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An Act Relating to the Flanders Bay Community School District

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

Whereas, the Flanders Bay Community School District is composed of the towns of Franklin, Gouldsboro, Sorrento, Sullivan, Steuben and Winter Harbor and provides education for the pupils from those towns in grades 9 to 12; and

Whereas, the governing body of the Flanders Bay Community School District was denominated the "Board of Trustees" of the district when the district was formed in 1950; and

Whereas, the Commissioner of Education approved a reapportionment plan for the governing body of the Flanders Bay Community School District in 1994 that denominated the governing body of the district as the "Board of Directors"; and

Whereas, in recent years the governing body of the district has been denominated the "District School Committee" in the official records of the district; and

Whereas, the original votes in the member municipalities that created the district included limitations on the authority of the district to own property and to incur indebtedness that are inconsistent with the general laws of the State governing community school districts; and

Whereas, these facts have created uncertainty as to the legal existence of the governing body of the Flanders Bay Community School District, its authority and the validity of its past actions; and

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

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

Sec. 1. Flanders Bay Community School District. The Flanders Bay Community School District is hereby validated and approved as a legally constituted community school district within the meaning of the Maine Revised Statutes, Title 20-A, chapter 105, responsible for operating grades 9 to 12 for the towns of Franklin, Gouldsboro, Sorrento, Sullivan, Steuben and Winter Harbor.

Sec. 2. District school committee. The governing body of the Flanders Bay Community School District is called the district school committee and shall perform the duties of both the district school committee and the district board of trustees under the Maine Revised Statutes, Title 20-A, chapter 105. The members of the district school committee on the effective date of this Act as appointed by the school committees of the district's member towns continue to serve on the district school committee until their terms expire or until a vacancy is otherwise created.

Sec. 3. District authority. The Flanders Bay Community School District and the district school committee's authority to hold and acquire property, to borrow money and to issue bonds and notes are governed by laws applicable to community school districts and are not subject to any limitations adopted or established by the district prior to January 1, 1965.

Sec. 4. District's costs. The Flanders Bay Community School District's costs must be shared in accordance with the applicable provisions of state law, except that all costs that are subject to local cost-sharing formulas under state law are shared on the basis of the average of the 2 pupil counts for April 1st and October 1st of the most recent calendar year prior to the fiscal year at issue. This cost-sharing formula may be changed in accordance with law.

Sec. 5. Actions; obligations. All actions and obligations of the Flanders Bay Community School District and its governing body, including contracts, notes, bonds and other legal obligations of the district, entered into prior to the effective date of this Act are validated and approved.

Sec. 6. P&SL 1951, c. 203, as amended by P&SL 1967, c. 55, is repealed.

Sec. 7. P&SL 1965, c. 82 is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

SUMMARY

This bill removes existing uncertainties with respect to the name and legal authority of the governing body of the Flanders Bay Community School District. The bill clarifies the authority of the district school committee of the Flanders Bay Community School District to act as the governing body of the district, it provides that the district is governed by the laws of the State applicable to community school districts and it validates and approves all prior actions and obligations of the district and its governing body.