

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

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J.S. McCarthy Company
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**PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
1995**

CHAPTER 52

H.P. 1164 - L.D. 1597

**An Act to Reduce the State Tax
Valuation for the Town of Hope**

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

Whereas, it is necessary that this legislation be enacted as an emergency in order that decisions regarding county taxes, school appropriations and any other decisions based on the just value of property in the Town of Hope will be based on the correct 1996 state valuation for Episcopal Camp Foundation's property; and

Whereas, on October 20, 1995, the Maine Supreme Judicial Court ruled that the property known as Bishopswood situated in the Town of Hope is exempt from taxes; and

Whereas, awaiting the next valuation adjustment by the State is a severe hardship to the Town of Hope; 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. Correct 1996 state valuation. Notwithstanding any other provision in the Maine Revised Statutes, Title 36, the 1996 state valuation for the Town of Hope for the purposes of calculating county taxes, school appropriations and any other decisions regarding allocation of funds or assessment of taxes must be based on the 1996 state valuation that values the property of the Episcopal Camp Foundation, Inc. (Bishopswood) in Hope at \$0.

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

Effective January 29, 1996.

CHAPTER 53

H.P. 1243 - L.D. 1705

**An Act to Establish Educational
Services for Grades 7 to 12 in the
Towns of Mechanic Falls, Minot and
Poland**

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 towns of Mechanic Falls, Minot and Poland 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 administrative unit effective in the fall of 1996; and

Whereas, it is in the interest of the 3 towns to have adequate planning and preparatory time to establish a new school for the continuing education of their students; and

Whereas, it is necessary to put into operation a plan for the construction of a new school in as timely a manner as possible to ensure an orderly and timely transition to a new school with the least amount of hardship on the students from these towns; and

Whereas, that plan must be approved by the Legislature and subsequently by the local voters in the respective towns; 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. Alternative organizational plan authorized. In order to provide education services to the children of the towns of Mechanic Falls, Minot and Poland, the following alternative organizational plan is authorized. The school department in the Town of Poland is authorized to construct a school in the Town of Poland to accommodate students in grades 7 to 12 from the Town of Poland. In conjunction with the construction of this school, the school department in the Town of Poland shall make provisions to modify the size and scope of the building to accommodate students in grades 9 to 12 from the towns of Mechanic Falls and Minot. The towns of Mechanic Falls and Minot shall enter into a long-term contract with the Town of Poland for secondary school services for those grade levels.

Sec. 2. Town of Poland to contract with the towns of Mechanic Falls and Minot. In accordance with the alternative organizational plan authorized in section 1, the towns of Mechanic Falls and Minot shall enter into a contract with the Town of Poland for secondary school services for at least 90% of the students in grades 9 to 12 from the towns of Minot and Mechanic Falls. The contract must be for a period of not less than 20 years. In accordance with the alternative organizational plan, the contract with Mechanic Falls and Minot must provide that after a period of 15 years, the contract may be terminated by any party unilaterally by giving a 5-year notice of that party's intent to terminate.

Sec. 3. Emergency project. Subject to referendum approval required by section 9, the alternative organizational plan authorized in section 1 is an emergency project. The project authorized by this Act must be given priority status for the State Board of Education's approval and immediate approval for funding under the rules of the State Board of Education, chapter 61 for school construction projects.

Sec. 4. Tuition rates; special education costs; transportation costs; agreements. The school department in the Town of Poland shall provide secondary school services for the towns of Mechanic Falls and Minot in accordance with the Maine Revised Statutes, Title 20-A, section 1258, subsection 1 and section 5801 including all customary

facilities and supplies for those resident students in the proportions provided for in section 2 of this Act.

For the instruction, facilities and supplies furnished during the school year by the Town of Poland, the towns of Mechanic Falls and Minot shall pay the school department in the Town of Poland the legal tuition rate provided in the Maine Revised Statutes, Title 20-A, sections 5805 and 5807. The tuition rates charged for students who attend regional vocational programs must be determined by the laws of the State.

Responsibility for the cost of providing special education services to students with disabilities from the towns of Poland, Mechanic Falls and Minot is governed by the special education rules of the Department of Education.

