

MAINE STATE LEGISLATURE

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Date: 2-12-08

(Filing No. H-678)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to S.P. 741,
L.D. 1932, Bill, "An Act To Amend the Laws Regarding School Funding"

Amend the amendment in Part A by inserting after section 2 the following:

'Sec. A-3. 20-A MRSA §1461, sub-§8 is enacted to read:

8. Termination of reorganization planning process. If at any time the representatives of a school administrative unit participating on a reorganization planning committee determine by majority vote of those representatives that it is not in the best interests of that school administrative unit to continue the reorganization planning process, they may notify the reorganization planning committee and the governing body of the school administrative unit and request that the governing body of the school administrative unit conduct a public hearing on whether or not the school administrative unit should continue to participate in the reorganization planning process. Following such a request, the governing body of the school administrative unit shall conduct a public hearing on the issue. Following the public hearing, the governing body of the school administrative unit or, in the case of a municipal school unit, the municipal officers may place a warrant article substantially as follows on the ballot of a referendum in accordance with the referendum procedures applicable to that school administrative unit:

"Article: Do you favor (insert name of school administrative unit) opting out of the school reorganization planning process with (insert names of other school administrative units) and remaining as a (insert type of school administrative unit)?

Yes No"

The school administrative unit shall report the results of the referendum to the reorganization planning committee and the department following the referendum election. If a majority at the referendum votes in favor of opting out of the school reorganization planning process, that school administrative unit may not participate further in the school reorganization planning process.'

Amend the amendment by inserting after section 12 the following:

'Sec. 13. PL 2007, c. 240, Pt. XXXX, §36, sub-§13 is enacted to read:

HOUSE AMENDMENT

1 13. Termination of reorganization planning process. Notwithstanding any other
2 provision of this Part, if at any time the representatives of a school administrative unit
3 participating on a reorganization planning committee determine by majority vote of those
4 representatives that it is not in the best interests of that school administrative unit to
5 continue the reorganization planning process, they may notify the reorganization planning
6 committee and the governing body of the school administrative unit and request that the
7 governing body of the school administrative unit conduct a public hearing on whether or
8 not the school administrative unit should continue to participate in the reorganization
9 planning process. Following such a request, the governing body of the school
10 administrative unit shall conduct a public hearing on the issue. Following the public
11 hearing, the governing body of the school administrative unit or, in the case of a
12 municipal school unit, the municipal officers may place a warrant article substantially as
13 follows on the ballot of a referendum in accordance with the referendum procedures
14 applicable to that school administrative unit:

15 "Article: Do you favor (insert name of school administrative unit) opting out of the
16 school reorganization planning process with (insert names of other school
17 administrative units) and remaining as a (insert type of school administrative unit)?

18 Yes/No"

19 The school administrative unit shall report the results of the referendum to the
20 reorganization planning committee and the department following the referendum election.
21 If a majority at the referendum votes in favor of opting out of the school reorganization
22 planning process, that school administrative unit may not participate further in the school
23 reorganization planning process.'

24 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
25 or section number to read consecutively.

26 **SUMMARY**

27 This amendment establishes a procedure by which a school administrative unit may
28 withdraw from the school reorganization planning process. The procedure requires a
29 majority vote of the representatives of a school administrative unit on a reorganization
30 planning committee followed by a public hearing and a referendum vote of the school
31 administrative unit on the question of whether the school administrative unit should opt
32 out of the school reorganization planning process.

33 **FISCAL NOTE REQUIRED**

34 (See attached)

35 SPONSORED BY: James McFadden

36 (Representative MCFADDEN)

37 TOWN: Dennysville



123rd MAINE LEGISLATURE

LD 1932

LR 3324(18)

An Act To Amend the Laws Regarding School Funding

Fiscal Note for House Amendment "*A*" to Committee Amendment "B"

Sponsor: Rep. McFadden of Dennysville

Fiscal Note Required: Yes

Fiscal Note

No State fiscal impact

Fiscal Detail and Notes

Allowing school administrative units to withdraw from the reorganization planning process by following the established procedure, including holding a referendum vote, does not have a fiscal impact to the State. Choosing to opt out of a regional school unit results in the acceptance of penalties pursuant to Public Law 2007, chapter 240, Part XXXX, §15696.