

PRELIMINARY DRAFT OF PROPOSED SENATE FLOOR AMENDMENT FOR
REVIEW ONLY – February 1, 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 M.R.S.A. § 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 **29. School committee.** "School committee" means the governing body with
11 statutory powers and duties for a municipal school unit or a municipal local education
12 unit.

13
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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A. Employment of superintendent. Employment and discharge of a superintendent pursuant to section 1001, subsection 3 and chapter 101, subchapter 2;

Deleted: (3) and sections 1051-1054.

B. Performance of business functions. Administration of accounting, payroll, financial management, purchasing insurance and auditing;

Deleted: .

C. Special education administration. Administration of special education duties of local education units under chapter 303;

D. Transportation. Administration of transportation;

Deleted: .

E. Core curriculum. Adoption of a core curriculum, standardized testing and assessment aligned with the system of learning results established in section 6209;

F. Budget. Preparation of the regional school union budget;

Deleted: .

G. Reporting. Reporting required by state or federal law or regulation;

Deleted: .

H. Employment. Functioning as the employer of all employees performing the core functions and performance of any additional functions delegated to the regional school union;

Deleted: The regional school union shall be

Deleted: and shall be responsible for negotiating common collective bargaining agreements for employees of its local education units.

I. School calendar. The establishment of a common school calendar, except that local education units may adopt local variations from the regional school union calendar;

Deleted: Establishing

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J. Adoption of policies. Adoption of common policies for all schools in the regional school union pursuant to section 1001, subsection 1-A except that the local education units may adopt local variations from the regional school union policies;

Deleted: .

Deleted: The regional school union committee shall a

Deleted: (1-A), subject to variations adopted by

K. Apportionment of costs. Apportionment of costs of the regional school union among its local education units in accordance with a cost-sharing formula established by its approved reorganization plan and certification to the treasurer of each local education unit and to the commissioner of the amounts to be paid;

Deleted: Shall a

Deleted: the

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4. Delegation of additional functions. A reorganization plan or the legislative bodies of the local education units in a regional school union may delegate additional functions to the regional school union.

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1 **5. Title to property.** A reorganization plan may provide that title to real and
2 personal property in local education units may be either transferred to the regional school
3 union or retained by the local education unit, provided that the plan shall clearly allocate
4 the responsibilities for the management of school property under section 1001(2) as
5 between the regional school union committee and the school board of the local education
6 unit.

8 **6. Reorganization planning.** A regional school union shall be deemed a
9 regional school unit under XXXX-36 of Chapter 240, Public Laws 2007 for all purposes
10 including the goal for the number of regional units and the requirements with respect to
11 the number of students in each regional unit. The Commissioner shall apply the same
12 criteria and shall allow the same exceptions for regional school unions as applied to
13 regional school units. A reorganization plan for a regional school union shall also be
14 subject to the requirements of Section XXXX-36 of Chapter 240, Public Laws 2007,
15 subsection 6.F requiring that the reorganization plan address how administrative
16 functions, duties and noninstructional personnel will be reorganized so that the projected
17 expenditures for system administration, transportation, special education and facilities
18 and maintenance will not have an adverse impact on the instructional program. A
19 reorganization plan for a regional school union shall be subject to the same approval and
20 referendum requirements as provided in Chapter 240, Public Laws 2007, Section XXXX-
21 36, subsections 8 and 9.

22 **7. Local education unit.** A local education unit shall be a school
23 administrative unit for all purposes except the core functions identified in this section and
24 any additional functions delegated to the regional school union as authorized in this
25 section.

Deleted: with respect to

26
27 **§2002. Regional school union committee**

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

35
36
37 **2. Term of office.** The term of office of regional school union committee
38 members shall be determined by the approved reorganization plan.

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1 -
2 **4. Compensation.** Compensation for attendance at a regional school union
3 committee meeting must be between \$10 and \$25 per meeting for each member.
4 Whenever the committee members recommend increasing their compensation, they shall
5 submit their recommendation to the voters in the regional school union for approval.

