

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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Legislative Document

No. 1186

H.P. 867

House of Representatives, March 7, 2007

**An Act To Establish Educational Excellence for the Towns of
Corinna, Etna, Dixmont, Hartland, Newport, Palmyra, Plymouth
and St. Albans**

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TARDY of Newport.

1 **Mandate preamble.** This measure requires one or more local units of government
2 to expand or modify activities so as to necessitate additional expenditures from local
3 revenues but does not provide funding for at least 90% of those expenditures. Pursuant to
4 the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to
5 each House have determined it necessary to enact this measure.

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

8 **Whereas,** the school committees of the towns of Corinna, Etna, Dixmont, Hartland,
9 Newport, Palmyra, Plymouth and St. Albans have indicated a desire to form, in 2007, a
10 community school district for the 8 towns for grades 7 to 12; and

11 **Whereas,** the current schools in the towns of Corinna, Etna, Dixmont, Hartland,
12 Newport, Palmyra, Plymouth and St. Albans are in need of additions; and

13 **Whereas,** it is in the interest of the 8 towns to have adequate planning and
14 preparatory time to create a community school district; and

15 **Whereas,** the operational school year for the community school district, unless
16 otherwise provided for, will begin July 1st after the organization of the community school
17 district as required by the Maine Revised Statutes, Title 20-A, section 1604; and

18 **Whereas,** it is necessary to put into operation a new community school district with
19 a new school and to ensure an orderly transition consistent with school-year and fiscal-
20 year requirements and statutory time limits for the conducting of local referenda and
21 elections; and

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

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

27 **Sec. 1. Authorization.** The inhabitants of the towns of Corinna, Etna, Dixmont,
28 Hartland, Newport, Palmyra, Plymouth and St. Albans are authorized to form a
29 community school district in accordance with the Maine Revised Statutes, Title 20-A,
30 chapter 105 and upon the terms of this Act.

31 **Sec. 2. Continued existence.** Maine School Administrative District No. 48 and
32 the municipal entities of Corinna, Etna, Dixmont, Hartland, Newport, Palmyra, Plymouth
33 and St. Albans continue to consist of the inhabitants of the towns of Corinna, Etna,
34 Dixmont, Hartland, Newport, Palmyra, Plymouth and St. Albans for the purpose of
35 owning and operating elementary schools for students in kindergarten and grades one to
36 6. The Commissioner of Education shall issue an amended certificate of organization for
37 Maine School Administrative District No. 48, effective July 1st of the first operational
38 year of the community school district provided for in this Act, which is conclusive

1 evidence of the lawful reorganization of Maine School Administrative District No. 48.
2 The towns of Corinna, Etna, Dixmont, Hartland, Newport, Palmyra, Plymouth and St.
3 Albans continue as school units to operate schools for kindergarten and grades one to 6,
4 and those operations are unaffected by the terms of this Act.

5 **Sec. 3. Rights and privileges.** The Corinna, Etna, Dixmont, Hartland, Newport,
6 Palmyra, Plymouth and St. Albans Community School District, referred to in this Act as
7 "the district," has all the rights and privileges of community school districts and
8 municipal school units, respectively, formed under the provisions of the Maine Revised
9 Statutes, Title 20-A, and is governed by all of the applicable provisions of Title 20-A to
10 the extent that the laws do not conflict with the terms of this Act.

11 **Sec. 4. Emergency project.** Approval of this Act by the Legislature and the
12 majority of the legal voters voting in the towns of Corinna, Etna, Dixmont, Hartland,
13 Newport, Palmyra, Plymouth and St. Albans authorizes a building project to house the
14 students of the 8 towns in grades 7 to 12 as an emergency project. The project authorized
15 by this Act must be given priority status for State Board of Education approval and
16 immediate approval for funding under chapter 61 of the State Board of Education's Rules
17 for Major Capital School Construction Projects.

18 Pursuant to the 8-town building project, this Act authorizes inclusion of certain costs
19 not currently covered by the State Board of Education's Rules for Major Capital School
20 Construction Projects as an adjustment to the general purpose aid subsidies paid to the
21 community school district in the first operational year. These costs relate to the purchase
22 of library books at a rate of 15 volumes per student, basic reference and audio visual
23 materials and software, as well as textbooks, for those grades not previously educated in
24 the towns of Corinna, Etna, Dixmont, Hartland, Newport, Palmyra, Plymouth and St.
25 Albans.

