

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 New Draft of S.P 561, L.D. 1554
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TENTH LEGISLATURE
6

7 **Legislative Document**

No. 2042

9 S. P. 897 In Senate, March 8, 1982
Reported by Senator Clark of Cumberland from the Committee on
Education and printed under Joint Rules No. 2.
MAY M. ROSS, Secretary of the Senate

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11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-TWO
16

17 **AN ACT to Revise the Education Laws.**
18

19 **Emergency preamble.** Whereas, Acts of the Legislature
20 do not become effective until 90 days after adjournment
21 unless enacted as emergencies; and

22 Whereas, revision of the educational laws is necessary
23 to clarify and enhance accessibility to existing law; and

24 Whereas, it is necessary to ease transition to the
25 recodified laws that the revision be effective early in the
26 session so that subsequent amendments enacted this session
27 to the educational laws will be made to the recodified ver-
28 sion; and

1 Whereas, the next fiscal school year begins July 1,
2 1982; and

3 Whereas, the revision must be in place before that date
4 to allow orderly transition to the next school year; and

5 Whereas, in the judgment of the Legislature, these
6 facts create an emergency within the meaning of the Consti-
7 tution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public
9 peace, health and safety; now, therefore,

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

11 Sec. 1. 20 MRSA §§1 - 1196, as amended, are repealed.

12 Sec. 2. 20 MRSA §1222 is repealed.

13 Sec. 3. 20 MRSA §§1231 - 3456, as amended, are
14 repealed.

15 Sec. 4. 20 MRSA §§3471 - 4758, as amended, are
16 repealed.

17 Sec. 5. 20-A MRSA is enacted to read:

18 TITLE 20-A

19 EDUCATION

20 PART 1

21 GENERAL PROVISIONS

22 CHAPTER 1

23 GENERAL PROVISIONS

24 §1. Definitions

25 As used in this Title, unless the context indicates
26 otherwise, the following terms have the following meanings.

27 1. Adult education. "Adult education" means education
28 programs primarily operated for individuals beyond the com-
29 pulsory school ages and administered by school administra-
30 tive units.

1 2. Approved private school. "Approved private school"
2 means a private school approved for attendance purposes
3 under chapter 117.

4 3. Board of directors. "Board of directors" means the
5 governing body with statutory powers and duties for a school
6 administrative district.

7 4. Commissioner. "Commissioner" means the Commis-
8 sioner of Educational and Cultural Services or his designee.

9 5. Community school district. "Community school dis-
10 trict" means a state-approved unit of school administration
11 composed of more than one municipality or school administra-
12 tive district which may provide public education for any
13 combination of kindergarten through grade 12.

14 6. Cooperative board. "Cooperative board" means the
15 governing body with statutory powers and duties for a voca-
16 tional region.

17 7. Department. "Department" means the Department of
18 Educational and Cultural Services.

19 8. District board of trustees. "District board of
20 trustees" means a body with statutory powers and duties for
21 a community school district.

22 9. District school committee. "District school com-
23 mittee" means the governing body with statutory powers and
24 duties for a community school district.

25 10. Elementary school. "Elementary school" means that
26 portion of a school that provides instruction in any combi-
27 nation of kindergarten through grade 8.

28 11. Elementary student. "Elementary student" means a
29 student enrolled in an elementary school.

30 12. Exceptional student. "Exceptional student" is de-
31 finied in section 7001.

32 13. Financial definitions. "Financial definitions" is
33 defined in section 15503.

34 14. Joint committee. "Joint committee" means the gov-
35 erning body with statutory powers and duties for implement-
36 ing a contract for secondary education under chapter 115.

1 15. Kindergarten. "Kindergarten" means a one-year or
2 2-year childhood education program immediately prior to
3 grade one.

4 16. Local allocation. "Local allocation" is defined
5 in section 15503, subsection 12.

6 17. Major capital costs. "Major capital costs" is de-
7 finied in section 15503, subsection 13.

8 18. Minor capital costs. "Minor capital costs" is de-
9 finied in section 15503, subsection 14.

10 19. Municipal school unit. "Municipal school unit"
11 means a state-approved unit of school administration com-
12 posed of a single municipality.

13 20. Parent. "Parent" means a parent, guardian or
14 legal guardian.

15 21. Principal. "Principal" means the person who
16 supervises the operation and management of a school and
17 school property as determined necessary by the superinten-
18 dent under policies established by the school board.

19 22. Private school. "Private school" means an acade-
20 my, seminary, institute or other private corporation or body
21 formed for educational purposes covering kindergarten
22 through grade 12 or any portion thereof.

23 23. Private school approved for tuition pur-
24 poses. "Private school approved for tuition purposes" means
25 a private school approved for the receipt of public funds
26 under sections 2951 to 2955.

27 24. Public school. "Public school" means a school
28 that is governed by a school board of a school administra-
29 tive unit and funded primarily with public funds.

30 25. School administrative district. "School adminis-
31 trative district" means a state-approved unit of school
32 administration, composed of one or more municipalities which
33 must provide public education to all public school students
34 in the district.

35 26. School administrative unit. "School administra-
36 tive unit" means the state-approved unit of school adminis-
37 tration and includes a municipal school unit, school admin-
38 istrative district, community school district or any other

1 municipal or quasi-municipal corporation responsible for
2 operating or constructing public schools.

3 27. School agent. "School agent" means an individual
4 appointed by the commissioner to serve in the capacity of a
5 superintendent.

6 28. School board. "School board" means the governing
7 body with statutory powers and duties for a school adminis-
8 trative unit.

9 29. School committee. "School committee" means the
10 governing body with statutory powers and duties for a munic-
11 ipal school unit.

12 30. School construction project. "School construction
13 project" is defined in section 15901, subsection 4.

14 31. School union. "School union" means a union com-
15 posed of school administrative units joined for the purpose
16 of providing joint administrative services, including a
17 joint superintendent.

18 32. Secondary school. "Secondary school" means that
19 portion of a school that provides instruction in any combi-
20 nation of grades 9 through 12.

21 33. Secondary student. "Secondary student" means a
22 student enrolled in a secondary school.

23 34. Special school district. "Special school dis-
24 trict" means a school district created by private and spe-
25 cial law for the purpose of constructing or adding to school
26 buildings, but which does not have the authority or respon-
27 sibility for operating public schools.

28 35. State allocation. "State allocation" is defined
29 in section 15503, subsection 20.

30 36. State board. "State board" means the State Board
31 of Education.

32 37. State and local allocation. "State and local
33 allocation" is defined in section 15503, subsection 21.

34 38. Subdistrict. "Subdistrict" means a geographic
35 area which is a subdivision of a school administrative dis-
36 trict for election purposes.

1 39. Superintendent. "Superintendent" means the person
2 in a school administrative unit or school union appointed
3 and having the authority and responsibility under this Title
4 and other applicable statutes.

5 40. Union committee. "Union committee" means the gov-
6 erning body with statutory powers and duties for a school
7 union.

8 41. Union school. "Union school" means a school oper-
9 ated by adjoining municipal school units under a joint
10 agreement.

11 42. Vocational center. "Vocational center" is defined
12 in section 8301, subsection 1.

13 43. Vocational education. "Vocational education" is
14 defined in section 8301, subsection 2.

15 44. Vocational region. "Vocational region" is defined
16 in section 8301, subsection 3.

17 45. Vocational satellite program. "Vocational satel-
18 lite program" is defined in section 8301, subsection 4.

19 §2. Policy on public education

20 The state policy on public education is as follows.

21 1. State responsibility for public education. In ac-
22 cordance with the Constitution of Maine, Article VIII, the
23 Legislature shall enact the laws that are necessary to
24 assure that all school administrative units make suitable
25 provisions for the support and maintenance of the public
26 schools. It is the intent of the Legislature that every
27 person within the age limitations prescribed by state stat-
28 utes shall be provided an opportunity to receive the bene-
29 fits of a free public education.

30 2. Local control of public education. It is the
31 intent of the Legislature that the control and management of
32 the public schools shall be vested in the legislative and
33 governing bodies of local school administrative units, as
34 long as those units are in compliance with appropriate state
35 statutes.

36 §3. Administrative procedures

1 The adopting of rules, conducting of adjudicatory
2 hearings and issuing of licenses by the state board, depart-
3 ment or commissioner shall be in accordance with the Maine
4 Administrative Procedure Act, Title 5, chapter 375, except
5 as specified in this Title.

6 §4. Rule of construction

7 Notwithstanding Title 1, section 71, subsection 7,
8 words of the masculine gender do not include the feminine
9 gender, except when they are part of an occupational title.

10 CHAPTER 3

11 DEPARTMENT OF EDUCATIONAL

12 AND CULTURAL SERVICES

13 SUBCHAPTER I

14 DEPARTMENT ADMINISTRATION

15 §201. Purpose of the department

16 The Department of Educational and Cultural Services is
17 established to:

18 1. Supervise public education. Supervise, guide and
19 plan for a coordinated system of public education for all
20 citizens of the State;

21 2. Interrelation with other programs. Interrelate
22 public education with other social, economic, physical and
23 governmental activities, programs and services;

24 3. Cultural services. Provide for a coordinated,
25 integrated system of cultural resources' programs and
26 projects;

27 4. Advancement of education. Encourage and stimulate
28 public interest in the advancement of education; and

29 5. Cultural and historical heritage. Support cultural
30 and historical heritage institutions and activities of the
31 State at both the state and local level.

32 §202. Department organization

33 The department shall include the following:

- 1 1. State Board of Education. The State Board of Edu-
2 cation;
- 3 2. Maine Education Council. The Maine Education Coun-
4 cil;
- 5 3. Maine State Commission for Higher Education Facili-
6 ties. The Maine State Commission for Higher Education
7 Facilities;
- 8 4. Maine Representatives to the New England Board of
9 Higher Education. The Maine Representatives to the New
10 England Board of Higher Education;
- 11 5. Maine School Building Authority. The Maine School
12 Building Authority;
- 13 6. Governor Baxter School for the Deaf. The Governor
14 Baxter School for the Deaf;
- 15 7. Maine State Commission on the Arts and the
16 Humanities. The Maine State Commission on the Arts and the
17 Humanities;
- 18 8. Arts and Humanities Bureau. The Arts and
19 Humanities Bureau;
- 20 9. Maine State Museum Commission. The Maine State
21 Museum Commission;
- 22 10. Maine State Museum Bureau. The Maine State Museum
23 Bureau;
- 24 11. State Historian. The State Historian;
- 25 12. Maine State Library. The Maine State Library;
- 26 13. Maine State Library Bureau. The Maine State
27 Library Bureau;
- 28 14. Maine Historic Preservation Commission. The Maine
29 Historic Preservation Commission;
- 30 15. Bureau of Vocational Education. The Bureau of
31 Vocational Education;
- 32 16. Other entities. Other entities authorized by the
33 Legislature; and

1 17. Other bureaus. Any other bureau the commissioner
2 establishes.

3 §203. Appointment of directors; deputy commissioners and
4 others

5 Each bureau shall be under the direction of a person
6 appointed as follows.

7 1. Director of the Maine State Museum Bureau. The
8 Director of the Maine State Museum Bureau shall be qualified
9 by training or by experience in museum work and shall be
10 appointed by the Maine State Museum Commission with the
11 approval of the commissioner. The director shall serve for
12 an indefinite term, subject to removal for cause. Compensa-
13 tion shall be fixed by the Governor.

14 2. Director of the Arts and Humanities Bureau. The
15 Director of the Arts and Humanities Bureau shall be quali-
16 fied by training or by experience and shall be appointed by
17 the Maine State Commission on the Arts and the Humanities
18 with the approval of the commissioner. The director shall
19 serve for an indefinite term, subject to removal for cause.
20 Compensation shall be fixed by the Governor.

21 3. Director of the Maine State Library Bureau. The
22 Director of the Maine State Library Bureau shall be quali-
23 fied by training or by experience in library work and shall
24 be appointed by the commissioner with the approval of the
25 Governor. The director shall be known as the State Librar-
26 ian and shall serve for an indefinite term, subject to
27 removal for cause. Compensation shall be fixed by the Gov-
28 ernor.

29 4. Associate Commissioner of the Bureau of Vocational
30 Education. An associate commissioner shall direct the
31 Bureau of Vocational Education and shall be appointed by,
32 and serve at the pleasure of, the commissioner.

33 5. Other bureau directors. The director of any other
34 bureau shall be appointed by, and serve at the pleasure of,
35 the commissioner. These positions shall be subject to the
36 Personnel Law, except for the following:

37 A. The deputy commissioner;

38 B. The assistant to the commissioner;

39 C. The Associate Commissioner, Bureau of Instruction;
40 and

1 D. The Associate Commissioner, Bureau of School Man-
2 agement.

3 SUBCHAPTER II

4 COMMISSIONER

5 §251. Appointment; term

6 The appointment and term of service of the commissioner
7 shall be as follows.

8 1. Appointment. The commissioner shall be appointed
9 by the Governor from a list of 3 candidates prepared by the
10 state board. An appointment shall be subject to review by
11 the joint standing committee having jurisdiction over educa-
12 tion and to confirmation by the Legislature.

13 2. Term. The commissioner shall serve at the pleasure
14 of the Governor.

15 §252. Office

16 An office shall be provided for the commissioner at the
17 seat of government.

18 §253. Commissioner's duties

19 The duties of the commissioner shall be as follows.

20 1. General duties. The commissioner shall exercise
21 the powers and perform the duties granted to the department
22 in this Title and shall devote full time to the duties of
23 the office.

24 2. Hiring. The commissioner may hire personnel deemed
25 necessary to fulfill the duties of the department. These
26 personnel shall be subject to the Personnel Law, except as
27 provided in section 203.

28 3. Delegation. The commissioner may authorize a des-
29 ignee to carry out the assigned duties.

30 4. Specific duties. The commissioner also shall:

31 A. Coordinate, consolidate and prepare a budget for
32 the department;

33 B. Transfer personnel within the department to ensure
34 their efficient utilization;

1 C. Coordinate the purchase and use of all department
2 equipment; and

3 D. Review the function and operation of the department
4 to ensure that overlapping functions and operations are
5 eliminated.

6 5. Appointment of supervisors. The commissioner may
7 appoint supervisors to assist and direct elementary and
8 secondary teachers to work with school officers and school
9 boards on request and to perform other duties in the field
10 of education. The salary and necessary traveling expenses
11 of these supervisors shall be paid from an appropriation for
12 that purpose.

13 6. Agricultural education consultant. The commis-
14 sioner shall appoint, subject to the Personnel Law, an Edu-
15 cation Specialist II or agricultural education consultant to
16 be responsible for supervision of agricultural technical
17 education, including agribusiness and agriculture's relation
18 to the environment.

19 7. School nurse coordinator. The commissioner shall
20 appoint a school nurse coordinator with the qualifications
21 and duties defined in section 6401.

22 §254. Educational duties

23 The commissioner shall have the following educational
24 duties.

25 1. General duty. The commissioner may inspect and
26 have general supervision over all public schools and shall
27 advise and direct superintendents and school boards in the
28 discharge of their duties, by circular letters and personal
29 conferences.

30 2. In-service education. The commissioner shall
31 encourage in-service education and staff development for
32 teachers in cooperation with school officers.

33 3. Contracts for vocational educational programs. The
34 commissioner may:

35 A. Contract with a private school for the conduct of
36 vocational courses in accordance with section 3002; and

37 B. Reimburse the private schools for part of the cost
38 of conducting approved vocational courses from funds

1 available from the Federal Government for the purpose
2 of vocational education.

3 4. Superintendent conference. Annually the commis-
4 sioner shall hold a conference for the instruction of super-
5 intendents.

6 5. Medication. The commissioner may adopt or amend
7 rules for the administration of medication in public or
8 approved private schools. Medication may not be administer-
9 ed by unlicensed personnel at these schools, except as pro-
10 vided by the written prescription of a physician or dentist
11 or by the written permission of the parent or guardian of
12 the individual receiving the medication.

13 6. Other duties. The commissioner shall carry out all
14 other duties assigned in this Title.

15 §255. School administrative unit; reports, records, infor-
16 mation

17 1. Pamphlet of laws. The commissioner shall:

18 A. Compile the amended school laws of the State in
19 pamphlet form and distribute them to municipal and
20 school officers; and

21 B. Prepare and issue biennially, with such content as
22 the commissioner deems appropriate, circulars of infor-
23 mation and advice to school officers relating to new
24 school laws.

25 2. Record books. The commissioner shall furnish to
26 the school officers of each school administrative unit
27 proper blank books in which they shall keep complete and
28 itemized records of all matters relating to moneys appropri-
29 ated, received and expended for schools. These books shall
30 remain the property of the State.

31 3. Forms. The commissioner shall:

32 A. Prepare and print forms for all returns required by
33 law or deemed necessary by the commissioner;

34 B. On March 1st, forward to each superintendent forms
35 for the annual school return as provided in section
36 6004; and

37 C. On May 1st, forward to each superintendent forms
38 for the returns required by sections 6051 and 6052.

1 4. Maintaining records. The commissioner shall pre-
2 serve all school reports of this State and of other states
3 which he may receive, the returns from the various munici-
4 palities and institutions of learning and books, apparatus,
5 maps, charts, works on education, plans for school build-
6 ings, models and other articles of interest to school offi-
7 cers and teachers as may be obtained without expense to the
8 State.

9 5. Information. The commissioner shall:

10 A. Obtain information on school systems of other
11 states and countries and the condition and progress of
12 public school education throughout the world;

13 B. Disseminate this information, with practical hints
14 upon the conduct of schools, improved systems of
15 instruction and the true theory of education by public
16 addresses, circulars and articles prepared for the
17 press;

18 C. Disseminate this information by outlines, sugges-
19 tions and directions concerning the management, disci-
20 pline and methods employed in teaching to teachers and
21 school officers of the State; and

22 D. Do all in his power to awaken and sustain an inter-
23 est in education among the people and to stimulate
24 teachers to well directed efforts in their work.

25 §256. Miscellaneous duties

26 1. Report to Governor. The commissioner, annually,
27 shall report to the Governor the result of his inquiries and
28 investigations and the facts obtained from the school
29 returns, with any suggestions and recommendations to improve
30 public schools.

31 2. Joining educational organizations. The commis-
32 sioner may authorize the department to join educational
33 organizations and associations, both within and outside the
34 State, when he judges that the membership will increase the
35 efficiency or progress of education within the State.

36 3. Limit on authority. The commissioner may not exer-
37 cise or interfere with the exercise of discretionary authori-
38 ty granted to the Maine State Museum Commission and the
39 Maine State Commission on the Arts and the Humanities.

1 4. Control of gift-established schools. The commis-
2 sioner shall:

3 A. Assume the control and management of all public
4 schools established and maintained by gifts or
5 bequests, when the gifts or bequests are conditioned on
6 the commissioner assuming that control and management;
7 and

8 B. Carry out the provisions on which those gifts or
9 bequests are conditioned, when those conditions are
10 approved by the Governor.

11 5. Duties imposed by charters. The commissioner shall
12 perform all duties assigned by charter granted by the Legis-
13 lature to an educational institution.

14 §257. High school equivalency certificates

15 1. Issue. The commissioner may issue high school
16 equivalency certificates to residents of the State:

17 A. Who are at least 18 years of age;

18 B. Who:

19 (1) Have not been in attendance for one year or
20 more at a public school or a private school
21 approved by a state department of education or ac-
22 credited by a regional association of colleges and
23 secondary schools; or

24 (2) Have completed a formal training program
25 approved by the commissioner; and

26 C. Who demonstrate through procedures prescribed by
27 the commissioner that they have attained a general edu-
28 cational development comparable to that of secondary
29 school graduates.

30 2. Certificate status. Certificates shall have the
31 legal status of high school diplomas.

32 3. Fees. The commissioner may charge a fee sufficient
33 to defray operating costs for a certificate. An honorably
34 discharged or released veteran of the Armed Forces of the
35 United States or a person judged by the commissioner to be
36 economically disadvantaged shall be exempt from payment of a
37 fee. That fee shall be paid from the income of the Perma-
38 nent School Fund.

1 §258. Inspection of schools

2 The commissioner shall inspect schools.

3 1. Request. The commissioner shall inspect the
4 schools in a school administrative unit and report his find-
5 ings and recommendations to the school board when:

6 A. Petitioned by 60% of the parents of the children of
7 one school;

8 B. Requested by the school board or the superintendent
9 of schools; or

10 C. Petitioned by 20% of the legal voters of the unit.

11 2. Standards. The commissioner shall prepare a list
12 of standards of buildings, equipment organization and
13 instruction and give ratings based on these standards to
14 schools that are inspected as to their general condition,
15 equipment and grade of efficiency.

16 3. Extent of inspection. If petitioned, the commis-
17 sioner may determine the extent and conditions under which
18 an inspection shall be made.

19 §259. Student performance evaluation plan

20 The commissioner may establish a statewide student per-
21 formance evaluation plan, which shall be known as the "Maine
22 Assessment of Educational Progress."

23 1. Unit participation. A school administrative unit
24 may participate in the plan by paying to the department an
25 annual fee as set by the commissioner. The department shall
26 place this fee in a special, nonlapsing, revolving account.

27 2. Use of funds. The commissioner shall use the money
28 in the account established under subsection 1 to pay for the
29 costs of administering, analyzing and reporting the results
30 of the evaluations performed on behalf of the participating
31 units.

