

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1786

H.P. 1149

House of Representatives, April 25, 2023

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**An Act to Repeal and Replace the Charter of the Boothbay-  
Boothbay Harbor Community School District**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative STOVER of Boothbay.

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

2 **Sec. 1. P&SL 1953, c. 156**, as amended by P&SL 2019, c. 11, §§1 to 3, is repealed  
3 and the following enacted in its place:

4 **Sec. 1. Organization and continued existence.** The Boothbay-Boothbay Harbor  
5 Community School District, referred to in this Act as "the community school district," is a  
6 community school district organized pursuant to the Maine Revised Statutes, Title 20-A,  
7 chapter 105 and this Act to provide public education in grades prekindergarten or  
8 kindergarten to grade 12 for the Town of Boothbay and the Town of Boothbay Harbor.  
9 The community school district is governed by Title 20-A, chapter 105 except as provided  
10 by this Act.

11 **Sec. 2. Governance transition.** The district school committee members and the  
12 trustees of the community school district serving as of the effective date of this Act shall  
13 continue in their offices for their respective remaining terms.

14 **Sec. 3. Board of trustees; district school committee.** Except as provided by  
15 this Act, the board of trustees and district school committee have the duties and authority  
16 pursuant to the Maine Revised Statutes, Title 20-A, chapter 105. The board of trustees may  
17 act as a building and facilities governing committee, including authority in consultation  
18 with the district school committee over the budget for maintaining, repairing, replacing and  
19 improving the community school district's buildings and other facilities and over the  
20 district's capital reserve funds. The community school district may vote in accordance with  
21 Title 20-A, section 1651, subsection 4 to have the district school committee perform the  
22 duties of the board of trustees.

23 **Sec. 4. Cost sharing; amendment.** The community school district shall apportion  
24 amounts to each member municipality for the total sum of the annual capital budget, less  
25 funds available from other sources to meet the same, and for the total sum of the annual  
26 operating budget, less funds available to meet the same, based upon the number of resident  
27 pupils in each municipality on the most recent June 1st before the fiscal year prior to the  
28 fiscal year of the budget; except that no more than 60% and no less than 40% of such net  
29 sum for the annual capital budget may be so apportioned to any town in any year. For the  
30 purpose of local cost sharing under the Maine Revised Statutes, Title 20-A, section 15688,  
31 subsection 4, the district's cost-sharing formula was established by this Act prior to January  
32 1, 2004, and this formula determines each municipality's local cost of education for  
33 purposes of Title 20-A, section 15688. The community school district shall assess and  
34 collect school taxes from each member municipality as provided by state law. The  
35 community school district shall follow the procedure under state law for amendment of  
36 cost-sharing, except that the district school committee shall submit any cost-sharing  
37 amendment to voters at a referendum and may determine the amendment to be approved  
38 only if each municipality adopts the amendment by a majority of its voters voting and if  
39 the total vote cast in each municipality is at least 20% of the number of votes cast in the  
40 last gubernatorial election.

41 **Sec. 5. Borrowing authority; voter authorization.** Except as provided by this  
42 Act, the board of trustees has the authority to borrow pursuant to the Maine Revised  
43 Statutes, Title 20-A, section 1651, subsection 2, paragraph E. Capital project bonds or  
44 notes of the community school district that are general obligations must be approved by the

1 district voters. The board of trustees shall issue a warrant to initiate a district referendum  
2 on a general obligation bond issue of \$250,000 or more and a warrant to initiate either a  
3 district meeting or district referendum on a general obligation bond issue in an amount of  
4 less than \$250,000.

5 **Sec. 6. Budget validation referendum.** The format and procedure for the school  
6 operating budget to be presented to the voters of the community school district must be the  
7 cost center summary budget format and the budget validation referendum procedure of the  
8 Maine Revised Statutes, Title 20-A, chapter 105, subchapter 3, except that the budget  
9 validation referendum procedure may be discontinued only by a referendum vote called by  
10 the district school committee and held on a date at least 10 years after the effective date of  
11 this Act or by a written petition for its discontinuance filed with the district school  
12 committee by at least 10% of the number of voters voting in the last gubernatorial election  
13 in the municipalities of the community school district. In either case, the referendum  
14 question submitted to the voters must be as follows: "Do you wish to continue the budget  
15 validation referendum of this Community School District for at least another 10 years?"  
16 The district school committee shall place the question on the next scheduled warrant for a  
17 budget validation referendum or an earlier one if determined appropriate by the district  
18 school committee. If this referendum passes, the budget validation referendum procedure  
19 may be discontinued only by a referendum vote called by the district school committee and  
20 held on a date at least 10 years after the date of the prior vote to continue the budget  
21 validation or by a written petition for its discontinuance filed with the district school  
22 committee by at least 10% of the number of voters voting in the last gubernatorial election  
23 in the municipalities of the community school district. If this referendum fails, that vote  
24 ends the use of the budget validation referendum beginning with the following budget year  
25 and prohibits its reconsideration for at least 3 years. At least 3 years after a vote that  
26 discontinued the budget validation referendum, an article to reinstate the budget validation  
27 referendum procedure may be placed on the ballot by vote of the district school committee  
28 or by petition as provided by state law, and if approved by the voters the budget validation  
29 referendum may not be discontinued except after 10 years as provided in this section or by  
30 voter petition as provided in this section.

31 **Sec. 7. District meeting procedures.** The community school district shall conduct  
32 budget meetings and special budget meetings in the manner provided under the Maine  
33 Revised Statutes, Title 20-A, chapter 105, subchapter 3. The community school district  
34 may conduct other meetings of its voters in the manner provided for budget meetings under  
35 state law.

36 **Sec. 8. District referendum procedures.** The community school district shall  
37 conduct referenda for purposes described in this Act or state law in the manner provided  
38 for regional school units under the Maine Revised Statutes, Title 20-A, chapter 103-A.

39 **Sec. 9. Controlling law.** If any provision of this Act conflicts with the Maine  
40 Revised Statutes, Title 20-A, chapter 105, the provisions of this Act control.

## 41 SUMMARY

42 This bill replaces the original 1953 charter of the Boothbay-Boothbay Harbor  
43 Community School District, as amended. It eliminates numerous outdated charter  
44 provisions and aligns governance and operations with state law. It follows the budget

1 validation referendum process in the Maine Revised Statutes, Title 20-A, chapter 105 and  
2 requires voter approval of capital bonds. It retains the district's current cost-sharing  
3 formula.