

**PRELIMINARY DRAFT OF PROPOSED SENATE FLOOR AMENDMENT FOR
REVIEW ONLY -- January 30, 2008**

1
2 SENATE AMENDMENT “ “ to COMMITTEE AMENDMENT “ “ to LD 1932,
3 An Act to Amend the Laws Regarding School Funding
4

5
6 **Sec. 1. 20-A M.R.S.A. § 1, sub-§ 16-A** is enacted to read:
7

8 **16-A. Local education unit.** “Local education unit” means a state-approved unit
9 of school governance responsible for operating or constructing public schools, but not
10 administration, which is a member of a regional school union.
11

12 **Sec. 2. 20-A MRSA § 1, sub-§ 24** is amended to read:

13 **24. Public school.** "Public school" means a school that is governed by a school
14 board of a school administrative unit or local education unit and funded primarily with
15 public funds.

16
17 **Sec. 3. 20-A M.R.S.A. § 1, sub-§ 24-B** as enacted by P.L. 2007, C. 240, Part
18 XXXX, Sec. XXXX-2 is amended to read:
19

20 **24-B. Regional school unit.** “Regional school unit” means ~~the~~ a state-approved
21 unit of school administration as established pursuant to chapter 103-A.
22

23 **Sec. 4. 20-A M.R.S.A. § 1, sub-§ 24-D** is enacted to read:
24

25 **24-D. Regional school union.** “Regional school union” means a state approved
26 unit of school administration composed of local education units as established pursuant to
27 Chapter 108.
28

29 **Sec. 5. 20-A M.R.S.A. § 1, sub-§ 24-E** is enacted to read:
30

31 **24-E. Regional school union committee.** “Regional school union committee”
32 means the governing body with statutory powers and duties for a regional school union.
33

34 **Sec. 6. 20-A M.R.S.A. § 1, sub-§ 26** as amended by P.L. 2007, C. 240, Part
35 XXXX, Sec. XXXX-2 is amended to read:
36

37 **26. School administrative unit.** “School administrative unit” means the state-
38 approved unit of school administration and includes a municipal school unit, school
39 administrative district, community school district, regional school unit, regional school
40 union or any other municipal or quasi-municipal corporation responsible for operating or
41 constructing public schools, except that it does not include a career and technical
42 education region. Beginning July 1, 2009, “school administrative unit” means the state-

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1 approved unit of school administration and includes only a municipal school unit, ~~and~~ a
2 regional school unit formed pursuant to chapter 103-A, and a regional school union
3 formed pursuant to Chapter 108.

4
5 **Sec. 7. 20-A M.R.S.A. § 1, sub-§ 28** is amended to read:

6 **28. School board.** "School board" means the governing body with statutory
7 powers and duties for a school administrative unit or local education unit.

8
9 **Sec. 8. 20-A M.R.S.A. § 1, sub-§ 29** is amended to read:

10
11 **29. School committee.** "School committee" means the governing body with
12 statutory powers and duties for a municipal school unit or a municipal local education
13 unit.

14
15
16 **Sec. 9. 20-A Chapter 108** is enacted to read:

17
18 **Chapter 108: REGIONAL SCHOOL UNIONS**

19
20 **REGIONAL SCHOOL UNIONS**

21
22
23 **§ 2001. Regional School Union**

24
25 **1. Formation.** A regional school union composed of school administrative
26 units may be formed pursuant to a reorganization plan. A municipal school unit, a school
27 administrative district, a community school district or any other municipal or quasi-
28 municipal corporation responsible for operating or constructing public schools, except a
29 career and technical education region, may be a local education unit within a regional
30 school union.

31
32 **2. Regional school union committee.** The governing body of a regional
33 school union is the regional school union committee which shall be made up of
34 representatives from the school boards of member local education units and shall be
35 apportioned in accordance with one person, one vote principles.

36
37 **3. Core functions.** The regional school union committee shall have the
38 following core functions which may not be delegated to a local education unit except as
39 provided in this subsection.

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1
2 **A. Employment of superintendent.** Employment and discharge of a
3 superintendent pursuant to section 1001(3) and sections 1051-1054.

4
5 **B. Performance of business functions.** Administration of accounting,
6 payroll, financial management, purchasing insurance and auditing.

7
8 **C. Special education administration.** Administration of special education.

9
10 **D. Transportation.** Administration of transportation.

11
12 **E. Core curriculum.** Adoption of a core curriculum, standardized testing and
13 assessment aligned with the system of learning results.

14
15 **F. Budget.** Preparation of regional school union budget.

16
17 **G. Reporting.** Reporting required by state or federal law or regulation.

18
19 **H. Employment.** The regional school union shall be the employer of all
20 employees performing the core functions and any additional functions delegated to
21 the regional school union and shall be responsible for negotiating common
22 collective bargaining agreements for employees of its local education units.

23
24 **I. School calendar.** Establishing a common school calendar, subject to
25 variations adopted by local education units.

26
27 **J. Adoption of policies.** The regional school union committee shall adopt
28 common policies for all schools in the regional school union pursuant to section
29 1001(1-A), subject to variations adopted by local education units.

30
31 **K. Apportionment of costs.** Shall apportion the costs of the regional school
32 union among its local education units in accordance with a cost-sharing formula
33 established by its approved reorganization plan and certify to the treasurer of each
34 local education unit and to the commissioner the amounts to be paid;

35
36 **4. Delegation of additional functions.** A reorganization plan or the
37 legislative bodies of the members of local education units of a regional school union may
38 delegate additional functions to the regional school union.

