



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 385

H.P. 311

House of Representatives, February 8, 2011

**An Act To Amend the School Administrative Unit Consolidation
Laws**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative JOHNSON of Greenville.
Cosponsored by Senator THOMAS of Somerset and
Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, GUERIN of Glenburn,
HARMON of Palermo, KUMIEGA of Deer Isle, MAKER of Calais, MALABY of Hancock,
McFADDEN of Dennysville.

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

3 **Whereas,** school districts have exhausted all reasonable alternatives for
4 consolidation; and

5 **Whereas,** these school districts are being penalized by the State for not complying
6 with the consolidation laws; and

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

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

12 **Sec. 1. 20-A MRSA §1461, sub-§3, ¶C,** as enacted by PL 2009, c. 580, §4, is
13 amended to read:

14 C. Notwithstanding paragraph B, subparagraph (1), the commissioner may approve:

15 (1) A regional school unit to serve fewer than 1,200 students but not less than
16 1,000 students in an isolated rural community, including, for purposes of this
17 paragraph, students attending from the unorganized territory, if the proposed
18 regional school unit meets at least one of the following criteria:

19 (a) The proposed regional school unit comprises 3 or more school
20 administrative units in existence prior to July 1, 2008;

21 (b) The member municipalities of the proposed regional school unit are
22 surrounded by approved regional school units or alternative organizational
23 structures and there are no other school administrative units available to join
24 the proposed regional school unit; or

25 (c) The member municipalities of the proposed regional school unit include
26 2 or more isolated small schools that are eligible for an isolated small school
27 adjustment pursuant to section 15683, subsection 1, paragraph F; and

28 (2) The formation of a regional school unit if the governing body or bodies of the
29 proposed regional school unit demonstrate, in the notice of intent under
30 subsection 1, that all reasonable and practical means of satisfying the
31 requirements of subparagraph (1) and paragraph B, subparagraph (1) have been
32 exhausted, and that approval is warranted based on the unique or particular
33 circumstances of the unit or units.

34 In considering a request under this paragraph, the commissioner's decision must be
35 based on, but is not limited to, the specific facts presented in the notice of intent and
36 is applicable only to the specific school administrative units the decision concerns. ~~If~~
37 ~~the commissioner denies approval of a regional school unit under this paragraph, the~~
38 ~~commissioner's decision constitutes final agency action and is not subject to appeal to~~
39 ~~the state board.~~

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

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

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

7 **Sec. 5. 20-A MRSA §1465, sub-§3,** as enacted by PL 2007, c. 240, Pt. XXXX,
8 §13, is amended to read:

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

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

18 Yes No"

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

20 ~~"Explanation:~~

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

26 **Sec. 6. 20-A MRSA §1465, sub-§4,** as enacted by PL 2007, c. 240, Pt. XXXX,
27 §13, is amended to read:

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

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

36 Yes No"

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

38 ~~"Explanation:~~

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

6 **Sec. 7. 20-A MRSA §1466, sub-§20**, as enacted by PL 2009, c. 580, §9, is
7 repealed.

8 **Sec. 8. 20-A MRSA §15696**, as amended by PL 2009, c. 455, §1, is repealed.

9 **Sec. 9. PL 2007, c. 240, Pt. XXXX, §36, sub-§11**, as amended by PL 2009, c.
10 571, Pt. VVV, §1, is further amended to read:

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

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

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

26 **Sec. 10. PL 2007, c. 240, Pt. XXXX, §36, sub-§11-A**, as amended by PL 2009,
27 c. 571, Pt. VVV, §2, is further amended to read:

28 **11-A. Result for school administrative unit that approves plan at referendum on**
29 **or before January 30, 2010 but is unable to implement plan.** A school administrative
30 unit that approves a proposed reorganization plan at the January 15, 2008 referendum or
31 at a subsequent referendum on or before January 30, 2010 but is unable to implement the
32 plan because the plan was rejected at referendum by one or more of its proposed partner
33 school administrative units under the plan may restart the process to form a regional
34 school unit with the same or other school administrative units and may seek assistance
35 from the Department of Education to prepare another reorganization plan.

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

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

1 **Sec. 11. PL 2007, c. 240, Pt. XXXX, §44** is repealed.

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

4 **SUMMARY**

5 This bill amends the laws governing school administrative unit reorganization to
6 eliminate the penalties set forth for nonconforming school administrative units. The bill
7 also eliminates the provision that gives the Commissioner of Education final approval of
8 a regional school unit, including an alternative organizational structure, and eliminates
9 the requirement that a school after leaving an alternative organizational structure must
10 join a conforming school administrative unit within 2 years.