26 The adjustment is not included in the state share of the foundation allocation or debt
27 service allocation. The adjustment must be repaid by the district to the Department of
28 Education through reductions in the state share foundation allocation for the 5 years
29 following the first operational year. The total amount to be repaid is the total amount of
30 the adjustment multiplied by the district's state share percentage for operating costs
31 during the first operational year.

32 **Sec. 5. Initial organization and budget.** Notwithstanding any law to the
33 contrary, the district is organized upon the issuance of the certificate of organization by
34 the Commissioner of Education. The school committees of the towns of Corinna, Etna,
35 Dixmont, Hartland, Newport, Palmyra, Plymouth and St. Albans, acting as a committee-
36 of-the-whole, are responsible for preparing and submitting a budget to the voters, as
37 authorized by the Maine Revised Statutes, Title 20-A, section 1701, prior to June 30th for
38 each fiscal year beginning July 1st, for fiscal years 2007-08, 2008-09 and 2009-10. The
39 school committees of Corinna, Etna, Dixmont, Hartland, Newport, Palmyra, Plymouth
40 and St. Albans, acting as a committee-of-the-whole, voting in proportion to population, as
41 does the existing Maine School Administrative District No. 48 committee, have the
42 authority to act as the governing body of the district until the election of the district
43 school committee. The combined district school committees have the authority to submit

1 an application to the State Board of Education for school construction approval. The
2 members of the district school committee must be elected by the individual towns no later
3 than July 1, 2009 and take office July 1, 2009.

4 **Sec. 6. Transition period and first operational year.** The district has a
5 transition period beginning July 1, 2007. The district school committee is authorized to
6 employ personnel, to make expenditures and to do all other acts of a community school
7 district, except the assumption of the control and operation of grades 7 to 12, during the
8 transition period. The Commissioner of Education shall issue a certificate of organization
9 to the district consistent with the terms of this Act. The district may not receive a school
10 subsidy from the Department of Education's general purpose aid to local schools program
11 during the transition period. The transition period ends and the district school committee
12 assumes control and operation of grades 7 to 12 in the district on July 1st of the year of
13 the scheduled occupation of new school facilities owned by the district. For purposes of
14 this Act, "occupation" means that the building is being used to provide instruction to all
15 grade 7 to 12 resident pupils of the 8 towns.

16 **Sec. 7. Selection of representatives of the district school committee.** The
17 district school committee consists of the representatives of the towns of Corinna, Etna,
18 Dixmont, Hartland, Newport, Palmyra, Plymouth and St. Albans, who must be directly
19 elected. The representation of each of the towns of Corinna, Etna, Dixmont, Hartland,
20 Newport, Palmyra, Plymouth and St. Albans must be approximately the same ratio to the
21 total membership of the district school committee as each town's latest Federal Decennial
22 Census is to the latest Federal Decennial Census of all the member municipalities.
23 Federal estimated census figures must be used if they are more recent than the Federal
24 Decennial Census figures; except that a municipal member may not have less than one
25 representative on the district school committee. The representatives elected from the
26 towns of Corinna, Etna, Dixmont, Hartland, Newport, Palmyra, Plymouth and St. Albans
27 have 3-year terms, and the terms must be staggered for member municipalities with more
28 than one representative. Municipal representatives must be elected in the same manner,
29 and at the same time, as municipal officials provided for in the Maine Revised Statutes,
30 Title 30-A and local ordinances or charters.

31 **Sec. 8. Alternate representatives.** The school boards for the towns of Corinna,
32 Etna, Dixmont, Hartland, Newport, Palmyra, Plymouth and St. Albans may each appoint
33 from their memberships one alternate representative who may attend the meetings of the
34 district school committee and who acts as a liaison between the respective school
35 committees and the district school committee. If a district school committee
36 representative is absent from a meeting, the appointed alternate representative is allowed
37 all the rights and privileges of the absent representative.

38 **Sec. 9. Vacancies.** A vacancy on the district school committee of a
39 representative's term from the towns of Corinna, Etna, Dixmont, Hartland, Newport,
40 Palmyra, Plymouth and St. Albans must be filled by an appointment by the school board
41 of the municipality in which the vacancy occurs until the next general election.

