

# MAINE STATE LEGISLATURE

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MINORITY

L.D. 1747

Date: 3-16-10

(Filing No. S-422)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

124TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 670, L.D. 1747, Bill, "An Act To Allow the Town of Wells and the Town of Ogunquit To Amend the Terms of Their Cost-sharing Agreement for Their Community School District and To Provide Each Town the Ability To Withdraw from the Wells-Ogunquit Community School District"

Amend the bill by striking out the title and substituting the following:

'An Act To Allow the Town of Wells or the Town of Ogunquit To Withdraw from the Wells-Ogunquit Community School District'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. Withdrawal from Wells-Ogunquit Community School District. The residents of either the Town of Wells or the Town of Ogunquit may withdraw their town from the Wells-Ogunquit Community School District, referred to in this section as "the school district," in accordance with this section.

1. Petition required. A petition for a town to withdraw from the school district must be signed by 10% of those voting in the town at the last gubernatorial election and the petition must be submitted to the officers of that town.

2. Public hearing prior to vote. At least 10 days before a special election to vote on a petition to withdraw, the municipal officers of the town receiving the petition pursuant to subsection 1 shall hold a posted or otherwise advertised public hearing on the petition.

3. Special election. The municipal officers of the town receiving the petition pursuant to subsection 1 shall call and hold a special election to vote on the withdrawal from the school district in the manner provided for the calling and holding of town meetings and elections. The petition to withdraw from the school district must be approved by secret ballot by a majority vote of the voters present and voting before it may be presented to the Commissioner of Education. Voting in the town must be conducted in accordance with the Maine Revised Statutes, Title 30-A, sections 2528 and 2529, even if the town has not accepted the provisions of Title 30-A, section 2528.

COMMITTEE AMENDMENT

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**4. Form for article.** The article to be voted at the special election called pursuant to subsection 3 must be in substantially the following form:

"Article: Do you favor filing a petition for withdrawal from the Wells-Ogunquit Community School District with the Commissioner of Education authorizing the withdrawal committee to expend \$ (insert amount) and authorizing the (municipal officers) to issue notes in the name of the (name of the town) or otherwise pledge the credit of the (name of the town) in an amount not to exceed \$ (insert amount) for this purpose?

Yes No"

**5. Notice of vote.** If residents of the town vote favorably on a petition for withdrawal from the school district, the town clerk shall immediately give written notice, by registered mail, to the secretary of the school district and the Commissioner of Education that includes:

A. The petition adopted by the voters, including the number of affirmative and negative votes cast; and

B. An explanation by the municipal officers, stating to the best of their knowledge the reason or reasons why the town seeks to withdraw from the school district.

**6. Agreement for withdrawal.** Upon receipt of notice that either the Town of Wells or the Town of Ogunquit has voted affirmatively to withdraw from the school district, the Commissioner of Education shall direct the municipal officers of each town to form a withdrawal committee and develop an agreement between the 2 towns for the dissolution of the school district. The commissioner's directive must establish a withdrawal process similar to the process for withdrawal of a single town from a regional school unit. The commissioner shall consider the structure of municipal government in each town, the representation of each town on the school committee and circumstances unique to the establishment and history of the school district when authorizing negotiations and establishing deadlines for a withdrawal agreement.

**7. Reorganization; penalties.** Upon dissolution of the school district, neither the Town of Wells nor the Town of Ogunquit is subject to penalties for nonconforming school units under the Maine Revised Statutes, Title 20-A, section 15696 for a period of 2 years from the date of the dissolution.'

**SUMMARY**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. It replaces the bill. It allows either Wells or Ogunquit to withdraw from the Wells-Ogunquit Community School District using a process similar to the process established in statute for a municipality to withdraw from a regional school unit. It directs the Commissioner of Education to adapt that process to the unique circumstances of these 2 towns.

**FISCAL NOTE REQUIRED  
(See attached)**

**COMMITTEE AMENDMENT**



# 124th MAINE LEGISLATURE

LD 1747

LR 2323(02)

**An Act To Allow the Town of Wells and the Town of Ogunquit To Amend the Terms of Their Cost-sharing Agreement for Their Community School District and To Provide Each Town the Ability To Withdraw from the Wells-Ogunquit Community School District**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Education and Cultural Affairs**

**Fiscal Note Required: Yes**

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## Fiscal Note

No state fiscal impact

### Fiscal Detail and Notes

This bill will not affect the total cost of K-12 public education or the State's share of that cost. This bill may affect the amount of state subsidy received by the Town of Wells and the Town of Ogunquit for K-12 education. The impact to each individual town can not be determined at this time and will depend on how each separate unit is structured.