



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

---

Legislative Document

No. 1753

---

H.P. 1248

House of Representatives, May 16, 2019

**An Act Amending the Charter of the Boothbay-Boothbay Harbor  
Community School District**

(AFTER DEADLINE)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative STOVER of Boothbay.

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

2 **Sec. 1. P&SL 1953, c. 156, §4, first ¶** is amended to read:

3 **Sec. 4. Referendum on bond issues.** When the trustees ~~shall~~ have authorized  
4 the issue of any bonds, an attested copy of the vote of the trustees ~~shall~~ must be forthwith  
5 filed with the municipal officers of each of the participating towns and published in a  
6 newspaper having a circulation in the district not later than 8 days following the day on  
7 which such vote was adopted by the trustees. A vote of the trustees authorizing an issue  
8 of bonds in the principal amount of less than \$250,000 under this act shall Act does not  
9 become effective before the expiration of a period of ~~15~~ 21 days from the date upon  
10 which such vote is adopted. If within said 21-day period a petition, signed by 300  
11 registered voters of the district not less than 100 of whom ~~shall~~ must be from each  
12 participating town, ~~shall be is~~ filed with the chairman or the secretary of the board of  
13 trustees, asking that the question of whether such bonds should be issued be submitted to  
14 the voters of the district, such vote of the trustees ~~shall be is~~ further suspended from  
15 becoming effective and the trustees shall immediately reconsider such vote. If such vote  
16 is not rescinded by the trustees, the trustees shall submit the question of whether such  
17 bonds ~~shall~~ may be issued to the voters of the district at a special meeting of the qualified  
18 voters in the district to be held in said district within 60 days of their vote using the same  
19 procedures as set forth herein for an issue of bonds in the principal amount of \$250,000  
20 or greater under this Act. If the trustees vote to authorize an issue of bonds in the  
21 principal amount of \$250,000 or greater under this Act, the trustees shall submit the  
22 question of whether such bonds may be issued to the voters of the district at a special  
23 meeting of the qualified voters in the district to be held in said district within 60 days of  
24 their vote. Said special meeting ~~shall~~ must be called and held as provided in section 16  
25 hereof except that the notice ~~shall~~ must set forth the vote of the trustees authorizing said  
26 bonds, the approval or disapproval of the issue of which is to be submitted to the voters of  
27 the district, together with the proposed form of the ballot to be used at such special  
28 meeting. At such special meeting the vote on the question of whether such bonds ~~shall~~  
29 may be issued ~~shall~~ must be by ballot, the form of which ~~shall~~ must be substantially as  
30 follows:

31 **Sec. 2. P&SL 1953, c. 156, §9,** as amended by P&SL 1969, c. 27, §3 and P&SL  
32 1975, c. 28, is further amended to read:

33 **Sec. 9. Application of general law; certain exceptions.** The community  
34 schools, for which provision is herein made, when established ~~shall be~~ are considered the  
35 official schools of the participating towns to the extent consistent with action taken  
36 pursuant to sections 18 and 18-A and all provisions of general law relating to public  
37 education ~~shall~~, so far as applicable, apply to said schools. Teaching positions, special  
38 courses and other basis for allocations to towns because of this school, ~~shall~~ must be  
39 divided according to the ~~proportional~~ proportional assessment of each participating town  
40 for operating expenses as determined in section 13 of this ~~act~~ Act. Unless a specific  
41 procurement method is otherwise provided for by state law, a competitive bidding  
42 process must be used for any procurement of the district in the amount of \$20,000 or  
43 greater, in which bids from competing contractors, suppliers or vendors must be invited  
44 by openly advertising the scope, specifications and terms and conditions of the proposed

1 contract as well as the criteria by which the bids will be evaluated. Transportation of  
2 pupils ~~shall~~ must be provided by the district as provided by law and the expenditure for  
3 transportation ~~shall be~~ is considered an expense of operation of the schools. Tuition  
4 charges for pupils from outside the district accepted at this school ~~shall~~ must be  
5 determined by the trustees, notwithstanding other provisions in the general law; ~~provided,~~  
6 ~~however, except that~~ such tuition ~~shall~~ may not exceed the average cost per pupil paid by  
7 a participating town for the year preceding the year for which the tuition is paid, as  
8 determined by the trustees.

9 **Sec. 3. P&SL 1953, c. 156, §12, 2nd sentence** is amended to read:

10 Said voters may determine and include in said capital budget the sum, if any, to be set  
11 aside in the current year for a capital reserve fund; ~~provided, however, except that the~~ an  
12 ~~amount which may~~ up to \$140,000 for a capital reserve fund must be set aside in any one  
13 ~~year shall not exceed \$12,500 for the 2020 fiscal year, which runs from July 1, 2019 to~~  
14 June 30, 2020 and is hereinafter referred to as "the base year," and, at the beginning of  
15 each fiscal year after the base year, each such date, hereinafter called an "increase date,"  
16 the capital reserve fund set-aside amount for that fiscal year must be adjusted, effective  
17 for the fiscal year commencing on each such increase date, to an amount equal to the  
18 greater of: the prior year's set-aside amount or an annual amount that bears the same  
19 proportion to the annual set-aside amount in effect during the calendar month  
20 immediately preceding such increase date as the Consumer Price Index for All Urban  
21 Consumers, United States City Average, all items, base period 1982-84 = 100 (Not  
22 Seasonally Adjusted) as published by the United States Department of Labor, Bureau of  
23 Labor Statistics, hereinafter called "the CPI Index," published for December of that fiscal  
24 year bears to such CPI Index as in effect for December of the preceding fiscal year.

## 25 SUMMARY

26 This bill amends the charter of the Boothbay-Boothbay Harbor Community School  
27 District to require that bond issues in the principal amount of \$250,000 or greater go to a  
28 referendum vote, to add a competitive bidding requirement for district procurements of  
29 \$20,000 or greater and to remove the cap on contributions to the capital reserve fund.