

# MAINE STATE LEGISLATURE

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**March 1, 2011**

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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**Legislative Document**

**No. 786**

H.P. 593

House of Representatives, March 1, 2011

**An Act To Eliminate the Penalty for School Administrative Units  
That Did Not Consolidate and Eliminate State Funding of Local  
Administrative Costs**

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative LOVEJOY of Portland.  
Cosponsored by Representatives: JOHNSON of Greenville, NELSON of Falmouth,  
SANBORN of Gorham, WAGNER of Lewiston.

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

**Sec. 1. 20-A MRSA §1461-B, sub-§6, ¶A**, as enacted by PL 2009, c. 580, §5, is repealed.

**Sec. 2. 20-A MRSA §1461-B, sub-§6, ¶B**, as enacted by PL 2009, c. 580, §5, is repealed.

**Sec. 3. 20-A MRSA §1461-B, sub-§6, ¶C**, as enacted by PL 2009, c. 580, §5, is repealed.

**Sec. 4. 20-A MRSA §1465, sub-§3**, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

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

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

Yes No"

~~The following statement must accompany the article:~~

~~"Explanation:~~

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

**Sec. 5. 20-A MRSA §1465, sub-§4**, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

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

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

Yes No"

1 The following statement must accompany the article:

2 "Explanation:

3 A "YES" vote means that you approve of the (municipality or school  
4 administrative unit) joining the proposed regional school unit. The financial  
5 penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the  
6 existing school administrative unit will no longer apply to the proposed regional  
7 school unit."

8 **Sec. 6. 20-A MRSA §1466, sub-§20**, as enacted by PL 2009, c. 580, §9, is  
9 repealed.

10 **Sec. 7. 20-A MRSA §15690, sub-§7** is enacted to read:

11 **7. Administrative costs paid with local funds.** Notwithstanding this chapter, a  
12 school administrative unit shall pay local administrative costs using local funds. State  
13 funds may not be appropriated or allocated to pay local administrative costs.

14 **Sec. 8. 20-A MRSA §15696**, as amended by PL 2009, c. 455, §1, is repealed.

15 **Sec. 9. PL 2007, c. 240, Pt. XXXX, §36, sub-§11**, as amended by PL 2009, c.  
16 571, Pt. VVV, §1, is further amended to read:

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

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

26 ~~B. The penalties set forth in Title 20-A, section 15696 apply to any school~~  
27 ~~administrative unit that fails to approve a reorganization plan on or before January~~  
28 ~~30, 2009 and to implement that plan by July 1, 2009, including those school~~  
29 ~~administrative districts that are reformulated under subsection 12. These penalties do~~  
30 ~~not apply to any school administrative unit that implements a reorganization plan by~~  
31 ~~July 1, 2011 in accordance with subsection 11-A.~~

32 **Sec. 10. PL 2007, c. 240, Pt. XXXX, §36, sub-§11-A**, as amended by PL 2009,  
33 c. 571, Pt. VVV, §2, is further amended to read:

34 **11-A. Result for school administrative unit that approves plan at referendum on**  
35 **or before January 30, 2010 but is unable to implement plan.** A school administrative  
36 unit that approves a proposed reorganization plan at the January 15, 2008 referendum or  
37 at a subsequent referendum on or before January 30, 2010 but is unable to implement the  
38 plan because the plan was rejected at referendum by one or more of its proposed partner  
39 school administrative units under the plan may restart the process to form a regional

1 school unit with the same or other school administrative units and may seek assistance  
2 from the Department of Education to prepare another reorganization plan.

3 A. Subsequent reorganization plans must meet the same requirements as for  
4 reorganization plans filed prior to the January 2008 referendum, except that the  
5 timelines are adjusted to reflect a July 1, 2011 reorganization date.

6 ~~B. The penalties set forth in Title 20-A, section 15696 apply, as of July 1, 2011, to~~  
7 ~~any school administrative unit that fails to approve a reorganization plan on or before~~  
8 ~~January 30, 2011 and to implement that plan by July 1, 2011.~~

9 **Sec. 11. PL 2007, c. 240, Pt. XXXX, §44** is repealed.

## 10 SUMMARY

11 This bill amends the laws governing school administrative unit reorganization to  
12 eliminate the penalties set forth for nonconforming school administrative units. It also  
13 requires that a school administrative unit pay local administrative costs using local funds  
14 and provides that state funds may not be appropriated or allocated to pay local  
15 administrative costs.