

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

per diem and expenses equal to the legislative per diem and expenses.

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

Effective July 3, 1995.

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## CHAPTER 55

H.P. 1138 - L.D. 1581

### Resolve, to Establish an Education Plan for 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 and resolves 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 starting 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 plan for the continuing education of their students; 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

**Sec. 1. Establish committee to plan for education services. Resolved:** That the citizens of the towns of Mechanic Falls, Minot and Poland, with the assistance of the Commissioner of Education, shall establish a committee to develop a plan for providing education services to the students of the 3 towns in grades 7 to 12. The plan must be approved by a majority of the committee and forwarded to the Legislature for consideration by December 1, 1995,

and if approved, submitted to the voters of each town; and be it further

**Sec. 2. Role of the Commissioner of Education and the Department of Education. Resolved:** That the Commissioner of Education and the commissioner's designees shall actively participate in and facilitate the work of the committee and establishment of an education plan pursuant to this resolve. The department shall provide technical assistance to the committee, as needed; and be it further

**Sec. 3. Committee membership. Resolved:** That the committee consists of 9 members appointed as follows:

1. Three school board members, one from each school unit appointed by the school board of that unit;
2. Three elected municipal officials, one from each town appointed by the town council, selectmen or other municipal governing body; and
3. Three public members, one from each town, appointed jointly by the members of the Senate and House of Representatives serving the towns; and be it further

**Sec. 4. Appointments; meetings; chair. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. Within 15 days of the appointment of all members, the Commissioner of Education shall call and convene the first meeting of the committee. All meetings must be held in a location and manner designed to ensure public access and participation. The committee shall appoint a chair from among its members; and be it further

**Sec. 5. Organizational options. Resolved:** That the plan for providing education services to the children of the 3 towns in grades 7 to 12 must include one of the following options:

1. Maintenance of the current organizational and administrative structure of the 3 school units;
  2. Formation of a community school district;
  3. Formation of a school administrative district;
- or
4. Establishment of an alternative arrangement; and be it further

**Sec. 6. Other conditions. Resolved:** That a final plan submitted for approval to the inhabitants of the towns must meet the following conditions:

1. The plan for educating the children of the 3 towns must be approved by a majority of the voters in each town;

2. State funding for a school construction project to implement the plan is authorized upon approval of the plan by the 3 towns and the Legislature, provided that at least 2 of the 3 towns send all students in grades 7 to 12 to the new school;

3. The school construction project authorized is 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;

4. Certain costs not currently covered by the State Board of Education's Rules for School Construction Projects may be included as an adjustment to the general purpose aid subsidies paid to the affected units 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 must be repaid through reductions in the state share foundation allocation for the 5 years following the first operational year;

5. Only one school construction project in the 3-town region may be granted priority status and immediate approval for State Board of Education funding; and

6. A plan providing for the tuitioning of students from one or 2 towns to the new school require establishment of a tuition rate sufficient to cover an appropriate percentage of construction costs. The contract of a town or towns tuitioning students to the school must extend over the life of any bonds sold to finance construction of the school; and be it further

**Sec. 7. Report. Resolved:** That the committee shall submit a report on the plan, together with any necessary implementing legislation, including provisions to hold a referendum in each of the 3 towns to the Joint Standing Committee on Education and Cultural Affairs no later than December 1, 1995.

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

Effective July 3, 1995.

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**CHAPTER 56**

**H.P. 1131 - L.D. 1576**

**Resolve, to Require the Brookton Elementary School to be Used as a Community Center for Northern Washington County**

**Sec. 1. Authority to transfer. Resolved:** That the Commissioner of Education is authorized to transfer or lease the building known as the Brookton Elementary School to the Brookton-Forest City Community Center, Inc. to be used as a community center for the citizens of Northern Washington County. The transfer or lease may not take place until the Brookton-Forest City Community Center, Inc. obtains status as a nonprofit corporation under the United States Internal Revenue Code, Section 501(c)(3). Prior to the Brookton-Forest City Community Center, Inc. obtaining such status, the commissioner may permit the building to be used as a community center for the citizens of Northern Washington County.

See title page for effective date.

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**CHAPTER 57**

**H.P. 1137 - L.D. 1580**

**Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1995**

**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 and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** Kennebec County has certain expenses and liabilities that must be met as they become due; and

**Whereas,** it is necessary that the taxes for the year 1995 mentioned be immediately assessed in order to provide the required revenue for the county; and