

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

**Sec. 1. Allocation.** The following funds are allocated from the Public Utilities Commission Regulatory Fund to carry out the purposes of this Act.

	1993-94	1994-95
<b>PUBLIC UTILITIES COMMISSION</b>		
<b>Public Utilities - Administrative Division</b>		
All Other	\$150,264	\$50,000
Provides funding for consulting services and software installation associated with replacement of computer system.		
<b>Public Utilities - Administrative Division</b>		
Capital Expenditures	30,000	150,000
Provides funding for replacement of desktop computers and computer system.		
<b>PUBLIC UTILITIES COMMISSION</b>		
<b>TOTAL</b>	\$180,264	\$200,000

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

Effective March 9, 1994.

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**CHAPTER 64**

**H.P. 1221 - L.D. 1640**

**An Act to Authorize the Towns of  
Appleton, Camden, Hope,  
Lincolntonville and Rockport to Form a  
Community School District**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

**Emergency preamble.** **Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the inhabitants of the Towns of Appleton, Camden, Hope, Lincolntonville and Rockport have indicated in the passing of resolutions and the appropriating of money a desire to form, in 1994, a community school district for the 5 towns and School Administrative District 28 for grades 9 to 12; and

**Whereas,** the operational school year for the community school district, unless otherwise provided for, will begin July 1st after the organization of the community school district as required by the Maine Revised Statutes, Title 20-A, section 1604; and

**Whereas,** it is in the interest of the 5 towns and School Administrative District 28, which is currently providing education for grades 9 to 12, to have adequate planning and preparatory time to create; and

**Whereas,** to put into operation a new community school district with a new school and to ensure an orderly transition consistent with school year and fiscal year requirements and statutory time limits for the conducting of local referenda and elections; and

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

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

**Sec. 1. Authorization.** The inhabitants of the Towns of Appleton, Hope and Lincolntonville and School Administrative District 28 are authorized to form a community school district in accordance with the Maine Revised Statutes, Title 20-A, chapter 105 and upon the terms of this Act.

**Sec. 2. Continued existence.** School Administrative District 28 continues to consist of the inhabitants of the Towns of Camden and Rockport for the purpose of owning and operating elementary schools for students in Kindergarten and grades one to 8 notwithstanding the provisions of the Maine Revised Statutes, Title 20-A, section 1258. The State Board of Education shall issue an amended certificate of organization for School Administrative District 28 effective July 1st of the first operational year of the community school district provided for in this Act which is conclusive evidence of the lawful organization of School Administrative District 28. School Administrative District 28 continues to receive school subsidy for grades 9 to 12 from the Department of Education, general purpose aid to local schools program until the first operational year of the community

school district provided for in this Act. The Towns of Appleton, Hope and Lincolnville continue as school administrative units to operate school for Kindergarten and grades one to 8, and such operations are unaffected by the terms of this Act.

**Sec. 3. Rights and privileges.** The Appleton, Camden, Hope, Lincolnville and Rockport Community School District and School Administrative District 28 have all the rights and privileges of a community school district and a school administrative district respectively formed under the provisions of the Maine Revised Statutes, Title 20-A, and are governed by all of the applicable provisions of Title 20-A to the extent that the laws do not conflict with the terms of this Act.

**Sec. 4. Initial organization and budget.** Notwithstanding any law to the contrary, the Appleton, Camden, Hope, Lincolnville and Rockport Community School District is organized upon the issuance of the certificate of organization by the Commissioner of Education. The school boards of the Towns of Appleton, Hope and Lincolnville and the Board of Directors of School Administrative District 28, acting as a committee of the whole, are responsible for preparing and submitting a budget to the voters as authorized by the Maine Revised Statutes, Title 20-A, section 1701 and as modified by the terms of section 11 of this Act, prior to June 1, 1994 for the fiscal year beginning July 1, 1994. The school district committee is responsible for preparing and submitting a budget to the voters in 1995 as authorized by Title 20-A, section 1701 and as modified by the terms of section 11 of this Act for the fiscal year beginning July 1, 1995 and for each year after that fiscal year. The combined boards have the authority to act as the governing body of the district until the election of the school district committee including the authority to submit an application to the State Board of Education for school construction approval.

