

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

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SEPTEMBER 29, 1995

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

J.S. McCarthy Company
Augusta, Maine
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The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

Section 1 of this Act takes effect for all purposes immediately upon the acceptance of the question of extension of the sewer district boundaries by a majority of the legal voters of the City of Presque Isle voting at the election, but only if the total number of votes cast for and against the acceptance of this Act in the special election equals or exceeds 10% of the registered voters of the city. In the event acceptance does not occur solely due to the failure of the necessary threshold percentage of voters participating in the special election, such failure does not prevent subsequent elections.

Section 2 of this Act takes effect for all purposes immediately upon the acceptance of the question of extension of the water district boundaries by a majority of the legal voters of the City of Presque Isle voting at the election, but only if the total number of votes cast for and against the acceptance of this Act in the special election equals or exceeds 10% of the registered voters of the city. In the event acceptance does not occur solely due to the failure of the necessary threshold percentage of voters participating in the special election, such failure does not prevent subsequent elections.

The results of the elections must be declared by the municipal officers of the city and due certificates thereof must be filed by the City Clerk with the Secretary of State.

Effective pending referendum.

CHAPTER 12

H.P. 128 - L.D. 176

An Act Relating to the Conferral of Degrees by the Research Institute for Mathematics

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

Sec. 1. Research Institute for Mathematics; conferring degrees. The Research Institute for Mathematics, by appropriate action of its board of directors, may confer upon those who successfully complete such requirements as the board of directors may prescribe the degree of Doctor of Philosophy in Mathematics.

See title page for effective date.

CHAPTER 13

S.P. 355 - L.D. 983

An Act to Authorize the Towns of Mechanic Falls, Minot and Poland 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 school committees of the towns of Mechanic Falls, Minot and Poland have indicated a desire to form, in 1995, a community school district for the 3 towns for grades 7 to 12; and

Whereas, the current schools in the towns of Mechanic Falls, Minot and Poland are in need of additions; and

Whereas, it is in the interest of the 3 towns, which are currently providing education for grades 9 to 12 in Poland and Minot and grades 10 to 12 in Mechanic Falls, through tuition agreements that have been terminated by the receiving school starting the fall of 1996 and non-renewed, to have adequate planning and preparatory time to create a community school district; 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 necessary 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 Mechanic Falls, Minot and Poland 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 Union 29 and the municipal entities of Mechanic Falls, Minot and Poland continue to consist of the inhabitants of the towns of Mechanic Falls, Minot and Poland for the purpose of owning and operating elementary schools for students in kindergarten and grades one to 6. The Commissioner of Education shall issue an amended certificate of organization for School Union 29, 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 reorganization of School Union 29. The towns of Mechanic Falls, Minot and Poland continue as school units to operate schools for kindergarten and grades one to 6 and those operations are unaffected by the terms of this Act.

Sec. 3. Rights and privileges. The Mechanic Falls, Minot and Poland Community School District, referred to in this Act as the "district," has all the rights and privileges of community school districts and municipal school units, 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. Emergency project. Approval of this Act by the Legislature and the majority of the legal voters voting in the towns of Mechanic Falls, Minot and Poland authorizes a building project to house the students of the 3 towns in grades 7 to 12 as an emergency project. The project authorized by this Act must be given priority status for State Board of Education approval and immediate approval for funding under chapter 61 of the State Board of Education's Rules for School Construction Projects.

Pursuant to the 3-town building project, this Act authorizes inclusion of certain costs not currently covered by the State Board of Education's Rules for School Construction Projects as an adjustment to the general purpose aid subsidies paid to the community school district in the first operational year. These costs relate to the purchase of library books at a rate of 15 volumes per student, basic reference and audio visual materials and software, as well as textbooks, for those grades not previously educated in the Towns of Mechanic Falls, Minot and Poland.

The adjustment is not included in the state share of the foundation allocation or debt service allocation.

The adjustment must be repaid by the community school districts to the Department of Education through reductions in the state share foundation allocation for the 5 years following the first operational year. The total amount to be repaid is the total amount of the adjustment multiplied by the community school district's state share percentage for operating costs during the first operational year.

Sec. 5. Initial organization and budget. Notwithstanding any law to the contrary, the district is organized upon the issuance of the certificate of organization by the Commissioner of Education. The school committees of the towns of Mechanic Falls, Minot and Poland, 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, prior to June 30th for each fiscal year beginning July 1st, for fiscal years 1995-96, 1996-97 and 1997-98. The school committees of Mechanic Falls, Minot and Poland, acting as a committee-of-the-whole, voting in proportion to population, as does the existing School Union 29 committee, have the authority to act as the governing body of the district until the election of the district school committee. The combined district school committees have the authority to submit an application to the State Board of Education for school construction approval. The members of the district school committee must be elected by the individual towns no later than July 1, 1997 and take office July 1, 1997.