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

11 -
12 ”Do you favor paying a member of the regional school union committee
13 compensation at the rate of \$... for each meeting that member attends?”

14 -
15 B. An increase in compensation is not effective unless approved by a majority of the
16 voters voting on the question set out in paragraph A.

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

31 -
32 **6. Oath of office** . Before a newly elected member’s first regional school union
33 committee meeting, that member must take the following oath or affirmation before a
34 dedimus justice or notary public.

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

40 -
41 A. A member shall take the oath or affirmation and return a certificate documenting
42 that the oath or affirmation has been taken to the secretary of the regional school

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1 union to place in the regional school union committee records.

2 -
3 B. If a member is conscientiously scrupulous of taking an oath, the word “affirm”
4 may be used instead of “swear” and the words “this I do under the pains and penalty
5 of perjury” may be used instead of the words “so help me God.”

6 -
7 6. Election of officers. The regional school union committee shall elect a chair
8 and vice-chair and other officers as may be necessary.

9
10 **§ 2003. Methods of apportionment**

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

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

22 -
23 B. To ensure the use of whole numbers, the 1,000 votes apportioned among the
24 committee members may not be increased or decreased by more than 5 votes.

25 -
26 C. A plan may not permit the voting power of any member to exceed by more than
27 5% the percentage of voting power the member would have if all 1,000 votes were
28 apportioned equally among the members.

29 -
30 D. In a municipality served by 2 or more members, the votes cast by them must be
31 divided equally among them. The members are elected at large within the
32 municipality unless otherwise provided by municipal charter.

33 -
34 **2. Method D: other.** Under the method of representation referred to as “Method
35 D,” directors are elected by any method other than those set forth in subsections 1, 2 and
36 3 that meets the requirements of the one-person, one-vote principle.

37
38 **§ 2004. Appropriation for regional school union expenses**

39 Local education units shall appropriate for regional school union expenses their share of

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1 the costs of the regional school union in accordance with a cost-sharing formula
2 established by its approved reorganization plan. The proportion to be paid by a local
3 education unit shall be paid out of the appropriation made for the support or maintenance
4 of public schools.

7 **§ 2005. Rules**

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

11
12 **SUBCHAPTER 2**
13 **FORMATION OF REGIONAL SCHOOL UNION**
14

15 **§ 2011. Formation of a regional school union; reorganization planning and**
16 **approval**

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

19 -
20 **1. Notice of intent.** Each school administrative unit shall file with the
21 commissioner a notice of intent to engage in planning and negotiations with other school
22 administrative units for the purpose of developing a reorganization plan to form a
23 regional school union under this chapter. The commissioner shall respond to each notice
24 of intent providing information regarding the process and whether the intended action
25 complies with the requirements of this chapter.

26 -
27 **2. Reorganization planning committee.** The school administrative units that
28 intend to engage in planning and negotiation to create a regional school union shall form
29 a reorganization planning committee.

30 -
31 **A.** For each proposed regional school union, the commissioner shall provide
32 guidelines for the formation of a reorganization planning committee including
33 representation from the school administrative units included in the notice of intent,
34 member municipalities and members of the general public who are residents of the
35 proposed regional school union. The guidelines must include roles and
36 responsibilities of the committee, timelines for submission of the plan, the format for
37 reporting the reorganization plan and evaluation criteria for approval of the plan.

38 -
39 **B.** Reorganization planning committees shall hold one or more public meetings to
40 gather input from community members and to determine the sentiment of the public.

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1 -
2 **3. Submission of plans.** Each school administrative unit shall submit to the
3 commissioner its proposed reorganization plan for consolidation into a regional school
4 union that meets the requirements of paragraphs A and B.