32 3. Education costs. Costs relating to the participa-
33 tion of a school administrative unit in the plan shall not
34 be considered in calculations of the actual costs of educa-
35 tion for purposes of reimbursement under chapter 605.

36 CHAPTER 5

1 §403. Seal

2 The state board shall adopt a seal. The seal may be
3 used by the commissioner to authenticate documents or copies
4 of documents.

5 §404. Records and reports

6 The state board shall be responsible for the following
7 records and reports.

8 1. Records. The state board shall keep in the office
9 of the commissioner a complete record of the minutes of its
10 meetings and other procedures.

11 2. Report. Biennially, on the first Monday of January,
12 the state board shall make a report to the Governor which
13 shall contain the report of the commissioner to the state
14 board. The state board shall print this report and distrib-
15 ute it to the members of the Legislature and to school offi-
16 cers. The cost of printing the report shall be paid from
17 the appropriation of the department.

18 §405. Powers and duties

19 The state board shall have the following powers and
20 duties.

21 1. General authority. The state board shall have only
22 the powers specifically stated in this Title.

23 2. Advisory role. The state board shall advise the
24 commissioner concerning matters contained in this Title.

25 3. Specific duties. The state board shall have the
26 following specific powers and perform the following duties:

27 A. Make recommendations to the Legislature for the
28 efficient conduct of the public schools;

29 B. Approve the formation of school administrative dis-
30 tricts;

31 C. Establish, maintain and operate
32 vocational-technical institute schools of practical
33 nursing;

34 D. Act on applications for additions to, dissolution
35 of, transfers among, withdrawals from and closing of

- 1 schools in school administrative districts and commu-
2 nity school districts;
- 3 E. Adopt or amend rules on requirements for approval
4 and accreditation of elementary and secondary schools;
- 5 F. Establish standards for the certification of teach-
6 ers;
- 7 G. Adjust the subsidy to a school administrative unit
8 when the expenditures for education in the unit show
9 evidence of manipulation to gain an unfair advantage or
10 are adjudged excessive;
- 11 H. Act on articles of agreement for creation of an
12 interstate school district;
- 13 I. Develop and adopt a plan for the establishment of
14 vocational centers and regions and act upon applica-
15 tions to alter the delivery of vocational education
16 within vocational regions and center areas;
- 17 J. Adopt or amend rules on standards for school con-
18 struction;
- 19 K. Approve projects for state construction aid;
- 20 L. Approve the formation of community school dis-
21 tricts;
- 22 M. Approve isolated secondary schools;
- 23 N. Obtain information regarding applications for
24 granting degrees and make a recommendation to the
25 Legislature;
- 26 O. Recommend funds to the Bureau of the Budget for
27 equalization of educational opportunity;
- 28 P. Establish a student loan insurance program;
- 29 Q. Serve as state agency for administering federal
30 funds; and
- 31 R. Under section 3, serve as an appeals board for
32 unclassified personnel.
- 33 4. Review of department decisions. On the written
34 request of an interested party, the state board shall review

1 decisions made by the department acting through the commis-
2 sioner or his duly authorized representative under sections
3 1403 to 1407, section 8351 and chapters 203, 205 and 505.
4 The written request shall be filed within 30 days from the
5 date of the department's decision.

6 5. Overseeing school administrative districts. The
7 state board shall oversee the establishment of school admin-
8 istrative districts as follows.

9 A. It shall develop and continually revise a state
10 plan for the creation of efficient school administra-
11 tive districts throughout the State. It shall use the
12 plan for approving applications for the organization of
13 school administrative districts.

14 B. It shall thoroughly study school conditions and
15 needs, to determine plans for the establishment of
16 appropriate school administrative districts in all
17 organized territory.

18 (1) It shall report its actions and recommenda-
19 tions to each regular session of the Legislature
20 on or before January 10th.

21 (2) The study and planning shall be directed by
22 the state board, but shall include all possible
23 participation and assistance by citizens and orga-
24 nizations at the local level.

25 (3) It is the intent of the Legislature that all
26 school administrative units not in school adminis-
27 trative districts and operating secondary schools
28 with less than 300 pupils in grades 9 to 12 shall
29 submit plans for school district reorganization to
30 the state board at least once in each 2-year
31 period until the process of reorganization is com-
32 pleted.

33 C. It shall evaluate the effect of consolidation on
34 valuation per pupil in the larger district, as compared
35 to the individual municipalities comprising the dis-
36 trict. It shall make definite recommendations with
37 respect to an eventual uniform minimum tax rate toward
38 the support of a foundation program of education when
39 these larger districts have been appropriately estab-
40 lished throughout the State.

1 D. It shall survey, as completely as possible, school
2 building needs and costs in the proposed districts
3 which are required to effectively accomplish the orga-
4 nization of the districts.

5 E. It shall expedite the reorganization of school
6 administrative units by receiving, filing, examining
7 and approving or disapproving applications by the
8 school boards of all the municipalities wishing to
9 establish a school administrative district.

10 F. It shall expedite the reorganization of administra-
11 tive units by recommending to the Legislature estab-
12 lishment of school administrative districts which are
13 not eligible for state board approval.

14 G. It may appoint and employ, under the Personnel Law,
15 personnel to carry out the duties imposed on it by this
16 subsection.

17 (1) It may fix the duties of these employees.

18 (2) It may make funds available to pay for their
19 salaries and expenses.

20 (3) It may use other state board employees to
21 carry out this subsection.

22 6. Recommendations to Legislature. The state board
23 shall recommend to the Legislature any new legislation or
24 amendments to existing legislation for the efficient conduct
25 of the public schools.

26 §406. Rules

27 The state board may adopt rules to carry out its
28 responsibilities under this Title.

29 CHAPTER 7

30 COMPACT FOR EDUCATION

31 SUBCHAPTER I

32 COMPACT

33 §601. Purpose and policy - Article I

34 1. Purpose. It is the purpose of this compact to:

1 A. Establish and maintain close cooperation and under-
2 standing among executive, legislative, professional,
3 educational and lay leadership on a nationwide basis at
4 the state and local levels;

5 B. Provide a forum for the discussion, development,
6 crystalization and recommendation of public policy
7 alternatives in the field of education;

8 C. Provide a clearinghouse of information on matters
9 relating to educational problems and how they are being
10 met in different places throughout the nation, so that
11 the executive and legislative branches of State Govern-
12 ment and local communities may have ready access to the
13 experience and record of the entire country, and so
14 that both lay and professional groups in the field of
15 education may have additional avenues for the sharing
16 of experience and the interchange of ideas in the
17 formation of public policy in education; and

18 D. Facilitate the improvement of state and local edu-
19 cational systems so that all of them will be able to
20 meet adequate and desirable goals in a society which
21 requires continuous qualitative and quantitative
22 advance in educational opportunities, methods and
23 facilities.

24 2. Policy. It is the policy of this compact to
25 encourage and promote local and state initiative in the
26 development, maintenance, improvement and administration of
27 educational systems and institutions in a manner which will
28 accord with the needs and advantages of diversity among
29 localities and states.

30 3. Interrelationships. The party states recognize
31 that each of them has an interest in the quality and quan-
32 tity of education furnished in each of the other states, as
33 well as in the excellence of its own education systems and
34 institutions, because of the highly mobile character of
35 individuals within the nation, and because the products and
36 services contributing to the health, welfare and economic
37 advancement of each state are supplied in significant part
38 by persons educated in other states.

39 §602. State defined - Article II

40 As used in this compact, "state" means a state, ter-
41 ritory or possession of the United States, the District of
42 Columbia or the Commonwealth of Puerto Rico.

1 §603. Commission - Article III

2 The Education Commission of the States is established
3 as follows.

4 1. Commission established. The Education Commission
5 of the States, hereafter in this chapter called "the commis-
6 sion" is hereby established.

7 2. Membership. The commission shall consist of 7 mem-
8 bers representing each party state: One member shall be the
9 Governor; 2 shall be members of the Legislature selected by
10 its respective houses and serving in such manner as the
11 Legislature may determine; and 4 shall be appointed by and
12 serve at the pleasure of the Governor, unless the laws of
13 the state otherwise provide. If the laws of a state prevent
14 legislators from serving on the commission, 6 members shall
15 be appointed by and serve at the pleasure of the Governor,
16 unless the laws of the state otherwise provide. In addition
17 to any other principles or requirements which a state may
18 establish for the appointment and service of its members of
19 the commission, the guiding principles for the composition
20 of the membership on the commission from each party state
21 shall be that the members representing that state shall, by
22 virtue of their training, experience, knowledge or affilia-
23 tions be in a position collectively to reflect broadly the
24 interests of the State Government, higher education, the
25 state education system, local education, lay and profes-
26 sional, public and nonpublic educational leadership. Of
27 those appointees, one shall be the head of a state agency or
28 institution, designated by the Governor, having responsibil-
29 ity for one or more programs of public education. In addi-
30 tion to the members of the commission representing the party
31 states, there may be, not to exceed, 10 nonvoting commis-
32 sioners selected by the steering committee for terms of one
33 year. These commissioners shall represent leading national
34 organizations of professional educators or persons concerned
35 with educational administration.

36 3. Voting. The members of the commission shall be
37 entitled to one vote each on the commission. No action of
38 the commission may be binding unless taken at a meeting at
39 which a majority of the total number of votes on the commis-
40 sion are cast in favor of the action. Action of the commis-
41 sion shall be only at a meeting at which a majority of the
42 commissioners are present.

43 4. Meetings. The commission shall meet at least once
44 a year. In its bylaws, and subject to such directions and

1 limitations as may be contained in those bylaws, the commis-
2 sion may delegate the exercise of any of its powers to the
3 steering committee or the executive director, except for the
4 power to approve budgets or requests for appropriations, the
5 power to make policy recommendations pursuant to Article IV
6 and adoption of the annual report pursuant to this Article.

7 5. Seal. The commission shall have a seal.

8 6. Organization. The commission shall elect annually,
9 from among its members, a chairman, who shall be a governor,
10 a vice-chairman and a treasurer. The commission shall pro-
11 vide for the appointment of an executive director. The
12 executive director shall serve at the pleasure of the com-
13 mission, and together with the treasurer and such other per-
14 sonnel as the commission may deem appropriate shall be
15 bonded in such amount as the commission shall determine.
16 The executive director shall be secretary.

17 7. Personnel. Irrespective of the civil service, per-
18 sonnel or other merit system laws of any of the party
19 states, the executive director, subject to the approval of
20 the steering committee, shall appoint, remove or discharge
21 such personnel as may be necessary for the performance of
22 the functions of the commission, and shall fix the duties
23 and compensation of such personnel. The commission in its
24 bylaws shall provide for the personnel policies and programs
25 of the commission.

26 8. Services. The commission may borrow, accept or
27 contract for the services of personnel from any party juris-
28 isdiction, the United States, or any subdivision or agency of
29 those governments, or from any agency of 2 or more of the
30 party jurisdictions or their subdivisions.

31 9. Grants. The commission may accept for any of its
32 purposes and functions under this compact any and all dona-
33 tions, and grants of money, equipment, supplies, materials
34 and services, conditional or otherwise, from any state, the
35 United States, or any other governmental agency, or from any
36 person, firm association, foundation or corporation, and may
37 receive, utilize and dispose of the same. Any donation or
38 grant accepted by the commission pursuant to this subsection
39 or services borrowed pursuant to subsection 8 shall be
40 reported in the annual report of the commission. The report
41 shall include the nature, amount and conditions, if any, of
42 the donation, grant or services borrowed, and the iden-
43 tity of the donor or lender.

1 10. Facilities. The commission may establish and
2 maintain such facilities as may be necessary for the trans-
3 acting of its business. The commission may acquire, hold
4 and convey real and personal property and any interest
5 therein.

6 11. Bylaws. The commission shall adopt bylaws for the
7 conduct of its business and shall have the power to amend
8 and rescind these bylaws. The commission shall publish its
9 bylaws in convenient form, and shall file a copy of those
10 bylaws and a copy of any amendment to those bylaws with the
11 appropriate agency or officer in each of the party states.

12 12. Reports. The commission annually shall make to
13 the Governor and Legislature of each party state a report
14 covering the activities of the commission for the preceding
15 year. The commission may make such additional reports as it
16 may deem desirable.

17 §604. Powers - Article IV

18 In addition to authority conferred on the commission by
19 other provisions of the compact, the commission may:

20 1. Information and data. Collect, correlate, analyze
21 and interpret information and data concerning educational
22 needs and resources;

23 2. Research. Encourage and foster research in all
24 aspects of education, but with special reference to the
25 desirable scope of instruction, organization, administration
26 and instructional methods and standards employed or suitable
27 for employment in public educational systems;

28 3. Proposals. Develop proposals for adequate financ-
29 ing of education as a whole and at each of its many levels;

30 4. Further research. Conduct or participate in
31 research of the type referred to in this Article in any
32 instance where the commission finds that such research is
33 necessary for the advancement of the purposes and policies
34 of this compact, utilizing fully the resources of national
35 associations, regional compact organizations for higher edu-
36 cation and other agencies and institutions, both public and
37 private;

38 5. Policies and plans. Formulate suggested policies
39 and plans for the improvement of public education as a
40 whole, or for any segment of public education, and make

1 recommendations with respect thereto available to the appro-
2 priate governmental units, agencies and public officials;
3 and

4 6. Other necessary things. Do such other things as
5 may be necessary or incidental to the administration of any
6 of its authority or functions pursuant to this compact.

7 §605. Cooperation with Federal Government - Article V

8 1. Federal membership. If the laws of the United
9 States specifically so provide, or if administrative provi-
10 sion is made therefor within the Federal Government, the
11 United States may be represented on the commission by, not
12 to exceed, 10 representatives. Any such representative or
13 representatives of the United States shall be appointed and
14 serve in such manner as may be provided by or pursuant to
15 federal law, and may be drawn from any one or more branches
16 of the Federal Government, but no representative may have a
17 vote on the commission.

18 2. Information. The commission may provide informa-
19 tion and make recommendations to any executive or legis-
20 lative agency or officer of the Federal Government concern-
21 ing the common educational policies of the states, and may
22 advise with any such agencies or officers concerning any
23 matter of mutual interest.

24 §606. Committees - Article VI

25 1. Steering committee. To assist in the expeditious
26 conduct of its business when the full commission is not
27 meeting, the commission shall elect a steering committee of
28 32 members which, subject to this compact and consistent
29 with the policies of the commission, shall be constituted
30 and function as provided in the bylaws of the commission.

31 A. One-fourth of the voting membership of the steering
32 committee shall consist of governors, 1/4 shall consist
33 of legislators and the remainder shall consist of other
34 members of the commission. A federal representative on
35 the commission may serve with the steering committee,
36 but without vote.

37 B. The voting members of the steering committee shall
38 serve for terms of 2 years, except that members elected
39 to the first steering committee of the commission shall
40 be elected as follows: Sixteen for one year and 16 for
41 2 years.

1 C. The chairperson, vice-chairperson and treasurer of
2 the commission shall be members of the steering commit-
3 tee and, anything in this subsection to the contrary
4 notwithstanding, shall serve during their continuance
5 in these offices.

6 D. Vacancies in the steering committee shall not
7 affect its authority to act, but the commission, at its
8 next regularly ensuing meeting following the occurrence
9 of any vacancy, shall fill it for the unexpired term.

10 E. No person may serve more than 2 terms as a member
11 of the steering committee; provided that service for a
12 partial term of one year or less shall not be counted
13 toward the 2-term limitation.

14 2. Advisory and technical committees. The commission
15 may establish advisory and technical committees composed of
16 state, local and federal officials, and private persons to
17 advise it with respect to any one or more of its functions.
18 Any advisory or technical committee may, on request of the
19 states concerned, be established to consider any matter of
20 special concern to 2 or more of the party states.

21 3. Other committees. The commission may establish
22 such additional committees as its bylaws may provide.

23 §607. Finance - Article VII

24 1. Budget. The commission shall advise the Governor,
25 or designated officer or officers of each party state, of
26 its budget and estimated expenditures for such period as may
27 be required by the laws of the party state. Each of the
28 commission's budgets of estimated expenditures shall contain
29 specific recommendations of the amount or amounts to be
30 appropriated by each of the party states.

31 2. Apportionment. The total amount of appropriation
32 requests under any budget shall be apportioned among the
33 party states. In making such apportionment, the commission
34 shall devise and employ a formula which takes equitable ac-
35 count of the populations and per capita income levels of the
36 party states.

37 3. Obligations. The commission shall not pledge the
38 credit of any party states. The commission may meet any of
39 its obligations in whole or in part with funds available to
40 it pursuant to Article III, provided that the commission
41 takes specific action setting aside such funds prior to

1 incurring an obligation to be met in whole or in part in
2 such manner. Except where the commission makes use of funds
3 available to it pursuant to Article III thereof, the commis-
4 sion shall not incur any obligation prior to the allotment
5 of funds by the party states adequate to meet the same.

6 4. Accounts. The commission shall keep accurate ac-
7 counts of all receipts and disbursements. The receipts and
8 disbursements of the commission shall be subject to the
9 audit and accounting procedures established by its bylaws.
10 All receipts and disbursements of funds handled by the com-
11 mission shall be audited yearly by a qualified public ac-
12 countant, and the report of the audit shall be included in
13 and become part of the annual reports of the commission.

14 5. Access to accounts. The accounts of the commission
15 shall be open at any reasonable time for inspection by duly
16 constituted officers of the party states and by any persons
17 authorized by the commission.

18 6. Audit or inspection. Nothing contained in this
19 chapter shall be construed to prevent commission compliance
20 with laws relating to audit or inspection of accounts by or
21 on behalf of any government contributing to the support of
22 the commission.

23 §608. Eligible parties; entry into and withdrawal - Article
24 VIII

25 1. Eligibility. This compact shall have as eligible
26 parties all states, territories and possessions of the
27 United States, the District of Columbia and the Commonwealth
28 of Puerto Rico. In respect of any such jurisdiction not hav-
29 ing a governor, the term "governor," as used in this com-
30 compact, shall mean the closest equivalent official of such
31 jurisdiction.

32 2. Entry. Any state or other eligible jurisdiction
33 may enter into this compact and it shall become binding
34 thereon when it has adopted the same; provided that in order
35 to enter into initial effect, adoption by at least 10 eligi-
36 ble party jurisdictions shall be required.

37 3. Adoption of compact. Adoption of the compact may
38 be either by enactment thereof or by adherence thereto by
39 the Governor; provided that in the absence of enactment, ad-
40 herence by the Governor shall be sufficient to make this
41 State a party only until December 31, 1969. During any
42 period when a state is participating in this compact through

1 gubernatorial action, the Governor shall appoint those per-
2 sons who, in addition to himself, shall serve as the members
3 of the commission from his state, and shall provide to the
4 commission an equitable share of the financial support of
5 the commission from any source available to him.

6 4. Withdrawal. Except for a withdrawal effective on
7 December 31, 1969 in accordance with subsection 3, any party
8 state may withdraw from this compact by enacting a statute
9 repealing the same, but no withdrawal may take effect until
10 one year after the governor of the withdrawing state has
11 given notice in writing of the withdrawal to the governors
12 of all other party states.

13 5. Liability. No withdrawal may affect any liability
14 already incurred by or chargeable to a party state prior to
15 the time of that withdrawal.

16 §609. Construction and severability - Article IX

17 This compact shall be liberally construed so as to
18 effectuate the purposes thereof. The provisions of this
19 compact shall be severable and if any phrase, clause, sen-
20 tence or provision of this compact is declared to be con-
21 trary to the constitution of any state of the United States,
22 or the applicability thereof to any government, agency,
23 person or circumstance is held invalid, the validity of the
24 remainder of this compact and the applicability thereof to
25 any government, agency, person or circumstance shall not be
26 affected thereby. If this compact shall be held contrary to
27 the constitution of any state participating therein, the
28 compact shall remain in full force and effect as to the
29 state affected as to all severable matters.

30 SUBCHAPTER II

31 ADMINISTRATIVE PROVISIONS

32 §651. Maine Education Council

33 1. Council established. There is established the
34 Maine Education Council composed of the members of the Edu-
35 cation Commission of the States representing this State, and
36 7 other persons appointed by the Governor.

37 2. Appointments. The Governor shall appoint: Two
38 members for one year; 2 members for 2 years; and 3 members
39 for 3 years. Upon the expiration of each term the appoint-
40 ment shall be for 3 years. Vacancies shall be filled for

1 the full term. The appointees shall be selected so as to be
2 broadly representative of professional and lay interest
3 within this State having the responsibilities for knowledge
4 with respect to, and interest in, educational matters. The
5 chairman shall be designated by the Governor from among its
6 members.

7 3. Meetings. The council shall meet on the call of
8 its chairman or at the request of a majority of its members,
9 but in any event the council shall meet not less than 3
10 times in each year. The council may consider any and all
11 matters relating to public educational policy and any mat-
12 ters relating to recommendations of the Education Commission
13 of the States and the activities of the members in repre-
14 senting this State thereon.

15 §652. Members of Legislature, selection and tenure

16 The 2 members of the Legislature on the Education Com-
17 mission of the States shall be appointed by the presiding
18 officer of the respective House and shall serve on the com-
19 mission during such time each is a member of his respective
20 House.

21 §653. Bylaws filed

22 Pursuant to Article III, the commission shall file a
23 copy of its bylaws and any amendment thereto with the office
24 of the commissioner.

