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Legislative Document

No. 1027

H.P. 722

House of Representatives, March 14, 2013

An Act To Provide an Improved Process for Voter Approval of Withdrawal from a Regional School Unit

(EMERGENCY)

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

Millicent M. Mac Jarland

MILLICENT M. MacFARLAND Clerk

Presented by Representative PARRY of Arundel. Cosponsored by Senator LANGLEY of Hancock and Representatives: CHENETTE of Saco, MacDONALD of Boothbay, McCLELLAN of Raymond, POULIOT of Augusta, Senators: MILLETT of Cumberland, VALENTINO of York.

- 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,** improving the process for a municipality to withdraw from a regional 4 school unit is imperative for certain municipalities before the beginning of the next 5 school year in September; and
- 6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 7 the meaning of the Constitution of Maine and require the following legislation as 8 immediately necessary for the preservation of the public peace, health and safety; now, 9 therefore,

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

- 11 Sec. 1. 20-A MRSA §1466, sub-§4, ¶E is enacted to read:
- 12 E. If the withdrawal committee cannot reach an agreement within 150 days from the 13 date the withdrawal committee is formed under paragraph A, the petitioning 14 municipality shall inform the department that an agreement cannot be reached. Upon notice that an agreement cannot be reached under this paragraph, the commissioner 15 shall determine the terms of the final agreement based upon the standards set forth in 16 paragraph A, which must provide for appropriate educational and related services to 17 the students of the petitioning municipality and for the orderly transition of assets, 18 governance and other matters related to the petitioning municipality and the regional 19 20 school unit. Pursuant to paragraph C, the commissioner shall send notice of a final 21 agreement under this paragraph to the regional school unit board and the municipal officers by registered mail stating the time and place of a public hearing for approval 22 of the agreement. 23
- 24 Sec. 2. 20-A MRSA §1466, sub-§10, ¶B, as enacted by PL 2009, c. 580, §9, is 25 amended to read:
- B. A municipal vote on a withdrawal agreement if the agreement received less than
 60% of the votes cast, except as provided for under subsection 10-A.
- 28 Sec. 3. 20-A MRSA §1466, sub-§10-A is enacted to read:

10-A. Withdrawal agreement if defeat receives at least 45% of votes cast. If
 approval of a withdrawal agreement is defeated upon a municipal vote but the agreement
 received at least 45% of the votes cast, a municipality may petition for withdrawal at any
 time. This subsection is repealed January 1, 2015.

- Emergency clause. In view of the emergency cited in the preamble, this
 legislation takes effect when approved.
- 35 SUMMARY
- This bill amends the laws concerning withdrawal of a municipality from a regionalschool unit by:

- 1 1. Directing the Commissioner of Education to determine the terms of a withdrawal 2 agreement if a withdrawal committee cannot reach agreement within 150 days after 3 formation of the committee; and
- 2. Until January 1, 2015, allowing a revote at any time for approval of a withdrawal
 agreement if the agreement was defeated upon a municipal vote but received at least 45%
 of the votes cast.