

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1851

H.P. 1291

House of Representatives, January 3, 2006

An Act Relating to the Flanders Bay Community School District

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BIERMAN of Sorrento.

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

3 **Whereas,** the Flanders Bay Community School District is composed of the towns of
4 Franklin, Gouldsboro, Sorrento, Sullivan, Steuben and Winter Harbor and provides
5 education for the pupils from those towns in grades 9 to 12; and

6 **Whereas,** the governing body of the Flanders Bay Community School District was
7 denominated the "Board of Trustees" of the district when the district was formed in 1950;
8 and

9 **Whereas,** the Commissioner of Education approved a reapportionment plan for the
10 governing body of the Flanders Bay Community School District in 1994 that
11 denominated the governing body of the district as the "Board of Directors"; and

12 **Whereas,** in recent years the governing body of the district has been denominated
13 the "District School Committee" in the official records of the district; and

14 **Whereas,** the original votes in the member municipalities that created the district
15 included limitations on the authority of the district to own property and to incur
16 indebtedness that are inconsistent with the general laws of the State governing
17 community school districts; and

18 **Whereas,** these facts have created uncertainty as to the legal existence of the
19 governing body of the Flanders Bay Community School District, its authority and the
20 validity of its past actions; and

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

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

26 **Sec. 1. Flanders Bay Community School District.** The Flanders Bay
27 Community School District is hereby validated and approved as a legally constituted
28 community school district within the meaning of the Maine Revised Statutes, Title 20-A,
29 chapter 105, responsible for operating grades 9 to 12 for the towns of Franklin,
30 Gouldsboro, Sorrento, Sullivan, Steuben and Winter Harbor.

31 **Sec. 2. District school committee.** The governing body of the Flanders Bay
32 Community School District is called the district school committee and shall perform the
33 duties of both the district school committee and the district board of trustees under the
34 Maine Revised Statutes, Title 20-A, chapter 105. The members of the district school
35 committee on the effective date of this Act as appointed by the school committees of the
36 district's member towns continue to serve on the district school committee until their
37 terms expire or until a vacancy is otherwise created.

38 **Sec. 3. District authority.** The Flanders Bay Community School District and the
39 district school committee's authority to hold and acquire property, to borrow money and
40 to issue bonds and notes are governed by laws applicable to community school districts

1 and are not subject to any limitations adopted or established by the district prior to
2 January 1, 1965.

3 **Sec. 4. District's costs.** The Flanders Bay Community School District's costs
4 must be shared in accordance with the applicable provisions of state law, except that all
5 costs that are subject to local cost-sharing formulas under state law are shared on the
6 basis of the average of the 2 pupil counts for April 1st and October 1st of the most recent
7 calendar year prior to the fiscal year at issue. This cost-sharing formula may be changed
8 in accordance with law.

9 **Sec. 5. Actions; obligations.** All actions and obligations of the Flanders Bay
10 Community School District and its governing body, including contracts, notes, bonds and
11 other legal obligations of the district, entered into prior to the effective date of this Act
12 are validated and approved.

13 **Sec. 6. P&SL 1951, c. 203,** as amended by P&SL 1967, c. 55, is repealed.

14 **Sec. 7. P&SL 1965, c. 82** is repealed.

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

17 **SUMMARY**

18 This bill removes existing uncertainties with respect to the name and legal authority
19 of the governing body of the Flanders Bay Community School District. The bill clarifies
20 the authority of the district school committee of the Flanders Bay Community School
21 District to act as the governing body of the district, it provides that the district is governed
22 by the laws of the State applicable to community school districts and it validates and
23 approves all prior actions and obligations of the district and its governing body.