

MAINE STATE LEGISLATURE

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L.D. 783

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 534, L.D. 783, Bill, "An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit"

Amend the bill by striking out all of sections 1 to 3 and inserting the following:

'Sec. 1. 20-A MRSA §1466, sub-§9, as repealed and replaced by PL 2011, c. 678, Pt. J, §1, is amended to read:

9. **Required vote.** Before the municipality may withdraw from the regional school unit, the withdrawal agreement must be approved by a majority vote of those casting valid votes in the municipality, and the total number of votes cast for and against withdrawal at the municipal vote must equal or exceed 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election.

~~This subsection is repealed January 1, 2015.~~

Sec. 2. 20-A MRSA §1466, sub-§9-A, as enacted by PL 2011, c. 678, Pt. J, §2, is amended to read:

9-A. **Required vote; exception for a municipality of a school administrative district that was reformulated as a regional school unit.** A 2/3 vote of those casting valid votes in the municipality is required before a municipality that is a member municipality of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, as amended by Public Law 2007, chapter 668, section 48, may withdraw from the regional school unit.

~~This subsection is repealed January 1, 2015.'~~

Amend the bill in section 5 in paragraph B in the last line (page 3, line 18 in L.D.) by striking out the following: "50%" and inserting the following: '45%'

Amend the bill by striking out all of section 6 and inserting the following:

'Sec. 6. 20-A MRSA §1466, sub-§10-A is enacted to read:

1 **10-A. Restriction on withdrawal petitions for a municipality of a school**
2 **administrative district that was reformulated as a regional school unit. A**
3 **municipality that is part of a school administrative district that was reformulated as a**
4 **regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36,**
5 **subsection 12, as amended by Public Law 2007, chapter 668, section 48, may not petition**
6 **for withdrawal within 2 years after the date of:**

7 **A. A municipal vote on a petition for withdrawal if the petition received less than**
8 **45% of the votes cast; or**

9 **B. A municipal vote on a withdrawal agreement if the agreement received less than**
10 **60% of the votes cast.**

11 **Sec. 7. 20-A MRSA §1466, sub-§13, as amended by PL 2013, c. 167, Pt. A, §2,**
12 **is further amended to read:**

13 **13. Determination of results; execution of agreement.** Except for a school
14 administrative district that was reformulated as a regional school unit pursuant to Public
15 Law 2007, chapter 240, Part XXXX, section 36, subsection 12, as amended by Public
16 Law 2007, chapter 668, section 48, if the commissioner finds that a majority of the voters
17 voting on the article has voted in the affirmative and the total number of votes cast for
18 and against the article equal or exceed 50% of the total number of votes cast in the
19 municipality for Governor at the last gubernatorial election, the commissioner shall notify
20 the municipal officers and the regional school unit board to take steps for the withdrawal
21 in accordance with the terms of the agreement for withdrawal. For a municipality that is
22 part of a school administrative district that was reformulated as a regional school unit
23 pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, as
24 amended by Public Law 2007, chapter 668, section 48, if the commissioner finds that at
25 least 2/3 of the votes validly cast in the municipality are in the affirmative, the
26 commissioner shall notify the municipal officers and the regional school unit board to
27 take steps for the withdrawal in accordance with the terms of the agreement for
28 withdrawal.

29 ~~This subsection is repealed January 1, 2015.~~

30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
31 section number to read consecutively.

SUMMARY

32 The bill proposes changes to the laws regarding voting requirements for the
33 withdrawal of a municipality from a regional school unit and the withdrawal of a member
34 municipality from a school administrative district that was reformulated as a regional
35 school unit pursuant to the school consolidation laws. This amendment changes the bill to
36 remove its time limits for negotiations between the withdrawal committee and the
37 regional school unit. The amendment retains the provisions in the bill striking the
38 provisions in current law that repeal the existing voting requirements on January 1, 2015
39 and that provide that a 2/3 majority of the voters voting on a withdrawal agreement is
40 required for the withdrawal of a municipality from a regional school unit and retains the
41 provision in the bill changing the percentage of votes required when determining whether
42 a municipality may petition to withdraw within 2 years of the vote on a previous
43

1 withdrawal agreement that was not approved by the voters, but changes the bill's 50% of
2 votes cast to 45%. The bill proposes to eliminate the provisions of current law that
3 require that the total number of votes cast for and against withdrawal at the municipal
4 vote must equal or exceed 50% of the total number of votes cast in the municipality for
5 Governor at the last gubernatorial election. The amendment retains those provisions of
6 current law.

7 The amendment also adds a distinct provision to the bill that restricts a withdrawal
8 petition for a period of 2 years for a municipality that seeks to withdraw from a school
9 administrative district that was reformulated as a regional school unit pursuant to the
10 school consolidation laws if the municipal vote on a petition for withdrawal received less
11 than 45% of the votes cast or if the withdrawal agreement received less than 60% of the
12 votes cast during the municipal vote.