5 -
6 A. A reorganization plan must include:

7 -
8 (1) The units of school administration to be included in the proposed
9 reorganized regional school union;

10 -
11 (2) The size, composition and apportionment of the governing body;

12 -
13 (3) The method of voting of the governing body;

14 -
15 (4) The composition, powers and duties of any local education units to be
16 created;

17 -
18 (5) The disposition of real and personal school property;

19 -
20 (6) The disposition of existing school indebtedness and lease-purchase
21 obligations if the parties elect not to use the provisions of section 1506
22 regarding the disposition of debt obligations;

23 -
24 (7) The assignment of school personnel contracts, school collective bargaining
25 agreements and other school contractual obligations;

26 -
27 (8) The disposition of existing school funds and existing financial obligations,
28 including undesignated fund balances, trust funds, reserve funds and other funds
29 appropriated for school purposes;

30 -
31 (9) A transition plan that addresses the development of a budget for the first
32 school year of the reorganized union and interim personnel policies;

33 -
34 (10) Documentation of the public meeting or public meetings held to prepare or
35 review the reorganization plan;

36 -
37 (11) An explanation of how units that approve the reorganization plan will
38 proceed if one or more of the proposed members of the regional school union

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1 fail to approve the plan;

2 -
3 (12) An estimate of the cost savings to be achieved by the formation of a
4 regional school union and how these savings will be achieved; Deleted: and

5 -
6 (13) A method of sharing regional school union costs among its member local
7 education units and a process of amending the cost sharing formula; and

8 -
9 (14) Such other matters as the governing bodies of the school administrative
10 units in existence on the effective date of this chapter may determine to be
11 necessary. Deleted: 13

12 -
13 B. In order for the plan to be approved by the commissioner, the governing bodies
14 of school administrative units shall work within the following parameters.

15 -
16 (1) The proposed regional school union must serve not fewer than 2,500
17 students, except where circumstances relating to the following factors justify an
18 exception:

19 -
20 (a) Geography, including physical proximity and the size of the current
21 school administrative unit;

22 -
23 (b) Demographics, including student enrollment trends and the composition
24 and nature of communities in the regional school union;

25 -
26 (c) Economics, including existing collaborations to be preserved or
27 enhanced and opportunities to deliver commodities and services to be
28 maximized;

29 -
30 (d) Transportation;

31 -
32 (e) Population density; or

33 -
34 (f) Other unique circumstances including the need to preserve existing or
35 developing relationships, meet the needs of students, maximize educational
36 opportunities for students and ensure equitable access to rigorous programs
37 for all students.

38 -
39 When circumstances justify an exception to the size requirement of 2,500 students,
40 the union must serve as close to 2,500 students as possible and in no case, except

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1 for coastal islands and schools operated by tribal school committees, may it serve
2 fewer than 1,200 students. Notwithstanding this requirement, the Commissioner
3 may authorize a regional school union to serve fewer than 1,200 students but not
4 less than 1,000 students in isolated rural communities if the proposed regional
5 school union meets the following criteria:

- 6 a. The proposed regional school union is comprised of three or more school
7 administrative units in existence prior to July 1, 2008;
- 8 b. The member local education units of the proposed regional school union
9 are surrounded by approved regional school units and there are no other
10 school administrative units available to join the proposed regional school
11 union;
- 12 c. The member local education units of the proposed regional school union
13 must include two or more isolated small schools that are eligible for an
14 isolated small school adjustment pursuant to section 15683, subsection 1
15 paragraph F.
- 16 d. In cases where the Commissioner denies the creation of a regional school
17 union that is less than 1,200 but more than 1,000 students, the school
18 administrative units may appeal to the State Board of Education.

19
20 (2) The plan must provide for a core curriculum for all students from
21 kindergarten to grade 12 and must include at least one publicly supported
22 secondary school.

23 -
24 (3) The plan must be consistent with the policies set forth in section 2002.

25 -
26 (4) The plan may not displace teachers or students or close any schools existing
27 and operating during the school year immediately preceding reorganization.

28 -
29 **4. Review and approval of plans.** If the commissioner finds that a plan for
30 reorganization meets the requirements of this chapter, the commissioner shall notify the
31 municipalities and school administrative units, and they shall proceed with referendum.

32 -
33 **5. Referendum on reorganization plan.** The municipal officers of each
34 municipality in a proposed reorganized school administrative unit shall place a warrant
35 article substantially as follows on the ballot of a municipal referendum in accordance
36 with the referendum procedures applicable to the school administrative unit of which the
37 municipality is a member.