39
40 **5. Title to property.** A reorganization plan may provide that title to real and
41 personal property in local education units may be either transferred to the regional school
42 union or retained by the local education unit, provided that the plan shall clearly allocate

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1 the responsibilities for the management of school property under section 1001(2) as
2 between the regional school union and the local education unit.
3

4 **6. Reorganization planning.** A regional school union shall be deemed a
5 regional school unit under XXXX-36 of Chapter 240, Public Laws 2007 for all purposes
6 including the goal for the number of regional units and the requirements with respect to
7 the number of students in each regional unit. The Commissioner shall apply the same
8 criteria and shall allow the same exceptions for regional school unions as applied to
9 regional school units. A reorganization plan for a regional school union shall also be
10 subject to the requirements of Section XXXX-36 of Chapter 240, Public Laws 2007,
11 subsection 6.F requiring that the reorganization plan address how administrative
12 functions, duties and noninstructional personnel will be reorganized so that the projected
13 expenditures for system administration, transportation, special education and facilities
14 and maintenance will not have an adverse impact on the instructional program. A
15 reorganization plan for a regional school union shall be subject to the same approval and
16 referendum requirements as provided in Chapter 240, Public Laws 2007, Section XXXX-
17 36, subsections 8 and 9.

18 **7. Local education unit.** A local education unit shall be a school
19 administrative unit for all purposes except with respect to the core functions identified in
20 this section and any additional functions delegated to the regional school union as
21 authorized in this section.

22
23 **§2002. Regional school union committee**

24
25 **1. Formation.** In accordance with an approved reorganization plan, the school
26 boards of the local education units comprising a regional school union shall form a
27 regional school union committee, which shall be the governing body of the regional
28 school union. The school board of a local education unit in a regional school union shall
29 designate one or more of its members to serve on the school committee of the regional
30 school union as provided in the reorganization plan.

31
32
33 **2. Term of office.** The term of office of regional school union committee
34 members shall be determined by the approved reorganization plan.

35
36 **4. Compensation.** Compensation for attendance at a regional school union
37 committee meeting must be between \$10 and \$25 per meeting for each member.
38 Whenever the committee members recommend increasing their compensation, they shall

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1 submit their recommendation to the voters in the regional school union for approval.

2 -
3 A. On notification by the regional school union committee, the municipal officers
4 shall, at the next regular or special town meeting or city election, prepare a warrant
5 or ballot for the purpose of voting on the proposed increase. The question must be in
6 the following form.

7 -
8 ”Do you favor paying a member of the regional school union committee
9 compensation at the rate of \$.... for each meeting that member attends?”

10 -
11 B. An increase in compensation is not effective unless approved by a majority of the
12 voters voting on the question set out in paragraph A.

13 -
14 **4. Secretary and treasurer.** The superintendent serves as secretary and treasurer of
15 the regional school union committee and shall give a bond to the regional school union
16 committee of a sum and with the sureties as the regional school union determines. The
17 bond must be deposited with the chair of the regional school union committee. The
18 expense of that bond must be paid by the regional school union. The bond premium,
19 compensation paid committee members for attendance at meetings and expenses of the
20 regional school union must be paid from funds of the regional school union by the
21 treasurer on vouchers presented and certified by the superintendent and approved by a
22 majority of the regional school union committee or a finance committee duly elected
23 annually by that committee. Notwithstanding section 1055, a superintendent of a
24 regional school union may designate another person with State of Maine administrative
25 certification to perform the duties of secretary of the school board of a local education
26 unit.

27 -
28 **6. Oath of office** . Before a newly elected member’s first regional school union
29 committee meeting, that member must take the following oath or affirmation before a
30 dedimus justice or notary public.

31 -
32 ”I do swear that I will faithfully discharge to the best of my abilities the duties
33 incumbent on me as a regional school union committee member of (name of regional
34 school union) according to the Constitution of Maine and laws of this State, so help me
35 God.”

36 -
37 A. A member shall take the oath or affirmation and return a certificate documenting
38 that the oath or affirmation has been taken to the secretary of the regional school
39 union to place in the regional school union committee records.

40 -
41 B. If a member is conscientiously scrupulous of taking an oath, the word “affirm”
42 may be used instead of “swear” and the words “this I do under the pains and penalty
43 of perjury” may be used instead of the words “so help me God.”

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1 -
2 **6. Election of officers.** The regional school union committee shall elect a chair
3 and vice-chair and other officers as may be necessary.
4

5 **§ 2003. Methods of apportionment**

6 **1. Method B: weighted votes.** Under the method of representation referred to as
7 “Method B,” members cast weighted votes.
8

9 A. The reapportionment committee under section 2023 shall apportion 1,000 votes
10 among all the members of the committee. The ratio of the number of votes cast by
11 the members representing a school administrative unit or municipality in relation to
12 the number 1,000 must be the same ratio to the nearest whole number as the
13 population of the school administrative unit or municipality is in relation to the
14 population of all the school administrative units and municipalities in the regional
15 school union, as determined by the latest Federal Decennial Census or Federal
16 Estimated Census.

