



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 139

H.P. 121

House of Representatives, January 20, 2011

### **An Act To Eliminate the Penalty for Schools That Did Not Reorganize**

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

A handwritten signature in black ink, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST  
Clerk

Presented by Representative EDGECOMB of Caribou.  
Cosponsored by Representatives: CHIPMAN of Portland, CLARK of Millinocket, DAVIS of Sangerville, O'BRIEN of Lincolnville, TILTON of Harrington, Senators: PLOWMAN of Penobscot, TRAHAN of Lincoln, Senator SHERMAN of Aroostook and Representatives: AYOTTE of Caswell, CLARK of Easton, FREDETTE of Newport, HARVELL of Farmington, MARTIN of Eagle Lake, WILLETTE of Mapleton, WILLETTE of Presque Isle.

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

2 **Sec. 1. 20-A MRSA §1461-B, sub-§6, ¶A**, as enacted by PL 2009, c. 580, §5, is  
3 repealed.

4 **Sec. 2. 20-A MRSA §1461-B, sub-§6, ¶B**, as enacted by PL 2009, c. 580, §5, is  
5 repealed.

6 **Sec. 3. 20-A MRSA §1461-B, sub-§6, ¶C**, as enacted by PL 2009, c. 580, §5, is  
7 repealed.

8 **Sec. 4. 20-A MRSA §1465, sub-§3**, as enacted by PL 2007, c. 240, Pt. XXXX,  
9 §13, is amended to read:

10 **3. Referendum for a school administrative unit to join an existing regional**  
11 **school unit.** The municipal officers of each municipality in a proposed reorganized  
12 school administrative unit shall place a warrant article substantially as follows on the  
13 ballot of a municipal referendum in accordance with the referendum procedures  
14 applicable to the school administrative unit of which the municipality is a member.

15 "Article: Do you favor approving the school reorganization plan prepared by the  
16 (insert name) Reorganization Planning Committee for school administrative unit  
17 (insert name of affected school administrative unit) to join the regional school unit  
18 (name of regional school unit), with an effective date of (insert date)?

19 Yes No"

20 ~~The following statement must accompany the article:~~

21 ~~"Explanation:~~

22 ~~A "YES" vote means that you approve of the (municipality or school~~  
23 ~~administrative unit) joining the proposed regional school unit. The financial~~  
24 ~~penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the~~  
25 ~~existing school administrative unit will no longer apply to the proposed regional~~  
26 ~~school unit."~~

27 **Sec. 5. 20-A MRSA §1465, sub-§4**, as enacted by PL 2007, c. 240, Pt. XXXX,  
28 §13, is amended to read:

29 **4. Referendum on the admission of an additional school administrative unit to**  
30 **an existing regional school unit.** If the vote to join a regional school unit under  
31 subsection 3 was in the affirmative, the existing regional school unit shall call a regional  
32 school unit referendum to vote on the following article.

33 "Article: Do you favor approving the school reorganization plan prepared by the  
34 (insert name) Reorganization Planning Committee for school administrative unit  
35 (insert name of affected school administrative unit) to join the regional school unit  
36 (name of regional school unit), with an effective date of (insert date)?

37 Yes No"

1 The following statement must accompany the article:

2 "Explanation:

3 A "YES" vote means that you approve of the (municipality or school  
4 administrative unit) joining the proposed regional school unit. The financial  
5 penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the  
6 existing school administrative unit will no longer apply to the proposed regional  
7 school unit."

8 **Sec. 6. 20-A MRSA §1466, sub-§20**, as enacted by PL 2009, c. 580, §9, is  
9 repealed.

10 **Sec. 7. 20-A MRSA §15696**, as amended by PL 2009, c. 455, §1, is repealed.

11 **Sec. 8. PL 2007, c. 240, Pt. XXXX, §36, sub-§11**, as amended by PL 2009, c.  
12 571, Pt. VVV, §1, is further amended to read:

13 **11. Result of disapproval at January 2008 referendum or subsequent**  
14 **referendum on or before January 30, 2009.** A school administrative unit that rejects a  
15 proposed reorganization plan at the January 15, 2008 referendum or at a subsequent  
16 referendum on or before January 30, 2009 may restart the process to form a regional  
17 school unit with the same or other school administrative units and may seek assistance  
18 from the Department of Education to prepare another reorganization plan.

19 A. Subsequent reorganization plans must meet the same requirements as for  
20 reorganization plans filed prior to the January 2008 referendum, except that the  
21 timelines are adjusted to reflect a July 1, 2009 reorganization date.

22 ~~B. The penalties set forth in Title 20-A, section 15696 apply to any school~~  
23 ~~administrative unit that fails to approve a reorganization plan on or before January~~  
24 ~~30, 2009 and to implement that plan by July 1, 2009, including those school~~  
25 ~~administrative districts that are reformulated under subsection 12. These penalties do~~  
26 ~~not apply to any school administrative unit that implements a reorganization plan by~~  
27 ~~July 1, 2011 in accordance with subsection 11-A.~~

28 **Sec. 9. PL 2007, c. 240, Pt. XXXX, §36, sub-§11-A**, as amended by PL 2009,  
29 c. 571, Pt. VVV, §2, is further amended to read:

30 **11-A. Result for school administrative unit that approves plan at referendum on**  
31 **or before January 30, 2010 but is unable to implement plan.** A school administrative  
32 unit that approves a proposed reorganization plan at the January 15, 2008 referendum or  
33 at a subsequent referendum on or before January 30, 2010 but is unable to implement the  
34 plan because the plan was rejected at referendum by one or more of its proposed partner  
35 school administrative units under the plan may restart the process to form a regional  
36 school unit with the same or other school administrative units and may seek assistance  
37 from the Department of Education to prepare another reorganization plan.

38 A. Subsequent reorganization plans must meet the same requirements as for  
39 reorganization plans filed prior to the January 2008 referendum, except that the  
40 timelines are adjusted to reflect a July 1, 2011 reorganization date.

1 ~~B. The penalties set forth in Title 20-A, section 15696 apply, as of July 1, 2011, to~~  
2 ~~any school administrative unit that fails to approve a reorganization plan on or before~~  
3 ~~January 30, 2011 and to implement that plan by July 1, 2011.~~

4 **Sec. 10. PL 2007, c. 240, Pt. XXXX, §44** is repealed.

5 **SUMMARY**

6 This bill amends the laws governing school administrative unit reorganization to  
7 eliminate the penalties set forth for nonconforming school administrative units.