**Sec. 5. Transition period and first operational year.** The community school district has a transition period beginning July 1, 1994. The school district committee is authorized to employ personnel and to make expenditures and to do all other acts of a community school district except the assumption of the control and operation of grades 9 to 12 during the transition period. The State Board of Education and the Commissioner of Education shall issue a certificate of organization to the community school district consistent with the terms of this Act. The community school district may not receive a school subsidy from the Department of Education, general purpose aid to local schools program during the transition period. The transition period ends and the school district committee assumes control and operation of grades 9 to 12 in the district on July 1st of the year prior to the

year of the scheduled occupation of new school facilities owned by the district.

**Sec. 6. Selection of representatives on the school district committee.** The school district committee consists of representation of the Towns of Appleton, Hope and Lincolnville and School Administrative District 28. The representatives of the towns must be directly elected and the representatives of School Administrative District 28 must be members of the School Administrative District 28 Board of Directors. The representation of the Towns of Appleton, Hope and Lincolnville and School Administrative District 28 must be in approximately the same ratio to the total membership of the school district committee as the municipality's latest Federal Decennial Census is to the latest Federal Decennial Census of all the member municipalities and School Administrative District 28. Federal Estimated Census figures must be used if they are more recent than the Federal Decennial Census figures; except that a municipal member may not have less than one representative on the school district committee. Until the Federal Decennial Census of 2000 results are available, the Towns of Appleton and Hope shall elect one representative each; the Town of Lincolnville shall elect 2 representatives; and the School Administrative District 28 Board of Directors shall appoint from its membership 7 representatives. The terms of the representatives of School Administrative District 28 on the school district committee end with the terms of those representatives on the School Administrative District Board of Directors. The representatives elected from the Towns of Appleton, Hope and Lincolnville have 3-year terms and the terms must be staggered for member municipalities with more than one representative. The election process of the municipal representatives must be in the same manner and at the same time as election of municipal officials provided for in the Maine Revised Statutes, Title 30-A and local ordinances or charters.

**Sec. 7. Alternate representatives.** The school boards for the Towns of Appleton, Hope and Lincolnville and the Board of Directors of School Administrative District 28 may each appoint from their membership one alternate representative who may attend the meetings of the school district committee and who acts as liaison between the respective school board and the school district committee. If a school district committee representative is absent from a meeting, the appointed alternate representative is allowed all the rights and privileges of the absent representative.

**Sec. 8. Vacancies.** Vacancies on the school district committee are filled as follows.

**1. Towns of Appleton, Hope and Lincolnville.** A vacancy in a representative's term from the Towns

of Appleton, Hope and Lincolnville is filled by an appointment by the school board of the municipality in which the vacancy occurs until the next general election.

**2. School Administrative District 28.** A vacancy in a term of a representative or alternate representative of School Administrative District 28 is filled for the unexpired term by the board with the appointing authority for that representative or alternate representative.

**Sec. 9. First fiscal year cost sharing.** The community school district shall share its costs among the member municipalities for the fiscal year beginning July 1, 1994 as follows:

**1. Operation expenses.**

Appleton	\$1,610
Camden	15,470
Hope	2,415
Lincolnville	4,655
Rockport	10,850
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TOTAL	\$35,000

**2. Capital Expenditures for land purchase.**

Appleton	\$924.60
Camden	8,884.20
Hope	1,386.90
Lincolnville	2,673.30
Rockport	6,231.00
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TOTAL	\$20,100.00

**Sec. 10. Cost sharing.** The following provisions apply to sharing district costs.

**1. Formula approval.** The community school district shall share its costs among the member municipalities beginning July 1, 1995 on the basis of a formula approved by the voters of each of the member municipalities on or before November 15, 1994. The vote must be conducted by secret ballot in accordance with the Maine Revised Statutes, Title 30-A, sections 2528 to 2532. The formula proposal or proposals must be prepared by a cost-sharing committee on which each member municipality is represented by 2 representatives chosen by its municipal officers and one member of each municipality's school committee chosen by the school committee members from that municipality. The proposals for the formula for sharing costs must first be approved by the cost-sharing committee by a vote of a majority of those present and voting. The cost-sharing committee shall make its first proposal after conducting at least 3

public hearings in the district on or before August 1, 1994. The community school district committee shall set the dates for the voting and shall pay for the costs of voting.

**2. Failure to approve.** If the voters do not approve a cost-sharing formula on or before November 15, 1994, the community school district shall sell any interest it has in any real property and distribute the proceeds, after costs, to the member municipalities in proportion to each municipality's contribution; all personal property must be transferred to School Administrative District 28, and the community school district shall dissolve on June 30, 1995.