25 CHAPTER 9

26 PUBLIC BROADCASTING

27 SUBCHAPTER I

28 ADVISORY COMMITTEE ON MAINE

29 PUBLIC BROADCASTING

30 §801. Committee; expenses

31 1. Committee. The Advisory Committee on Maine Public
32 Broadcasting shall facilitate the development of public
33 broadcasting in the State.

34 2. Membership. The committee shall consist of 7 mem-
35 bers to be appointed by the Governor for a full term of 5
36 years. One member shall be a representative of the depart-

1 ment. One member shall be a representative of the Univer-
2 sity of Maine and the remaining members shall be citizens of
3 the State. A vacancy in the membership shall be filled for
4 the unexpired term by appointment by the Governor.

5 3. Expenses. Members shall be reimbursed for their
6 actual expenses necessarily incurred in the performance of
7 their duties.

8 §802. Organization; quorum

9 The committee shall elect a chairman, secretary, vice-
10 chairman and treasurer, each of whose terms of office shall
11 be 2 years. The committee shall adopt bylaws and rules for
12 the calling and holding of meetings and the administration
13 of its affairs. A majority of the membership of the commit-
14 tee shall constitute a quorum.

15 §803. Powers and duties

16 The Advisory Committee on Maine Public Broadcasting may
17 act as follows:

18 1. Recommendations. To recommend to the trustees of
19 the University of Maine relating to the appointment of pro-
20 fessional, clerical or other assistants, location of public
21 broadcasting stations and construction and equipment of
22 those stations necessary to carry out the purposes of this
23 chapter; and

24 2. Programs. To advise the trustees of the University
25 of Maine for the public broadcasting programs to be trans-
26 mitted by the network.

27 SUBCHAPTER II

28 GIFTS, CONSTRUCTION AND PROGRAMMING

29 §851. Gifts

30 The Governor may accept a gift of money, real or per-
31 sonal property, from any source, and grants-in-aid from the
32 Federal Government to assist in carrying out the purposes of
33 this chapter.

34 §852. Construction of statewide network

35 1. Authority. The University of Maine may acquire
36 real estate, construct, operate, manage and equip radio,

1 transmission and microwave television facilities and inter-
2 connect with any other radio or television network or sta-
3 tion within or without this State for the purpose of provid-
4 ing a statewide public broadcasting network for the trans-
5 mission of public broadcasting to pupils in the schools,
6 colleges, university and adult audiences throughout the
7 State.

8 2. Contracts. The University of Maine may enter into
9 contracts for the construction of those facilities, con-
10 tracts for personal services necessary for the management
11 and operation of those facilities and any other contracts
12 deemed necessary to carry out the purposes of this chapter.

13 §853. Commissioner's programs

14 The commissioner may produce or contract for educa-
15 tional television programs.

16 PART 2

17 SCHOOL ORGANIZATION

18 CHAPTER 101

19 GENERAL PROVISIONS

20 SUBCHAPTER I

21 SCHOOL BOARDS

22 §1001. Duties of school boards

23 School boards shall perform the following duties.

24 1. General duties. They shall have the duties pre-
25 scribed to them in this Title.

26 2. Management of schools. They shall manage the
27 schools and provide custody and care, including repairs and
28 insurance on school buildings and all school property in the
29 school administrative units.

30 3. Selection of superintendent. They shall select a
31 superintendent in accordance with section 1051.

32 4. No prohibition on use for political activity. The
33 use of school buildings may not be denied to a person solely
34 because use is requested for a political activity.

1 5. Insurance premiums. They may pay the premium of
2 life, health, accident, hospitalization, major medical
3 insurance in behalf of their employees and liability insur-
4 ance for employees and school officials.

5 6. General course of instruction; textbooks. They
6 shall direct the general course of instruction and approve a
7 uniform system of textbooks. A textbook thus approved may
8 not be changed for 3 years unless by vote of the school
9 board.

10 7. Tuition payment for attendance by those resident on
11 territory ceded to United States. They shall prescribe the
12 tuition for attendance of persons of the required age, resi-
13 dent in territory the jurisdiction of which has been ceded
14 to the United States, included in or surrounded by the
15 administrative unit.

16 8. Determine those to attend each school. They shall
17 determine which students shall attend each school, classify
18 them and transfer them from school to school where more than
19 one school is maintained at the same time.

20 9. Students expelled or suspended. They shall expell
21 any student who is deliberately disobedient or deliberately
22 disorderly or for infractions of violence or possession,
23 furnishing or trafficking of any scheduled drug as defined
24 in Title 17-A, chapter 45, after a proper investigation of
25 the student's behavior, and due process, if found necessary
26 for the peace and usefulness of the school; and readmit him
27 on satisfactory evidence that the behavior which was the
28 cause of the student being expelled will not likely recur.
29 The school committee may authorize the principal to suspend
30 students up to a maximum of 10 days for infractions of
31 school rules.

32 10. Physiology and hygiene. They shall make provi-
33 sions for the instruction of all pupils in public schools or
34 approved private schools in physiology and hygiene, with
35 special reference to the effects of alcoholic drinks, stimu-
36 lants and narcotics upon the human system.

37 11. Persons not immunized excluded. They shall
38 exclude, when requested to do so by the Director of the
39 Bureau of Health or if they deem it expedient, any person
40 not having evidence of current immunization against small-
41 pox, or diphtheria, tetanus, pertussis (whooping cough),
42 poliomyelitis, rubeola (measles), rubella (German measles)
43 or any other communicable illness for which immunization is

1 available, unless the parent of the person shall present a
2 signed statement that the parent is opposed to the
3 immunization or a statement signed by a licensed physician
4 indicating that the immunization is not medically advisable
5 for the person. Should either of these statements be sub-
6 mitted, the person shall be excluded from school at the
7 request of the Director of the Bureau of Health when in his
8 opinion epidemic occurrence of the particular illness makes
9 the exclusion necessary for the protection of the public
10 health.

11 12. Salaries of persons absent. They may adjust the
12 salaries of teachers, principals and other persons legally
13 employed by them who are compelled to be absent from their
14 school duties. No reduction in pay may be made if absence
15 is caused by the bona fide observance of designated holidays
16 in the church of their faith. This subsection and section
17 13604 shall apply only in cases of persons who are employed
18 on yearly contracts or on tenure of service and who hold the
19 legal qualifications necessary for the positions.

20 §1002. Prohibited appointments and employment

21 The following provisions apply to members of a school
22 board.

23 1. Definition. "Full-time employee" means a person
24 regularly employed on a weekly basis regardless of remunera-
25 tion or the number of hours worked.

26 2. Employment by school administrative unit, school
27 union, academy. A member of a school board or spouse of a
28 member may not be employed as a full-time employee in a
29 public school within the jurisdiction of the school board to
30 which the member is elected or contract high school or acad-
31 emy located within a supervisory union in which the member
32 is a representative on the union committee.

33 3. Appointment to civil office and other employ-
34 ment. No school board member may, during the term for which
35 he has been elected and for one year thereafter, be
36 appointed to any civil office of profit or employment posi-
37 tion, which shall have been created or the compensation of
38 which shall have been increased by the action of the school
39 board during such term.

40 §1003. Commencement of term of office

41 The term of newly elected school board members shall
42 start:

1 1. After election. Immediately upon being elected and
2 sworn in; or

3 2. Fixed date. On a fixed date established by the
4 voters on an appropriate article at a properly called town
5 meeting, the date shall be between the municipal election
6 and July 1st.

7 §1004. Conflict of interest; contracts

8 A contract made by a school board shall follow the re-
9 quirement of Title 30, section 2251.

10 SUBCHAPTER II

11 SUPERINTENDENTS

12 §1051. Selection of superintendents

13 The following provisions shall apply to the selection
14 of superintendents.

15 1. Eligibility requirements. Only those persons who
16 hold a state certificate of superintendence grade may be
17 eligible to become superintendents. Members of the school
18 board may not be eligible to become superintendent in the
19 school administrative unit which they represent.

20 2. Appointment. The school board shall elect, by
21 majority vote of the full membership, the superintendent.
22 The school board, upon notification by the commissioner,
23 shall meet during December of the year preceding the expira-
24 tion of the superintendent's contract, at a day and place
25 determined by the chairman. When a vacancy occurs, the
26 school board shall meet as soon as possible to choose a
27 superintendent.

28 3. Term. The superintendent's term shall be estab-
29 lished by the school board.

30 A. The term may not exceed 5 years.

31 B. The term shall expire on June 30th of the year of
32 expiration.

33 4. Failure to elect. If the school board fails to
34 elect a superintendent by June 30th, the school board may
35 appoint a competent and qualified agent, with the advice and
36 consent of the commissioner, to serve in that capacity until
37 a superintendent is elected.

1 5. Notice to the commissioner. Annually and when a
2 new superintendent is chosen, the chairman and secretary of
3 the school board shall certify under oath to the commis-
4 sioner, on forms provided by the commissioner, all facts
5 relating to the unit's selection of a superintendent.

6 6. Election in certain units. The following provi-
7 sions shall apply to the election of superintendents by cer-
8 tain units.

9 A. In a school union, the union committee shall per-
10 form the functions of a school board.

11 B. In a school administrative unit governed by a pri-
12 vate and special law that provides for the election of
13 a superintendent, the governing board shall elect a
14 superintendent in the manner provided in that law.

15 C. In a community school district the district school
16 committee shall elect the superintendent.

17 §1052. Discharge

18 A school board may discharge a superintendent before
19 the expiration of the contract term.

20 1. Requirements. The superintendent may be discharged
21 only:

22 A. For cause;

23 B. After due notice and investigation; and

24 C. By a majority vote of the full membership of the
25 school board.

26 2. Salary. On discharge, the superintendent's salary
27 shall cease.

28 3. Appeal. The superintendent may appeal the school
29 board's decision to the commissioner. The commissioner
30 shall hold a hearing as part of the appeal.

31 §1053. Allocation of services

32 1. School unions. The union committee shall determine
33 the relative amount of service to be performed by the super-
34 intendent in each unit, including the minimum number of
35 visits to be made each term to each school.

1 2. Community school district. In community school
2 districts, the district school committee shall also deter-
3 mine the relative amount of service to be performed by the
4 superintendent in each school administrative unit.

5 §1054. Office and salary

6 1. Office. The school board or union committee shall
7 provide for an office for the superintendent, office assis-
8 tants, supplies, utilities and other office expenses.

9 2. Salary. The school board or union committee shall
10 fix the superintendent's salary.

11 §1055. Superintendent; powers and duties

12 The superintendent shall be ex officio secretary of the
13 school board and school building committee chosen by the
14 administrative unit and shall perform duties as the school
15 board or school building committee direct.

16 1. Records, orders, vouchers. The superintendent
17 shall:

18 A. Keep a permanent record of all the votes, orders
19 and proceedings;

20 B. Place all orders for materials and supplies pur-
21 chased by vote of the school building committee or
22 school board;

23 C. Keep all financial records and accounts; and

24 D. Issue vouchers showing the correctness of bills
25 contracted on account of school appropriations. A bill
26 may not be allowed for payment by the municipal offi-
27 cers unless:

28 (1) They have been approved by a majority vote of
29 the full membership of the school board; or

30 (2) In school administrative districts, approved
31 by a majority vote of the full membership of the
32 school board or a finance committee selected by
33 the board.

34 2. Inspect schools; annual report. The superintendent
35 shall:

1 A. Inspect the schools and review the operating rules,
2 the discipline and the proficiency of the students;

3 B. Visit each school at least the minimum number of
4 times each term required by the school board or union
5 committee; and

6 C. Annually, make and send to the commissioner a writ-
7 ten report of the condition of the schools for the
8 prior year, including a statement of the condition of
9 school buildings, the progress made by the students and
10 an evaluation of the methods of instruction and govern-
11 ment.

12 3. Financial and building report. The superintendent
13 shall keep an accurate account of school finances and send a
14 written report, at least once a term, to each school board
15 member. The report shall include a financial statement and
16 a statement of the repair, cleanliness and sanitary arrange-
17 ments of school buildings and outbuildings.

18 4. Selection and purchase of textbooks. The superin-
19 tendent shall select textbooks, supplies and apparatus with
20 the approval of the school board and shall make all these
21 purchases under rules adopted by the school board.

22 5. Distribution and accounting of supplies. The
23 superintendent shall assure that all necessary apparatus and
24 supplies are seasonably distributed to each school, accu-
25 rately accounted for and economically used.

26 6. Display of flags. The superintendent shall:

27 A. Ensure that the United States and Maine flags are
28 displayed from public school buildings every school day
29 and on appropriate occasions; and

30 B. Report annually to the school board the amount
31 necessary to furnish the public schools with suitable
32 flags and flagstuffs. The school administrative unit
33 shall appropriate the necessary funds.

34 7. Enforce rules of the school board. The superinten-
35 dent shall enforce or cause to be enforced all rules of the
36 school board.

37 8. Full-time employment. The superintendent shall
38 devote his entire time to superintendence in the school
39 supervisory unit which employs him. The superintendent may

1 perform educational service outside of the supervisory unit
2 with the approval of the commissioner and with the consent
3 of the school board.

4 9. Report to the commissioner. The superintendent
5 shall report, under oath, to the commissioner before August
6 1st. The report shall contain:

7 A. The amount appropriated and expended on elementary
8 and secondary education in the preceding fiscal year;

9 B. The number of weeks schools were open;

10 C. The number of students registered;

11 D. The average attendance; and

12 E. The amount received for tuition.

13 10. Supervise teachers. The superintendent shall
14 direct and supervise the work of all teachers.

15 CHAPTER 103

16 SCHOOL ADMINISTRATIVE DISTRICTS

17 SUBCHAPTER I

18 PURPOSE

19 §1101. Organization of school administrative units

20 It is declared policy of the State to encourage the
21 development of school administrative units of sufficient
22 size to provide:

23 1. Opportunity. A more equalized educational oppor-
24 tunity for pupils;

25 2. Programs. Satisfactory school programs;

26 3. Tax rates. A greater uniformity of school tax
27 rates among the units; and

28 4. Public funds. A more effective use of the public
29 funds expended for the support of public schools.

30 SUBCHAPTER II

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ORGANIZATION

§1201. Criteria for establishing a school administrative district

The following criteria shall apply to establishing a school administrative district.

1. Number of municipalities. The district shall have 2 or more member municipalities.

2. Number of students. The district shall have, as recorded in the last return under section 6004:

A. Three hundred or more resident public secondary school students;

B. One hundred or more resident public secondary school students, if the state board determines the formation of a larger district is educationally, economically or geographically not feasible;

C. Fifty or more resident public secondary school students if:

(1) The proposed district has on file with the state board a duly authorized and executed 2-year to 10-year contract offer from a municipality having 100 or more resident public secondary school students; and

(2) If the combined number of resident public secondary school students in these 2 school administrative units exceeds 300; and

D. Any number of secondary school students, if the new district is composed in whole or in part of a community school district:

(1) Offering a program of education for grades 9 through 12; and

(2) Formed on or before, and operating on April 1, 1957.

§1202. Formation of district

The residents of 2 or more municipalities may form a school administrative district which shall be a body politic

1 and incorporate by completing the following steps.

2 1. Application vote. At a duly called special or
3 regular meeting or city election the voters of a municipal-
4 ity may instruct its school board to file an application
5 with the state board. The article to be inserted in the
6 warrant for the meeting shall be in the following form:

7 "To see if the municipality will vote to instruct its
8 school board to file an application with the State
9 Board of Education for the purpose of forming a school
10 administrative district with the following towns:

11 _____
12 (naming them)"

13 2. Initial application. If the article is approved,
14 the school board shall file an initial application with the
15 state board.

16 A. The application shall include a list of the names
17 of the municipalities that propose to form the school
18 administrative district, an adequate study outlining
19 the desirability and the educational feasibility of the
20 proposed district and whatever other information the
21 state board may deem necessary and proper.

22 B. In municipalities which have less than 300, but
23 more than 99 resident pupils, the application shall
24 state in detail the educational, economic and geo-
25 graphic reasons for the formation of the proposed
26 school administrative district.

27 C. An application shall be filed on a form prepared by
28 the state board.

29 3. Calling of a joint meeting. If the state board
30 finds the proposed school administrative district eligible
31 and approves its initial application, the state board shall
32 notify the municipal officers and the members of the school
33 boards in the municipalities within the proposed district of
34 a date, time and place of a joint meeting of the municipal
35 officers and the school board members from each municipal-
36 ity.

37 A. The notice shall be in writing and sent by regis-
38 tered or certified mail, return receipt requested, to
39 the addresses as shown on the application.

40 B. The notice shall be mailed at least 10 days prior
41 to the date set for the meeting.

1 4. Joint meeting. The following shall govern the
2 joint meeting.

3 A. At least 1/2 of the total number of municipal offi-
4 cers and school committee members eligible to vote at
5 the joint meeting shall be present to constitute a quo-
6 rum. If there is no quorum those present shall report
7 to the state board that a quorum was not present and
8 request the state board to issue a new notice.

9 B. The school boards and municipal officers of each
10 municipality shall each caucus and select 3 of their
11 members to represent their municipality in the joint
12 meeting. Other members may not vote in the joint meet-
13 ing.

14 C. Those with voting rights shall, by majority vote:

15 (1) Elect a chairman and a secretary;

16 (2) Determine the total number of school direc-
17 tors to represent each municipality and the method
18 of apportioning voting power among directors con-
19 sistent with this section and sections 1251 and
20 1252;

21 (3) Determine the method of sharing costs under
22 section 1301; and

23 (4) Determine the date when all the municipali-
24 ties in the proposed district shall vote on the
25 articles of district formation. The date shall be
26 at least 60 days from the date on which it is
27 determined.

28 D. The chairman and secretary shall prepare a report
29 describing the number of directors and the representa-
30 tion from each municipality. They shall sign and for-
31 ward that report to the state board.

32 5. Calling municipal elections. If the state board
33 finds the report of the joint meeting to be in order, the
34 state board shall order the municipal officers of the munic-
35 ipalities involved to call town meetings or city elections
36 on the date established pursuant to subsection 4, paragraph
37 C, subparagraph (4) for the purpose of voting on the ques-
38 tions required by this subchapter relating to the formation
39 of a school administrative district.

1 A. Municipalities voting on the questions of district
2 formation under Title 30, sections 2061 to 2064 shall
3 open the polls at 10 a.m. and shall close the polls at
4 7 p.m.

5 B. In other municipalities the municipal officers
6 shall direct that the town meeting or city election
7 shall open at 7:30 p.m.

8 C. All school administrative units shall vote upon the
9 questions of school district information in the same
10 fashion as the units conduct other business at regular
11 or special town meetings, except that school adminis-
12 trative units electing municipal officers by secret
13 ballot may use that method for electing school board
14 directors.

15 6. Articles to be voted on. The articles to be voted
16 on shall be in the following form.

17 A. "Article : To see if the municipality will
18 vote to join with the municipalities of (naming them)
19 to form a school administrative district."

20 B. "Article : To see if the municipality will
21 vote to approve the allocation of representation with
22 the district on the Board of School Directors as recom-
23 ended by the school committees and municipal officers
24 as follows: The total number of directors shall be
25 "
26 (number)"

27 C. "Article : To choose (number) school director(s)
28 (number)
29 to represent the municipality (or subdistrict) on the
30 board of school directors of the school administrative
31 district."

32 D. If the state board has authorized an alternative
33 method of sharing costs, the municipality shall vote on
34 the following article.

35 Article : To see if the costs of operating
36 " (name) Community School District" shall
37 (name)
38 be shared among the towns of
39 (naming them)

1 in accordance with (per pupil, state valuation, a
2 combination thereof or any other formula author-
3 ized by the Legislature).

4 E. If coterminous school districts exist or there is
5 outstanding indebtedness for school construction or
6 other school property in any of the municipalities con-
7 cerned, the following additional article must also be
8 acted on.

9 "Article : To see if the municipality will
10 vote to authorize the district to assume full
11 responsibility for amortizing the following listed
12 indebtedness now outstanding in the school admin-
13 istrative units planning to form the school admin-
14 istrative district."

15 (The list must include the name of the obligated
16 school administrative unit, type of obligation,
17 amount unpaid, interest rate and the payment
18 schedule for all outstanding school indebtedness
19 of all the school administrative units comprising
20 the school administrative district under consider-
21 ation.)

22 F. If a school administrative district is to be formed
23 under section 1202, subsection 2, paragraph D, or if
24 the proposed school administrative district plans to
25 contract with a designated private school for the edu-
26 cation of its students in grades 9 through 12, voters
27 shall act on the following article.

28 "Article : To see if the municipality will
29 vote to join with the municipalities of
30 to form a school administrative
31 (naming them)
32 district, which district is hereby authorized and
33 directed to accept the contract offer of
34 for the schooling
35 of pupils in grades 9 through 12."

36 7. Majority vote. Approval of each article shall be
37 by a majority vote of those voting in each municipality on
38 each article.

39 8. Special provision for community school districts.
40 A community school district may be changed to a school
41 administrative district if each municipality within the dis-
42 trict acts affirmatively on the following articles.

1 A. Existing community school districts may become
2 school administrative districts on approval of the
3 state board and may suspend operation as a community
4 school district if each of the participating municipal-
5 ities acts affirmatively on an article similar in form
6 to the following, prior to accepting the other articles
7 required in this section.

