition.

26 3. Findings and order. If the commissioner finds the  
28 district's representation is not apportioned in accordance with  
the principle of one man person, one vote, ~~he~~ the commissioner  
30 shall, within 7 days of that decision, notify the superintendent  
of the finding and shall order the superintendent to notify the  
32 municipal officers in each municipality in the district and the  
school board to create a reapportionment committee. The  
34 superintendent's notification shall must include the  
commissioner's notification, the information provided pursuant to  
36 subsection 6 and the time and place for the first meeting of the  
committee, which shall must be held not later than 20 days after  
the notification.

38 Sec. 2. 20-A MRSA §1255, sub-§6, as enacted by PL 1981, c.  
40 693, §§5 and 8, is amended to read:

42 6. Duties of commissioner. The commissioner shall provide  
44 the ~~committee~~ superintendent with the most recent Federal  
Decennial Census or Federal Estimated Census figures for each  
46 municipality in the district and at least one recommended  
apportionment plan.

48 Emergency clause. In view of the emergency cited in the  
preamble, this Act takes effect when approved.'

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**SUMMARY**

4           This amendment strikes and replaces the bill to add a  
6           mandate preamble, emergency preamble and clause to the bill and  
8           to clarify the duties of the Commissioner of Education in  
10          ordering the establishment of a reapportionment committee. The  
12          amendment retains the original provision of the bill that  
            requires the Commissioner of Education to make a determination  
            whether a school district needs to be reapportioned within 30  
            days of receiving a request by the board of directors or a  
            petition from district voters.

**FISCAL NOTE REQUIRED**  
(See attached)

121st Maine Legislature  
Office of Fiscal and Program Review



**LD 541**

**An Act to Ensure Timely Responses to Requests for School  
Administrative District Reapportionments**

LR 1447(02)

Fiscal Note for Bill as Amended by Committee Amendment **A-S-171**

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

**Fiscal Note**

Exempt State Mandate

**State Mandate**

**New or Expanded Activity**

Requiring school superintendents to notify municipal officers in each municipality of the district and the school board to create a reapportionment committee is a State mandate. 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.

**Unit Affected**

School

**Costs**

Insignificant

**Fiscal Detail and Notes**

Shifting the responsibility for notifying municipal officers in each municipality of a school district, and that district's school board, to create a reapportionment committee will result in General Fund savings to the Department of Education. The amount will not be significant.