

**AN ACT AMENDING THE CHARTER OF THE BOOTHBAY-BOOTHBAY
HARBOR COMMUNITY SCHOOL DISTRICT**

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

Sec. 1. P. & S.L. 1953, c. 156, § 4, is amended to read as follows:

Sec. 4. Referendum on bond issues. When the trustees shall have authorized the issue of any bonds, an attested copy of the vote of the trustees shall be forthwith filed with the municipal officers of each of the participating towns and published in a newspaper having a circulation in the district not later than 8 days following the day on which such vote was adopted by the trustees.

A vote of the trustees authorizing an issue of bonds in the principal amount of less than \$250,000 under this act shall not become effective before the expiration of a period of 1521 days from the date upon which such vote is adopted. If within said 21 day period a petition, signed by 300 registered voters of the district not less than 100 of whom shall be from each participating town, shall be filed with the chairman or the secretary of the board of trustees, asking that the question of whether such bonds should be issued be submitted to the voters of the district, such vote of the trustees shall be further suspended from becoming effective and the trustees shall immediately reconsider such vote. If such vote is not rescinded by the trustees, the trustees shall submit the question of whether such bonds shall be issued to the voters of the district at a special meeting of the qualified voters in the district to be held in said district within 60 days of their vote using the same procedures as set forth herein for an issue of bonds in the principal amount of \$250,000 or greater under this act.

A vote of the trustees authorizing an issue of bonds in the principal amount of \$250,000 or greater under this act shall require ~~If such vote is not rescinded by the trustees,~~ the trustees ~~shall to~~ submit the question of whether such bonds shall be issued to the voters of the district at a special meeting of the qualified voters in the district to be held in said district within 60 days of their vote. Said special meeting shall be called and held as provided in section 16 hereof except that the notice shall set forth the vote of the trustees authorizing said bonds, the approval or disapproval of the issue of which is to be submitted to the voters of the district, together with the proposed form of the ballot to be used at such special meeting. At such special meeting the vote on the question of whether such bonds shall be issued shall be by ballot, the form of which shall be substantially as follows:

“OFFICIAL BALLOT
BOOTHBAY-BOOTHBAY HARBOR COMMUNITY SCHOOL
DISTRICT

Shall bonds of the Boothbay-Boothbay Harbor Community School District be issued to the amount of \$ bearing interest not to exceed per cent for the purpose of procuring funds for the following purposes, viz., (insert brief description of purposes)?

If in favor of the bond issue, make a cross (X) or check mark (✓) in this square

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If opposed to the bond issue, make a cross (X) or check mark (✓) in this square

☐

If a majority of the qualified voters voting at such meeting approve the issue of said bonds, the vote of the trustees authorizing said bonds shall become effective; if not so approved, said vote shall be null and void. The voters qualified to vote at said special meeting shall be determined by the use of a check list from each of the participating towns.

Notwithstanding the foregoing provisions of this section, if any provisions of the Revised Statutes applicable to the district require approval by the voters of the district before a particular issue of bonds may be issued, the board of trustees shall provide for a referendum to be called and held in the manner provided for in the Revised Statutes to act upon the question of authorizing or approving the issuance of the bonds by the district and any inconsistent provisions of this section or section 16 relating to a referendum vote and the manner of obtaining approval by the voters to issue bonds shall not apply to the meeting or election.

Sec. 2. P. & S.L. 1953, c. 156, § 9, as amended by P. & S.L. 1975, c. 28, is further amended to read as follows:

Sec. 9. Application of general law; certain exceptions. The community schools, for which provision is herein made, when established shall be considered the official schools of the participating towns to the extent consistent with action taken pursuant to sections 18 and 18-A and all provisions of general law relating to public education shall, so far as applicable, apply to said schools. Teaching positions, special courses and other basis for allocations to towns because of this school, shall be divided according to the ~~per~~proportional assessment of each participating town for operating expenses as determined in section 13 of this act. Unless a specific procurement method is otherwise provided for by general Maine law, a competitive bidding process shall be used for any procurement of the district in the amount of \$20,000 or more, in which bids from competing contractors, suppliers, or vendors shall be invited by openly advertising the scope, specifications, and terms and conditions of the proposed contract as well as the criteria by which the bids will be evaluated. Transportation shall be provided by the district as provided by law and the expenditure for transportation shall be considered an

expense of operation of the schools. Tuition charges for pupils from outside the district accepted at this school shall be determined by the trustees, notwithstanding other provisions in the general law; provided, however, such tuition shall not exceed the average cost per pupil paid by a participating town for the year preceding the year for which the tuition is paid, as determined by the trustees.

Sec. 3. P. & S.L. 1953, c. 156, § 12, is amended to read as follows:

Sec. 12. Adoption of annual capital budget; apportionment of cost of participating towns. The voters of the district at each annual meeting shall determine and shall include in a capital budget to be then adopted, the sum, not less than the amount prescribed by general law, which is necessary to meet the necessary capital expenses for the current year including the amount required to meet payments due in said year of the principal of or interest on indebtedness of the district other than temporary notes issued in anticipation of taxes. Said voters may determine and include in said capital budget the sum, if any, to be set aside in the current year for a capital reserve fund; provided, however, that anthe amount up to \$140,000 for a capital reserve fundwhich may shall be set aside in any one year shall not exceed \$12,500for the 2020 fiscal year (July 1, 2019 to June 30, 2020) (hereinafter the "Base Year"), and provided further, that at the beginning of each fiscal year after the Base Year (each such date hereinafter called an "increase date"), the capital reserve fund set aside amount for that fiscal year shall be adjusted, effective for the fiscal year commencing on each such increase date to an amount equal to the greater of (i) the prior year's set aside amount; or (ii) an annual amount that bears the same proportion the annual set aside amount in effect during the calendar month immediately preceding such increase date as the Consumer Price Index All Urban Consumers, U.S. City Average, All Items, Base Period 1982-84=100 (Not Seasonally Adjusted) as published by the Bureau of Labor Statistics of the United States Department of Labor (hereinafter the "CPI Index") published for December of that fiscal year bears to such CPI Index as in effect for December of the preceding fiscal year. Any appropriation so set aside shall be carried on the books of the district as a separate item to be known as the capital reserve account and deposited or invested by the treasurer of the board of trustees in the same manner as is provided by law for town or county capital reserve funds; and expenditures from such funds shall only be for or in connection with a capital expense as hereinbefore described and as authorized by the voters of the district. Said voters may also determine and include in said capital budget an amount estimated to be sufficient to meet payments of the interest on or principal of indebtedness of the district (other than temporary notes in anticipation of taxes) expected to be payable in such year on account of indebtedness expected to be incurred in such year but not outstanding at the time said budget is adopted. The total sum required to meet the capital expenses as set forth, less the amount of funds from other sources available to meet the same, shall be apportioned to the participating towns by the trustees, in proportion to the maximum membership in the community school of pupils from each such town during the school year ending the preceding June; provided, however, that until the community school has been in operation for 1 full school year, such apportionment shall be based on the maximum membership of pupils from each such town attending the Boothbay

Harbor High School during the preceding school year and, provided further, that no more than 60% nor less than 40% of such net sum shall be so apportioned to any such town in any year.

SUMMARY

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