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

5 Yes No”

6

7 The following statement must accompany the article:

8 ”Explanation:

9 A “YES” vote means that you approve of the (municipality or school administrative
10 unit) joining the proposed regional school unit which will be provided with the
11 following incentives:

12 More favorable consideration in approval and funding of school construction
13 projects; and

14 Eligibility for additional financial support for reorganization costs.

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

18 Less favorable consideration in approval and funding of school construction
19 projects; and

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

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

27 -

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

31 -

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

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

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

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

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

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

As used in this section, unless the context indicates otherwise, “regional school union committee” means the initial regional school unit committee appointed pursuant to section 2002. From the time of appointment of the regional school union committee to July 1st of the regional school union’s first operational year, the regional school union committee shall establish interim rules of procedure and shall elect officers who shall serve until officers are elected at a meeting following the operational date of the regional school union. The regional school union committee’s powers and duties during this period are governed by this section.

1. Selection of superintendent. The regional school union committee shall select a superintendent for the regional school union in accordance with section 1051 to carry out the duties specified in section 1055. During the interim period, the salary, office and other expenses of the superintendent, as well as the costs of the regional school union committee, including insurance, must be allocated to the local education units by the cost-sharing formula included in the reorganization plan for the regional school union.

2. Budget preparation and approval. The regional school union committee shall prepare the annual budget for the first operational year of the regional school union in accordance with section 2001. Specific duties may be assigned to existing personnel with the approval of the employing school administrative unit. The regional school union

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

<#>Selection of a superintendent for the regional school union in accordance with section 1051 to carry out the duties specified in 1055. During the interim period, the salary, office and other expenses of the superintendent, as well as the costs of the regional school union committee, including insurance, shall be allocated to the local education units by the cost-sharing formula included in the reorganization plan.

<#>Preparation of the annual budget for the first operational year of the regional school union in time for its presentation and consideration by the initial regional school union committee. Specific duties may be assigned to existing personnel with the approval of the employing school administrative unit. The initial regional school union committee shall complete the budget development process and approve a regional school union budget.

<#>Authorization to take all other actions provided under state law to prepare for the regional school union to become operational on July 1 for the first operational year: including the authority to open and maintain accounts, to incur expenses to be allocated among the regional school union’s member local education units in accordance with their reorganization plan.

<#>Authorization to expend start-up funds for the regional school union. A local education unit within the regional school union may serve as a fiscal agent and may expend any start-up funds on behalf of the new regional school union prior to the regional school union’s operational date without calling for a special meeting of the local legislative body.

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1 committee shall complete the budget development process and approve a regional school
2 union budget. The budget format and assessments for the regional union’s first
3 operational year budget must be in accordance with this chapter.

4
5 **3. Authorization.** The regional school union committee is authorized to take all
6 other actions provided under state law to prepare the regional school union to become
7 operational on July 1st for the first operational year, including the authority to open and
8 maintain accounts, to incur expenses to be allocated among the regional school union’s
9 member local education units in accordance with the reorganization plan for the regional
10 school union and to file applications for school construction projects and revolving
11 renovation fund loans and other available funding.

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12
13 **4. Fiscal agent.** The regional school union committee is authorized to expend
14 start-up funds for the regional school union. A local education unit within the regional
15 school union may serve as a fiscal agent and may expend any start-up funds on behalf of
16 the new regional school union prior to the regional school union’s operational date
17 without calling for a special meeting of the local legislative body.

18
19 **§ 2013. Transfer of property and assets**

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

22 -
23 **1. Regional school union committee.** Except as otherwise provided in a
24 reorganization plan, the school committee of each regional school union established in
25 this chapter shall determine what school property of the municipal school units in
26 existence prior to the operational date of the new regional school union and of the school
27 administrative units in existence prior to the operational date of the new regional school
28 union is necessary to carry out the functions of the regional school union and shall
29 request in writing that the board of each such school administrative union or the
30 municipal officers transfer title of their school property and buildings to the regional
31 school union committee.