17 -
18 B. To ensure the use of whole numbers, the 1,000 votes apportioned among the
19 committee members may not be increased or decreased by more than 5 votes.
20 -

21 C. A plan may not permit the voting power of any member to exceed by more than
22 5% the percentage of voting power the member would have if all 1,000 votes were
23 apportioned equally among the members.
24 -

25 D. In a municipality served by 2 or more members, the votes cast by them must be
26 divided equally among them. The members are elected at large within the
27 municipality unless otherwise provided by municipal charter.
28 -

29 **2. Method D: other.** Under the method of representation referred to as “Method
30 D,” directors are elected by any method other than those set forth in subsections 1, 2 and
31 3 that meets the requirements of the one-person, one-vote principle.
32

33 **§ 2004. Appropriation for regional school union expenses**

34 Local education units shall appropriate for regional school union expenses their share of
35 the costs of the regional school union in accordance with a cost-sharing formula
36 established by its approved reorganization plan. The proportion to be paid by a local
37 education unit shall be paid out of the appropriation made for the support or maintenance
38 of public schools.
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§ 2005. Rules

The state board may adopt rules to carry out this chapter. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUBCHAPTER 2
FORMATION OF REGIONAL SCHOOL UNION

§ 2011. Formation of a regional school union; reorganization planning and approval

The residents of 2 or more school administrative units may form a regional school union that is a body politic and corporate pursuant to this section.

1. Notice of intent. Each school administrative unit shall file with the commissioner a notice of intent to engage in planning and negotiations with other school administrative units for the purpose of developing a reorganization plan to form a regional school union under this chapter. The commissioner shall respond to each notice of intent providing information regarding the process and whether the intended action complies with the requirements of this chapter.

2. Reorganization planning committee. The school administrative units that intend to engage in planning and negotiation to create a regional school union shall form a reorganization planning committee.

A. For each proposed regional school union, the commissioner shall provide guidelines for the formation of a reorganization planning committee including representation from the school administrative units included in the notice of intent, member municipalities and members of the general public who are residents of the proposed regional school union. The guidelines must include roles and responsibilities of the committee, timelines for submission of the plan, the format for reporting the reorganization plan and evaluation criteria for approval of the plan.

B. Reorganization planning committees shall hold one or more public meetings to gather input from community members and to determine the sentiment of the public.

3. Submission of plans. Each school administrative unit shall submit to the commissioner its proposed reorganization plan for consolidation into a regional school union that meets the requirements of paragraphs A and B.

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1
2 (13) Such other matters as the governing bodies of the school administrative
3 units in existence on the effective date of this chapter may determine to be
4 necessary.

5
6 B. In order for the plan to be approved by the commissioner, the governing bodies
7 of school administrative units shall work within the following parameters.

8
9 (1) The proposed regional school union must serve not fewer than 2,500
10 students, except where circumstances relating to the following factors justify an
11 exception:

12 -
13 (a) Geography, including physical proximity and the size of the current
14 school administrative unit;

15 -
16 (b) Demographics, including student enrollment trends and the composition
17 and nature of communities in the regional school union;

18 -
19 (c) Economics, including existing collaborations to be preserved or
20 enhanced and opportunities to deliver commodities and services to be
21 maximized;

22 -
23 (d) Transportation;

24 -
25 (e) Population density; or

26 -
27 (f) Other unique circumstances including the need to preserve existing or
28 developing relationships, meet the needs of students, maximize educational
29 opportunities for students and ensure equitable access to rigorous programs
30 for all students.

31
32 -
33 When circumstances justify an exception to the size requirement of 2,500 students,
34 the union must serve as close to 2,500 students as possible and in no case, except
35 for coastal islands and schools operated by tribal school committees, may it serve
36 fewer than 1,200 students. Notwithstanding this requirement, the Commissioner
37 may authorize a regional school union to serve fewer than 1,200 students but not
38 less than 1,000 students in isolated rural communities if the proposed regional
 school union meets the following criteria:

39 a. The proposed regional school union is comprised of three or more school
40 administrative units in existence prior to July 1, 2008;

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1 b. The member local education units of the proposed regional school union
2 are surrounded by approved regional school units and there are no other
3 school administrative units available to join the proposed regional school
4 union:

5 c. The member local education units of the proposed regional school union
6 must include two or more isolated small schools that are eligible for an
7 isolated small school adjustment pursuant to section 15683, subsection 1
8 paragraph F.

9 d. In cases where the Commissioner denies the creation of a regional school
10 union that is less than 1,200 but more than 1,000 students, the school
11 administrative units may appeal to the State Board of Education.

12
13 (2) The plan must provide for a core curriculum for all students from
14 kindergarten to grade 12 and must include at least one publicly supported
15 secondary school.

16
17 (3) The plan must be consistent with the policies set forth in section 2002.

18
19 (4) The plan may not displace teachers or students or close any schools existing
20 and operating during the school year immediately preceding reorganization.

21
22 - **4. Review and approval of plans.** If the commissioner finds that a plan for
23 reorganization meets the requirements of this chapter, the commissioner shall notify the
24 municipalities and school administrative units, and they shall proceed with referendum.
25

26 - **5. Referendum on reorganization plan.** The municipal officers of each
27 municipality in a proposed reorganized school administrative unit shall place a warrant
28 article substantially as follows on the ballot of a municipal referendum in accordance
29 with the referendum procedures applicable to the school administrative unit of which the
30 municipality is a member.

31 ”Article: Do you favor approving the school reorganization plan prepared by the
32 (insert name) Reorganization Planning Committee to reorganize (insert names of
33 affected school administrative units) into a regional school union, with an effective
34 date of (insert date)?

