

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 635

H.P. 449

House of Representatives, February 19, 2009

**An Act To Provide Additional Time to Certain School
Administrative Units To Comply with School Administrative Unit
Reorganization Laws**

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FITTS of Pittsfield.
Cosponsored by Senator MARRACHÉ of Kennebec and
Representatives: AUSTIN of Gray, BEAULIEU of Auburn, BECK of Waterville, BICKFORD of Auburn, BROWNE of Vassalboro, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, DAVIS of Sangerville, EATON of Sullivan, EDGECOMB of Caribou, FLETCHER of Winslow, FOSSEL of Alna, GILBERT of Jay, KRUGER of Thomaston, LANGLEY of Ellsworth, LEGG of Kennebunk, LEWIN of Eliot, McFADDEN of Dennysville, McKANE of Newcastle, MILLER of Somerville, NELSON of Falmouth, PIEH of Bremen, Speaker PINGREE of North Haven, PIOTTI of Unity, RICHARDSON of Carmel, ROBINSON of Raymond, SAVIELLO of Wilton, SCHATZ of Blue Hill, TARDY of Newport, THERIAULT of Madawaska, WAGNER of Lewiston, WEAVER of York, WEBSTER of Freeport, Senators: BOWMAN of York, BRYANT of Oxford, COURTNEY of York, DAVIS of Cumberland, GOOLEY of Franklin, JACKSON of Aroostook, President MITCHELL of Kennebec, SHERMAN of Aroostook, SULLIVAN of York, WESTON of Waldo.

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,** the deadline for reorganization is approaching; and

4 **Whereas,** if a school administrative unit does not reorganize, penalties will be
5 imposed against the school administrative unit; and

6 **Whereas,** this legislation will give school administrative units additional time to
7 reorganize; 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. PL 2007, c. 240, Pt. XXXX, §36, sub-§11, as amended by PL 2007,**
14 **c. 668, §47, is further amended to read:**

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

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

24 B. The penalties set forth in Title 20-A, section 15696 apply to any school
25 administrative unit that fails to approve a reorganization plan on or before January
26 30, 2009 and to implement that plan by July 1, 2009, including those school
27 administrative districts that are reformulated under subsection 12. These penalties do
28 not apply to any school administrative unit that implements a reorganization plan by
29 July 1, 2010 in accordance with subsection 11-A.

30 **Sec. 2. PL 2007, c. 240, Pt. XXXX, §36, sub-§11-A is enacted to read:**

31 **11-A. Result for school administrative unit that approves plan at referendum on**
32 **or before January 30, 2009 but is unable to implement plan.** A school administrative
33 unit that approves a proposed reorganization plan at the January 15, 2008 referendum or
34 at a subsequent referendum on or before January 30, 2009 but is unable to implement the
35 plan because the plan was rejected at referendum by one or more of its proposed partner
36 school administrative units under the plan may restart the process to form a regional
37 school unit with the same or other school administrative units and may seek assistance
38 from the Department of Education to prepare another reorganization plan.

1 A. Subsequent reorganization plans must meet the same requirements as for
2 reorganization plans filed prior to the January 2008 referendum, except that the
3 timelines are adjusted to reflect a July 1, 2010 reorganization date.

4 B. The penalties set forth in Title 20-A, section 15696 apply, as of July 1, 2010, to
5 any school administrative unit that fails to approve a reorganization plan on or before
6 January 30, 2010 and to implement that plan by July 1, 2010.

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

9 **SUMMARY**

10 This bill provides additional time for a school administrative unit to comply with the
11 reorganization law if it approved a reorganization plan at a referendum prior to January
12 30, 2009 but is unable to implement the plan because the plan was rejected by one or
13 more of its proposed partners. The school administrative unit would be allowed to restart
14 the process to form a regional school unit with the same or other school administrative
15 units.