8 "Article : To see if the municipality will
9 vote to authorize the

10 (name)

11 Community School District, of which this municipi-
12 ality is a part, to suspend operation as a commu-
13 nity school district and organize and operate as a
14 school administrative district in accordance with
15 action on the following article."

16 B. Municipalities, including all of those participa-
17 ting in an existing community school district, may form
18 a school administrative district on approval of the
19 state board and suspend the operation of the community
20 school district if each of the participating municipal-
21 ities acts affirmatively on an article similar in form
22 to the following, and acts affirmatively on each of the
23 other articles required in this section.

24 "Article : To see if the municipality will
25 vote to authorize the suspension of the
26 Community School District

27 (name)

28 in order to organize and operate as a part of a
29 larger school administrative district."

30 C. In approving one of these articles, all acts of a
31 community school district in contracting their
32 indebtedness shall be ratified and confirmed.

33 D. The board of directors of the school administrative
34 district shall pay to the trustees of the former commu-
35 nity school district within their jurisdiction suffi-
36 cient funds each year to amortize all outstanding capi-
37 tal indebtedness existing at the time the community
38 school district was suspended.

39 §1203. Issuance of a certificate of organization

40 Certificates of organization shall be issued as fol-
41 lows.

1 1. Report of vote. The clerks of the municipalities
2 which have voted on the questions regarding the formation of
3 the school administrative district shall report to the state
4 board the results of the vote in a manner determined by the
5 state board.

6 2. Finding recorded. If the state board finds that a
7 majority of voters in each school administrative unit form-
8 ing the school administrative district have voted in favor
9 of each of the articles of formation, elected the necessary
10 school directors and taken all other necessary steps in the
11 formation of the proposed school administrative district in
12 conformity with law, the state board shall make and record
13 its finding that the school administrative district is in
14 compliance.

15 3. School administrative district number assigned. The
16 state board, having made its finding, shall assign a number
17 to each school administrative district in the order of their
18 formation. The official title of the school administrative
19 district shall be "School Administrative District No.
20 _____."

21 4. Certificate of organization. The state board
22 shall, immediately after making its finding, issue a certifi-
23 cate of organization.

24 5. Certificate issued, filed and recorded. The orig-
25 inal certificate shall be delivered to the school directors
26 on the day that they organize and a copy, attested by the
27 secretary of the state board, shall be filed and recorded in
28 the office of the Secretary of State.

29 6. Issuance of certificate evidence of organiza-
30 tion. The issuance of the certificate shall be conclusive
31 evidence of the lawful organization of the school adminis-
32 trative district.

33 §1204. Transfer of property and assets

34 The transfer of school property and assets shall be as
35 follows.

36 1. Board of directors. The directors of a school
37 administrative district shall determine what school property
38 of the municipalities and former school administrative units
39 in their district are necessary to carry out the functions
40 of their district and:

1 A. Request in writing that the school board of each
2 school administrative unit or the municipal officers
3 transfer title of their school property and buildings
4 to the school administrative district; or

5 B. Assume all the duties and liabilities under lease
6 agreements with the Maine School Building Authority if
7 the title is held by the authority.

8 2. Transfer. The school board or municipal officers
9 shall make the transfer notwithstanding any other provision
10 in the charter of the school administrative unit or municipi-
11 ality or other provision of law.

12 3. Maine School Building Authority. The Maine School
13 Building Authority, on the completion of all rental payments
14 and other conditions in the lease, shall transfer the title
15 to the school administrative district notwithstanding any
16 provision in the lease or other provision of the law.

17 4. Financing assumed debts. If a school administra-
18 tive district has assumed the outstanding indebtedness of a
19 former school administrative unit:

20 A. The directors of the school administrative district
21 may, notwithstanding any other statute or any provision
22 of any trust agreement, use any sinking fund or other
23 money set aside by the school administrative unit to
24 pay off the indebtedness for which the money was dedi-
25 cated;

26 B. The municipality within a school administrative
27 district may, by vote of its voters, raise, appropriate
28 and transfer money to the school administrative dis-
29 trict solely for school construction purposes; and

30 C. A municipality, within a proposed school adminis-
31 trative district that has applied to the state board,
32 may, by vote of its voters, raise and appropriate money
33 for school construction purposes to be transferred to
34 the proposed school administrative district, if and
35 when the district takes over the operation of the
36 public school within its jurisdiction.

37 The municipality may only withdraw this appropriation:

38 (1) If the formation of the district fails to be
39 approved by the municipalities within the district
40 or by the state board; or

1 (2) If 9 months or more after the original vote,
2 the electorate of the town vote to withdraw the
3 appropriation.

4 §1205. Operational date and transfer of authority

5 The operational date and transfer of authority of a
6 school administrative district shall be as follows.

7 1. Operational date. A school administrative district
8 shall become operative on the date set by the state board as
9 provided in section 1253.

10 2. Transfer of governing authority. The school direc-
11 tors shall, on the date established in subsection 1, assume
12 the management and control of the public schools within the
13 former school administrative units within the district and
14 these former school administrative units shall on that date
15 have no further responsibility for the operation or control
16 of the public schools within the district.

17 3. Transfer of school accounts. Notwithstanding
18 section 10004 or any charter of a community school district
19 or coterminous district, the balance remaining in the school
20 accounts of the municipalities, community school district or
21 coterminous school districts within the school administra-
22 tive district shall be paid to the treasurer of the district
23 in equal monthly installments over the remainder of the
24 fiscal year in which the district is formed.

25 4. Teacher contracts. The contracts between the
26 municipalities within the district and all teachers shall
27 automatically be assigned to the school administrative dis-
28 trict as of the date the district becomes operative. The
29 district shall assign teachers to their duties and make pay-
30 ments upon their contracts.

31 5. Superintendent contracts. The contracts between
32 the superintendents and municipalities within the district
33 shall be transferred to the school administrative district.
34 The board of directors shall determine the superintendents'
35 duties within the district and pay that proportion of the
36 salaries paid for by the former school administrative units
37 in the district.

38 §1206. Application of general law

39 Schools operated by legally established school adminis-
40 trative districts shall be the official schools of the

1 participating municipalities. The provisions of general law
2 relating to public education shall apply to these schools.
3 State funds for public schools shall be paid directly to the
4 treasurer of the school administrative district.

5 SUBCHAPTER III

6 SCHOOL DIRECTORS

7 §1251. Board of directors

8 Provisions for a board of directors shall be as fol-
9 lows.

10 1. Size. The size shall be determined by the joint
11 meeting under section 1203 or by the reapportionment commit-
12 tee under section 1255, but shall not be less than 5. It
13 shall include at least one director from each municipality
14 or subdistrict.

15 2. Term of office. In municipalities with annual
16 elections, directors shall serve a 3-year term. In munici-
17 palities with biennial elections, directors shall serve a
18 4-year term. A director shall serve until his successor is
19 elected and qualified.

20 3. Terms of office under district formation. The
21 newly elected directors under a district formation or reap-
22 portionment plan shall meet and draw lots for the length of
23 term specified as follows.

24 A. In municipalities with annual elections, 1/3 of the
25 directors shall serve one-year terms, 1/3 shall serve
26 2-year terms and 1/3 shall serve 3-year terms. If the
27 number of directors is not evenly divisible by 3, the
28 first remaining director shall serve a 3-year term and
29 the 2nd a 2-year term.

30 B. In municipalities with biennial elections, 1/2 of
31 the directors shall serve a 4-year term and 1/2 a
32 2-year term. If the number of directors is not divis-
33 ible by 2, the remaining director shall serve a 4-year
34 term.

35 C. The directors shall serve their terms as determined
36 at the organizational meeting and an additional period
37 until the next regular election of the municipalities.
38 Thereafter, the directors' terms of office shall date
39 from the time of each municipality's regular election.

1 4. Compensation. Compensation for attendance at a
2 school board meeting shall be between \$10 and \$25 per meet-
3 ing. Whenever the directors recommend to increase their
4 compensation, they shall submit their recommendation to the
5 district voters for approval.

6 A. On notification by the school board, the municipal
7 officers shall, at the next regular or special town
8 meeting or city election, prepare a warrant or ballot
9 for the purpose of voting on the proposed increase.

10 The question shall be in the following form.

11 "Should the School Administrative District
12 No. _____ directors be paid compensation at the
13 rate of \$ _____ for each meeting which each direc-
14 tor attends?"

15 B. No increase in compensation is effective unless
16 approved by a majority of the voters voting on the
17 question.

18 5. Secretary and treasurer. The superintendent shall
19 serve as secretary and treasurer of the school board and
20 shall give a bond to the district of a sum and with the
21 sureties as the school board shall determine. The bond
22 shall be deposited with the chairman. The expense of that
23 bond shall be paid by the district. The bond premium, com-
24 penetration paid directors for attendance at meetings and
25 expenses of the district shall be paid from funds of the
26 district by the treasurer on vouchers presented and certifi-
27 fied by the superintendent and approved by a majority of the
28 school board or a finance committee duly elected annually by
29 that board.

30 6. Oath of office. Before their first meeting, newly
31 elected directors shall take the following oath or affirma-
32 tion before a dedimus justice or notary public.

33 "I do swear that I will faithfully
34 discharge to the best of my abilities the duties incumbent
35 on me as a school director of School Administrative District
36 No..... according to the Constitution and laws of this
37 State. So help me God."

38 A. A director shall make a certificate documenting
39 that he has taken the oath or affirmation and return it
40 to the secretary of the district to place in the dist-
41 trict records.

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

6 7. Election of officers. The board of directors
7 shall elect a chairman and vice-chairman and other officers
8 as may be necessary.

9 §1252. Methods of representation

10 The following are methods of representation.

11 1. Method A: Subdistrict representation. Directors
12 shall represent subdistricts.

13 A. The subdistricts, as far as practicable, shall be
14 whole municipalities. If the municipalities are
15 divided into subdistricts, then they shall be divided
16 into subdistricts of approximately equal size as deter-
17 mined by the latest Federal Decennial Census or Federal
18 Estimated Census. The municipal officers shall provide
19 a separate voting place for each subdistrict of the
20 municipality.

21 B. The boundaries of each subdistrict shall be deter-
22 mined by a majority vote of the joint meeting or reap-
23 portionment committee. Each subdistrict shall have one
24 director, except that in a municipality comprised of 2
25 or more subdistricts, the joint meeting may authorize
26 the election of directors-at-large.

27 2. Method B: Weighted votes. Directors shall cast
28 weighted votes.

29 A. The committee shall apportion 1,000 votes among all
30 the members of the board. The ratio of the number of
31 votes cast by the directors representing a municipality
32 in relation to the number 1,000 shall be the same ratio
33 to the nearest whole number as the population of the
34 municipality is in relation to the population of all
35 municipalities in the district, as determined by the
36 latest Federal Decennial Census or Federal Estimated
37 Census.

38 B. To assure the use of whole numbers, the 1,000 votes
39 apportioned among the board members may be increased or
40 decreased by not more than 5 votes.

1 C. A plan may not permit the voting power of any
2 director to exceed by more than 2% the percentage of
3 voting power he would have if all 1,000 votes were
4 apportioned equally among the directors.

5 D. In a municipality served by 2 or more directors,
6 the votes cast by them shall be divided equally among
7 them. The directors shall be elected at large within
8 the municipality unless otherwise provided by municipal
9 charter.

10 3. Method C: At-large voting. Directors shall be
11 elected at large by all of the voters in the district.

12 4. Method D: Other. Directors may be elected by any
13 other method that meets the requirements of the one-man,
14 one-vote principle that is not included in Methods A, B or
15 C.

16 §1253. Election

17 For the purpose of nominations, school directors shall
18 be considered municipal officials and shall be nominated in
19 accordance with Title 30, chapter 207, or with a municipal
20 charter, whichever is applicable.

21 1. Initial meeting on district formation. On the
22 election of the school directors, the clerk of each municipi-
23 ality within the school administrative district shall forward
24 the names of the directors elected for that municipali-
25 ty to the state board with other data with regard to their
26 election as the state board may require. On receipt of the
27 names of all of the directors, the state board shall set a
28 time, place and date for the first meeting of the directors
29 and give notice to the directors in the manner set forth in
30 section 1203, subsection 3, paragraph A.

31 2. Special provisions. In the election for repre-
32 sentation under the methods provided in section 1252 the
33 following shall apply.

34 A. Under Methods A and B:

35 (1) Within 30 days after notification by the
36 board of directors of the approval or reapportionment
37 plan, the municipal officers shall call a
38 special election to elect directors to serve under
39 the plan for the school administrative district;

1 (2) Nomination papers shall be furnished by the
2 secretary of the district. Notwithstanding any
3 other section of this Title, directors shall be
4 nominated by obtaining a minimum of 25 and a maxi-
5 imum of 50 signatures of registered voters residing
6 within the subdistrict. The secretary shall
7 notify the municipal officers of the names of candi-
8 dates in each subdistrict;

9 (3) The municipal officers shall prepare ballots
10 to be used in their municipality for the election;

11 (4) The clerks of each municipality shall forward
12 to the secretary the results of the vote by sub-
13 district;

14 (5) The board of directors shall meet and total
15 the votes cast for each candidate within each sub-
16 district and shall immediately notify the clerks
17 in each municipality, the candidates and the com-
18 missioner of the results of the vote;

19 (6) The terms of the directors elected under the
20 original municipal representation system shall
21 cease on the date that the newly elected directors
22 are sworn into office; and

23 (7) Notwithstanding any other provision of stat-
24 ute, directors shall be elected by secret ballot.
25 The ballots shall be prepared for and distributed
26 to the municipalities or subdistricts by the
27 secretary of the district.

28 B. Under Method C:

29 (1) Nominations for directors shall be made on
30 petitions provided by the district secretary. The
31 petitions shall be signed as provided in Title 30,
32 section 2061, subsection 3, or if the candidate is
33 a voting resident in a municipality having less
34 than 200 population, signed by at least 20% of the
35 registered voters of that municipality;

36 (2) The petitions shall be submitted to the
37 registrar of voters in the respective municipali-
38 ties for certification of the voting residence of
39 the director nominated and of the voters signing
40 the petition;

- 1 (3) The registrar of voters shall return the cer-
2 тифицид petitions to the district secretary not
3 later than 30 days prior to the date of the annual
4 election to be held in the municipality;
- 5 (4) The ballot shall be prepared and distributed
6 by the district secretary. It shall give the
7 number of offices to be filled and list the candi-
8 dates by municipalities or subdistricts in which
9 they are resident;
- 10 (5) Notwithstanding any other provision of law,
11 school directors shall be elected by secret bal-
12 lot;
- 13 (6) If all member municipalities do not conduct
14 the election for directors on the same date, then
15 all ballots cast in the elections shall be
16 impounded by the clerk of each municipality:
- 17 (a) After all municipalities have voted, the
18 clerks and one or more election supervisors
19 designated by the municipal officers of each
20 municipality shall meet at an agreed upon
21 location and tally the ballot;
- 22 (b) The tally shall be completed within one
23 day of the last member municipality election;
- 24 (c) The election supervisors shall select
25 from among their members a chairman who shall
26 supervise the tally of ballots; and
- 27 (d) The clerk of each municipality shall as
28 promptly as possible after the election cer-
29 tify to the board of directors the result of
30 the voting in that municipality; and
- 31 (7) Any recount petitions shall be filed with the
32 secretary of the board of directors and recounts
33 shall be conducted in each member municipality in
34 accordance with the applicable laws.

35 §1254. Vacancies

36 Declaration and filling of vacancies shall be as fol-
37 lows.

38 1. Definition of vacancy. A vacancy occurs:

1 A. When the term of the office of a school director
2 expires;

3 B. When a school director changes residency from the
4 municipality or subdistrict from which elected. Evi-
5 dence that an individual is registered to vote in a
6 municipality is prima facie evidence of that
7 individual's residency;

8 C. On the death of a school director; or

9 D. When a school director resigns.

10 2. School board. The board of directors shall notify
11 the municipal officers of the municipalities within the dis-
12 trict before the annual town meeting or before the regular
13 city election of the vacancy.

14 3. Filling vacancies. Vacancies shall be filled as
15 follows.

16 A. The municipal officers of the municipality in which
17 the director resided shall select an interim director
18 for the municipality or subdistrict to serve until the
19 next annual municipal election. The interim director
20 shall serve until his successor is elected and quali-
21 fied.

22 B. The municipal officers shall provide at the next
23 municipal or subdistrict election for the election of a
24 director to fill the vacancy.

25 §1255. Reapportionment

26 The state board shall determine the necessity for reap-
27 portionment.

28 1. Duties of the state board. The state board shall
29 determine if a district is apportioned in accordance with
30 the principles of one man, one vote, if:

31 A. It receives a request by the board of directors;

32 B. It receives a petition signed by district voters
33 equal to at least 10% of the voters who voted in the
34 last gubernatorial election in the district; or

35 C. It determines a district is not apportioned accord-
36 ing to the principles of one man, one vote.

1 2. Awaiting census results. If the state board
2 receives a request within 12 months before a Federal Decen-
3 ennial Census or Federal Estimated Census, the board may wait
4 until after the new census figures are available to make a
5 determination.

6 3. Findings and order. If the state board finds the
7 district's representation is not apportioned in accordance
8 with the principle of one man, one vote, it shall, within 7
9 days of that decision, notify the municipal officers in each
10 municipality in the district and the school board to create
11 a reapportionment committee. The notification shall include
12 the time and place for the first meeting of the committee
13 which shall be held not later than 20 days after the
14 notificaton.

15 4. Reapportionment committee membership. The reappor-
16 tionment committee shall consist of one municipal officer
17 and one citizen at large from each member municipality, cho-
18 sen by the municipal officers, and one diretor from each
19 municipality, chosen by the board of directors. The
20 appointments shall be made prior to the first meeting of the
21 committee.

22 5. Quorum. A majority of the committee shall be a
23 quorum.

24 6. Duties of the commissioner. The commissioner shall
25 provide the committee with the most recent Federal Decennial
26 Census or Federal Estimated Census figures for each munici-
27 pality in the district and at least one recommended appor-
28 tionment plan.

29 7. Duties of the reapportionment committee. The com-
30 mittee shall:

31 A. Elect a chairman and secretary and may adopt suit-
32 able rules of procedure;

33 B. Consider and by majority vote adopt a plan includ-
34 ing the method of representation, total number of
35 directors and number of directors representing each
36 municipality or subdistrict; and

37 C. Within 90 days of the first meeting, send a report
38 of their plan to the state board for approval. It may,
39 within the 90-day limit, submit alternative plans for
40 apportionment.

1 8. State board approval. The state board shall
2 approve or disapprove the committee plan within 30 days of
3 receiving it.

4 9. Failure to gain state board approval. If a plan
5 has not been adopted by the committee or approved by the
6 board within the time limits, the commissioner shall prepare
7 a suitable plan and submit it to the state board for
8 approval.

9 10. Putting the approved plan into effect. On
10 approval of a plan by the state board, the commissioner
11 shall send a certified copy to the municipal officers and
12 school directors. The original plan shall be retained in
13 the state board files.

14 A. The approved plan shall be effective immediately.
15 The committee shall determine the terms of the direc-
16 tors who shall be elected at the next annual municipal
17 elections so as to comply with section 1253.

18 B. If the approved plan requires a reduction of the
19 number of directors to be elected in a municipality,
20 all of the existing directors representing the municipi-
21 ality shall, within 7 days after the date of approval
22 and under the supervision of the board of directors,
23 choose by lot which directors' terms shall terminate.

24 C. If the approved plan requires that additional
25 directors be elected in a municipality, the municipal
26 officers shall fill the vacancies by appointment. A
27 new director shall serve until his successor is elected
28 and qualified at the next annual municipal election.

29 D. The current board of directors shall serve until
30 the next annual municipal elections.

31 E. The reapportionment committee shall thereupon be
32 dissolved.

33 11. Duties of present directors during reapportion-
34 ment. The board of directors, during the reapportionment of
35 its membership, shall serve as legal representatives of the
36 district until the reapportionment is completed. The board
37 shall carry out all business of the district, including the
38 borrowing of necessary funds which may be required during
39 the period of reapportionment.

40 §1256. Powers and duties

1 The board of directors:

2 1. School district name. May select an unofficial
3 name of the district;

4 2. Finance committee. May elect a 3-member finance
5 committee whose members shall be directors;

6 3. Operating schools. May operate elementary school
7 units;

8 4. Purchase of land outside the district. May pur-
9 chase land outside of the geographical limits of the dis-
10 trict and erect a school on it if, because of the location
11 of other schools within the school district or transporta-
12 tion difficulties, a school within the district would not be
13 in the best interests of the district;

14 5. Bylaws. Shall adopt bylaws for the regulation of
15 the affairs of the board and the conduct of its business;

16 6. Property disposal. May not dispose of any real
17 property unless the transaction has been authorized by the
18 voters of the district as required by sections 1351 to 1354,
19 except:

20 A. The board may vote to return unused school property
21 to the municipality where the property is located if
22 the district has assumed no indebtedness or lease obli-
23 gation on account of the property;

24 B. The board may transfer or lease unused school prop-
25 erty to nonprofit organizations for educational or cul-
26 tural purposes; and

27 C. The board may lease any unused school buildings for
28 educational or cultural purposes; and

29 7. Gifts. May accept and receive money or other prop-
30 erty, outright or in trust, for any specified benevolent or
31 educational purpose. The board shall comply with the fol-
32 lowing in accepting gifts.