35 Yes No”

36
37 The following statement must accompany the article:

38 ”Explanation:

39 A “YES” vote means that you approve of the (municipality or school administrative
40 unit) joining the proposed regional school unit which will be provided with the

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1 following incentives:

2 More favorable consideration in approval and funding of school construction
3 projects; and

4 Eligibility for additional financial support for reorganization costs.

5 A “NO” vote means that you do not approve of the (municipality or school
6 administrative unit) joining a regional school unit, which will result in the existing
7 (municipality or school administrative unit) receiving the following penalties:

8 Less favorable consideration in approval and funding of school construction
9 projects; and

10 A reduction in state funding of education costs in an amount estimated to be
11 \$ _____ for school year 200_ and \$ _____ for school year 200_ , with ongoing
12 penalties for continued failure to join an approved regional school unit. Reductions
13 in state education funding will result in an increased mill rate expectation to meet the
14 local share of education costs.”

15 **6. Results of referendum.** Each school administrative unit shall report the results
16 of the referendum to the department following the referendum election.

17 -

18 A. A reorganization plan is approved by a kindergarten to grade 12 school
19 administrative district or kindergarten to grade 12 community school district if the
20 majority of votes cast in the district is in favor of approval of the plan.

21 -

22 B. A reorganization plan is approved by the member municipalities of a community
23 school district that does not provide public education for the entire span of
24 kindergarten to grade 12 if the majority of votes cast in the member municipalities is
25 in favor of approval of the plan. Approval results in all member municipalities
26 joining the regional school union.

27 -

28 C. A municipal school unit, including a municipal school unit that is a member of a
29 school union, approves a reorganization plan if the majority of the votes cast in that
30 municipality is in favor of approval of the plan.

31 -

32 D. If a reorganization plan is approved by all of the affected school administrative
33 units, or by the school administrative units considered sufficient under the proposed
34 union’s reorganization plan, the commissioner shall file notice of approval of the
35 union with the state board.

36 -

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1 **7. Certificate of organization.** If a plan or revised plan for reorganization has
2 been approved by the commissioner and approved by voters at the referendum, the state
3 board shall issue a certificate of organization to the school administrative units that are
4 reorganized into a regional school union.
5

6 **2012. Transitional powers and duties of the regional school union committee**

7 Within 30 days of the issuance of a certificate of organization for the regional
8 school union by the State Board of Education, the school boards of the local education
9 units shall appoint members of the regional school union committee in accordance with
10 the approved reorganization plan.

11 From the period of appointment of the regional school union committee to July of
12 the regional school union's first operational year, the regional school union committee
13 shall establish interim rules of procedure and shall elect officers who shall serve until
14 officers are elected at a meeting following the operational date of the regional school
15 union. The regional school union committee's powers and duties during this period shall
16 include:

- 17
- 18 A. Selection of a superintendent for the regional school union in accordance with
19 section 1051 to carry out the duties specified in 1055. During the interim
20 period, the salary, office and other expenses of the superintendent, as well as
21 the costs of the regional school union committee, including insurance, shall be
22 allocated to the local education units by the cost-sharing formula included in
23 the reorganization plan.
24
- 25 B. Preparation of the annual budget for the first operational year of the regional
26 school union in time for its presentation and consideration by the initial
27 regional school union committee. Specific duties may be assigned to existing
28 personnel with the approval of the employing school administrative unit. The
29 initial regional school union committee shall complete the budget development
30 process and approve a regional school union budget.
31
- 32 C. Authorization to take all other actions provided under state law to prepare for
33 the regional school union to become operational on July 1 for the first
34 operational year; including the authority to open and maintain accounts, to
35 incur expenses to be allocated among the regional school union's member local
36 education units in accordance with their reorganization plan.
37
- 38 D. Authorization to expend start-up funds for the regional school union. A local
39 education unit within the regional school union may serve as a fiscal agent and
40 may expend any start-up funds on behalf of the new regional school union

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1 prior to the regional school union’s operational date without calling for a
2 special meeting of the local legislative body.
3

4 **§ 2012. Transfer of property and assets**

5 Upon the formation of a regional school union pursuant to this subchapter, the
6 transfer of school property and assets is governed by this section.
7

8 **1. Regional school union committee.** Except as otherwise provided in a
9 reorganization plan, the school committee of each regional school union established in
10 this chapter shall determine what school property of the municipal school units in
11 existence prior to the operational date of the new regional school union and of the school
12 administrative units in existence prior to the operational date of the new regional school
13 union is necessary to carry out the functions of the regional school union and shall
14 request in writing that the board of each such school administrative unit or the
15 municipal officers transfer title of their school property and buildings to the regional
16 school union committee.
17

18 **2. Transfer.** The municipal officers and boards contacted pursuant to subsection
19 1 shall make the transfer of property and assets notwithstanding any other provision in
20 the charter of the school administrative unit or municipality.
21

22 **§ 2013. Operational date and transfer of authority**

23
24 **1. Operational date.** A regional school union committee becomes operational on
25 the date set by the state board as provided in this chapter.
26

27 **2. Transfer of governing authority.** The regional school union committee, on
28 the date established pursuant to subsection 1, shall assume responsibility for the
29 governance of the regional school union
30

31 **3. Transfer employees.** Except as limited by paragraph A, all school employees
32 who are employed by a school union whose members become local education units
33 within the regional school union or employees of a school administrative unit performing
34 the core functions and any delegated functions of a regional school union as identified in
35 the reorganization plan on the day prior to the date established pursuant to subsection 1
36 must be transferred to and employed by the regional school union as of the date
37 established pursuant to subsection 1. Those employees not transferred to the regional
38 school union shall continue to be employed by the local education units under the same
39 terms and conditions that they were employed prior to the operational date. Except as
40 limited by subsection 2, the regional school union shall assume all of the legal obligations

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1 and duties that the participating school administrative units owed to the transferred
2 employees, including but not limited to those obligations and duties arising under federal
3 law, state law, collective bargaining agreements and individual employment contracts. It
4 is the intent of this chapter to neither decrease nor increase the rights and benefits of
5 transferred employees, the employees employed by the local education units or the
6 employer.