32 -
33 **2. Transfer.** The municipal officers and boards contacted pursuant to subsection
34 1 shall make the transfer of property and assets notwithstanding any other provision in
35 the charter of the school administrative unit or municipality.

36 -
37 **§ 2014. Operational date and transfer of authority**

38 -
39 **1. Operational date.** A regional school union committee becomes operational on
40 the date set by the state board as provided in this chapter.

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1 -
2 **2. Transfer of governing authority.** The regional school union committee, on
3 the date established pursuant to subsection 1, shall assume responsibility for the
4 governance of the regional school union
5 -
6 **3. Transfer employees.** Except as limited by paragraph A, all school employees
7 who are employed by a school union whose members become local education units
8 within the regional school union or employees of a school administrative unit performing
9 the core functions and any delegated functions of a regional school union as identified in
10 the reorganization plan on the day prior to the date established pursuant to subsection 1
11 must be transferred to and employed by the regional school union as of the date
12 established pursuant to subsection 1. Those employees not transferred to the regional
13 school union shall continue to be employed by the local education units under the same
14 terms and conditions that they were employed prior to the operational date. Except as
15 limited by subsection 2, the regional school union shall assume all of the legal obligations
16 and duties that the participating school administrative units owed to the transferred
17 employees, including but not limited to those obligations and duties arising under federal
18 law, state law, collective bargaining agreements and individual employment contracts. It
19 is the intent of this chapter to neither decrease nor increase the rights and benefits of
20 transferred employees, the employees employed by the local education units or the
21 employer.
22 -
23 A. Employees whose employment terminates by application of law or contract or by
24 action of a participating school administrative unit before the date in subsection 1
25 may not be transferred.
26 -
27 B. Teachers and other employees who are transferred to the regional school union
28 prior to the completion of the applicable probationary period for their position have
29 the length of their probationary period calculated from the date of their most recent
30 date of employment by the participating school administrative unit.
31 -
32 **4. Superintendent contracts.** The contracts between the superintendents and any
33 school union whose members become local education units within the regional school
34 union and school administrative units within the regional school union are transferred on
35 the date established pursuant to subsection 1 to the regional school union committee. The
36 regional school union committee shall determine the superintendents' duties within the
37 regional school unit.
38
39

40 **§ 2015. Addition of a school administrative unit to an existing regional school union**

41 A school administrative unit not originally a member of a regional school union may

Deleted: § 2014. Collective bargaining ¶

1. Assumption of obligations, duties, liabilities and rights. On the operational date established pursuant to section 2013, subsection 1, the regional school union committee shall assume all of the obligations, duties, liabilities and rights of the participating school administrative units with respect to those employees who are transferred to the regional school union

Deleted: .

Deleted: for all purposes under Title 26, chapter 9-A. The regional school union is considered a single employer. Notwithstanding any other provision of law, the responsibilities of the regional school union include: ¶

¶
A. Continued recognition of all bargaining agents that represented any bargaining units of employees who are transferred to the regional school union from a participating school administrative unit

Deleted: .

Deleted: pending completion of merger proceedings described in this section; ¶

¶
B. Assumption and continued observance of all collective bargaining agreements covering employees who are transferred to the regional school union between such bargaining agents and a participating school administrative unit, which agreements continue in effect for the remainder of their unexpired terms unless the bargaining agent and regional school union mutually agree otherwise; and ¶

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

¶
2. Structure of bargaining units. As early as possible after reorganization, all bargaining units within the regional school union and local education units must be structured on a regional school union-wide basis. Bargaining units that existed in the participating school administrative units shall merge in accordance with the procedures and criteria in this section. Merger into regional school union-wide bargaining units is not subject to approval or ... [1]

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1 be included in the regional school union in accordance with this section.

2 -
3 **1. Notice of intent.** A school administrative unit shall file with the commissioner
4 a notice of intent to engage in planning and negotiations to join with a regional school
5 union under this chapter. The commissioner shall respond to each notice of intent and
6 provide information regarding the process and whether the intended action complies with
7 the requirements of this chapter.

