

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 95

H.P. 79

House of Representatives, January 12, 2009

**An Act To Eliminate Penalties for Nonconforming School  
Administrative Units**

(EMERGENCY)

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative EDGECOMB of Caribou.  
Cosponsored by Representative JOHNSON of Greenville and  
Representative: CLARK of Easton.

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

3 **Whereas,** current law provides that, beginning July 1, 2009, penalties are imposed  
4 on school administrative units that are not conforming units under the laws governing  
5 school administrative unit reorganization; and

6 **Whereas,** this legislation delays until July 1, 2011 the date on which the penalties  
7 commence; and

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

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

13 **Sec. 1. 20-A MRSA §1465, sub-§3,** as enacted by PL 2007, c. 240, Pt. XXXX,  
14 §13, is amended to read:

15 **3. Referendum for a school administrative unit to join an existing regional**  
16 **school unit.** The municipal officers of each municipality in a proposed reorganized  
17 school administrative unit shall place a warrant article substantially as follows on the  
18 ballot of a municipal referendum in accordance with the referendum procedures  
19 applicable to the school administrative unit of which the municipality is a member.

20 "Article: Do you favor approving the school reorganization plan prepared by the  
21 (insert name) Reorganization Planning Committee for school administrative unit  
22 (insert name of affected school administrative unit) to join the regional school unit  
23 (name of regional school unit), with an effective date of (insert date)?

24 Yes No"

25 The following statement must accompany the article:

26 "Explanation:

27 A "YES" vote means that you approve of the (municipality or school  
28 administrative unit) joining the proposed regional school unit. ~~The financial  
29 penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the  
30 existing school administrative unit will no longer apply to the proposed regional  
31 school unit."~~

32 **Sec. 2. 20-A MRSA §1465, sub-§4,** as enacted by PL 2007, c. 240, Pt. XXXX,  
33 §13, is amended to read:

34 **4. Referendum on the admission of an additional school administrative unit to**  
35 **an existing regional school unit.** If the vote to join a regional school unit under  
36 subsection 3 was in the affirmative, the existing regional school unit shall call a regional  
37 school unit referendum to vote on the following article.

1 "Article: Do you favor approving the school reorganization plan prepared by the  
2 (insert name) Reorganization Planning Committee for school administrative unit  
3 (insert name of affected school administrative unit) to join the regional school unit  
4 (name of regional school unit), with an effective date of (insert date)?

5 Yes No"

6 The following statement must accompany the article:

7 "Explanation:

8 A "YES" vote means that you approve of the (municipality or school  
9 administrative unit) joining the proposed regional school unit. ~~The financial~~  
10 ~~penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the~~  
11 ~~existing school administrative unit will no longer apply to the proposed regional~~  
12 ~~school unit."~~

13 **Sec. 3. 20-A MRSA §15696**, as amended by PL 2007, c. 668, §§39 to 41 and c.  
14 695, Pt. A, §23, is repealed.

15 **Sec. 4. PL 2007, c. 240, Pt. XXXX, §36, sub-§11**, as amended by PL 2007, c.  
16 668, §47, is further amended to read:

17 **11. Result of disapproval at January 2008 referendum.** A school administrative  
18 unit that rejects a proposed reorganization plan at the January 15, 2008 referendum or at a  
19 subsequent referendum on or before January 30, 2009 may restart the process to form a  
20 regional school unit with the same or other school administrative units and may seek  
21 assistance from the Department of Education to prepare another reorganization plan.

22 A. Subsequent reorganization plans must meet the same requirements as for  
23 reorganization plans filed prior to the January 2008 referendum, except that the  
24 timelines are adjusted to reflect a July 1, 2009 reorganization date.

25 ~~B. The penalties set forth in Title 20-A, section 15696 apply to any school~~  
26 ~~administrative unit that fails to approve a reorganization plan on or before January~~  
27 ~~30, 2009 and to implement that plan by July 1, 2009.~~

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

## 30 SUMMARY

31 This bill amends the laws governing school administrative unit reorganization to  
32 eliminate the penalties set forth for nonconforming school administrative units.