

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1193

H.P. 822

House of Representatives, March 8, 2005

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Ensure Equal Access to Education for Children in All
Parts of the State**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MERRILL of Appleton.
Cosponsored by Senator NUTTING of Androscoggin and
Representatives: CUMMINGS of Portland, FINCH of Fairfield, LANSLEY of Sabattus,
STEDMAN of Hartland, TRAHAN of Waldoboro, Senators: DAVIS of Piscataquis, President
EDMONDS of Cumberland, RAYE of Washington.

2 **Constitutional amendment. Resolved:** Two thirds of each
branch of the Legislature concurring, that the following
4 amendment to the Constitution of Maine be proposed:

6 **Constitution, Art. VIII, Pt. First, §§3 to 6** are enacted to read:

8 **Section 3. Equal access to good education.** In any effort
the State undertakes to aid local public schools it must provide
10 for distribution of that aid among the various schools and school
units in a manner designed to equalize the ability of every
12 school to provide a good education and must take full account of
unavoidable differences in resources and costs, including those
14 that may arise because of the school's location.

16 **Section 4. Protecting access in rural areas.** The State may
undertake no action that would contribute to the closing of any
18 public school if doing so would lengthen a child's daily time on
a school bus to more than 2 hours for a child under 12 years of
age or more than 3 hours for a child 12 years of age or older.

20 **Section 5. Local control of schools.** The State may not
22 compel municipalities to join school administrative districts or
school administrative districts to join larger districts. The
24 State may, however, adjust the state funding to account for any
inefficiencies caused by the small size of a district, but only
26 to the extent it can be demonstrated that the district's joining
with adjoining towns or districts would result in immediate
28 reduction in the per student costs for all municipalities
concerned.

30 **Section 6. Right to access to local schools.** The rights
32 established under this Part belong to and may be asserted by
every citizen of the State.

34 ; and be it further

36
38 **Constitutional referendum procedure; form of question; effective
date. Resolved:** That the municipal officers of this State shall
40 notify the inhabitants of their respective cities, towns and
plantations to meet, in the manner prescribed by law for holding
42 a statewide election, at a statewide election, on the Tuesday
following the first Monday of November following the passage of
44 this resolution, to vote upon the ratification of the amendment
proposed in this resolution by voting upon the following question:

46 "Do you favor amending the Constitution of Maine to prevent
48 the State from requiring that public schools be incorporated
into larger school districts and to prevent the State from
closing a public school if it will result in a child under

2 12 years of age spending more than 2 hours a day on a school
3 bus or a child 12 years of age or older spending more than 3
4 hours a day on a school bus although the State may adjust
5 the state funding to the school to account for the small
6 size of a district?"

7 The legal voters of each city, town and plantation shall
8 vote by ballot on this question and designate their choice by a
9 cross or check mark placed within the corresponding square below
10 the word "Yes" or "No." The ballots must be received, sorted,
11 counted and declared in open ward, town and plantation meetings
12 and returns made to the Secretary of State in the same manner as
13 votes for members of the Legislature. The Governor shall review
14 the returns and, if it appears that a majority of the legal votes
15 are cast in favor of the amendment, the Governor shall proclaim
16 that fact without delay and the amendment becomes part of the
17 Constitution of Maine on the date of the proclamation; and be it
18 further

19 **Secretary of State shall prepare ballots. Resolved:** That the
20 Secretary of State shall prepare and furnish to each city, town
21 and plantation all ballots, returns and copies of this resolution
22 necessary to carry out the purposes of this referendum.
23

24 SUMMARY

25 This resolution expands on the education provisions
26 currently in the Constitution of Maine to guarantee that if the
27 State undertakes to support local schools it must do so in a way
28 that equalizes opportunity for all children whether they live in
29 service center communities or in rural areas.
30

31 It also prevents the State from taking any steps that will
32 lead to the closure of isolated schools if the closure will force
33 children under 12 years of age to spend more than 2 hours on a
34 school bus or children 12 years of age or over to spend more than
35 3 hours on a bus.
36

37 It also guarantees every municipality the freedom to decide
38 how its schools will be organized and permits the State to adjust
39 its aid to account for any inefficiencies that result from those
40 local decisions.
41

42 It also makes clear that these rights extend to and are
43 enforceable by every Maine taxpayer.
44
45
46