Each town named in this Act shall provide transportation for secondary school students attending the school in the Town of Poland and bear the cost of transportation for students to and from the secondary school facility. These costs are over and above tuition costs paid by sending towns.

Sec. 5. Certain costs not currently covered by the State Board of Education's rules for school construction projects. Certain costs relating to the purchase of library books, reference material, software, audio-visual materials and textbooks not currently included in the State Board of Education's definition of "movable equipment" must be included in a bond issue, not to exceed \$600,000, separate from the bond issue to cover the cost of the construction of the school. Issuance of the bond to cover the costs not covered by the State Board of Education's rules for school construction projects is authorized under the Maine Revised Statutes, Title 30-A, section 5772, general obligation bonds. These bonds may not be issued for more than a 5-year period of repayment.

The principal and interest costs generated by the bond are not subsidized as debt service and the debt service millage limit, established in the Maine Revised Statutes, Title 20-A, section 15607, subsection 2, does not apply to this bond issue. The local and state share of the annual bond payment is based on the local and state share percentage for that year specified in Title 20-A, section 15654. Each annual bond payment is subsidized in the year in which it becomes due.

Sec. 6. Transfer of existing assets. Textbooks and other materials exclusively relating to grades 9 to 12 in the towns of Minot and Mechanic Falls existing in June 1998 must be transferred to the secondary school in the Town of Poland during the summer preceding the first year of operation.

Sec. 7. State subsidies for the first year of operation. For purposes of this Act, the actual local operating costs defined in the Maine Revised Statutes, Title 20-A, section 15603, subsection 26-A, paragraph A for the secondary school in the Town of Poland must be amended to include the aggregate operating expenditure amount for high school student tuition for the towns of Mechanic Falls and Minot reported on the EMF 45 forms for the 2nd year prior to the opening of the secondary school of the Town of Poland. This amount must be considered to be the school department's actual expenditure for high school tuition for the 2nd year prior to the first operating year of the secondary school.

Sec. 8. Joint school committee organization. Except as otherwise provided in this Act, contracts for school privileges must be established between the Town of Poland and the towns of Mechanic Falls and Minot in accordance with the Maine Revised Statutes, Title 20-A, section 2703.

As a part of the tuition contracts, a joint committee is established. The committee consists of 5 members from the seated school committee in the Town of Poland and one from each of the school committees in the towns of Minot and Mechanic Falls. This committee shall meet independently from the school committee in the Town of Poland and has the following powers and duties:

1. To select and employ teachers for the secondary school in the Town of Poland;
2. To set teachers' salaries;
3. To arrange for the course of studies;
4. To supervise the instruction; and
5. To adopt, amend and enforce rules pertaining to the educational activities of the secondary school in the Town of Poland.

If the tuition contract between the Town of Poland and the Town of Minot or between the Town of Poland and the Town of Mechanic Falls is terminated, membership on the committee from the Town of Minot or from the Town of Mechanic Falls, as the case may be, is forfeited as of the date that the tuition contract is terminated.

Sec. 9. Referendum; effective date. This Act must be submitted to the legal voters of the towns of Poland, Mechanic Falls and Minot at a special town meeting called for the purpose within 60 days of the approval of this Act. That special town meeting must be called, advertised and conducted according to the law relating to municipal elections; except, however, that the municipal officers of the town may not be required to prepare for posting, nor the town clerk to

post, a new list of voters and for the purpose of registration of voters the board of voter registration must be in session on the secular day next preceding the special election. The town clerk of the town shall prepare the required ballots, on which the clerk shall reduce the subject matter of this Act to the following question:

"Do you approve of authorizing an alternative organizational plan that includes the building of a school in the Town of Poland for grades 7 to 12, to which the towns of Mechanic Falls or Minot or both will pay tuition for grade 9-12 students?"

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

If the towns of Minot, Mechanic Falls or Poland vote not to approve the question in this section within 60 days of the effective date of this Act, that town has an additional 60 days from the date of the vote to hold another referendum on the question if a majority of the municipal officers of that town considers it to be in the best interest of the town.

The result of the vote must be declared by the municipal officers of the towns of Poland, Mechanic Falls and Minot and due certificate must be filed by the town clerk with the Secretary of State.