8 -
9 **2. Process to join a regional school union.** A school administrative unit may
10 join an existing regional school union in the same manner required for the formation of a
11 regional school union under section 2011, except that section 2011, subsections 5, 6 and 7
12 do not apply.

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

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

23 Yes No”

24 -
25 The following statement must accompany the article:

26 ”Explanation:

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

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

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

40 Yes No”

41 -
42 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 **5. Results of referendum.** A school administrative unit shall report the results of
8 the referendum to the department following the referendum election.

9 -
10 A. For a referendum conducted pursuant to subsection 3:

11 -
12 (1) A reorganization plan is approved by a kindergarten to grade 12 school
13 administrative district or kindergarten to grade 12 community school district if
14 the majority of votes cast in the district is in favor of approval of the plan;

15 -
16 (2) A reorganization plan is approved by a regional school union if the majority
17 of votes cast in the regional school union is in favor of approval of the plan;

18 -
19 (3) A reorganization plan is approved by the member municipalities of a
20 community school district that does not provide public education for the entire
21 span of kindergarten to grade 12 if the majority of votes cast in the member
22 municipalities is in favor of approval of the plan. Approval results in all member
23 municipalities joining the regional school union; and

24 -
25 (4) A municipal school unit, including a municipal school unit that is a member
26 of a school union, approves a reorganization plan if the majority of the votes
27 cast in that municipality is in favor of approval of the plan.

28 -
29 B. For a referendum conducted pursuant to subsection 4, a reorganization plan is
30 approved by a regional school union if the majority of votes cast in the regional
31 school union is in favor of approval of the plan.

32 -
33 If a reorganization plan is approved by the affected school administrative unit, the
34 commissioner shall file notice of approval of the union with the state board.

35 -
36 **6. Amended certificate of organization.** If a plan for reorganization has been
37 approved by the commissioner and approved by voters at the referendum under
38 subsections 3 and 4, the commissioner shall issue an amended certificate of organization
39 to the reorganized regional school union.

40
41 **SUBCHAPTER 3**

Regional School Union Governance

§ 2021. Powers and duties

The regional school union committee:

1. Regional school union name. May select an unofficial name for the regional school union;

2. Finance committee. May elect a finance committee of 3 or more members, who must be union committee members;

3. Bylaws. Shall adopt bylaws for the regulation of the affairs of the regional school union committee and the conduct of its business; and

4. Gifts. May accept and receive money or other property, outright or in trust, for any specified benevolent or educational purpose. The regional school union committee shall comply with this subsection in accepting gifts.

A. If the regional school union committee receives written notice from a prospective donor or a representative of the donor of a proposed gift, the regional school union committee shall submit the matter to its next regular meeting or shall call a special meeting and shall, within 10 days after the meeting, send written notice to the prospective donor or representative of its acceptance or rejection.

B. If the gift is in trust, the regional school union committee shall cause the trust funds to be deposited or invested according to Title 30-A, chapter 223, subchapter 3-A.

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

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

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

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

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1 (5) If the regional school union fails to comply with the terms of the trust
2 instrument, the trust fund is subject to reversion to the donor or the donor's
3 heirs.

4 -
5 C. If the money or other property is a conditional gift for any specified benevolent
6 or educational purpose, this paragraph applies.

7 -
8 (1) When the donor's part of the agreement respecting the execution of the
9 conditional gift has been completed, the regional school union shall perpetually
10 comply with, and may raise money to carry into effect, the conditions upon
11 which it was made.

12 -
13 (2) Unless otherwise specified by its terms, a conditional gift of money must be
14 deposited or invested according to Title 30-A, chapter 223, subchapter 3-A.