7 -
8 A. Employees whose employment terminates by application of law or contract or by
9 action of a participating school administrative unit before the date in subsection 1
10 may not be transferred.

11 -
12 B. Teachers and other employees who are transferred to the regional school union
13 prior to the completion of the applicable probationary period for their position have
14 the length of their probationary period calculated from the date of their most recent
15 date of employment by the participating school administrative unit.

16 -
17 **4. Superintendent contracts.** The contracts between the superintendents and any
18 school union whose members become local education units within the regional school
19 union and school administrative units within the regional school union are transferred on
20 the date established pursuant to subsection 1 to the regional school union committee. The
21 regional school union committee shall determine the superintendents' duties within the
22 regional school unit.

23
24 **§ 2014. Collective bargaining**

25 **1. Assumption of obligations, duties, liabilities and rights.** On the operational
26 date established pursuant to section 2013, subsection 1, the regional school union
27 committee shall assume all of the obligations, duties, liabilities and rights of the
28 participating school administrative units with respect to those employees who are
29 transferred to the regional school union. for all purposes under Title 26, chapter 9-A. The
30 regional school union is considered a single employer. Notwithstanding any other
31 provision of law, the responsibilities of the regional school union include:

32 -
33 A. Continued recognition of all bargaining agents that represented any bargaining
34 units of employees who are transferred to the regional school union from a
35 participating school administrative unit, pending completion of merger proceedings
36 described in this section;

37 -
38 B. Assumption and continued observance of all collective bargaining agreements
39 covering employees who are transferred to the regional school union between such
40 bargaining agents and a participating school administrative unit, which agreements
41 continue in effect for the remainder of their unexpired terms unless the bargaining

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1 agent and regional school union mutually agree otherwise; and
2 -

3 C. Collective bargaining for an initial or successor collective bargaining agreement
4 in any bargaining unit that includes employees who are transferred to the regional
5 school union in which a collective bargaining agreement is not in effect on the
6 operational date and for any interim agreement that may be required to align
7 expiration dates in a regional school unit-wide bargaining unit, as described in this
8 section.

9 -
10 **2. Structure of bargaining units.** As early as possible after reorganization, all
11 bargaining units within the regional school union and local education units must be
12 structured on a regional school union-wide basis. Bargaining units that existed in the
13 participating school administrative units shall merge in accordance with the procedures
14 and criteria in this section. Merger into regional school union-wide bargaining units is not
15 subject to approval or disapproval of employees.

16 -
17 A. Merger into regional school union-wide bargaining units must be completed
18 according to the schedule contained in this section and no later than the latest
19 expiration date of any collective bargaining agreement that was in effect on the
20 operational date established pursuant to section 2013, subsection 1 that covered any
21 employees in the merged unit.

22 -
23 B. There must be one unit of teachers employed by the local education units and, to
24 the extent they are on the effective date of this section included in bargaining units,
25 other certified professional employees, excluding principals and other
26 administrators.

27 -
28 C. Any additional bargaining units in a regional school union must be structured as
29 follows:

30
31 (1) In the initial establishment of such units, units must be structured primarily
32 on the basis of the existing pattern of organization, maintaining the grouping of
33 employee classifications into bargaining units that existed prior to the creation
34 of the regional school union and avoiding conflicts among different bargaining
35 agents to the extent possible; and

36 -
37 (2) In the event of a dispute regarding the classifications to be included within a
38 regional school union-wide bargaining unit, the current bargaining agent or
39 agents or the regional school union may petition the Maine Labor Relations
40 Board to determine the appropriate unit in accordance with this section and Title
41 26, section 966, subsections 1 and 2.
42 -

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1 D. When there is the same bargaining agent in all bargaining units that will be
2 merged into a regional school union-wide bargaining unit, the units must be merged
3 as of the operational date established pursuant to section 2013, subsection 1, and the
4 regional school union shall recognize the bargaining agent as the representative of
5 the merged unit.

6 -
7 E. When all bargaining units that will be merged into a regional school union-wide
8 bargaining unit are represented by separate local affiliates of the same state labor
9 organization, the units must be merged as of the operational date established
10 pursuant to section 2013, subsection 1. The identity of the single affiliate that will be
11 designated the bargaining agent for the merged unit must be selected by the existing
12 bargaining agents and the state labor organization. Upon completion of the merger
13 and designation of the bargaining agent and notification by the state labor
14 organization to the regional school union, the regional school union shall recognize
15 the designated bargaining agent as the representative of employees in the merged
16 unit. If necessary, the parties will then execute a written amendment to any collective
17 bargaining agreement then in effect to change the name of the bargaining agent to
18 reflect the merger.