This Act takes effect for all purposes immediately upon its acceptance by a majority of the voters of the Town of Poland and the voters of either the towns of Mechanic Falls or Minot. If either the town of Minot or Mechanic Falls fails to approve the question in this section within 120 days of legislative approval of this Act, then this Act does not apply to that town and that town is relieved from all rights and obligations under this Act.

Sec. 10. Graduating seniors; attendance option. During the first year of operation of the secondary school in the Town of Poland, students from Poland entering their senior year may attend and graduate from the system they attended as juniors during the year immediately preceding the first year of operation of the secondary school.

During the first year of operation of the Poland secondary school, students from the towns of Mechanic Falls and Minot entering their senior year may attend and graduate from the system they attended as juniors during the year immediately preceding the first year of operation of the secondary school.

For subsidy purposes, those students attending elsewhere from the Town of Poland during the first year of operation will be considered resident students at the secondary school.

Sec. 11. Other tuition students. Nothing in this Act precludes the school department in the Town of Poland from accepting tuition students from school departments other than those of the towns of Mechanic Falls and Minot.

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

Effective pending referendum.

CHAPTER 54

S.P. 632 - L.D. 1640

An Act to Amend the Laws Regarding the Apportionment of Costs of the Mount Desert Island Regional School District among Member Towns

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.

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

Sec. 1. P&SL 1963, c. 176, §15 is amended to read:

Sec. 15. Operational, maintenance and capital costs, apportionment among towns. The total annual budgeted expenses of the Mount Desert Island Regional School District ~~shall must~~ be apportioned among the participating towns according to the following formulas: 33% of the total ~~will be is~~ assessed among the participating towns in the same proportion as the percentage of resident pupils of each town enrolled in ~~Grades grades~~ 9 to 12 bears to the total from all towns in ~~said those~~ grades, with the enrollment to be taken as the average of the enrollments of April 1st and December 31st in said those grades of the calendar year preceding that year to which the budget applies; 67% of the total ~~will be is~~ assessed among the participating towns in the same proportion as the State valuation fiscal capacity of each participating town for the year preceding that year to which the budget applies bears to the total for fiscal capacity of all participating towns. The fiscal capacity of a participating town is measured as the average of the state valuation for that town for the 3

most recent years preceding the year to which the budget applies.

Towns entering the district, after it has been duly incorporated as ~~hereinbefore~~ provided, ~~shall~~ have the values for relative enrollment and relative ~~State valuation~~ fiscal capacity, as ~~defined above~~ specified in this section, inserted in the formula in the same manner as outlined ~~above in this section~~; ~~provided, however, except~~ that the total relative percentages for the participating towns within each of the ~~two 2~~ divisions, enrollment and ~~State valuation~~ fiscal capacity, ~~shall must~~ be adjusted to total 100%.

See title page for effective date.

CHAPTER 55

H.P. 1168 - L.D. 1600

An Act to Amend the Charter of Milbridge Water District

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

Sec. 1. P&SL 1981, c. 55, §6, 2nd ¶, as amended by P&SL 1981, c. 92, §§3 and 4, is further amended to read:

As soon as may be after the acceptance of this Act as hereinafter provided, the municipal officers of Milbridge shall appoint 5 trustees of the district to hold office as follows: Two to serve until the first annual election of municipal officers following the acceptance of this Act; 2 to serve until the 2nd annual election of municipal officers following the acceptance; and one to serve until the 3rd annual election of municipal officers following such acceptance. At each annual election of municipal officers, beginning with the first annual election of municipal officers after the acceptance of this Act, as their terms expire, one or 2 trustees as appropriate ~~shall be~~ are elected by ballot to serve until the annual election of municipal officers occurring 3 years thereafter and until their successors are appointed or elected and qualified. Election of trustees ~~shall must~~ be conducted in accordance with the procedures for and at the same time as election of the municipal officers of Milbridge. Each trustee must be 18 years of age or older, a resident of the district and reside in a household to which the district's service is provided. Whenever any trustee who was appointed as a resident of the district ceases to be a resident of the district or reside in a household to which the district's service is provided, he that trustee vacates the office of trustee. All trustees shall be are eligible for reelection. Vacancies in the office of trustee shall must be filled by appointment of by the municipal officers of the town