33 A. If the board receives written notice from a pros-
34 pective donor or his representative of a proposed gift,
35 they shall submit the matter to the next regular meet-
36 ing of the board or shall call a special meeting. The
37 board shall, within 10 days after the meeting, send
38 written notice of its acceptance or rejection.

1 B. If the gift is in trust, the board shall deposit or
2 invest those trust funds according to Title 30, section
3 5051.

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

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

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

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

16 (5) If the district fails to comply with the
17 terms of the trust instrument, the trust fund
18 reverts to the donor or his heirs.

19 C. If the money or other property is a conditional
20 gift for any specified benevolent or educational pur-
21 pose, the following shall apply.

22 (1) Prior to the acceptance of a gift the board
23 of directors shall obtain approval of the legis-
24 lative body of the school administrative district.

25 (2) When the donor's part of the agreement
26 respecting the execution of the conditional gift
27 has been completed, the district shall perpetually
28 comply with, and may raise money to carry into
29 effect, the conditions upon which it was made.

30 (3) Unless otherwise specified by its terms, a
31 conditional gift of money shall be deposited or
32 invested according to Title 30, section 5051.

33 §1257. Quorum

34 At least a majority of the board of directors in number
35 and voting power shall be a quorum.

36 §1258. Program

1 (1) The number of resident pupils in each town;

2 (2) The state valuation of each member town's
3 real property as set in the calendar year prior to
4 the district's fiscal year; or

5 (3) Any combination of subparagraphs (1) and (2).

6 2. Residents on federal property. For the purposes of
7 this chapter only, a district shall count students residing
8 on land under the control of the Federal Government or on a
9 federal military reservation, who are eligible under United
10 States Public Law 81-874, as residents of the district but
11 not as residents of a municipality.

12 3. Amendment of cost-sharing formulas. The cost-
13 sharing formula may be amended as follows.

14 A. If requested by a written petition of at least 10%
15 of the number of voters voting in the last gubernatori-
16 al election in the municipalities within the dis-
17 trict, the board of directors shall hold a meeting of
18 municipal representatives to determine the necessity of
19 reconsidering the method of sharing costs. The dis-
20 trict shall give at least 15 days' notice to each
21 municipality comprising the district of that meeting.

22 B. Each member municipality shall be represented at
23 the meeting by 2 representatives chosen at large by its
24 municipal officers, and one member of the district
25 board of directors chosen by the municipality's direc-
26 tors.

27 C. A change in the method of sharing costs may only be
28 approved by a majority vote of the municipal repre-
29 sentatives present.

30 D. If approved by this meeting, the change shall be
31 submitted to the voters at a district meeting. It
32 shall become effective when approved by a majority vote
33 of the district in a district referendum called and
34 held for this purpose in accordance with sections 1351
35 to 1354.

36 E. Assessments made by the school board thereafter
37 shall be made in accordance with the new method of
38 sharing costs.

1 F. The secretary of the district shall notify the
2 state board that the district has voted to change its
3 method of sharing costs. The state board shall issue
4 an amended certificate of organization showing this new
5 method of sharing costs.

6 §1302. Budget preparation

7 The district budget shall be prepared as follows.

8 1. Preparation by board. The board of directors shall
9 annually prepare a budget for:

10 A. Operational costs;

11 B. Bonds falling due;

12 C. Interest on bonds or other obligations;

13 D. Rentals and other charges in a contract;

14 E. A lease or agreement with the Maine School Building
15 Authority; and

16 F. Temporary loans.

17 2. Distribution. At least 7 days before the district
18 budget meeting, the board of directors shall make available
19 to the legislative body responsible for final budget
20 approval and residents of the district, a detailed budget
21 document. It shall include a summary of anticipated reve-
22 nuces and estimated school expenditures.

23 §1303. Budget meeting

24 The school board shall hold a district budget meeting
25 at a time it determines.

26 1. Warrant. The budget meeting shall be called by a
27 warrant. The warrant shall:

28 A. Be signed by a majority of the board of directors;

29 B. Specify the time and place of the meeting;

30 C. Include the proposed school budget and other arti-
31 cles the school board chooses to place before the
32 voters, excluding authorization to borrow money for
33 school construction purposes;

1 D. Specify the state and local shares of the
2 state-local allocation and local leeway and additional
3 expenditures without state participation; and

4 E. Be directed to a resident of the district by name
5 ordering the resident to notify all voters within the
6 district to assemble at the time and place appointed.

7 2. Notice. An attested copy of the warrant shall be
8 posted by the person to whom it is directed in some conspic-
9 uous public place in each of the municipalities within the
10 district at least 7 days before the meeting. The person who
11 gives notice of the meeting shall make a return of the post-
12 ing on the warrant stating the manner of notice in each
13 municipality and the time when it was given.

14 3. Requested articles. If requested by a written
15 petition of at least 10% of the number of voters voting for
16 the gubernatorial candidates in the last gubernatorial elec-
17 tion in each municipality within the district, the board of
18 directors shall place specific articles, not in conflict
19 with existing state statutes, in the warrants for considera-
20 tion at the next annual district budget meeting. To be
21 included in the warrant a petition shall be received by the
22 board of directors at least 15 days before the date set for
23 the budget meeting. When placed on the warrant, the arti-
24 cles shall be considered before action relating to the
25 appropriation of money for the operation of schools.

26 §1304. Meeting procedures

27 The following procedures shall be used at a district
28 meeting.

29 1. Election of moderator. The secretary of the board
30 of directors, or when absent, the chairman of the school
31 board, shall open the meeting and call for the election of a
32 moderator, receive and count votes for moderator and swear
33 in the moderator.

34 2. Appointing ballot clerks. The moderator shall
35 appoint from the certified voting list the ballot clerks
36 necessary for the efficient operation of the meeting. The
37 clerks shall be sworn in by the moderator.

38 3. Budget consideration. The budget shall be thor-
39 oughly explained. The voters shall have an opportunity to
40 be heard. The voters may change only items dealing with:

1 B. The municipal officers within the district shall
2 then cause the article to be placed on the ballots for
3 that municipality for the next general or statewide
4 special election occurring at least 45 days after the
5 date on which the municipal officers received the
6 notice.

7 C. The warrants, notices and voting procedures to be
8 followed within a municipality, including absentee
9 voting procedures, shall be the same as those provided
10 in Title 21, except that the duties of the Secretary of
11 State shall be performed by the board of directors.

12 D. Municipal clerks shall, within 24 hours of the
13 determination of the results of the vote in their
14 municipality, certify to the board of directors the
15 total number of votes cast in the affirmative and in
16 the negative on the article.

17 E. As soon as all of the results from all of the
18 municipalities have been returned to the board of
19 directors, the board shall meet and compute the total
20 number of votes cast in the affirmative and in the
21 negative on the article in all of the municipalities
22 within the district.

23 F. If the board of directors determines that there
24 were more votes cast in the affirmative than there were
25 in the negative on the article, they shall declare that
26 the article has passed.

27 G. If the board of directors determines that the total
28 number of votes cast on the article in the affirmative
29 is equal to or less than those in the negative, they
30 shall declare that the article has not passed.

31 H. The board of directors shall enter their declara-
32 tion and computations in their records and send certi-
33 fied copies of it to the municipal clerk of each munic-
34 ipality within the district.

35 2. Application. Following the board of director's
36 declaration that the article has passed, the board shall
37 cause the voting at all future district budget meetings and
38 to be called within each municipality within the district.
39 The voting shall be held in accordance with the procedures
40 set out in sections 1351 to 1354. The board may hold infor-
41 mational meetings on voting procedure and budget prior to
42 voting. The board shall be responsible for the form of the

1 articles to be voted on in the municipalities, except as
2 otherwise provided by law.

3 3. Failure to approve a budget. If, at a district
4 meeting where the voting is done within each municipality
5 within the district, the voters fail to approve the oper-
6 ating school budget, or any part thereof, subsequent dis-
7 trict budget meetings shall be held and the voting at these
8 meetings shall be done at a single place within the dis-
9 trict. These meetings shall be held solely for the purpose
10 of approving an alternative operating school budget to
11 replace the part of the proposed budget which the voters
12 failed to approve. These meetings shall be held in accord-
13 ance with the provisions and procedures set out in section
14 1304. They may continue in this manner until an alternative
15 budget is adopted.

16 §1306. Budget format

17 The board of directors shall determine the budget for-
18 mat unless the district voters petition to establish it.

19 1. Petition. An article dealing with the budget for-
20 mat may be placed on the next warrant if authorized by a
21 majority vote of the board or if a written petition of at
22 least 10% of the number of voters voting in the last guber-
23 national election in the municipalities within the district
24 has been presented to the board.

25 2. Meeting. A school budget format may be established
26 by the district voters if the lesser of either 20% of the
27 number of registered voters or 200 registered voters vote on
28 an appropriate warrant article and a majority approve it.
29 The meeting shall be called and held as provided for dis-
30 trict approval procedures under sections 1351 to 1354.

31 3. Effective date. A change in budget format shall be
32 voted on at least 90 days prior to the budget year for which
33 that change is to be effective.

34 §1307. Specific line budgets

35 If the school budget format requires specific line cat-
36 egories, then in preparing the warrant and conducting the
37 budget meeting, the following shall apply.

38 1. Separate articles. Each category shall be included
39 in a separate warrant article.

1 2. Transfer. Unless authorized by the voters, the
2 board of directors may not transfer funds between line item
3 categories.

4 3. Summary action. To summarize the action taken on
5 the school budget for the purposes of determining the dis-
6 trict's state-local allocations, the articles prescribed in
7 chapter 605 shall also be voted upon.

8 §1308. Failure to pass budget

9 If a budget for the operating of the district is not
10 approved prior to July 1st, the budget as submitted by the
11 board of directors shall be automatically considered the
12 budget approved for operational expenses for the ensuing
13 year.

14 §1309. Special budget meeting

15 The school board may call a special budget meeting when
16 they declare an emergency to exist. The voters of the dis-
17 trict may authorize the directors at a special district bud-
18 get meeting to pledge the credit of the district to obtain
19 additional moneys for the operation of schools.

20 §1310. District assessments

21 District assessments shall follow these procedures.

22 1. Warrant. In accordance with the budget approved by
23 the voters at an annual budget meeting and in substantially
24 the same form as the warrant of the Treasurer of State for
25 taxes, the board of directors shall issue its warrants to
26 the assessors of each member municipality requiring it to
27 assess upon the taxable estates within the municipality an
28 amount which is that municipality's share of the district's
29 costs.

30 2. Commitment. The municipal assessors shall commit
31 the assessment to the constable or collector. Constables
32 and collectors shall have the authority and powers to col-
33 lect the district's taxes as is vested in them by law to
34 collect state, county and municipal taxes.

35 3. Installments. The board of directors shall notify
36 the member municipalities of the monthly installments that
37 will become payable during the fiscal year.

1 4. Payment. A municipal treasurer shall pay the
2 amount of the tax assessed in the fiscal year against the
3 municipality to the treasurer of the district. The payments
4 shall be paid in monthly installments on or before the 20th
5 of each month.

6 5. Gifts. A municipality may use the proceeds from
7 gifts or trust funds allocated for educational purposes to
8 pay its share of the assessment.

9 6. Enforcement. If a municipal treasurer fails to pay
10 the installment due, or any part, on the dates required, the
11 treasurer of the district may issue a warrant for the amount
12 of the unpaid tax to the county sheriff requiring the
13 sheriff to levy by distress and sale on the real and per-
14 sonal property of any of the inhabitants of the municipality
15 where that default takes place. The sheriff or sheriff's
16 deputies shall execute the warrant. In collecting taxes
17 within member municipalities, the board of directors shall
18 have the same power as county officials for the collection
19 of county taxes under Title 36, chapter 105, subchapter 9.

20 §1311. Power to borrow money

21 A school administrative district may borrow money as
22 follows.

23 1. Board of directors. The board of directors may
24 borrow money to pay for:

25 A. Current operating expenses of the district if the
26 loans are repaid within one year of the date of borrow-
27 ing and are limited to an amount reasonably required
28 for current operating expenses; and

29 B. School construction projects as defined in section
30 15901.

31 2. Voters approval. Bonds or notes for school con-
32 struction purposes shall first be approved by a majority of
33 voters of the district voting at an election called by the
34 board of directors and held as provided in sections 1251 to
35 1254, except as is otherwise provided in this section.

36 A. Each bond or note shall have inscribed upon its
37 face the name of the district, the date it was issued,
38 the amount of the bond or note and the annual interest
39 rate, payable semiannually. Each bond or note shall be
40 in the form and be sold in the manner, at public or

1 private sale, as the board of directors shall determine
2 in accordance with state law. Bonds may not be sold
3 for less than par.

4 B. Notes or bonds issued by a district shall be signed
5 by the treasurer or assistant superintendent and coun-
6 tersigned by the chairman of the board of directors of
7 the district. If coupon bonds are issued, each coupon
8 shall be attested by a facsimile signature of the
9 treasurer.

10 C. Each issue of bonds shall mature in substantially
11 equal annual installments so that the first installment
12 shall be payable not later than 2 years and the last
13 installment not later than 25 years after the date of
14 issue.

15 3. Temporary notes. Prior to issuing authorized
16 school construction bonds or notes, the board of directors
17 may borrow in anticipation of their sale by issuing tempo-
18 rary notes and renewal notes subject to the following.

19 A. Their total face value amount may not exceed at any
20 one time the authorized outstanding amount of the
21 school construction bonds or notes.

22 B. If the proceeds of an issue of bonds are used in
23 whole or in part to fund temporary notes, the period
24 during which the issue of bonds shall be outstanding
25 plus the period of the loan represented by the tempo-
26 rary notes or renewals shall not exceed 25 years.

27 C. Temporary notes shall mature not later than 3 years
28 from the date the first temporary note is issued.

29 D. Temporary notes and renewal notes shall be legal
30 obligations of the district.

31 E. The board of directors of a district which has
32 received a certificate of approval of a school con-
33 struction project pursuant to Title 20, section 3458 to
34 be paid in accordance with the alternate method pre-
35 scribed in Title 20, section 3460, may borrow in antic-
36 ipation of unpaid portions of state aid and may issue
37 temporary and renewal notes.

38 F. If the temporary or renewal notes in anticipation
39 of state aid exceed the aggregate amount of state aid
40 actually received by the district, the unexpended bal-

1 ance of those notes shall be used for the repayment.
2 If an outstanding balance remains, it shall be included
3 in the next annual budget and shall not be subject to
4 change at the district budget meeting.

5 4. Early redemption. Bonds or notes issued on behalf
6 of a district may be made subject to call for redemption,
7 with or without premium, at the election of the board of
8 directors before the date fixed for final payment of those
9 bonds or notes. When these bonds or notes are issued, they
10 shall contain provisions setting forth the method by which
11 the option to call may be exercised, the procedure for pay-
12 ment in the event of call and the legal effect of making the
13 call.

14 5. District status. Notes and bonds, and loans to pay
15 current operating expenses, contracts, leases and agreements
16 with the Maine School Building Authority, shall be legal
17 obligations of the district. The district shall be a
18 quasi-municipal corporation within the meaning of Title 30,
19 section 5053 and all the provisions of that section shall be
20 applicable to them.

21 6. Debt limit. The aggregate principal amount of out-
22 standing bonds or notes issued by a district for school con-
23 struction purposes shall not exceed, at any one time, 10% of
24 the total of the last preceding state valuation of all the
25 municipalities within the district, plus an amount not to
26 exceed 4% of that total district valuation set by the state
27 board at the time of the initial approval of the school con-
28 struction project.

29 A. Indebtedness in excess of 10% incurred under the
30 law as it existed prior to April 1, 1974, is validated.

31 B. Outstanding school indebtedness assumed by the dis-
32 trict shall be included in its limit of indebtedness,
33 excluding contracts, leases or agreements with the
34 Maine School Building Authority and notes in anticipa-
35 tion of state aid issued pursuant to subsection 3.

36 C. The percentage limit of the indebtedness for bonds
37 or notes for school construction purposes authorized
38 after April 27, 1967 shall be fixed as of the time of
39 authorization by the voters or, if no district meeting
40 is held to authorize those bonds or notes, upon the
41 expiration of 35 days following passage of a resolution
42 of the board of directors as described in subsection 7.

1 D. If the issuance of bonds or notes together with all
2 outstanding indebtedness included within the district's
3 limit of indebtedness would cause the district's
4 indebtedness to exceed 10% of the total of the last
5 preceding state valuation of all the municipalities
6 within the district, the board of directors shall not
7 issue those bonds or notes until they have received a
8 certificate of approval pursuant to Title 20, section
9 3458.

10 E. If a certificate of approval indicates that the
11 state board has authorized state aid to be paid in ac-
12 cordance with the alternate method prescribed by Title
13 20, section 3460, the total estimated amount of state
14 aid payable on account of the school construction
15 project described in the certificate of approval shall
16 be treated as outstanding school indebtedness for the
17 purpose of computing the borrowing capacity of the dis-
18 trict to finance that project by issuing its bonds or
19 notes. State aid shall be determined by applying the
20 applicable percentage of state aid to the total esti-
21 mated cost of the project, as set forth in the certifi-
22 cate of approval.

23 7. Bonds and notes under 1% of valuation. The board
24 of directors may issue bonds or notes not to exceed 1% of
25 the last preceding state valuation of all the municipalities
26 within the district:

27 A. By calling a district meeting to approve the issu-
28 ance of those bonds or notes as provided in section
29 1304; or

30 B. By passing a resolution to that effect, setting
31 forth the amount of the proposed issue and the purposes
32 for which the proceeds will be used and meeting the
33 following requirements.

34 (1) The secretary of the board shall, within 5
35 days of the date of the passage of the resolution,
36 cause attested copies of the resolution to be
37 posted in 3 public and conspicuous places within
38 each of the municipalities within the district.
39 The secretary shall make a return of the posting
40 stating its time and place. The return shall be
41 kept with the records of the district and a copy
42 of the return shall be mailed to each of the
43 municipal officers of each municipality within the
44 district.

1 (2) If, within 35 days of the date of the pas-
2 sage of the resolution, petitions with signatures
3 of at least 10% of the residents in the district
4 eligible to vote on the date that the resolution
5 was adopted, are filed with the secretary request-
6 ing a vote of the district to approve or disap-
7 prove the issuance of the bonds or notes, the
8 secretary shall immediately notify the board.
9 They shall call an election for that purpose as
10 set forth in sections 1351 to 1354.

11 (3) The board shall not authorize bonds or notes
12 by resolution if the amount of the proposed issue,
13 together with the amount of any other bonds or
14 notes authorized solely by resolution and which
15 are for the same purpose, exceeds 1% of the total
16 of the last state valuation of all the participa-
17 ting municipalities.

18 §1312. Reserve fund

19 School administrative districts may establish a reserve
20 fund for school construction projects as follows.

21 1. Establishment. A school administrative district
22 may establish a reserve fund for school construction
23 projects by including a request in the district budget and
24 receiving voter approval. The board of directors shall be
25 the trustee of the reserve fund. The reserve fund shall be
26 deposited or invested by the treasurer under the direction
27 of the board.

28 2. Deposit or investment. Reserve funds, trust funds
29 and all permanent funds shall be deposited or invested by
30 the treasurer under the direction of the board of directors
31 as follows.

32 A. The balance in a savings bank, trust company or
33 national bank in the State shall not exceed the amount
34 insured by the Federal Deposit Insurance Corporation.

35 B. The funds may be invested in shares of a building
36 and loan or a savings and loan association organized
37 under state law.

38 C. The funds may be invested according to the law gov-
39 erning investment of the funds of savings banks under
40 Title 9-B, chapter 55. For the purpose of this para-
41 graph, the words "deposits of a bank" or their equiva-

1 lent, as used in Title 9-B, chapter 55, mean the total
2 assets of the reserve fund, trust fund or other perma-
3 nent fund being invested. The limitation concerning
4 the maximum amount which may be invested in a security
5 or type of security under Title 9-B, chapter 55,
6 applies only to an investment in that security or type
7 of security which exceed \$2,000.

8 3. Expending moneys from reserve funds. The board of
9 directors may expend the sum in the reserve fund when
10 authorized to do so by a vote of the district at a district
11 meeting or a district budget meeting, when an article for
12 that purpose is set out in the warrant calling the meeting.

13 §1313. Disposal of property

14 In disposing of real property in any amount or personal
15 property in an amount exceeding \$1,000, the board of direc-
16 tors shall comply with the following procedures.

17 1. Requirement to advertise. At least 5 days prior to
18 the date set for the close of bids, the board of directors
19 shall advertise for sealed bids in a newspaper having gen-
20 eral circulation in the territory embracing the school
21 administrative district.

22 2. Bid procedure. The board of directors shall comply
23 with the bid procedures outlined in section 1314.

24 §1314. Bid procedure

25 The following shall apply to bids.

26 1. Written bids. Bids shall be in writing, sealed
27 with outside envelope or wrapper plainly marked "Bid, not to
28 be opened until (with appropriate date inserted)," and
29 mailed to or filed with the superintendent of the unit.

30 2. Time of opening. A director or employee of the
31 school administrative district may not open a bid until the
32 appointed time.

33 3. Public opening. At the time and place stated in
34 the public notice, and open to the public, all bids shall be
35 opened by the superintendent or, in his absence or disabil-
36 ity, by any director designated for the purpose by the
37 chairman of the board of directors.