19 -
20 F. When there are bargaining units that will be merged into a regional school union-
21 wide bargaining unit in which there are employees who are not represented by any
22 bargaining agent and other employees who are represented either by the same
23 bargaining agent or separate local affiliates of the same state labor organization, the
24 units must be merged as of the operational date pursuant to section 2013, subsection
25 1 as long as a majority of employees who compose the merged unit were represented
26 by the bargaining agent prior to the merger. The procedures for merger of separate
27 local affiliates of the same state labor organization described in paragraph E must be
28 followed if applicable. If prior to the merger a bargaining agent did not represent a
29 majority of employees who compose the merged unit, a bargaining agent election
30 must be conducted by the Maine Labor Relations Board pursuant to paragraph H.

31 -
32 G. When there are unexpired collective bargaining agreements with different
33 expiration dates in the merged bargaining units described in paragraphs D, E and F,
34 all contracts must be honored to their expiration dates unless mutually agreed to
35 otherwise by the public employer and the bargaining agent. Collective bargaining
36 agreements must be bargained on an interim basis in any merged bargaining unit so
37 that all collective bargaining agreements expire on the same date.

38 -
39 H. When bargaining units with different bargaining agents must be merged into a
40 single regional school union-wide bargaining unit pursuant to this section, the
41 bargaining agent of the merged bargaining unit must be selected in accordance with
42 Title 26, section 967 except as modified in this section.

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1
2 (1) A petition for an election to determine the bargaining agent must be filed
3 with the Maine Labor Relations Board by any of the current bargaining agents
4 or the regional school union.

5
6 (2) The petition must be filed not more than 90 days prior to the expiration date
7 of the agreement having the latest expiration date among the bargaining units
8 that will be merged into the regional school union-wide bargaining unit.

9
10 (3) The election ballot may contain only the names of the bargaining agents of
11 bargaining units that will be merged into the regional school union-wide
12 bargaining unit and the choice of “no representative,” but no other choices. No
13 showing of interest is required from any such bargaining agent other than its
14 current status as representative.

15
16 (4) The obligation to bargain with existing bargaining agents continues from the
17 operational date established pursuant to section 2013, subsection 1 until the
18 determination of the bargaining agent of the regional school unit-wide
19 bargaining unit under this section; but in no event may any collective bargaining
20 agreement that is executed after the operational date extend beyond the
21 expiration date of the agreement having the latest expiration date among the
22 bargaining units that will be merged into the regional school union-wide
23 bargaining unit that was in effect on the operational date.

24
25 (5) The Maine Labor Relations Board shall expedite to the extent practicable all
26 petitions for determination of the bargaining agent in the regional school union-
27 wide bargaining unit filed pursuant to this section.

28
29 (6) The bargaining units must be merged into a regional school union-wide
30 bargaining unit as of the date of certification of the results of the election by the
31 Maine Labor Relations Board or the expiration of the collective bargaining
32 agreements in the unit, whichever occurs later.

33
34 **3. Agent to engage in collective bargaining.** After the merger of bargaining
35 units into a regional school union-wide bargaining unit, the bargaining agent of a regional
36 school union-wide bargaining unit and the regional school union shall engage in
37 collective bargaining for a collective bargaining agreement for the regional school union-
38 wide bargaining unit. In the collective bargaining agreement for each regional school
39 union-wide bargaining unit, the employment relations, policies, practices, salary
40 schedules, hours and working conditions throughout the regional school union must be
41 made uniform and consistent as soon as practicable.

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1 -
2 In the event that the parties are unable to agree upon an initial regional school union-wide
3 collective bargaining agreement, the parties must use the dispute resolution procedures
4 pursuant to Title 26, section 965 to resolve their differences.
5

6 **4. Bargaining in local education units.** Local education units shall continue
7 to be the employer of employees who are not transferred to the regional school union for
8 all purposes under Title 26, Chapter 9-A and other applicable laws. Bargaining units
9 existing in the former school administrative units and whose members are employed by
10 the local education units shall be merged in accordance with subsection 2 of this section.
11 The regional school union committee shall be responsible for negotiating union-wide
12 collective bargaining agreements with the bargaining agents of the merged bargaining
13 units composed of employees of the local education units.
14

15 **§ 2015. Addition of a school administrative unit to an existing regional school union**

16 A school administrative unit not originally a member of a regional school union may
17 be included in the regional school union in accordance with this section.
18

19 -
20 **1. Notice of intent.** A school administrative unit shall file with the commissioner
21 a notice of intent to engage in planning and negotiations to join with a regional school
22 union under this chapter. The commissioner shall respond to each notice of intent and
23 provide information regarding the process and whether the intended action complies with
24 the requirements of this chapter.

25 -
26 **2. Process to join a regional school union.** A school administrative unit may
27 join an existing regional school union in the same manner required for the formation of a
28 regional school union under section 2011, except that section 2011, subsections 5, 6 and 7
29 do not apply.

30 -
31 **3. Referendum for a school administrative unit to join an existing regional**
32 **school union.** The municipal officers of each municipality in a proposed reorganized
33 school administrative union shall place a warrant article substantially as follows on the
34 ballot of a municipal referendum in accordance with the referendum procedures
35 applicable to the school administrative unit of which the municipality is a member.

36 ”Article: Do you favor approving the school reorganization plan prepared by the
37 (insert name) Reorganization Planning Committee for school administrative union
38 (insert name of affected school administrative unit) to join the regional school unit
39 (name of regional school union), with an effective date of (insert date)?

