

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 19

H.P. 11

House of Representatives, January 4, 2011

**An Act To Change the Annual Meeting Date and Fiscal Year of
Mount Desert Island Regional School District**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative FLEMINGS of Bar Harbor.
Cosponsored by Senator LANGLEY of Hancock and
Representatives: CHAPMAN of Brooksville, KUMIEGA of Deer Isle, LUCHINI of Ellsworth.

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,** Private and Special Law 1963, chapter 176, as amended, requires Mount
4 Desert Island Regional School District to hold its annual meeting on the second
5 Wednesday of February and to operate on a calendar fiscal year; and

6 **Whereas,** the required annual meeting date interferes with the budget development
7 and approval process and the required fiscal year is contrary to the requirement of the
8 Maine Revised Statutes, Title 20-A, section 15003; and

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

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

14 **Sec. 1. P&SL 1963, c. 176, §8** is amended to read:

15 **Sec. 8. Fiscal year; annual reports.** The fiscal year of the district ~~shall begin~~
16 begins on the first day of ~~January~~ July of each year and ~~end ends~~ on the ~~31st~~ 30th day of
17 ~~December~~ June of each ~~the~~ succeeding calendar year. On or before January 15th of each
18 year, the Regional School trustees and the Regional School Committee shall present to
19 the municipal officers of each of the participating towns a detailed estimate in the form of
20 a budget of the amount necessary for the operation and maintenance of the Regional
21 School for the next fiscal year. On or before ~~January~~ March 15th of each year, the
22 Regional School trustees and the Regional School Committee shall ~~render~~ present to the
23 municipal officers of each of the participating towns reports in writing showing the
24 affairs and conditions of the Regional School for the preceding fiscal year ~~and a detailed~~
25 ~~estimate in the form of a budget of the amount necessary for the operation and~~
26 ~~maintenance of said Regional School for the current year.~~ Copies of such the reports
27 ~~shall must~~ be distributed to the inhabitants of the district in the same manner and form as
28 ~~is are~~ provided for town reports, except that the ~~same shall~~ copies must be made available
29 for distribution not later than the annual district meeting of each year.

30 The voters of the district at each annual meeting of the district shall determine what
31 sum, not less than the amount prescribed by the general law, is required for the operation
32 and maintenance of ~~said~~ the Regional School for the ~~current~~ next fiscal year.

33 **Sec. 2. P&SL 1963, c. 176, §9, first paragraph** is amended to read:

34 **Sec. 9. Capital costs; assessment of taxes authorized; how collected;**
35 **procedure.** The board of trustees shall determine the sums required for each fiscal year
36 to pay:

37 **Sec. 3. P&SL 1963, c. 176, §9, last paragraph** is amended to read:

1 The board of trustees shall each year before the first day of ~~April~~ July, apportion the
2 total sums so determined among the towns comprising the district, and issue its warrant in
3 the same form as the warrant of the Treasurer of the State for taxes, with proper changes,
4 to the assessors of each participating town, requiring that they assess upon the taxable
5 polls and estates within each ~~such~~ town, including all village corporations ~~therein~~, an
6 amount determined in accordance with section 15 of this ~~act~~ Act, and to commit their
7 assessments to the constable or collectors of ~~said the~~ towns, who ~~shall~~ have all authority
8 and powers to collect ~~said the~~ taxes as ~~is~~ are vested by law to collect state, county and
9 municipal taxes. The treasurers of ~~said the~~ participating towns shall pay the amount of
10 the tax ~~so~~ assessed against the taxable polls and estates within their respective
11 municipalities to the treasurer of the Regional School trustees on or before the 31st day of
12 December of each year. ~~In the case of the failure on the part of~~ If the treasurer of ~~said a~~
13 participating ~~towns~~ town fails to pay ~~said the~~ sum or any part ~~thereof~~ of the sum on or
14 before ~~said the~~ 31st day of December in the year in which ~~said the~~ tax is levied, the
15 treasurer of the district may issue ~~his the treasurer's~~ warrant for the amount of ~~said the~~ tax
16 or so much ~~thereof as shall then remain~~ of the tax that remains unpaid to the county
17 sheriff, requiring ~~him the county sheriff~~ to levy by distress and sale on the real and
18 personal property of any of the inhabitants of the participating town where ~~such the~~
19 default takes place and the sheriff or any of ~~his the sheriff's~~ deputies shall execute ~~said~~
20 the warrant, except as otherwise ~~herein~~ provided in this Act. The same authority as is
21 vested in county officials for the collection of county taxes under the provisions of the
22 Maine Revised Statutes is vested in the trustees of ~~said the~~ district in relation to the
23 collection of taxes within ~~such the~~ participating town.