**3. Amendment of formula.** The cost-sharing formula may be amended pursuant to the Maine Revised Statutes, Title 20-A, section 1704.

**Sec. 11. Budget approval.** The procedure for preparing a budget starting in 1995 is as follows.

**1. Preparation.** The school district committee shall prepare annually a budget for the operation and capital expenditures of the community school district.

**2. Articles.** The school district committee shall prepare appropriate articles using a line-item category format to authorize budget expenditures and to determine the sums of money that are assessed to each member municipality.

**3. Public hearings.** The school district committee shall hold at least one public hearing within the district at least 7 days apart from and at least 10 days prior to the final preparation of the line-item budget articles to be voted on in each municipality. At least 7 days before the date set for the public hearing, the school district committee shall give notice of the public hearing by having a copy of the proposed article, together with the time and place of the hearing, posted in the same manner required for posting of a warrant for a town meeting under the Maine Revised Statutes, Title 30-A, section 2523. Notices of the hearing must be posted in each municipality of the community school district. The school district committee shall make a return on the original notice, stating the manner of notice and the time it was given.

**4. Local vote.** The school district committee shall prepare warrants for the school district budget. The vote must be conducted in the Towns of Appleton, Hope and Lincolnville in accordance with Title 30-A, sections 2528 to 2532. The vote in the Towns of Camden and Rockport must be conducted in the same manner as the vote on the School Administrative District 28 budget. The return and counting of votes must be conducted in accordance with the

procedures set forth in Title 20-A, section 1353, subsection 3.

**5. Warrant.** The school district committee shall issue a warrant ordering each municipality within the community school district to place the school district budget articles on a ballot and shall set the same date for each municipality to call a special town meeting to vote on the district budget. The community school district shall prepare and distribute the warrant at least 30 days prior to the date of the voting. The warrant must be directed to a resident of the community school district by name, ordering the resident to notify the municipal officers of each municipality within the district to call a town meeting on the date specified by the school district committee. Another date may not be used. The resident who serves the warrant shall make the return on the warrant, stating the manner and time of service. The resident must serve the warrant on the municipal clerk of each municipality within the district by delivering an attested copy of the warrant in hand within 3 days of the date of the warrant. The municipal clerk, on receipt of the warrant, shall notify immediately the municipal officers within the municipality. The municipal officers shall meet, countersign and have the warrant posted. The warrants and all other notices of the voting must be in the same manner as provided in Title 21-A.

**6. Ballots.** The school district committee shall prepare and furnish the required number of ballots for conducting the vote.

**7. Summary articles.** The warrant must provide for the summarization of the action taken on the budget for the purposes of determining the community school district's state and local allocations with the articles prescribed in Title 20-A, chapter 606.

**8. Majority vote.** Approval by a majority of the voters voting in the community school district is necessary for the approval of the annual budget.

**9. Special budget meeting.** The school district committee may call a special budget meeting when an article in the school budget warrant fails to pass by a majority vote or when, in the school district committee's judgment, a financial emergency exists. A special budget meeting must be conducted in accordance with Title 20-A, section 1701.

**10. Line-item transfer of funds.** The school district committee may transfer funds of not more than 2% of the total budget between line-item categories.

**Sec. 12. Borrowing.** The school district committee may not borrow funds as provided for in the Maine Revised Statutes, Title 20-A, section 1702

for purchasing land; for major capital costs, as defined in section 15603, subsection 17; for minor capital costs, as defined in section 15603, subsection 18, in an amount that is outstanding at any one time and exceeds in the aggregate .025% of the total of the last preceding state valuation of all the participating municipalities; and for school construction projects as defined in section 15901 without approval of a majority of voters of the district voting by secret ballot at an election called by the school district committee and advertised and conducted according to the laws related to municipal elections, excluding the provisions of Title 30-A, section 2528, subsection 5, paragraph B and Title 30-A, section 5772, subsection 2-A. The municipal officers of the towns are not required to prepare for posting, nor the town clerks to post, a new list of voters and, for the purpose of registration of voters, the boards of voter registration must be in session on the secular day preceding the special election. The town clerks of the towns shall prepare the required ballots and reduce the subject matter to the wording of an article provided by the district school committee. Approval of a majority of voters of the district voting by secret ballot to borrow funds to purchase land at the time of the vote to form the community school district is authority for the school district committee to borrow funds as provided for in section 1702.