40 Yes No”

41 -
The following statement must accompany the article:

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1 ”Explanation:

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

6 -
7 **4. Referendum on the admission of an additional school administrative unit to**
8 **an existing regional school union.** If the vote to join a regional school union under
9 subsection 3 was in the affirmative, the existing regional school union shall call a
10 regional school union referendum to vote on the following article.

11 ”Article: Do you favor approving the school reorganization plan prepared by the
12 (insert name) Reorganization Planning Committee for school administrative unit
13 (insert name of affected school administrative unit) to join the regional school union
14 (name of regional school union), with an effective date of (insert date)?

15 Yes No”

16 -
17 The following statement must accompany the article:

18 ”Explanation:

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

23 -
24 **5. Results of referendum.** A school administrative unit shall report the results of
25 the referendum to the department following the referendum election.

26 -
27 A. For a referendum conducted pursuant to subsection 3:

28 -
29 (1) A reorganization plan is approved by a kindergarten to grade 12 school
30 administrative district or kindergarten to grade 12 community school district if
31 the majority of votes cast in the district is in favor of approval of the plan;

32 -
33 (2) A reorganization plan is approved by a regional school union if the majority
34 of votes cast in the regional school union is in favor of approval of the plan;

35 -
36 (3) A reorganization plan is approved by the member municipalities of a
37 community school district that does not provide public education for the entire
38 span of kindergarten to grade 12 if the majority of votes cast in the member
39 municipalities is in favor of approval of the plan. Approval results in all member
40 municipalities joining the regional school union; and

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1 funds to be deposited or invested according to Title 30-A, chapter 223, subchapter 3-
2 A.

3 -
4 (1) Unless prohibited by a trust instrument, the regional school union may treat
5 any 2 or more trust funds as a single fund for the purposes of investment.

6 -
7 (2) After deduction for management expenses, any interest earned or capital
8 gains realized must be prorated among the various trust funds.

9 -
10 (3) Property or securities included in the corpus of a trust fund must be retained
11 where the trust instrument so provides.

12 -
13 (4) Unless otherwise specified in the trust instrument, only the annual income
14 from the trust fund may be spent.

15 -
16 (5) If the regional school union fails to comply with the terms of the trust
17 instrument, the trust fund is subject to reversion to the donor or the donor's
18 heirs.

19 -
20 C. If the money or other property is a conditional gift for any specified benevolent
21 or educational purpose, this paragraph applies.

22 -
23 (1) When the donor's part of the agreement respecting the execution of the
24 conditional gift has been completed, the regional school union shall perpetually
25 comply with, and may raise money to carry into effect, the conditions upon
26 which it was made.

27 -
28 (2) Unless otherwise specified by its terms, a conditional gift of money must be
29 deposited or invested according to Title 30-A, chapter 223, subchapter 3-A.

30 **§2022. Quorum**

31 A majority of the regional school unit union committee in number and voting power
32 constitutes a quorum.
33

34 **§ 2023. Regional school union committee vacancies**

35 -
36 **1. Definition of vacancy.** A vacancy on a regional school union committee
37 occurs:
38 -

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1 A. When the term of office of a regional school unit board director expires;
2 -

3 B. When a regional school union committee member changes residency from the
4 municipality or school administrative unit from which elected. Evidence that an
5 individual is registered to vote in a municipality is prima facie evidence of that
6 individual's residency;
7 -

8 C. On the death of a regional school union committee member; or
9 -

10 D. When a regional school union committee member resigns.
11 -

12 In addition to paragraphs A, B, C and D, except in municipalities having a municipal
13 charter, when a director is absent without excuse from 3 consecutive regular board
14 meetings, the regional school union committee may declare that a vacancy exists.
15 -

16 **2. Regional school union committee.** The regional school union committee shall
17 notify the school board of the local education unit within the regional school union of a
18 vacancy within 14 days after receiving notice of the vacancy.
19 -

20 **3. Filling vacancies.** A vacancy on a regional school union committee must be
21 filled by the school board whose member vacated the union committee seat within
22 30 days after receiving notice of the vacancy.
23 -

23 **§ 2024. Reapportionment**

24 The commissioner shall determine the necessity for reapportionment.
25 -

26 **1. Duties of commissioner.** The commissioner shall determine if a regional
27 school union is apportioned in accordance with the one-person, one-vote principle if:
28 -

29 A. The commissioner receives a request by the regional school union committee; or
30 -

31 B. The commissioner receives a petition signed by a number of regional school
32 union voters equal to at least 10% of the voters who voted in the last gubernatorial
33 election in the regional school union.
34 -

35 In addition to a determination initiated by a request pursuant to paragraph A or a petition
36 pursuant to paragraph B, the commissioner may, of the commissioner's own accord,
37 determine that a regional school union is not apportioned according to the one-person,
38 one-vote principle.
39 -

40 The commissioner shall make a determination under paragraph A or B within 30 days of
41 receiving the request or the petition.

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1 -
2 **2. Awaiting census results.** If the commissioner receives a request within 12
3 months before a Federal Decennial Census or Federal Estimated Census, the
4 commissioner may wait until after the new census figures are available to make a
5 determination under subsection 1.