Sec. 6. Transition period and first operational year. The district has a transition period beginning July 1, 1995. The district school committee is authorized to employ personnel, to make expenditures and to do all other acts of a community school district, except the assumption of the control and operation of grades 7 to 12, during the transition period. The Commissioner of Education shall issue a certificate of organization to the district consistent with the terms of this Act. The community school district may not receive a school subsidy from the Department of Education's general purpose aid to local schools program during the transition period. The transition period ends and the district school committee assumes control and operation of grades 7 to 12 in the district on July 1st of the year of the scheduled occupation of new school facilities owned by the district. For purposes of this Act, "occupation" means that the building is being used to provide instruction to all grades 7 to 12 resident pupils of the 3 towns.

Sec. 7. Selection of representatives of the district school committee. The district school committee consists of the representatives of the towns of Mechanic Falls, Minot and Poland, who must be directly elected. The representation of each of the

towns of Mechanic Falls, Minot and Poland must be approximately the same ratio to the total membership of the district school committee as each town's latest Federal Decennial Census is to the latest Federal Decennial Census of all the member municipalities. 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 district school committee. The representatives elected from the towns of Mechanic Falls, Minot and Poland have 3-year terms and the terms must be staggered for member municipalities with more than one representative. Municipal representatives must be elected in the same manner, and at the same time, as municipal officials provided for in the Maine Revised Statutes, Title 30-A and local ordinances or charters.

Sec. 8. Alternate representatives. The school boards for the towns of Mechanic Falls, Minot and Poland may each appoint from their membership one alternate representative who may attend the meetings of the district school committee and who acts as a liaison between the respective school committees and the district school committee. If a district school committee representative is absent from a meeting, the appointed alternate representative is allowed all the rights and privileges of the absent representative.

Sec. 9. Vacancies. Vacancies on the district school committee are filled as follows.

1. Towns of Mechanic Falls, Minot and Poland. A vacancy in a representative's term from the towns of Mechanic Falls, Minot and Poland must be filled by an appointment by the school board of the municipality in which the vacancy occurs until the next general election.

Sec. 10. Operational cost-sharing formula approval.

1. Formula approval. The 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 May 3, 1995. 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 meetings on or

before April 21, 1995. Each municipality shall hold a referendum vote and shall pay for the costs of voting. The meeting must be called, advertised and conducted according to the laws relating to municipal elections. The boards of voter registration must be in session on the secular day next preceding the meeting. 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 approve the formula for sharing costs among the member municipalities of the community school district as proposed by the cost-sharing committee?"

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

The Act takes effect for all purposes after its acceptance by a majority of the legal voters voting on the questions of the formation of a community school district for the member towns and the cost-sharing formula in each of the member towns, and after the declaration of the State Board of Education.

All provisions of the Maine Revised Statutes, Title 20-A, section 1704 apply.

Sec. 11. Budget approval. The procedure for preparing a budget must be in accordance with the Maine Revised Statutes, Title 20-A, section 1701.

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

2. Articles. The district school committee shall prepare appropriate articles to authorize budget expenditures and to determine the sums of money assessed for each member municipality.

3. Public hearings. The district school committee shall hold one or more public hearings within the district at least 7 days apart and at least 10 days prior to the final preparation of the budget articles to be voted on in each municipality. At least 7 days before the date set for each public hearing, the district school committee shall give notice of the public hearing by having a copy of the proposed articles, together with a time and place of the hearing, posted in the same manner required for the 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 district.

4. Local vote. The district school committee shall prepare warrants for the district budget. The vote must be conducted in accordance with the Maine Revised Statutes, Title 20-A, section 1701. The

district school committee shall post warrants in each of the member municipalities calling for an annual budget meeting.

5. Summary articles. The warrant must provide for the summarization of the action taken on the budget for the purposes of determining the district's state and local allocation with the articles prescribed in the Maine Revised Statutes, Title 20-A, chapter one.

6. Majority vote. Approval by a majority of the voters voting at the district annual meeting is necessary for the approval of the annual budget.

7. Special budget meeting. The district school 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 district school committee's judgment, a financial emergency exists. A special budget meeting must be conducted in accordance with the Maine Revised Statutes, Title 20-A, section 1701.

8. Educational continuity and coordination. The district school committee and its superintendent and administration shall consult and work with the municipal school committees to establish and implement policies to achieve educational continuity and coordination in the district for kindergarten and grades one to 12.

9. Transfer of assets. All real property that is currently used for grades 7 and 8 remains with the existing towns and may not be transferred to the district. All school supplies and equipment, except school buses, purchased for and in use primarily by grades 7 and 8 and owned by each town encompassed by the district must be transferred to the district, as determined by each school committee 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.