**Sec. 13. Educational continuity and coordination.** The school district committee and its superintendent and administration shall consult and work with the municipal school boards and the Board of Directors of School Administrative District 28 and their respective superintendents and administrations to establish and implement policies to achieve educational continuity and coordination in the community school district for Kindergarten and grades one to 12.

**Sec. 14. Transfer of assets.** All real property that is currently used for grades 9 to 12 remains with the existing towns or school administrative district and may not be transferred to the community school district. All school supplies and equipment, except school buses, purchased for and in use primarily by grades 9 to 12 and owned by each town encompassed by the community school district or School Administrative District 28 transfer to the community school district, as determined by each school board and the Board of Directors of School Administrative District 28 on July 1st of the first operational year. The Commissioner of Education or the commissioner's designee is authorized to settle any dispute that may arise in the division and transfer of assets. The commissioner's decision is final and binding.

**Sec. 15. Transfer of contracts.** Contracts of the municipalities within the community school district and School Administrative District 28 with all

principals, assistant principals, teachers, teacher assistants and all other employees of School Administrative District 28 directly associated with the operation of grades 9 to 12, except for contracts with superintendents, are automatically assigned to the community school district on July 1st of the first operational year except for the last 4 to 5 payments due on contracts for the preceding school year. The community school district is responsible for assigning teachers and all other employees to their duties and making payments on their contracts beginning July 1st of the first operational year, except for the last 4 to 5 payments due on contracts for the preceding school year. An employee's pay or promotional rights and opportunities may not be adversely affected due to the transfer of contracts. The accrued fringe benefits of these personnel, including vacation and sick leave, health and life insurance and retirement, remain with the transferred personnel. The rights and benefits under current collective bargaining agreements continue for all covered personnel. If these agreements expire, or have expired, the status quo must be maintained according to applicable labor law principles. The Commissioner of Education or the commissioner's designee is authorized to settle any dispute relating to the assignment of contracts. The commissioner's decision is final and binding.

**Sec. 16. Name.** Within 2 years of the issuance of the certificate of organization, the school district committee shall petition the State Board of Education to accept a name for the community school district after consulting with and considering the recommendations of the school boards for each municipality, and after considering the recommendations of the administrators, teachers and students in the community school district. The State Board of Education shall authorize the use of the name unless it finds that the name is similar to the name authorized for use by another administrative unit and that the similarity could cause public confusion. Upon approval by the State Board of Education, the Commissioner of Education shall issue an amended certificate of organization for the community school district using the approved name, which certificate is conclusive evidence of the lawful organization of the community school district. Until the name has been approved, the community school district is known as the Appleton, Camden, Hope, Lincolnville and Rockport Community School District.

**Sec. 17. School district committee to act as district board of trustees.** The school district committee shall perform the functions of the district board of trustees as provided for in the Maine Revised Statutes, Title 20-A, section 1651.

**Sec. 18. Certificate of organization.** Each municipal clerk shall file a return of the votes cast to

the Commissioner of Education who shall determine immediately if a majority of those voting in each municipality favored the article forming the community school district and the commissioner shall so declare and issue to the community school district a certificate of organization that is conclusive evidence of its lawful organization.

**Sec. 19. Controlling law.** If the provisions of this Act conflict with the provisions of the Maine Revised Statutes, Title 20-A; a Private and Special Act of the Legislature; or a municipal charter, ordinance or exercise of home rule powers, as currently exist and as amended, then the provisions of this Act control. Otherwise, provisions of Title 20-A control.

**Sec. 20. Emergency clause; referendum; effective date.** In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters of the Towns of Appleton, Camden, Hope, Lincolnville and Rockport. A special town meeting must be called and held in each municipality for the purpose on March 15, 1994. The meeting must be called, advertised and conducted according to the laws related to municipal elections, except that the municipal officers of the towns are not required to prepare for posting, nor the town clerks to post, a new list of voters and, for the purpose of registration of voters, the boards of voter registration must be in session on the secular day next preceding the special election. The town clerks of the towns shall prepare the required ballots, on which the town clerks shall reduce the subject matter of this Act to the following question:

"Do you favor joining the community school district for grades 9 to 12 as provided for in the Act to Authorize the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District, passed by the 116th Legislature?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

This Act takes effect for all purposes after its acceptance by a majority of the legal voters voting on the question in each of the 5 towns and the declaration of the Commissioner of Education.

Effective pending referendum.

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