42 **Sec. 10. Operational cost-sharing formula approval.** The district shall share
43 its costs among the member municipalities beginning July 1, 2007 on the basis of a

1 formula approved by the voters of each of the member municipalities on or before May 3,
2 2007. The vote must be conducted by secret ballot in accordance with the Maine Revised
3 Statutes, Title 30-A, sections 2528 to 2532. The formula proposal or proposals must be
4 prepared by a cost-sharing committee on which each member municipality is represented
5 by 2 representatives chosen by its municipal officers and one member of each
6 municipality's school committee chosen by the school committee members from that
7 municipality. The proposals for the formula for sharing costs must first be approved by
8 the cost-sharing committee by a vote of a majority of those present and voting. The cost-
9 sharing committee shall make its first proposal after conducting at least 3 public meetings
10 on or before April 21, 2007. Each municipality shall hold a referendum vote and shall
11 pay for the costs of voting. The meeting must be called, advertised and conducted
12 according to the laws relating to municipal elections. The boards of voter registration
13 must be in session on the secular day next preceding the meeting. The town clerks of the
14 towns shall prepare the required ballots on which the town clerks shall reduce the subject
15 matter of this Act to the following question:

16 "Do you approve the formula for sharing costs among the member municipalities of
17 the community school district as proposed by the cost-sharing committee?"

18 The voters shall indicate by a cross or check mark placed against the word "Yes" or
19 "No" their opinion of the same.

20 The Act takes effect for all purposes after its acceptance by a majority of the legal
21 voters voting on the questions of the formation of a community school district for the
22 member towns and the cost-sharing formula in each of the member towns, and after the
23 declaration of the State Board of Education.

24 All provisions of the Maine Revised Statutes, Title 20-A, section 1704 apply.

25 **Sec. 11. Budget approval.** The procedure for preparing a budget must be in
26 accordance with the Maine Revised Statutes, Title 20-A, section 1701.

27 **1. Preparation.** The district school committee shall prepare annually a budget for
28 the operation and capital expenditures of the district.

29 **2. Articles.** The district school committee shall prepare appropriate articles to
30 authorize budget expenditures and to determine the sums of money assessed for each
31 member municipality.

32 **3. Public hearings.** The district school committee shall hold one or more public
33 hearings within the district at least 7 days apart and at least 10 days prior to the final
34 preparation of the budget articles to be voted on in each municipality. At least 7 days
35 before the date set for each public hearing, the district school committee shall give notice
36 of the public hearing by having a copy of the proposed articles, together with a time and
37 place of the hearing, posted in the same manner required for the posting of a warrant for a
38 town meeting under the Maine Revised Statutes, Title 30-A, section 2523. Notices of the
39 hearing must be posted in each municipality of the district.

40 **4. Local vote.** The district school committee shall prepare warrants for the district
41 budget. The vote must be conducted in accordance with the Maine Revised Statutes,

1 Title 20-A, section 1701. The district school committee shall post warrants in each of the
2 member municipalities calling for an annual budget meeting.

3 **5. Summary articles.** The warrant must provide for the summarization of the action
4 taken on the budget for the purposes of determining the district's state and local allocation
5 with the articles prescribed in the Maine Revised Statutes, Title 20-A, chapter 1.

6 **6. Majority vote.** Approval by a majority of the voters voting at the district annual
7 meeting is necessary for the approval of the annual budget.

8 **7. Special budget meeting.** The district school committee may call a special budget
9 meeting when an article in the school budget warrant fails to pass by a majority vote or
10 when, in the district school committee's judgment, a financial emergency exists. A
11 special budget meeting must be conducted in accordance with the Maine Revised
12 Statutes, Title 20-A, section 1701.

13 **8. Educational continuity and coordination.** The district school committee and its
14 superintendent and administration shall consult and work with the municipal school
15 committees to establish and implement policies to achieve educational continuity and
16 coordination in the district for kindergarten and grades one to 12.

17 **9. Transfer of assets.** All real property that is currently used for grades 7 and 8
18 remains with the existing towns and may not be transferred to the district. All school
19 supplies and equipment, except school buses, purchased for and in use primarily by
20 grades 7 and 8 and owned by each town encompassed by the district must be transferred
21 to the district, as determined by each school committee on July 1st of the first operational
22 year. The Commissioner of Education or the commissioner's designee is authorized to
23 settle any dispute that may arise in the division and transfer of assets. The
24 commissioner's decision is final and binding.