15 **§2022. Quorum**

16 A majority of the regional school unit union committee in number and voting power
17 constitutes a quorum.

18
19 **§ 2023. Regional school union committee vacancies**

20 -
21 **1. Definition of vacancy.** A vacancy on a regional school union committee
22 occurs:

23 -
24 A. When the term of office of a regional school unit board director expires;

25 -
26 B. When a regional school union committee member changes residency from the
27 municipality or school administrative unit from which elected. Evidence that an
28 individual is registered to vote in a municipality is prima facie evidence of that
29 individual's residency;

30 -
31 C. On the death of a regional school union committee member; or

32 -
33 D. When a regional school union committee member resigns.

34 -
35 In addition to paragraphs A, B, C and D, except in municipalities having a municipal
36 charter, when a director is absent without excuse from 3 consecutive regular board
37 meetings, the regional school union committee may declare that a vacancy exists.

38 -
39 **2. Regional school union committee.** The regional school union committee shall
40 notify the school board of the local education unit within the regional school union of a

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1 vacancy within 14 days after receiving notice of the vacancy.

2 -
3 **3. Filling vacancies.** A vacancy on a regional school union committee must be
4 filled by the school board whose member vacated the union committee seat within
5 30 days after receiving notice of the vacancy.

6 **§ 2024. Reapportionment**

7 The commissioner shall determine the necessity for reapportionment.

8 -
9 **1. Duties of commissioner.** The commissioner shall determine if a regional
10 school union is apportioned in accordance with the one-person, one-vote principle if:

11 -
12 A. The commissioner receives a request by the regional school union committee; or

13 -
14 B. The commissioner receives a petition signed by a number of regional school
15 union voters equal to at least 10% of the voters who voted in the last gubernatorial
16 election in the regional school union.

17 -
18 In addition to a determination initiated by a request pursuant to paragraph A or a petition
19 pursuant to paragraph B, the commissioner may, of the commissioner's own accord,
20 determine that a regional school union is not apportioned according to the one-person,
21 one-vote principle.

22 -
23 The commissioner shall make a determination under paragraph A or B within 30 days of
24 receiving the request or the petition.

25 -
26 **2. Awaiting census results.** If the commissioner receives a request within 12
27 months before a Federal Decennial Census or Federal Estimated Census, the
28 commissioner may wait until after the new census figures are available to make a
29 determination under subsection 1.

30 -
31 **3. Findings and order.** If the commissioner finds the regional school union
32 representation is not apportioned in accordance with the principle of one person, one
33 vote, the commissioner, within 7 days of that decision, shall notify the superintendent of
34 the regional school union of the finding and order the superintendent to notify the school
35 board in each local education unit in the regional school union and the regional school
36 union committee to create a reapportionment committee. The superintendent's
37 notification must include the commissioner's notification, the information provided
38 pursuant to subsection 6 and the time and place for the first meeting of the committee,
39 which must be held not later than 20 days after the notification.

40 -
41 **4. Reapportionment committee membership.** The reapportionment committee

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1 consists of two members from each school board, chosen by the respective school boards.

2 -
3 **5. Quorum.** A majority of the reapportionment committee constitutes a quorum.

4 -
5 **6. Duties of commissioner** . The commissioner shall provide the superintendent
6 of the regional school union with the most recent Federal Decennial Census or Federal
7 Estimated Census figures for each local education unit in the regional school union and at
8 least one recommended apportionment plan.

9 -
10 **7. Duties of the reapportionment committee.** The reapportionment committee
11 shall:

12 -
13 A. Elect a chair and secretary and may adopt suitable rules of procedure;

14 -
15 B. Consider and by majority vote adopt a reapportionment plan including the
16 method of representation, total number of members and number of members
17 representing each local education unit; and

18 -
19 C. Within 90 days of the first meeting, send a report of its reapportionment plan to
20 the state board for approval. It may, within the 90-day limit, submit alternative plans
21 for apportionment.

22 -
23 **8. Commissioner approval.** The commissioner shall approve or disapprove the
24 reapportionment committee plan under subsection 7 within 30 days of receiving it.

25 -
26 **9. Failure to gain commissioner approval.** If a reapportionment plan has not
27 been adopted by the reapportionment committee or approved by the commissioner within
28 the time limits of subsection 7, the commissioner shall prepare a suitable plan.