1 4. Reading. If any citizens who are not school admin-
2 istrative district directors or employees, or if any repre-
3 sentatives of the press are present, bids shall at the time
4 either be made available for examination by them or shall be
5 read aloud in a manner to be heard plainly by those in
6 attendance.

7 5. Exceptions. Property may be disposed of without
8 bids as follows.

9 A. The board of directors may sell school property and
10 buildings to the municipality where the property and
11 buildings are located at a mutually acceptable price
12 without advertising, provided the school administrative
13 district had assumed no indebtedness or lease obli-
14 gation on account of that property.

15 B. The directors may return unused real property to
16 individuals from whom it was purchased, their heirs or
17 assigns, when it is no longer needed for school pur-
18 poses.

19 §1315. Void contracts

20 A contract made by the school directors in a school
21 administrative district during the term of a member who is
22 pecuniarily interested in that contract, either directly or
23 indirectly, shall be void, unless the board of directors has
24 advertised for sealed bids for that contract and that adver-
25 tisement for sealed bids has been published at least 5 days
26 prior to the date set for closing of bids in a newspaper
27 having general circulation within the school administrative
28 unit.

29 SUBCHAPTER V

30 DISTRICT REFERENDUM

31 §1351. District referendum

32 The school board:

33 1. Authority to call a district referendum. May ini-
34 tiate a district referendum:

35 A. To approve the issuance of bonds or notes for
36 school construction projects;

37 B. To approve a change in the selection of a school
38 building site;

- 1 C. To approve a change in the method of sharing costs
2 among the member municipalities;
- 3 D. To approve an agreement to add one or more munici-
4 palities to the district;
- 5 E. To approve an agreement to transfer a participating
6 municipality to another school administrative district;
- 7 F. To approve an agreement to merge with another
8 school administrative district;
- 9 G. To Approve a proposed lease agreement with the
10 Maine School Building Authority;
- 11 H. To authorize the board of directors to contract for
12 the schooling of secondary pupils;
- 13 I. To authorize the board of directors to dispose of
14 real property; or
- 15 J. To accept or reject a prospective gift; and

16 2. Required district referendum. Shall initiate a
17 district referendum when requested by a written petition of
18 at least 10% of the number of voters voting for the guber-
19 natorial candidates in the last gubernatorial election in
20 the municipalities within the district. At that referendum,
21 the school board shall place before the voters the specific
22 school construction article which has been requested by the
23 petitioners.

24 §1352. Method of calling a district referendum

25 A district referendum shall be initiated by a warrant
26 prepared and signed by a majority of the board of directors.
27 The warrant shall be countersigned by the municipal officers
28 in the municipality where the warrants are posted.

29 1. Municipal officers. The warrant shall direct the
30 municipal officers within the district to call a referendum
31 on a date and time determined by the board of directors. A
32 warrant shall be prepared and distributed at least 30 days
33 prior to the date of the referendum.

34 A. The warrant shall be directed to a resident of the
35 district by name, ordering the resident to notify the
36 municipal officers of each of the municipalities within
37 the district, to call a town meeting or city election

1 on the date specified by the board of directors. No
2 other date may be used. The person who serves the
3 warrant shall make a return on the warrant stating the
4 manner of services and the time when it was given.

5 B. The warrant shall be served on the municipal clerk
6 of each of the municipalities within the district by
7 delivering an attested copy of the warrant in hand
8 within 3 days of the date of the warrant. The municip-
9 al clerk, on receipt of the warrant, shall immediately
10 notify the municipal officers within the municipality.
11 The municipal officers shall forthwith meet, counter-
12 sign and have the warrant posted.

13 C. The warrants and other notices for the referendum
14 shall be in the same manner as provided in Title 21.

15 2. Content of the warrant. The warrant shall set
16 forth the articles to be acted on in each municipal refer-
17 endum. The articles shall have the following form.

18 A. When a referendum is called for the purpose of
19 authorizing the issuance of bonds or notes for capital
20 outlay purposes, the articles shall be substantially as
21 follows.

22 (1) "Shall the school directors of School Admin-
23 istrative District No.....be authorized to issue
24 bonds or notes in the name of this district for
25 school construction purposes in an amount not to
26 exceed \$..... to construct
27 a.....
28 (elementary or secondary school)
29 to be located at
30 (specifically defined lot where school is to be
31 erected)

32 Yes No "

33 (2) "Shall the school director of School Adminis-
34 trative District No.....be authorized to issue
35 bonds or notes in the name of this district for
36 school construction projects in an amount not to
37 exceed \$.....for the purpose of.....
38 ?

39 (here state purpose of school construction
40 project)

41 Yes No "

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(3) "Shall the school directors of School Admin-
istrative District No..... be authorized to
use the bond issue or notes in an amount not to
exceed \$..... which was voted by the district
on.....
(date)
to construct a
(elementary or secondary school)
to be located at?
(specifically define lot where school is to be
located)

Yes No "

B. When a district votes to change the site of its
school construction project using the article in
subparagraph (3), the date of authorization of the
project shall be the original date the voters author-
ized the board of directors to issue bonds or notes for
that project.

C. When a referendum is called for the purposes of
approving the addition of a municipality to the dis-
trict, the article shall be in the form set forth in
section 1401, subsection 2, paragraph A.

D. When a referendum is called for the purpose of
approving a proposed lease agreement with the Maine
School Building Authority, the article shall be exactly
as is set forth in the proposed lease agreement.

E. When a referendum is called for the purpose of
authorizing the school board to contract for the
schooling of secondary pupils; the article shall be as
follows.

"Shall the school directors of School Administrative
District No..... be authorized to contract in the name
of this district with.....
(Name of Administrative Unit or Academy)
the schooling of secondary pupils for a term of
.....years?"

Yes No "

F. When a referendum is called for the purpose of
authorizing the school directors to dispose of real
property, the article shall be as follows.

1 "Shall the school directors of School Administrative
2 District No.....be authorized to dispose of.....
3 _____?
4 (describe the property)

5 Yes _____ No _____ "

6 G. When a referendum is called for the purpose of
7 authorizing a change in the method of sharing costs in
8 the district, the article shall be as follows.

9 "Shall the method of sharing costs in School Adminis-
10 trative District No.....be changed from the present
11 method.....
12 (describe)

13 to the following method: _____ ?
14 (describe)

15 Yes _____ No _____ "

16 H. When a referendum is called for the purposes of ac-
17 cepting or rejecting a prospective gift, the article
18 shall be as follows.

19 "Shall the school directors of School Administrative
20 District No..... be authorized to accept a prospec-
21 tive gift under the following conditions?
22
23 (set forth terms and conditions)

24 Yes _____ No _____ "

25 I. When a referendum is called for the purpose of
26 approving the agreement to transfer a municipality from
27 one district to another district, the article shall be
28 the form set forth in section 1406.

29 §1353. Referendum procedures

30 The following procedures shall apply to a district
31 referendum

32 1. Ballots. The board of directors shall prepare and
33 furnish the required number of ballots for carrying out the
34 referendum as posted, including absentee ballots. It shall
35 prepare and furnish all other materials necessary to fulfill
36 the requirements for voting procedures.

37 2. Voting. Voting shall be held and conducted as fol-
38 lows.

1 A. The voting at referendum held in towns shall be
2 held and conducted in accordance with Title 30, sec-
3 tions 2061 to 2065, even though the town has not ac-
4 cepted the provisions of Title 30, sections 2061 and
5 2062. The facsimile signature of the clerk under Title
6 30, section 2061, subsection 5, paragraph F, shall be
7 that of the chairman of the board of directors. If a
8 district referendum is called to be held simultaneously
9 with a general election or primary election, the voting
10 in towns shall be held and conducted in accordance with
11 Title 21, except that the duties of the Secretary of
12 State shall be performed by the board. The absentee
13 voting procedure of Title 21 shall be used, except the
14 duties of the Secretary of State shall be performed by
15 the board.

16 B. The voting at referendum in cities shall be held
17 and conducted in accordance with Title 21, including
18 the absentee voting procedure, except that the duties
19 of the Secretary of State shall be performed by the
20 board of directors.

21 3. Return and counting. The return and counting of
22 votes shall be as follows.

23 A. The municipal clerk shall, within 24 hours of the
24 determination of the results of the vote in the munici-
25 pality, certify and send to the board of directors the
26 total number of votes cast in the affirmative and in
27 the negative on each article.

28 B. As soon as all of the results from all of the
29 municipalities have been returned to the board of
30 directors, the board shall meet and compute the total
31 number of votes cast in all of the municipalities
32 within the district in the affirmative and in the nega-
33 tive on each article.

34 C. If the board of directors determines that there
35 were more votes cast in the affirmative than in the
36 negative, on a given article, they shall declare that
37 the article has passed.

38 D. If the board of directors determines that the total
39 number of votes cast on an article in the affirmative
40 is equal to or less than those cast in the negative,
41 they shall declare that the article has not passed.

1 E. They shall enter their declaration and computa-
2 tions in their records and send certified copies of it
3 to the clerk of each municipality within the district.

4 F. If the district votes on the question of merging
5 with another district, the secretary shall immediately
6 file a return with the state board of the results of
7 the vote on the question of merger.

8 §1354. Reconsideration

9 The procedure to reconsider votes taken at a district
10 referendum shall be as follows.

11 1. Time limit. The board of directors shall, within
12 60 days, initiate a new district referendum to reconsider
13 the vote of the previous referendum if, within 7 days of the
14 first referendum, at least 10% of the number of voters
15 voting for the gubernatorial candidates in the last guber-
16 natorial election in the municipalities within the district
17 petition to reconsider a prior district referendum vote.

18 2. Required quorum. A reconsideration referendum is
19 not valid unless the number of persons voting in that refer-
20 endum is at least equal to the number who voted in the prior
21 district referendum.

22 3. Bond. If the margin of the vote being reconsidered
23 was between 10% and 25%, the petitioners shall post a bond
24 with the petition equal to the actual and reasonable costs
25 of the new referendum. If the margin of the vote being
26 reconsidered exceeded 25%, the petitioners shall post an ad-
27 ditional bond equal to the actual and reasonable costs which
28 may be incurred as a result of the delay of an authorization
29 or approval granted in the prior district referendum. If
30 the petitioners are successful, the bonds shall be canceled.

31 SUBCHAPTER VI

32 REORGANIZATIONS

33 §1401. Additions

34 A municipality not originally in a school administra-
35 tive district may be included as follows.

36 1. Application. The board of directors of the munici-
37 pality wishing to join with an existing school administra-
38 tive district may file an application with the state board
39 on a form to be provided by the state board.

1 A. The state board shall study the need for the munic-
2 ipality to join the school administrative district and
3 recommend an agreement by which the municipality may
4 become a member.

5 B. The agreement may contain a new method of sharing
6 costs among the member municipalities of the district
7 in accordance with section 1301. The article set out
8 in section 1203, subsection 6, paragraph D, authorizing
9 units to vote on alternate methods of sharing costs
10 shall be used if the agreement recommended by the state
11 board contains a provision for using one of the alter-
12 nate methods of sharing costs.

13 C. This agreement shall be forwarded to the secretary
14 of the school administrative district and to the clerk
15 of the municipality desiring to join the district.

16 2. First meeting. Within 45 days after receipt of the
17 agreement by the municipal clerk, a regular or special town
18 meeting or city election in the joining municipality, shall
19 vote on the agreement. The vote shall conform to the fol-
20 lowing procedure.

21 A. The article voted on shall be:

22 "Article : Shall the municipality vote to join
23 School Administrative District No..... as a participa-
24 ting municipality of the district subject to the terms
25 and conditions of the agreement prepared by the State
26 Board of Education dated 19..?

27 Yes No "

28 (A copy of the agreement shall be posted with each
29 warrant.)

30 B. The election of the directors and the vote on the
31 agreement shall be conducted on the same day. This
32 election shall follow the procedures used for the elec-
33 tion of municipal officials by the municipality.

34 C. The vote on the agreement shall be called using the
35 same methods as the municipality uses in conducting its
36 business at regular or special town meetings or city
37 elections.

38 D. If the municipality is organized under a special
39 legislative charter, it shall call a referendum follow-
40 ing the procedures outlined in its charter.

1 E. The municipal clerk shall send a certified copy of
2 the results of the vote to the secretary of the school
3 administrative district.

4 3. Second meeting. If the board of directors finds
5 that the vote was in the affirmative, the board shall call a
6 district referendum within 45 days in accordance with sec-
7 tions 1351 to 1354 to vote on the following article.

8 "Article : Shall the district vote to admit the
9 municipality of.....
10 (name the municipality)

11 into School Administrative District No..... as a
12 participating municipality of the district subject to
13 the terms and conditions of the agreement prepared by
14 the State Board of Education dated 19.....?

15 Yes No "

16 (A copy of the agreement shall be posted with each
17 warrant.)

18 A. The municipal clerks within the district shall for-
19 ward to the state board a certified report of the total
20 number of affirmative and negative votes cast on the
21 article.

22 B. On receipt of the results of the voting from all
23 municipalities, the state board shall meet, compute and
24 record the result of the voting.

25 4. State board finding. If the state board finds that
26 a majority of the voters of the district and a majority of
27 the voters of the municipality favor admission of the munic-
28 ipality into the district, the state board shall make a
29 finding to that effect and record it on its records.

30 A. The state board shall notify by registered mail the
31 clerk of the municipality seeking to join the school
32 administrative district and the secretary of the school
33 administrative district of the results of the vote.

34 B. If the state board finding is that a majority is
35 for joining, it shall issue an amended certificate for
36 the school administrative district, which shall be
37 filed in the same manner as the original certificate.

1 5. Certificate. The issuance of an amended certifi-
2 cate shall be conclusive evidence of the admission of that
3 municipality to the school administrative district.

4 §1402. Combining of districts

5 If one school administrative district wishes to join
6 with another school administrative district, the following
7 procedure shall be used.

8 1. Application. Each district's board of directors
9 shall file an application with the state board on a form to
10 be prepared by the state board.

11 A. The state board shall receive the applications,
12 make a study of the necessity for combining the dist-
13 tricts and recommend an agreement by which the dist-
14 tricts may combine.

15 B. This agreement shall be forwarded to the secretary
16 of each school administrative district.

17 2. Meeting. Within 45 days after receipt of the
18 agreement each district's board of directors shall call a
19 district meeting in accordance with sections 1351 to 1354 to
20 vote on the following article.

21 "Article : To see if School Administrative District
22 No.... will vote to join School Administrative District
23 No.... in a merger to form a larger district subject to
24 the terms and conditions of the agreement prepared by
25 the State Board of Education dated
26 19.....

27 Yes No "

28 (A copy of the agreement shall be posted with each
29 warrant.)

30 3. Return. The secretary of each school administra-
31 tive district shall file a return with the state board
32 immediately following the votes in the district on the ques-
33 tion of merger.

34 4. State board finding. If the state board finds that
35 a majority of the voters in each district have voted in
36 favor of the merger, the state board shall make a finding to
37 the effect and record the same on its records.

1 5. Notice. The state board shall notify by registered
2 mail the secretary of each district of the results of the
3 vote.

4 6. Certificate. If the state board finding is that a
5 majority is for merging, it shall issue a new certificate
6 for the enlarged school administrative district and assign a
7 number. The certificate shall be filed in the same manner
8 as the original certificate.

9 7. Evidence. The issuance of the certificate by the
10 state board shall be conclusive evidence of the merger of
11 the school administrative districts.

12 §1403. Dissolution of a district

13 1. Ten percent petition. Upon receipt of a petition
14 of 10% of the number of voters in a municipality who voted
15 at the last gubernatorial election, the municipal officers
16 shall call and hold a special election in the manner provid-
17 ed for the calling and holding of town meetings or city
18 elections to vote on the dissolution of the school adminis-
19 trative district.

20 A. At least 10 days before the election a posted or
21 otherwise advertised public hearing on the petition
22 shall be held by the municipal officers.

23 B. The petition must be approved by secret ballot by a
24 2/3 vote of the voters present and voting before it may
25 be presented to the board of directors and the state
26 board. Voting in towns shall be conducted in accor-
27 dance with Title 30, sections 2061 and 2062, even
28 though the town has not accepted the provisions of
29 Title 30, section 2061, and voting in cities shall be
30 conducted in accordance with Title 21.

31 2. Form. The question to be voted upon shall be in
32 the following form:

33 "Article : Be it resolved by the residents of the
34 Town of that a petition for dis-
35 solution be filed with the directors of School Adminis-
36 trative District No. and with the State Board
37 of Education?

38 Yes No "

1 3. Notice of vote; finding by board. If residents of
2 a participating municipality vote favorably on a petition
3 for dissolution, the clerk shall immediately give written
4 notices, by registered mail, to the secretary of the school
5 administrative district, the state board and the commis-
6 sioner which shall include:

7 A. The petition adopted by the voters, including the
8 positive and negative votes cast; and

9 B. An explanation by the municipal officers, stating
10 to the best of their knowledge, the reason or reasons
11 why the municipality seeks to dissolve the district.

12 4. Agreement for dissolution; notice; changes in
13 agreement; final agreement. The agreement for dissolution
14 shall comply with the following.

15 A. The commissioner, after consultation with the dis-
16 trict board of directors, municipal officers of the
17 participating municipalities and representatives of the
18 group which filed the petition with the municipality
19 shall direct each municipality to select representa-
20 tives to a committee as follows: One school director
21 representing the municipality shall be selected by the
22 directors representing that municipality; one member
23 each from the municipal officers; the group filing the
24 petition; and the general public shall be selected by
25 the municipal officers. The chairman of the board of
26 directors shall call a meeting of the committee within
27 30 days of the filing of the notice of the vote in sub-
28 section 3. The chairman of the board shall open the
29 meeting by presiding over the election of a chairman of
30 the committee. The responsibility for the preparation
31 of the agreement shall rest with the committee. The
32 committee may draw upon the resources of the department
33 for information not readily available at the local
34 level. The agreement shall be submitted to the state
35 board and the commissioner within 90 days after the
36 committee is formed. Extensions of time may be granted
37 by the commissioner upon the request of the committee.

38 (1) The agreement shall contain provisions to
39 provide educational services for all students in
40 the district. The agreement shall provide that
41 during the first year following the dissolution,
42 students may attend the school they would have
43 attended if the district had not dissolved. The
44 allowable tuition rate for students sent from one

1 municipality to another in the former school
2 administrative district shall be determined under
3 section 5805, subsection 1, except that it shall
4 not be subject to the state per pupil average
5 limitation in section 5805, subsection 2.

6 (2) The agreement shall establish the dissolution
7 to take effect at the end of the district's fiscal
8 year.

9 (3) The agreement shall establish that the disso-
10 lution will not cause a need within 5 years from
11 the effective date of dissolution for school con-
12 struction projects which would be eligible for
13 state funds. This limitation does not apply where
14 a need for school construction existed prior to
15 the effective date of the dissolution or where a
16 need for school construction would have arisen
17 even if the district had not dissolved.

18 (4) The agreement shall establish how transporta-
19 tion services will be provided.

20 (5) The agreement shall provide for administra-
21 tion of the new administrative units, which should
22 not include the creation of new supervisory units
23 if at all possible.

24 (6) The agreement shall make provision for the
25 distribution of financial commitments arising from
26 outstanding bonds, notes and any other contractual
27 obligations that extend beyond the proposed date
28 of dissolution.

29 (7) The agreement shall make appropriate provi-
30 sion for the distribution of any outstanding
31 financial commitments to the superintendent of the
32 school administrative district.

33 (8) The agreement shall provide for the continua-
34 tion and assignment of collective bargaining
35 agreements as they apply to the new or reorganized
36 school administrative unit for the duration of
37 those agreements and shall provide for the contin-
38 uation of representational rights.

39 (9) The agreement shall provide for the continua-
40 tion of continuing contract rights under section
41 13201, subsection 2.

1 (10) The agreement shall provide for the disposi-
2 tion of all real and personal property and other
3 monetary assets.

4 (11) The agreement shall provide for the transi-
5 tion of administration and governance of the
6 schools to properly elected governing bodies of
7 the newly created administrative units.

8 B. Within 60 days of the receipt of the agreement, the
9 state board shall either give it conditional acceptance
10 or recommend changes with the advice of the commis-
11 sioner based upon the standards set forth in paragraph
12 A.

13 C. If the state board gives conditional approval of
14 the agreement, the commissioner shall notify the direc-
15 tors and the municipal officers by registered mail of
16 the time and place of a public hearing at least 20 days
17 prior to the date set for the hearing, to discuss the
18 merits of the proposed agreement of dissolution.

19 (1) The directors shall post a public notice in
20 each municipality of the time and location of the
21 hearing at least 10 days before the hearing.

22 (2) Within 30 days following the hearing, the
23 committee shall forward the final agreement to the
24 commissioner and the state board.

25 D. If the state board recommends changes it shall:

26 (1) Send the agreement back to the committee for
27 necessary corrections and establish a maximum time
28 within which to make the corrections; and

29 (2) Indicate that the corrected agreement shall
30 go through the steps outlined in paragraphs A to
31 C, or such other steps as the board deems appro-
32 priate.

33 5. Date of vote; notice; warrant; polling hours. The
34 date and time for voting shall be established as follows.

35 A. The state board shall determine the date upon which
36 all municipalities shall vote upon the dissolution
37 agreement submitted to them. The election shall be
38 held as soon as practicable and the state board shall
39 attempt to set the date of the vote to coincide with a
40 statewide election.