10. Transfer of contracts. Contracts of the municipalities within the district and School Union 29 with all principals, assistant principals, teachers, teacher assistants and all other employees of School Union 29 directly associated with the operation of grades 7 to 12, except for contracts with superintendents, are proportionately assigned to the 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 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. The Commissioner of Education or the com-

missioner's designee is authorized to settle any dispute relating to the assignment of contracts. The commissioner's decision is final and binding.

Sec. 12. Name. Within 2 years of the issuance of the certificate of organization, the district school committee shall petition the State Board of Education to accept a name for the district after consulting with and considering the recommendations of the school committees for each municipality, and after considering the recommendations of the administrators, teachers and students in the 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 district using the approved name, which certificate is conclusive evidence of the lawful organization of the district. Until the name has been approved, the district is known as the Mechanic Falls, Minot and Poland Community School District.

Sec. 13. District school 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. 14. 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 district and who shall so declare and issue to the district a certificate of organization that is conclusive evidence of its lawful organization.

Sec. 15. Controlling law. If the provisions of this Act conflict with the provisions of the Maine Revised Statutes, Title 20-A, the provisions of another private and special law or the provisions of a municipal ordinance, then the provisions of this Act control.

Sec. 16. Alternative authorization. The inhabitants of the towns of Mechanic Falls, Minot and Poland 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, if the voters of one town do not vote to form a community school district on or before June 23, 1995, this Act does not apply to the town that does not approve the formation of the district.

Sec. 17. 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 Mechanic Falls, Minot and

Poland. A meeting must be called and held in each municipality for the purpose of voting on May 6, 1995. The meeting must be called, advertised and conducted according to the laws related to municipal elections, except that any state or local election provision that would delay the meeting beyond May 6, 1995 does not apply. The boards of voter registration must be in session on the secular day next preceding the meeting. 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 7-12 as provided for in the Act to Authorize the Towns of Mechanic Falls, Minot and Poland to Form a Community School District with any combination of at least 2 towns passed by the 117th 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 member towns and the declaration of the Commissioner of Education.

Effective pending referendum.

CHAPTER 14

S.P. 184 - L.D. 493

An Act to Amend Certain Powers of Hospital Administrative District No. 4

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

Whereas, Hospital Administrative District No. 4 was created by law to provide health care services and any amendment to the charter of the hospital district must be made by an Act of the Legislature; and

Whereas, to continue to provide a high quality of health service in the prevailing health care environment, the district's charter must be amended to allow it to extend its services and facilities to any persons and areas that it may competitively serve; and

Whereas, such authorization will enable the district to maintain a high quality of health service at a reasonable and competitive cost in the market; 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. P&SL 1973, c. 76, §1, as repealed and replaced by P&SL 1987, c. 85, §1, is amended to read:

Sec. 1. Incorporation; purposes. The inhabitants of the territory within the Towns of Monson, Abbot, Parkman, Willimantic, Guilford, Sangerville, Dover-Foxcroft, Sebec and Atkinson and the Plantation of Barnard all in the County of Piscataquis, the Town of Cambridge in the County of Somerset, and the Towns of Dexter and Bradford in the County of Penobscot, or any combination of the towns and plantations, are constituted and confirmed a body politic and corporate to be known as "Hospital Administrative District No. 4" in order to provide for the health, welfare and public benefit of the inhabitants of the district and any persons outside the district who may seek or require medical care. The hospital district shall acquire or construct, extend and improve a regional general hospital system, including, but not limited to, acute care facilities, extended care facilities, intermediate care facilities, freestanding satellite facilities and facilities designed for utilization as offices by physicians, to be located in a place or places either within the district or elsewhere for the care of the inhabitants of the district and those persons outside the district who may seek or require medical care, for the purposes of maintaining and operating a hospital system, including, but not limited to, acute care facilities, extended care facilities, freestanding satellite facilities and facilities designed for utilization as offices by physicians, and generally providing for the health and medical needs of the inhabitants of the district and any persons outside the district who may seek or require medical care. Without limiting the generality of this section and subject to pertinent provisions of the Maine Health Care Finance Commission's laws and rules, the district may also establish affiliated organizations, either alone or with others and either within the district or elsewhere, including medical centers, health care centers, nursing centers, laboratories, clinics and other medical, surgical or dental facilities, facilities to provide health-related shared services and such other organizations or entities, on a profit or nonprofit basis, as the district may deem necessary or desirable from time to time, in order to provide, alone or with others, for the health and medical needs of the inhabitants of the district and any persons outside the district who may seek or require medical care. The district may enter into joint