6 -
7 **3. Findings and order.** If the commissioner finds the regional school union
8 representation is not apportioned in accordance with the principle of one person, one
9 vote, the commissioner, within 7 days of that decision, shall notify the superintendent of
10 the regional school union of the finding and order the superintendent to notify the school
11 board in each local education unit in the regional school union and the regional school
12 union committee to create a reapportionment committee. The superintendent's
13 notification must include the commissioner's notification, the information provided
14 pursuant to subsection 6 and the time and place for the first meeting of the committee,
15 which must be held not later than 20 days after the notification.

16 -
17 **4. Reapportionment committee membership.** The reapportionment committee
18 consists of two members from each school board, chosen by the respective school boards.

19 -
20 **5. Quorum.** A majority of the reapportionment committee constitutes a quorum.

21 -
22 **6. Duties of commissioner** . The commissioner shall provide the superintendent
23 of the regional school union with the most recent Federal Decennial Census or Federal
24 Estimated Census figures for each local education unit in the regional school union and at
25 least one recommended apportionment plan.

26 -
27 **7. Duties of the reapportionment committee.** The reapportionment committee
28 shall:

29 -
30 **A.** Elect a chair and secretary and may adopt suitable rules of procedure;

31 -
32 **B.** Consider and by majority vote adopt a reapportionment plan including the
33 method of representation, total number of members and number of members
34 representing each local education unit; and

35 -
36 **C.** Within 90 days of the first meeting, send a report of its reapportionment plan to
37 the state board for approval. It may, within the 90-day limit, submit alternative plans
38 for apportionment.

39 -
40 **8. Commissioner approval.** The commissioner shall approve or disapprove the
41 reapportionment committee plan under subsection 7 within 30 days of receiving it.

42 -
43 **9. Failure to gain commissioner approval.** If a reapportionment plan has not

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1 been adopted by the reapportionment committee or approved by the commissioner within
2 the time limits of subsection 7, the commissioner shall prepare a suitable plan.

3 -
4 **10. Putting the approved plan into effect.** On approval of a reapportionment
5 plan, the commissioner shall send a certified copy to the local education units and
6 regional school union committee. The original reapportionment plan must be retained in
7 the department files.

8 -
9 A. The reapportionment plan takes effect immediately upon approval. The
10 reapportionment committee shall determine the terms of the members to be elected
11 at the next annual municipal elections so as to comply with this chapter.

12 -
13 B. If the approved reapportionment plan requires a reduction of the number of
14 members to be elected in a municipality, the reduction must be achieved in
15 accordance with this paragraph.

16 -
17 (1) If possible, the reduction must be achieved by the voluntary resignation of
18 one or more of the members.

19 -
20 (2) If the reduction cannot be achieved in accordance with subparagraph (1), all
21 of the remaining existing members representing the local education unit shall
22 choose by lot which members' terms must terminate.

23 -
24 C. If the approved reapportionment plan requires that additional members be elected
25 in a local education unit, the local school committee shall fill the vacancies by
26 appointment. A new member serves until a successor is elected and qualified at the
27 next annual municipal election.

28 -
29 D. The reapportionment committee is dissolved after the approved reapportionment
30 plan is implemented.

31 -
32 **11. Duties of present members during reapportionment.** The regional school
33 union committee, during the reapportionment of its membership, serves as the legal
34 representative of the regional school union until the reapportionment is completed. The
35 committee shall carry out all business of the regional school union, including the
36 borrowing of funds that may be required during the period of reapportionment.

37 -
38 **12. State board review of commissioner's decisions.** A regional school union
39 committee or interested parties may request that the state board reconsider decisions
40 made by the commissioner under this section. The state board has the authority to
41 overturn a decision made by the commissioner. In exercising this power, the state board
42 is limited by this section.

SUBCHAPTER 4
Contracts

§2031. Bid procedure

1. Written bids. Bids must be in writing, sealed with the outside envelope or wrapper plainly marked "Bid, not to be opened until (appropriate date)" and mailed to or filed with the superintendent.

2. Time of opening . A director on the regional school union committee or an employee of the regional school union may not open a bid until the appointed time.

3. Public opening. At the time and place stated in the public notice, and open to the public, all bids must be opened by the superintendent or, in the superintendent's absence or disability, by any director designated for the purpose by the chair of the regional school union committee.

4. Reading. If any citizens who are not directors or employees of the regional school union are present or if any representatives of the press are present, bids must at the time of opening either be made available for examination by them or must be read aloud in a manner to be heard plainly by those in attendance.

§2032. Void contracts

A contract made by the regional school union committee during the term of a member who is pecuniarily interested in that contract, either directly or indirectly, is void, unless the regional school union committee has advertised for sealed bids for that contract and that advertisement for sealed bids has been published at least 5 days prior to the date set for closing of bids in a newspaper having general circulation within the regional school union.

SUMMARY

This amendment authorizes regional school unions in addition to regional school units as an alternate method of school reorganization. A regional school union must perform certain core functions which include employment of a superintendent, performance of all business functions, special education administration, transportation administration, adoption of a core curriculum, negotiation of a common collective

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1 bargaining agreement, and all state and federal reporting. A regional school union is
2 formed in the same manner as a regional school unit by means of a reorganization plan
3 prepared by a reorganization planning committee, with approval of the Commissioner of
4 Education and approval at a referendum. Regional school unions are subject to the same
5 requirements as regional school units with respect to minimum numbers of students,
6 exceptions to minimum numbers of students, timelines for submission of plans,
7 operational date, and applicable penalties. School administrative units which form a
8 regional school union become “local educational units” with no further responsibility for
9 the administrative functions which are taken over by the regional school union.

10