25 **10. Transfer of contracts.** Contracts of the municipalities within the district and
26 Maine School Administrative District No. 48 with all principals, assistant principals,
27 teachers, teacher assistants and all other employees of Maine School Administrative
28 District No. 48 directly associated with the operation of grades 7 to 12, except for
29 contracts with superintendents, are proportionately assigned to the district on July 1st of
30 the first operational year except for the last 4 to 5 payments due on contracts for the
31 preceding school year. The district is responsible for assigning teachers and all other
32 employees to their duties and making payments on their contracts beginning July 1st of
33 the first operational year, except for the last 4 to 5 payments due on contracts for the
34 preceding school year. The Commissioner of Education or the commissioner's designee
35 is authorized to settle any dispute relating to the assignment of contracts. The
36 commissioner's decision is final and binding.

37 **Sec. 12. Name.** Within 2 years of the issuance of the certificate of organization,
38 the district school committee shall petition the State Board of Education to accept a name
39 for the district after consulting with and considering the recommendations of the school
40 committees for each municipality, and after considering the recommendations of the
41 administrators, teachers and students in the district. The State Board of Education shall
42 authorize the use of the name unless it finds that the name is similar to the name

1 authorized for use by another administrative unit and that the similarity could cause
2 public confusion. Upon approval by the State Board of Education, the Commissioner of
3 Education shall issue an amended certificate of organization for the district using the
4 approved name, which certificate is conclusive evidence of the lawful organization of the
5 district. Until the name has been approved, the district is known as the Corinna, Etna,
6 Dixmont, Hartland, Newport, Palmyra, Plymouth and St. Albans Community School
7 District.

8 **Sec. 13. District school committee to act as district board of trustees.** The
9 district school committee shall perform the functions of the district board of trustees as
10 provided for in the Maine Revised Statutes, Title 20-A, section 1651.

11 **Sec. 14. Certificate of organization.** Each municipal clerk shall file a return of
12 the votes cast to the Commissioner of Education, who shall determine immediately if a
13 majority of those voting in each municipality favored the article forming the district and
14 who shall so declare and issue to the district a certificate of organization that is
15 conclusive evidence of its lawful organization.

16 **Sec. 15. Controlling law.** If the provisions of this Act conflict with the provisions
17 of the Maine Revised Statutes, Title 20-A, the provisions of another private and special
18 law or the provisions of a municipal ordinance, then the provisions of this Act control.

19 **Sec. 16. Alternative authorization.** The inhabitants of the towns of Corinna,
20 Etna, Dixmont, Hartland, Newport, Palmyra, Plymouth and St. Albans are authorized to
21 form a community school district in accordance with the Maine Revised Statutes, Title
22 20-A, chapter 105 and, upon the terms of this Act, if the voters of one town do not vote to
23 form a community school district on or before June 23, 2007, this Act does not apply to
24 the town that does not approve the formation of the district. In order to form the district,
25 at least 5 towns must vote in favor of forming the district.

26 **Sec. 17. Emergency clause; referendum; effective date.** In view of the
27 emergency cited in the preamble, this Act takes effect when approved only for the
28 purpose of permitting its submission to the legal voters of the towns of Corinna, Etna,
29 Dixmont, Hartland, Newport, Palmyra, Plymouth and St. Albans. A meeting must be
30 called and held in each municipality for the purpose of voting on May 6, 2007. The
31 meeting must be called, advertised and conducted according to the laws relating to
32 municipal elections, except that any state or local election provision that would delay the
33 meeting beyond May 6, 2007 does not apply. The boards of voter registration must be in
34 session on the secular day next preceding the meeting. The town clerks of the towns shall
35 prepare the required ballots on which the town clerks shall reduce the subject matter of
36 this Act to the following question:

37 "Do you favor joining the community school district for grades 7-12 as provided for
38 in the Act To Establish Educational Excellence for the Towns of Corinna, Etna,
39 Dixmont, Hartland, Newport, Palmyra, Plymouth and St. Albans passed by the 123rd
40 Legislature with any combination of at least 5 towns?"

41 The voters shall indicate by a cross or check mark placed against the word "Yes" or
42 "No" their opinion of the same.

1 This Act takes effect for **all purposes** after its acceptance by a majority of the legal
2 voters voting on the question in **at least 5** of the member towns and the declaration of the
3 Commissioner of Education.

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

6 SUMMARY

7 This bill establishes the Corinna, Etna, Dixmont, Hartland, Newport, Palmyra,
8 Plymouth and St. Albans Community School District.