

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 158

H.P. 137

House of Representatives, January 20, 2009

**An Act To Allow an Alternative Organizational Structure To Act as
a Fiscal Agent for Each Member or Municipality in That
Alternative Organizational Structure**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SCHATZ of Blue Hill.
Cosponsored by Senator DAMON of Hancock and Representatives: CLEARY of Houlton,
EATON of Sullivan, GIFFORD of Lincoln, JOHNSON of Greenville.

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

2 **Sec. 1. 20-A MRSA §1461, sub-§3, ¶A**, as enacted by PL 2007, c. 240, Pt.
3 XXXX, §13, is amended to read:

4 A. A reorganization plan must include:

5 (1) The units of school administration to be included in the proposed reorganized
6 regional school unit;

7 (2) The size, composition and apportionment of the governing body;

8 (3) The method of voting of the governing body;

9 (4) The composition, powers and duties of any local school committees to be
10 created;

11 (5) The disposition of real and personal school property;

12 (6) The disposition of existing school indebtedness and lease-purchase
13 obligations if the parties elect not to use the provisions of section 1506 regarding
14 the disposition of debt obligations;

15 (7) The assignment of school personnel contracts, school collective bargaining
16 agreements and other school contractual obligations;

17 (8) The disposition of existing school funds and existing financial obligations,
18 including undesignated fund balances, trust funds, reserve funds and other funds
19 appropriated for school purposes;

20 (8-A) For a reorganization plan to form an alternative organizational structure, a
21 designated fiscal agent or agents for each of the member entities and
22 municipalities of the alternative organizational structure. The plan may designate
23 the alternative organizational structure as the fiscal agent for its member entities
24 and municipalities;

25 (9) A transition plan that addresses the development of a budget for the first
26 school year of the reorganized unit and interim personnel policies;

27 (10) Documentation of the public meeting or public meetings held to prepare or
28 review the reorganization plan;

29 (11) An explanation of how units that approve the reorganization plan will
30 proceed if one or more of the proposed members of the regional school unit fail
31 to approve the plan;

32 (12) An estimate of the cost savings to be achieved by the formation of a
33 regional school unit and how these savings will be achieved; and

34 (13) Such other matters as the governing bodies of the school administrative
35 units in existence on the effective date of this chapter may determine to be
36 necessary.

37 **Sec. 2. PL 2007, c. 240, Pt. XXXX, §36, sub-§2, ¶C**, as enacted by PL 2007, c.
38 668, §42, is amended to read:

1 C. A notice of intent to engage in planning and negotiations with other school
2 administrative units for the purpose of developing a reorganization plan to form an
3 alternative organizational structure in accordance with this paragraph.

4 (1) A school administrative unit may be designated by the commissioner as part
5 of an alternative organizational structure. The commissioner may designate a
6 school administrative unit as part of an alternative organizational structure if the
7 commissioner finds that the proposed organizational structure will result in:

8 (a) Consolidation of system administration;

9 (b) Consolidation of special education administration, transportation
10 administration and administration of business functions including accounting,
11 reporting, payroll, financial management, purchasing insurance and auditing;

12 (c) Adoption of a core curriculum and procedures for standardized testing
13 and assessment aligned with the system of learning results established in
14 Title 20-A, section 6209; and

15 (d) Adoption of consistent school policies and school calendars and a plan
16 for consistent collective bargaining agreements.

17 A plan for an alternative organizational structure may include a collaborative
18 agreement under chapter 114 and must include an interlocal agreement under
19 Title 30-A, chapter 115. The plan must include procedures for conducting a
20 kindergarten through grade 12 budget approval pursuant to subparagraph (2).

21 (2) The budget procedures of members of an alternative organizational structure
22 must conform to the format and referendum procedures set forth in sections 1485
23 and 1486 for regional school units except for the time limits pursuant to section
24 1486, subsection 2. The budget validation referendum for all members of the
25 alternative organizational structure must be conducted on the same day.

26 (3) A plan for an alternative organizational structure must designate a fiscal
27 agent or agents for each of the member entities and municipalities of the
28 alternative organizational structure. The plan may designate the alternative
29 organizational structure as the fiscal agent for its member entities and
30 municipalities.

31 SUMMARY

32 This bill provides that a reorganization plan to form an alternative organizational
33 structure must designate a fiscal agent or agents for each of the member entities and
34 municipalities of the alternative organizational structure. The bill also provides that the
35 reorganization plan may designate the alternative organizational structure as the fiscal
36 agent for its member entities and municipalities.