24 **Sec. 4. P&SL 1963, c. 176, §10** is amended to read:

25 **Sec. 10. Operational costs; assessment of taxes authorized; how collected;**
26 **procedure.** The Regional School Committee shall for each fiscal year before the first
27 day of ~~April~~ July apportion the total sums required for the operation of the Regional
28 School, as ~~such the~~ sums are determined by the voters of the district at the annual meeting
29 ~~thereof~~, among the participating towns in accordance with section 15 of this ~~act~~ Act. The
30 Regional School Committee shall then issue its warrant in the same form as the warrant
31 of the Treasurer of the State for taxes, with proper changes, to the assessors of each
32 participating town, who shall deduct the amount of subsidies, or other income, if any,
33 accruing to ~~said the~~ town because of its share in the Regional School, and shall assess the
34 remaining sum upon the taxable polls and estates within their participating town and
35 commit their assessments to the constable or collectors of ~~said the~~ participating town who
36 ~~shall~~ have authority and power to collect as provided in section 9 of this ~~act~~ Act. The
37 treasurer of each participating town shall with respect to the sum ~~so~~ assessed make
38 payments, then provide for their collection, all as provided in ~~said~~ section 9, and the
39 Regional School Committee ~~shall~~ with respect to the sums ~~so~~ assessed ~~have~~ has the same
40 authority as ~~by said provided in section 9 is granted~~ to the board of trustees.

41 **Sec. 5. P&SL 1963, c. 176, §11, first paragraph**, as amended by P&SL 1971,
42 c. 7, is further amended to read:

43 **Sec. 11. Annual meeting of the district; qualifications of voters of district;**
44 **procedure at district meetings; annual budgets.** The annual meeting of the

1 district ~~shall~~ must be held within the district, and at the school building ~~when completed,~~
2 on the ~~2nd~~ 1st Wednesday of ~~February~~ April, ~~such~~ the meeting to start between 9 o'clock
3 in the forenoon and 8 o'clock in the afternoon. The warrant for ~~said~~ the meeting or any
4 special meeting ~~shall~~ must be signed by the ~~chairman~~ chair or treasurer of the board of
5 trustees and the ~~chairman~~ chair or secretary of the Regional School Committee.

6 **Sec. 6. P&SL 1963, c. 176, §11, 4th paragraph** is amended to read:

7 The warrant for the annual meeting ~~shall~~ must set forth the school budget for the next
8 fiscal year in substantially the following form:

9 PROPOSED

10 SCHOOL BUDGET FOR ~~YEAR 19~~ FISCAL YEAR 2 - 2

11 REGIONAL SCHOOL COMMITTEE

12 **Operating Budget Expenses**

13
14
15
16 Total proposed operating expenses \$-----

17 BOARD OF TRUSTEES

18 **Capital Budget Expenses**

19 **Bonds and Notes**

20 Principal - Sinking Fund Payments \$-----

21 Interest \$-----

22 **Interest on Temporary Notes** \$-----

23 **Maine School Building Authority**

24 Assumed by District \$-----

25 Rents or lease payments \$-----

26 **Additions and Improvements** \$-----

27 Total Capital expenses \$-----

28 Total proposed Expenditure \$-----

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

31 **SUMMARY**

32 This bill changes the annual school budget meeting date for Mount Desert Island
33 Regional School District from the 2nd Wednesday in February to the 1st Wednesday in
34 April and conforms the district's fiscal year to requirements of the Maine Revised
35 Statutes.