1 B. At least 35 days before the date set in paragraph
2 A, the board of directors shall give written notice by
3 registered or certified mail to the town or city clerk
4 of each municipality having a right to vote on the dis-
5 solution agreement.

6 C. The town or city clerk shall immediately notify the
7 municipal officers upon receipt of the notice, and the
8 municipal officers shall meet and immediately issue a
9 warrant for a special town meeting or city election, as
10 the case may be, to be held on the date designated by
11 the state board. No other date may be used.

12 D. In the respective warrants, the municipal officers
13 shall direct that the polls shall be open at 10 o'clock
14 in the forenoon and shall remain open until 8 o'clock
15 in the afternoon.

16 6. Public hearing; voting procedures. The following
17 requirements apply to the voting procedures.

18 A. At least 10 days before the election, a posted or
19 otherwise advertised public hearing on the dissolution
20 question shall be held by the municipal officers.

21 B. Except as otherwise provided in this section, the
22 voting at the meetings held in towns shall be conducted
23 in accordance with Title 30, sections 2061 and 2062,
24 even though the town has not accepted the provisions of
25 Title 30, section 2061.

26 C. The voting at the meeting held in cities shall be
27 conducted in accordance with Title 21.

28 7. Article. The article shall be in the following
29 form.

30 "Article _____ : Shall School Administrative District
31 No. _____ be dissolved subject to the terms and
32 conditions of the dissolution agreement dated
33 _____ 19 _____ ?
34 Yes _____ No _____"

35 8. Ballots; posting of agreement. The dissolution
36 agreement need not be printed on the ballot. Copies of the
37 agreement shall be posted in each participating municipality
38 in the same manner as specimen ballots are posted under
39 Title 30, chapter 207.

1 9. Restriction on dissolution petitions. No parti-
2 cipating municipality within a district which has voted on
3 dissolution may petition for dissolution within 2 years
4 after the date of the district vote on the dissolution.

5 10. Costs of dissolution agreements and reimburse-
6 ment. Costs incurred shall comply with the following.

7 A. The expense of employment of competent advisors in
8 preparing the agreement of dissolution shall be paid by
9 the state board.

10 B. If the school administrative district votes not to
11 permit dissolution, the municipality petitioning for
12 dissolution shall reimburse the state board for
13 expenses. If the school administrative district votes
14 to permit dissolution, the school administrative dis-
15 trict shall reimburse the state board for the expenses.

16 11. Determination of vote. The town and city clerks
17 shall, within 24 hours of determination of the result of the
18 vote in their respective municipalities, certify the total
19 number of votes cast in the affirmative and the total number
20 of votes cast in the negative on the article to the board of
21 directors.

22 12. Determination of results; notification; execution
23 of agreement. Determination of results shall comply with
24 the following.

25 A. Upon receipt of the results of the voting from all
26 municipalities, the board of directors shall meet and
27 shall compute and record the total number of votes cast
28 in the municipalities within the school administrative
29 district in the affirmative and the total number of
30 votes cast in the negative on the article submitted.

31 B. The board of directors shall notify the state board
32 by certified mail of the results of the vote.

33 C. If the state board finds that a majority of the
34 voters voting on the article have voted in the affirma-
35 tive, it shall notify the directors of the district to
36 execute immediately the terms of the agreement for dis-
37 solution.

38 13. Recount; checklists and ballots; disputed bal-
39 lots. The following provisions apply to recounts,
40 checklists, ballots and disputed ballots.

1 A. If, within 7 days of the computation and recording
2 of the results of the voting from all municipalities,
3 the municipal officers of any participating municipal-
4 ity request to the commissioner in writing a recount of
5 the votes in the district, the commissioner shall
6 immediately cause the checklists and all the ballots
7 cast in all of the participating municipalites to be
8 collected and kept at the commissioner's office so they
9 may be recounted by interested municipalities.

10 B. The town clerks of the participating municipalities
11 are authorized to deliver the checklists and ballots to
12 the commissioner, notwithstanding any other provision
13 of law to the contrary.

14 C. The commissioner shall resolve any question with
15 regard to disputed ballots.

16 14. Execution of agreement; certified record; certifi-
17 cate of withdrawal. When the agreement for dissolution has
18 been executed by the directors of the school administrative
19 district, the directors shall notify the state board by certi-
20 fied mail that the agreement of dissolution has been exe-
21 cuted.

22 A. A complete certified record of the transaction
23 involved in the dissolution shall be filed with the
24 state board.

25 B. The state board shall immediately issue a certifi-
26 cate of dissolution to be sent by certified mail for
27 filing with the directors of the school administrative
28 district and shall file a copy in the office of the
29 Secretary of State.

30 15. Indebtedness; indebtedness defined; indebtedness
31 after dissolution. The following provisions apply to out-
32 standing indebtedness.

33 A. Whenever a district having outstanding indebtedness
34 dissolves, the district shall remain intact for the
35 purpose of securing and retiring the indebtedness; the
36 dissolution agreement may provide for alternate means
37 for retiring outstanding indebtedness.

38 B. "Outstanding indebtedness" means bonds or notes for
39 school construction projects issued by the board of
40 directors pursuant to the authorization established
41 under chapter 609 or Title 20, sections 3457 to 3460 or

1 obligations to the Maine School Building Authority pur-
2 suant to any contract, lease or agreement made by the
3 board of directors pursuant to approval thereof in a
4 district meeting of the school administrative district,
5 but does not include any indebtedness of any municipal-
6 ity assumed by the school administrative district at
7 the time of formation nor any contract, lease or agree-
8 ment of the Maine School Building Authority to which by
9 operation of law the school administrative district has
10 become the assignee.

11 16. General purpose aid. When a school administrative
12 district dissolves the general purpose aid for the indi-
13 vidual municipalities shall be computed in accordance with
14 chapter 605.

15 §1404. Reorganization of a school administrative district
16 as a community school district

17 1. Petition for reorganization. The residents of a
18 municipality within a school administrative district may
19 petition for dissolution of the school administrative dis-
20 trict and reorganization as a community school district,
21 which will operate grades 9 to 12 and any combination of
22 kindergarten through grade 8 in accordance with chapter 105,
23 in the manner authorized by section 1403 for dissolution of
24 a district. The articles to be voted upon shall clearly set
25 forth that a community school district will be formed upon
26 the dissolution of the school administrative district.

27 2. Vote required. If the state board is petitioned
28 pursuant to the authority of subsection 1, the board of
29 directors of the school administrative district shall re-
30 quire the member municipalities of the district to vote on
31 an article which shall be substantially as follows.

32 "Article : Shall School Administrative District No.
33 be dissolved subject to the terms and condi-
34 tions of the dissolution agreement
35 dated 19 , and the towns
36 of form a community
37 school district which shall be responsible for the
38 operation of grades ?

39 Yes No "

40 3. Governing body of community school district. A
41 school administrative district which dissolves and simulta-
42 neously forms a new community school district pursuant to

1 this section shall have a single governing body which shall
2 consist of a school committee performing all of the duties
3 of the school committee and the board of trustees set forth
4 in chapter 105.

5 4. Findings by state board dissolution plan. The
6 state board shall carry out its duties under sections 1403
7 and 1602 regarding the dissolution of a school administra-
8 tive district and the creation of a new community school
9 district, except that the municipal officers and board of
10 directors shall be responsible for developing a plan to pro-
11 vide for the continuity of the educational program for each
12 municipality to be included within the dissolution agree-
13 ment.

14 5. Outstanding indebtedness of the school administra-
15 tive district and liability of the community school dis-
16 trict. If a school administrative district is dissolved and
17 a community school district is formed, the community school
18 district shall become liable for the school administrative
19 district's outstanding indebtedness as defined in section
20 1403, except as otherwise provided for in subsection 6.

21 6. Outstanding indebtedness of school administrative
22 district; liability of individual municipalities. If the
23 school administrative district is dissolved and the ensuing
24 community school district does not include kindergarten
25 through grade 12, each member municipality shall be indi-
26 vidually liable for any outstanding indebtedness which the
27 school administrative district had relative to the grades
28 which will be operated exclusively by that municipality or
29 as otherwise provided for in the dissolution agreement.

30 7. General purpose aid. When a school administrative
31 district dissolves and a new community school district is
32 formed, the general purpose aid for the community school
33 district and the individual municipalities shall be computed
34 in accordance with chapter 605.

35 §1405. Withdrawal of a single municipality from a school
36 administrative district

37 The residents of a participating municipality within a
38 school administrative district composed of 3 or more munici-
39 palities may petition to withdraw from the school adminis-
40 trative district in the same manner as they would petition
41 for the dissolution of a school administrative district in
42 accordance with section 1403, except that only a simple
43 majority vote is required. The steps set forth in section

1 1403 for dissolution apply to the withdrawal of a member
2 municipality from a school administrative district, except
3 that the responsible committee for preparing the withdrawal
4 agreement will be limited to individuals from the municipal-
5 ity. Instead of a district election, a municipal election
6 shall be conducted and a 2/3 vote of the voters present and
7 voting in the municipality is required before it may with-
8 draw. Wherever there is reference in the provisions of
9 section 1403 to the term "dissolution," the term "with-
10 drawal" or appropriate similar language shall be substi-
11 tuted.

12 §1406. Transfer of a municipality from one school adminis-
13 trative district to another

14 1. Petition to commissioner. The board of directors
15 of 2 school administrative districts may petition the com-
16 missioner by joint resolution to permit a municipality to
17 transfer from one school administrative district to another,
18 provided that that municipality is being transferred to a
19 district contiguous to the municipality.

20 2. Transfer agreement. The boards of directors of the
21 2 districts and the municipal officers of the municipality
22 involved shall prepare the agreement within a period of 60
23 days after being authorized by the commissioner to prepare
24 the agreement. Extensions of time may be granted by the
25 commissioner.

26 A. The committee shall consider the standards set
27 forth in section 1403, subsection 4, paragraph A in
28 preparing the agreement.

29 B. The approval process for the agreement shall follow
30 the steps set forth in section 1403, subsection 4 to
31 subsection 16.

32 C. The following question shall appear on the ballot
33 when the transfer of a municipality is considered.

34 "Article : Shall School Administrative District
35 No. vote to permit the municipality of
36 to transfer into School Adminis-
37 trative District No. as a participating munic-
38 ipality of that district subject to the terms and condi-
39 tions of the agreement of transfer approved by the
40 State Board of Education dated
41 19 ?

1 Yes No "

2 A copy of the agreement shall be posted with each
3 warrant which directs the citizens to vote upon the
4 question.

5 D. The article must be approved by a majority of votes
6 cast in the district and by a majority of votes cast in
7 the municipality to be transferred before the agreement
8 may take effect.

9 E. A complete certified record of the transaction
10 involved in the transfer shall be filed with the state
11 board. The state board shall issue immediately a cer-
12 tificate of transfer to the secretary of each school
13 administrative district by registered mail to be filed
14 with the directors of the districts involved and shall
15 file a copy of the certificate of transfer in the
16 office of the Secretary of State.

17 3. Outstanding indebtedness. Whenever a municipality,
18 or a part of a municipality, is detached from a district
19 having outstanding indebtedness, the municipality or part of
20 a municipality shall remain as part of the district from
21 which it was detached for the purposes of paying its proper
22 portion of such indebtedness until the indebtedness shall be
23 redeemed. The municipality or part of a municipality shall
24 not be part of the district from which it was detached for
25 the purpose of any outstanding indebtedness incurred subse-
26 quent to the date of the certificate of transfer.

27 §1407. Closing an elementary school

28 1. Vote. An elementary school in a member municipal-
29 ity of a school administrative district may not be closed
30 unless the voters in the member town vote on the following
31 article in accordance with the procedure set forth in sec-
32 tions 1351 to 1354.

33 "Article : Shall the board of directors of School
34 Administrative District No. be authorized to
35 close ?
36 (name of school)

37 Yes No "

38 The election shall be conducted only within that member
39 municipality and the costs of the election shall be
40 borne by the district.

1 2. Expense of keeping the school open. If the voters
2 vote to keep the school open, the member municipality shall
3 be liable for any additional expense for operating costs,
4 transportation costs and minor capital costs as defined in
5 section 15503, which exceed by 10% the expense of the dis-
6 trict for the operating costs, transportation costs and
7 minor capital costs as compared on a per pupil basis in the
8 base year. The determination of costs shall be subject to
9 the approval of the commissioner. Any additional costs
10 which must be borne by the member municipality shall be part
11 of the article presented to the voters at the meeting to
12 determine whether the school should remain open.

13 CHAPTER 105

14 COMMUNITY SCHOOL DISTRICT

15 SUBCHAPTER I

16 ORGANIZATION

17 §1601. Definitions

18 1. Community school district. A community school dis-
19 trict means a school administrative unit consisting of the
20 inhabitants of and the territory within 2 or more municipal-
21 ities. It shall be a body politic and corporate responsible
22 for the operating of kindergarten through grade 12, or any
23 combination thereof. It may include a school administrative
24 district, which does not operate a secondary school, for the
25 secondary school grades of 9 to 12 only. If a school admin-
26 istrative district is included, the board of directors of
27 the school administrative district may be substituted for
28 the words "municipal officers" and school administrative
29 district may be substituted for the word "municipality" in
30 applying the terms of this chapter.

31 2. District board of trustees. The district board of
32 trustees shall perform the duties provided in section 1651.

33 3. District school committee. The school board of a
34 community school district shall be called a district school
35 committee.

36 §1602. Formation

37 A community school district may be formed by the resi-
38 dents of 2 or more municipalities only if the voters of each
39 of those municipalities have voted to create the district.

1 1. Municipal vote. If the school board of each
2 municipality's school administrative unit votes to join with
3 another municipality to form a community school district,
4 then the municipal officers of each municipality shall call
5 a meeting of the voters of their respective municipality in
6 a manner provided by law for the calling of town meetings.
7 Those meetings shall vote to either favor or oppose articles
8 in substantially the following forms.

9 A. "Article : To see if the municipality of _____ will
10 _____ will
11 (name)
12 vote to join with the municipalities of _____
13 _____
14 (naming them)
15 to form a community school district to be known as
16 _____ Community School District which shall
17 be responsible for the operation of grades (naming
18 them)."

19 B. "Article : To see if the costs of operating
20 _____ Community School District shall be shared
21 among the municipalities of _____ in
22 (naming them)
23 accordance with (per student, state valuation, a combi-
24 nation thereof or any other formula authorized by the
25 Legislature)."

26 C. "Article : To see if the municipality of _____ will
27 _____ will
28 (name)
29 vote to have the community school district's school
30 committee perform the duties of the board of trustees."

31 2. State board declaration. Each municipal clerk
32 shall file a return of the votes cast at the meeting with
33 the state board. If the state board determines that a
34 majority of those voting in each of the municipalities
35 favorred the articles in subsection 1, paragraphs A and B,
36 then the state board shall so declare. With the declara-
37 tion, the commissioner shall issue to the community school
38 district a certificate of organization which shall be con-
39 clusive evidence of its lawful organization. The community
40 school district shall bear the name voted on.

41 3. Petition to reorganize to rename. The district
42 school committee may petition the state board to change the
43 name of the community school district or to change the
44 number of grades which the community school district is
45 responsible for operating.

1 A. The state board shall authorize the change if it
2 finds the change to be in the best interest of the com-
3 munity school district.

4 B. If the State Board of Education authorizes the
5 change, then the governing body of the community school
6 district shall notify the municipal officers in each of
7 the member towns who shall call a meeting of the
8 inhabitants of their respective towns in the manner
9 provided by law for calling of town meetings and those
10 meetings shall vote to favor or oppose articles in sub-
11 stantially the following forms.

12 (1) "Article _____ : To see if the town will vote
13 to authorize the _____ Community School District
14 to change its name to _____ Community School Dis-
15 trict."

16 (2) "Article _____ : To see if the town will vote
17 to authorize the _____ Community School District
18 to be responsible for the operation of grades
19 _____."

20 C. The clerk in each of the member towns shall file a
21 return of the votes cast in the town meeting with the
22 state board. If the state board finds that a majority
23 of those voting in each of the towns favor the arti-
24 cles, then the community school district shall be reor-
25 ganized accordingly.

26 4. Board to file return. Whenever the community
27 school district is reorganized in the manner authorized in
28 subsection 3 or under section 1751, the board of trustees
29 shall file a return to that effect with the state board. A
30 copy, certified by the commissioner, of the return shall be
31 conclusive evidence of the reorganization of the community
32 school district.

33 §1603. Official school

34 The community school district shall be the official
35 school of the participating municipalities responsible for
36 the operation of the grades authorized by the commissioner's
37 certificate.

38 §1604. Transition to new district

39 1. Transfer of contracts. At the start of the school
40 year after organization:

1 A. The contracts between the municipalities within
2 the community school district and all teachers shall
3 automatically be assigned to the community school dis-
4 trict and the district shall be responsible for assign-
5 ing teachers to their duties and making payments on
6 their contract; and

7 B. The contracts between the superintendents and
8 municipalities within the community school district
9 shall automatically be assigned to the district.

10 (1) The superintendents' duties with regard to
11 the community school district shall be determined
12 by the district school committee.

13 (2) The community school district shall there-
14 after pay the proportionate part of the super-
15 intendents' salary that the municipalities were
16 liable to pay.

17 2. Transfer of assets. Each municipality within the
18 community school district, at the same time, shall transfer
19 to the district:

20 A. All school supplies and equipment purchased for and
21 in use by the school grades encompassed by the commu-
22 nity school district formation; and

23 B. All real property, as requested by the district
24 school committee, which was formerly used for the
25 school grades encompassed by the district formation.
26 The municipal officers shall execute quitclaim deeds
27 for the transfer of real property requested by the dis-
28 trict school committee.

29 3. Initial budget. The district school committee
30 shall be responsible for preparing and submitting a budget
31 to the voters, as authorized by section 1701, prior to the
32 start of the first year.

33 4. Operational date. At the start of the school year
34 after organization, the community school district shall
35 become operative and the district school committee shall
36 assume the sole management and control of the operation of
37 all the public schools within the community school district
38 for the authorized grade levels. It shall also adopt bylaws
39 and an official seal.

40

SUBCHAPTER II

1 DISTRICT BOARD OF TRUSTEES

2 AND DISTRICT SCHOOL COMMITTEE

3 §1651. District board of trustees

4 The following provisions shall apply to the community
5 school district board of trustees.

6 1. Terms of office. The terms of office of trustees
7 are as follows.

8 A. When a community school district has been formed
9 the municipal officers of each of the member municipal-
10 ities shall appoint 3 residents from each municipality
11 to serve on the board of trustees of the community
12 school district. The 3 trustees shall be appointed as
13 follows: One for one year; one for 2 years; and one
14 for 3 years.

15 B. Thereafter, one trustee from each municipality
16 shall be elected each year for a term of 3 years by the
17 voters of each of the participating municipalities.
18 The elections shall take place at the annual municipal
19 meetings and the trustees elected, or appointed, shall
20 serve until their successors are elected and qualified.

21 C. Vacancies, whether caused by death, by resignation
22 or by being absent from the municipality for more than
23 90 days, shall be filled by appointment by the municipal
24 officers of the municipality which the former
25 trustee represented until a successor trustee is
26 elected for the unexpired term, if any, at the next
27 annual meeting.

28 2. Duties. The district board of trustees shall:

29 A. Meet on call of one of its members after reasonable
30 notice;

31 B. Elect a chairman, treasurer and a secretary. The
32 district board of trustees may authorize the district's
33 superintendent to act as its secretary and treasurer;

34 C. Determine the representation of each municipality
35 on the district school committee. The representation
36 of each municipality shall be in approximately the same
37 ratio to the total membership of the district school
38 committee as the municipality's latest Federal Decen-

1 nial Census is to the latest Federal Decennial Census
2 of all of the member municipalities. Federal Estimated
3 Census figures shall be used if they are more recent
4 than the Federal Decennial Census figures;

5 D. Handle requests of petitions for reapportionment in
6 the manner provided for school administrative districts
7 under section 1255; and

8 E. Borrow funds as provided in section 1702.

9 3. State board return. When the trustees have ful-
10 filled the requirements of subsection 2 they shall file a
11 return to that effect with the state board.

12 4. District school committee to act as district board
13 of trustees. A community school district may vote at any
14 time on the article in section 1602, subsection 1, paragraph
15 C, to see if the district school committee shall be author-
16 ized to perform the function of the district board of
17 trustees. If the municipalities vote affirmatively on that
18 article, the district school committee shall perform the
19 duties of the district board of trustees under this chapter.

20 §1652. District school committee

21 1. Officers, treasurer's fee and bond. The district
22 school committee shall, annually in April, choose by ballot
23 from its membership a chairman, a treasurer and a secretary.
24 It may authorize the district's superintendent to be the
25 treasurer and secretary.

26 A. The treasurer, if authorized by the district school
27 committee, may receive up to \$250 for services. The
28 treasurer shall give a bond to the community school
29 district in the sum and with sureties as the district
30 school committee determines. The bond shall be depos-
31 ited with the chairman. The expense of the bond shall
32 be paid by the community school district.

33 B. Members of the district school committee shall
34 receive only the compensation authorized by the munici-
35 palities or school administrative units which they
36 represent.

37 §1653. Election; vacancies

38 1. Representation on the district school commit-
39 tee. Each member municipality's representation on the dis-
40 trict school committee shall be chosen as follows.