29 -
30 **10. Putting the approved plan into effect.** On approval of a reapportionment
31 plan, the commissioner shall send a certified copy to the local education units and
32 regional school union committee. The original reapportionment plan must be retained in
33 the department files.

34 -
35 A. The reapportionment plan takes effect immediately upon approval. The
36 reapportionment committee shall determine the terms of the members to be elected
37 at the next annual municipal elections so as to comply with this chapter.

38 -
39 B. If the approved reapportionment plan requires a reduction of the number of
40 members to be elected in a municipality, the reduction must be achieved in
41 accordance with this paragraph.

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

3 –
4 (2) If the reduction cannot be achieved in accordance with subparagraph (1), all
5 of the remaining existing members representing the local education unit shall
6 choose by lot which members’ terms must terminate.

7 –
8 C. If the approved reapportionment plan requires that additional members be elected
9 in a local education unit, the local school committee shall fill the vacancies by
10 appointment. A new member serves until a successor is elected and qualified at the
11 next annual municipal election.

12 –
13 D. The reapportionment committee is dissolved after the approved reapportionment
14 plan is implemented.

15 –
16 **11. Duties of present members during reapportionment.** The regional school
17 union committee, during the reapportionment of its membership, serves as the legal
18 representative of the regional school union until the reapportionment is completed. The
19 committee shall carry out all business of the regional school union, including the
20 borrowing of funds that may be required during the period of reapportionment.

21 –
22 **12. State board review of commissioner’s decisions.** A regional school union
23 committee or interested parties may request that the state board reconsider decisions
24 made by the commissioner under this section. The state board has the authority to
25 overturn a decision made by the commissioner. In exercising this power, the state board
26 is limited by this section.

27
28 **SUBCHAPTER 4**
29 **Contracts**

30 **§2031. Bid procedure**

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

34 –
35 **2. Time of opening** . A director on the regional school union committee or an
36 employee of the regional school union may not open a bid until the appointed time.

37 –
38 **3. Public opening.** At the time and place stated in the public notice, and open to
39 the public, all bids must be opened by the superintendent or, in the superintendent’s
40 absence or disability, by any director designated for the purpose by the chair of the
41 regional school union committee.

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1 -
2 **4. Reading.** If any citizens who are not directors or employees of the regional
3 school union are present or if any representatives of the press are present, bids must at the
4 time of opening either be made available for examination by them or must be read aloud
5 in a manner to be heard plainly by those in attendance.

6 **§2032. Void contracts**

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

13
14 SUMMARY
15

16
17 This amendment authorizes regional school unions in addition to regional school
18 units as an alternate method of school reorganization. A regional school union must
19 perform certain core functions which include employment of a superintendent,
20 performance of all business functions, special education administration, transportation
21 administration, adoption of a core curriculum, and all state and federal reporting. A
22 regional school union is formed in the same manner as a regional school unit by means of
23 a reorganization plan prepared by a reorganization planning committee, with approval of
24 the Commissioner of Education and approval at a referendum. Regional school unions
25 are subject to the same requirements as regional school units with respect to minimum
26 numbers of students, exceptions to minimum numbers of students, timelines for
27 submission of reorganization plans, operational date, and applicable penalties. School
28 administrative units which form a regional school union become “local educational units”

Deleted: negotiation of a common
collective bargaining agreement,

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- 1 with no further responsibility for the administrative functions which are taken over by the
- 2 regional school union.
- 3

pending completion of merger proceedings described in this section;

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

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

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

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

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

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

(1) In the initial establishment of such units, units must be structured primarily on the basis of the existing pattern of organization, maintaining the grouping of employee classifications into bargaining units that existed prior to the creation of the regional school union and avoiding

conflicts among different bargaining agents to the extent possible; and

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

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

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

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

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

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

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

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

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

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

- (5) The Maine Labor Relations Board shall expedite to the extent practicable all petitions for determination of the bargaining agent in the

regional school union-wide bargaining unit filed pursuant to this section.

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

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

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

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