1 A. The school board of each member municipality shall
2 choose from its membership the representation to which
3 it is entitled on the district school committee.

4 B. Membership on the district school committee shall:

5 (1) Be coterminous with the member's term of
6 office on the municipal school board; or

7 (2) Commence on a date subsequent to the last
8 municipal election, but not later than July 1st,
9 as established by the voters of the district in
10 accordance with the voting procedures established
11 in section 1602.

12 2. Vacancies. Vacancies on the committee shall be
13 filled as follows.

14 A. A vacancy shall be filled by the school board of
15 the municipality in which the vacancy occurs.

16 B. If a representative on the district school commit-
17 tee is absent from 3 consecutive regular committee
18 meetings, the committee may declare that a vacancy
19 exists. The school board in the representative's
20 municipality may choose from among its members another
21 representative. The representative shall be chosen on
22 the basis of seniority.

23 C. If a district school committee member is absent
24 from a meeting, the senior nonvoting member shall be
25 allowed all the rights and privileges of the absent
26 member, with the exception of the right to vote. This
27 paragraph shall apply only to a member who is the sole
28 representative of a municipality on the district school
29 committee.

30 §1654. Powers, duties and authority

31 1. General functions. A district school committee
32 shall have the powers and duties with respect to the commu-
33 nity school district as are conferred upon school boards
34 under this Title, except those powers and duties which are
35 expressly reserved for the district board of trustees.

36 2. Specific functions. A district school committee:

37 A. Shall be responsible, as of the start of the school
38 year after organization, for the operation of the
39 authorized grades;

1 B. May issue bonds and notes and borrow money as
2 authorized in this Title;

3 C. May acquire and hold property for the purpose of
4 operating schools within the authorized grade levels
5 and for other purposes;

6 D. Shall share costs in the manner authorized by the
7 voters; and

8 E. May acquire, construct and operate related recrea-
9 tional and athletic facilities, which may also meet
10 other community needs.

11 SUBCHAPTER III

12 FINANCING

13 §1701. Budget approval

14 1. Preparation. A district school committee shall
15 annually prepare a budget for the operational and capital
16 expenditures of the community school district.

17 2. Articles. The district school committee shall pre-
18 pare appropriate articles to authorize the budget expendi-
19 tures and to determine the sums of money that will be
20 assessed to each member municipality.

21 3. Time and place. The district school committee
22 shall call an annual budget meeting on or before June 30th
23 at an hour and in a location within the community school
24 district it designates.

25 4. Warrants. The district school committee shall post
26 warrants in each of the member municipalities calling for an
27 annual budget meeting. It shall follow the procedures that
28 are used by a town for the calling of a regular town meet-
29 ing.

30 5. Voting lists. The following provisions shall gov-
31 ern voting lists.

32 A. Registration of voters for the annual budget meet-
33 ing shall be held in each member municipality in accor-
34 dance with the schedule specified in Title 21, section
35 631.

1 B. Prior to the annual budget meeting, the municipal
2 clerk of each member municipality shall supply to the
3 district school committee a current list of the regis-
4 tered voters of the municipality. The lists shall be
5 used in determining the voters who are eligible to vote
6 at the annual budget meeting.

7 6. Moderator. The chairman of the district school
8 committee, or when absent the secretary, shall open the
9 meeting and shall call for the election of a moderator.

10 7. Majority vote. A majority vote of those voters
11 present and voting shall be necessary for the approval of
12 the annual budget.

13 8. Special budget meeting. The district school com-
14 mittee may call a special budget meeting when in their judg-
15 ment a financial emergency exists. They shall post warrants
16 in each of the member municipalities following the same
17 procedures that are used for calling the regular annual bud-
18 get meeting.

19 A. At the special budget meeting, the voters may
20 authorize the district school committee to make an
21 assessment on the member municipalities or to borrow
22 funds to obtain additional moneys for the operation of
23 the district's schools because of a financial emer-
24 gency.

25 B. If the voters authorize the district school commit-
26 tee to borrow additional money, that amount shall be
27 added to the next annual assessment of the member
28 municipalities.

29 9. Budget format; voter determination. The budget
30 format shall be prescribed by a majority of the district
31 school committee, unless at least 20% of the number of
32 registered voters, as certified by the several municipal
33 clerks to the secretary, vote on an appropriate warrant
34 article prescribing the budget format.

35 A. The budget format may be determined by the voters
36 of a community school district by adoption of an appro-
37 priate warrant article at a properly called meeting.

38 B. An article dealing with the budget format may be
39 placed on the next warrant if authorized by a majority
40 vote of the district school committee or if a written
41 petition of at least 10% of the number of voters voting

1 in the last gubernatorial election of each municipality
2 comprising the community school district has been pre-
3 sent to the district school committee.

4 10. Change in format. A change in budget format shall
5 be voted at least 90 days prior to the budget year for which
6 that change is to be effective.

7 11. Line item categories; transfer of funds. Line
8 item categories and transfer of funds shall be as follows.

9 A. If the budget is prepared by specific line catego-
10 ries, each category shall be included in a separate
11 warrant article.

12 B. Unless authorized by the voters, the district
13 school committee may not transfer funds between line
14 item categories.

15 12. State-local allocations. To summarize the action
16 taken on the budget for the purposes of determining the com-
17 munity school district's state-local allocations, the arti-
18 cles prescribed in chapter 605, shall also be voted on.

19 §1702. Borrowing

20 1. Purposes of borrowing. The district board of
21 trustees may borrow funds to pay for:

22 A. Current operational expenditures of the community
23 school district in an amount not to exceed the gross
24 budget approved by the voters at the annual meeting.
25 These borrowed funds shall be repaid within the same
26 fiscal year; and

27 B. Major and minor capital costs, not to exceed in the
28 aggregate, at any one time outstanding, 10% of the
29 total of the last preceding state valuation of all of
30 the participating municipalities. Contracts, leases or
31 agreements with the Maine School Building Authority
32 shall not be debts or liabilities within this section.

33 2. Form of bond or note. Each bond or note shall have
34 the following form.

35 A. It shall have inscribed on its face the name of the
36 community school district, the date it was issued, the
37 amount of the bond or note and the annual interest
38 rate, payable semiannually. It shall be in the form

1 and be sold in the manner, at public or private sale,
2 as the district board of trustees determine in accor-
3 dance with state law.

4 B. It shall be signed by the treasurer and counter-
5 signed by the chairman of the district board of
6 trustees. If coupon bonds are issued, each coupon
7 shall be attested by a facsimile signature of the
8 treasurer.

9 3. Maturity and time limits. The following provisions
10 apply to bonds or notes.

11 A. Each issue of bonds shall mature in substantially
12 equal annual installments so that the first installment
13 shall be payable not later than 2 years after the date
14 of issue and the last installment not later than 25
15 years from the date of issue.

16 B. If the proceeds of an issue of bonds are used in
17 whole or in part to fund temporary notes of the commu-
18 nity school district or renewals thereof, the period
19 during which that issue of bonds shall be outstanding,
20 plus the period of the loan represented by the tempo-
21 rary notes or renewals, shall not exceed 25 years.

22 C. Notes shall mature not later than one year from
23 their date of issue but may be renewed. The period of
24 the original note plus that of renewals shall not
25 exceed 2 years.

26 4. District obligations. All notes, bonds, contracts
27 and leases and all agreements with the Maine School Building
28 Authority entered into by a community school district shall
29 be the legal obligations of the district.

30 5. Status. A community school district shall be a
31 quasi-municipal corporation within the meaning of Title 30,
32 section 5053. The provisions of Title 30, section 5053
33 shall be applicable to it.

34 §1703. Community school district assessments

35 1. Community school district warrant. In accordance
36 with the budget approved by the voters at the annual budget
37 meeting and in substantially the same form as the warrant of
38 the Treasurer of State for taxes, the district school com-
39 mittee shall issue its warrants to the assessors of each
40 member municipality requiring them to assess upon the tax-

1 able estates within each municipality an amount that is that
2 municipality's share of the community school district's
3 costs.

4 2. Municipality tax collector. The assessors of each
5 member municipality shall commit the assessment to the con-
6 stable or collector. The constable or collector shall have
7 all the authority and powers to collect the community school
8 district's taxes as are vested in the office by law to col-
9 lect state, county and municipal taxes.

10 3. Monthly installments. The district school commit-
11 tee shall notify the member municipalities of the monthly
12 installments that will become payable during the fiscal
13 year.

14 4. Payment. Each municipal treasurer shall pay the
15 amount of the tax assessed to the treasurer of the district.
16 The payments shall be paid in monthly installments and shall
17 be made on or before the 20th of each month.

18 5. Gifts. A member municipality may use the proceeds
19 from gifts or trust funds allocated for educational purposes
20 to pay its share of the assessment.

21 6. Failure to pay. If a treasurer fails to pay any
22 part of the installment due on the required dates, the
23 treasurer of the community school district may issue a
24 warrant for the amount of the tax remaining unpaid, to the
25 county sheriff requiring the sheriff to levy by distress and
26 sale on the real and personal property of any of the inhabi-
27 tants living in the municipality where that default takes
28 place. The sheriff or a deputy shall execute the warrant.
29 The district school committee when collecting taxes within
30 each member municipality, shall have the same authority as
31 is vested in county officials for the collection of county
32 taxes under the statutes.

33 7. Delinquent payments to the Maine School Building
34 Authority. If a community school district, which has
35 financed school construction through the Maine School Build-
36 ing Authority, is delinquent in its payment to the author-
37 ity, the department shall make payment to the authority on
38 behalf of the community school district. Payments may be
39 made from any amounts properly payable to the district not
40 exceeding the amount then presently due to the authority or
41 from the department to the community school district.

42 §1704. Sharing costs

1 The following provisions apply to sharing district
2 costs.

3 1. Formula. A community school district shall share
4 its costs among the member municipalities on the basis of:

5 A. The number of resident pupils in each municipality;

6 B. The state valuation of each member municipality's
7 real property as set in the calendar year prior to the
8 district's fiscal year;

9 C. In accordance with any combination of paragraphs A
10 and B; or

11 D. In accordance with any other formula authorized by
12 the Legislature.

13 2. Amendment of formula. The procedure for amending
14 the cost-sharing formula shall be as follows.

15 A. When requested by a written petition of at least
16 10% of the number of voters voting for the gubernatorial
17 candidates in the last gubernatorial election in
18 the municipalities comprising the community school dis-
19 trict, the district school committee shall give at
20 least 15 days' notice to each member municipality of a
21 meeting to determine the necessity of reconsidering the
22 method of sharing costs.

23 B. Each member municipality shall be represented by 2
24 representatives chosen by its municipal officers and
25 one member of the district school committee chosen by
26 the committee members from that municipality at the
27 meeting to determine the necessity of reconsidering the
28 method of sharing costs. A change in the method of
29 sharing costs shall first be approved by a vote of a
30 majority of those present and voting.

31 C. Municipal approval shall be in the same manner as
32 the original formula was adopted when the community
33 school district was formed. The total vote cast in
34 each of the member municipalities shall be at least 20%
35 of the number of votes cast in each of the member
36 municipalities in the last gubernatorial election.

37 D. A change in the cost-sharing formula shall be
38 effective at the start of the next fiscal year which
39 starts at least 90 days after the voters have approved
40 it.

1 §1705. Authority to accept gifts

2 1. Outright or in trust. A community school district
3 may accept and receive money or other property, outright or
4 in trust, for any specified benevolent or educational pur-
5 pose.

6 A. When the district school committee receives written
7 notice from a prospective donor or his representative
8 of a proposed gift, outright or in trust, it shall
9 submit the matter to the next regular meeting of the
10 committee, and shall, within 10 days after the meeting,
11 send written notice of its acceptance or rejection.

12 B. If the gift is in trust the committee shall either
13 deposit or invest trust funds according to Title 30,
14 section 5051.

15 2. Conditional. A community school district may ac-
16 cept and receive money or other property as a conditional
17 gift for any specified benevolent or educational purpose.
18 When the district school committee receives written notice
19 from a prospective donor or his representative of a proposed
20 gift, they shall submit the matter to the next regular meet-
21 ing of the legislative body or shall call a special meeting
22 for that purpose and shall, within 10 days after the meet-
23 ing, send written notice of its acceptance or rejection.

24 SUBCHAPTER IV

25 REORGANIZATION

26 §1751. Additions to, dissolution of and withdrawal from a
27 district

28 1. Additions. The inhabitants of any territory within
29 any town, not originally in the district, may be included
30 upon vote of all towns concerned in a manner similar to that
31 prescribed for establishing the community school district in
32 section 1602 under such terms and arrangements as may be
33 recommended by the community school district's school com-
34 mittee.

35 2. Dissolution. The residents of a participating
36 municipality within a community school district may petition
37 and vote to dissolve the district in the same manner as a
38 participating municipality within a school administrative
39 district may petition and vote to dissolve a school adminis-
40 trative district in accordance with section 1403.

1 3. Withdrawal. The residents of a participating
2 municipality within a community school district may petition
3 and vote to withdraw from the district in the same manner as
4 a participating municipality within a school administrative
5 district may petition to withdraw in accordance with section
6 1405.

7 4. Transfer. The school committees of 2 community
8 school districts may permit the transfer of a municipality
9 from one community school district to another in the same
10 manner the boards of directors of 2 school administrative
11 districts may permit a transfer in accordance with section
12 1406.

13 5. Closing an elementary school. If a community
14 school district includes elementary grades, the closing of
15 an elementary school in a member municipality shall follow
16 the procedures established in section 1407 for closing an
17 elementary school in a member municipality in a school
18 administrative district.

19 6. Substitution of terms. Whenever there is reference
20 in sections 1403 and 1405 to 1407 to a school administrative
21 district, for purposes of this section, the term "community
22 school district" shall be substituted. Other terms consist-
23 ent with the intent of subsections 2 to 5, to allow municip-
24 alities to withdraw or transfer from or to dissolve the
25 district or keep a municipal elementary school open, may
26 also be substituted as necessary.

27 §1752. Districts formed by private and special Acts of the
28 Legislature

29 If the provisions of this chapter conflict with the
30 provisions of any private and special Act of the Legislature
31 which created a community school district, then the provi-
32 sions of the private and special Act shall control.

33 CHAPTER 107

34 SCHOOL UNIONS

35 §1901. Formation

36 1. Commissioner's authority. The commissioner shall
37 adjust the grouping of school administrative units within
38 the State in accordance with this section.

1 2. Size. A school union shall include not less than
2 35 nor more than 75 teachers unless the commissioner, upon
3 request of a school board, finds that because of geographic
4 location or other reasons, it is to the advantage of the
5 State and the municipalities that a school union shall
6 include fewer than 35 or more than 75 teachers.

7 3. Combining unions. On presentation of a written
8 plan of organization which has been approved by the school
9 boards involved, the commissioner may combine 2 or more
10 school unions, or their parts, into a larger school union.

11 A. The new school union shall be administered by a
12 superintendent of schools and staff assistants, who may
13 be employed by the union committee as provided in
14 section 1051.

15 B. The commissioner may adjust disbursements for
16 supervision so that there will be no loss in state sup-
17 port because of the reorganization.

18 4. Exception for existing school unions with over 35
19 teachers. Existing school unions employing over 35 teachers
20 shall not be regrouped unless the proposed regrouping has
21 been approved by a majority of the school board members in
22 the school administrative units involved.

23 5. School administrative units with more than 75
24 teachers. A school administrative unit with more than 75
25 teachers may employ a superintendent of schools without
26 uniting with other school administrative units for this pur-
27 pose.

28 A. The school administrative unit shall elect a super-
29 intendent in the same manner and for the same term, fix
30 the salary and discharge the superintendent under the
31 same conditions as superintendents employed under sec-
32 tions 1051 to 1054.

33 B. Annually and whenever a new superintendent is
34 elected, the chairman and secretary of the school board
35 shall certify to the commissioner, on the prescribed
36 forms, all facts relative to the employment of the
37 superintendent, including the amount of the salary
38 to be paid.

39 6. Removal. If a school administrative unit having
40 more than 75 teachers removes itself from an existing school
41 union composed of not more than 2 units, the remaining unit

1 shall, within the consent of its school board and the com-
2 missioner, be treated as though it had more than 75 teach-
3 ers, provided that the remaining unit has more than 40
4 teachers.

5 7. Exception for remote administrative units. If the
6 commissioner finds that a school administrative unit is
7 remotely situated and that it is not practicable to combine
8 it with other school administrative units for the purpose of
9 employing a superintendent, the commissioner may place at
10 the service of the school board of that unit the general
11 agent for the schooling of the children in unorganized town-
12 ships, or any other agent of the commissioner.

13 A. That agent shall, when assigned, serve as the
14 superintendent of the school administrative unit. The
15 agent shall have the same powers and shall perform the
16 same service as superintendents of schools of municipi-
17 palities. The agent's visits to the schools of the
18 school administrative unit shall be at intervals as
19 directed by the commissioner.

20 B. The treasurer of the school administrative unit
21 shall pay to the agent a sum agreed upon by the agent
22 and that school administrative unit. In case of dis-
23 pute, the commissioner shall determine the amount to be
24 paid.

25 8. Exception for school administrative unit with fewer
26 than 35 teachers. If, because of geographic location or
27 other circumstances, it is not practicable to combine a
28 school administrative unit or a school union employing less
29 than 35 teachers with other school administrative units to
30 form a school union, the school board may provide super-
31 visory service, when approved by the commissioner. The
32 school administrative unit or school union may provide for
33 supervisory services by:

34 A. Employing a qualified person to serve as superin-
35 tendent and as a supervising principal;

36 B. Contracting with another school administrative unit
37 or school union for supervisory services; or

38 C. Employing a qualified agent to fulfill supervisory
39 needs.

40 §1902. Union committee of school unions

1 The school boards of the school administrative units
2 comprising a school union shall form a union committee,
3 which shall be, for the purposes of this chapter, the agent
4 of each school administrative unit comprising the school
5 union.

6 1. Delegation of authority by member school
7 boards. The school board of a school administrative unit in
8 a school union may authorize one of its members to act for
9 the school board in the meetings of the union committee.
10 The member may cast the votes for the school board.

11 2. Method of voting. The method of voting shall be as
12 follows.

13 A. The votes of the individual members of the union
14 committee shall be cast on a weighted basis in propor-
15 tion to the population of the unit represented as com-
16 pared with the total population of the units comprising
17 the union committee.

18 B. To become effective, all actions of the union com-
19 mittee shall be approved by a vote representing more
20 than 1/2 of the population comprising the units which
21 make up the union committee.

22 3. Duties. The union committee:

23 A. Shall meet annually in December, at a day and place
24 agreed upon by the chairman of the school boards com-
25 prising the union;

26 B. Shall choose a chairman and a secretary;

27 C. Shall, at its organizational meeting or as soon
28 thereafter as possible and whenever a vacancy occurs,
29 elect a superintendent as provided under section 1051;

30 D. Shall apportion the costs for a superintendent
31 under section 1051, among the school administrative
32 units in proportion to the service to be performed and
33 certify to the treasurer of each school administrative
34 unit and to the commissioner the amounts to be paid;
35 and

36 E. May authorize a school administrative unit within
37 the school union to serve as a contractual employer of
38 teachers who provide services to more than one unit in
39 the union. Employment shall be subject to section
40 13201 and Title 26, chapter 9-A.

1 §1903. Appropriation for superintendent's salary

2 School administrative units shall appropriate for the
3 salary of the superintendent their proportion of the sum
4 paid the superintendent, but not more than the amount certi-
5 fied by the union committee to the municipal treasurer. The
6 proportion to be paid by a municipality shall be paid out of
7 the appropriation made for the support or maintenance of
8 public schools.

9 CHAPTER 109

10 UNION SCHOOLS

11 §2101. Union schools

12 Adjoining municipalities on the written recommendation
13 of their municipal school committees may, by concurrent ac-
14 tion, maintain or establish union schools for the benefit of
15 the municipalities. They shall contribute to their support
16 under the terms of the agreement.

17 1. Establishment. If a union school is desired, the
18 municipalities shall apply to the commissioner. The commis-
19 sioner shall prepare an agreement setting out the terms and
20 conditions under which a union school may operate.

21 2. Approval. Before a union school may operate, each
22 municipality shall approve the agreement by an affirmative
23 vote acting under an appropriate article at a regular or
24 special town meeting or city election.

25 §2102. Financing of union schools

26 1. Apportionment of state school subsidy. Amounts due
27 from the State on account of union schools shall be paid to
28 the municipality in which the students reside. The amounts
29 to be contributed by each municipality for the maintenance
30 of the school shall be determined in accordance with the
31 terms of the agreement.

32 2. Construction aid. A union school shall be eligible
33 for school construction aid on a project constructed as a
34 result of the union school agreement. The aid shall be com-
35 puted in the same manner as for a community school district
36 as set forth in chapter 609.

37 CHAPTER 111

1 MUNICIPAL SCHOOLS

2 SUBCHAPTER I

3 SCHOOL COMMITTEE

4 §2301. Applicability of provisions to certain towns or cit-
5 ies

6 Sections 2302 to 2303 and 2305 do not apply to munici-
7 palities whose charters specify the methods of selection and
8 term of office of a school committee, nor to municipalities
9 authorized by private and special laws to otherwise choose a
10 school committee.

11 §2302. Election of school committee members

12 A municipality, not included in a school administrative
13 district, shall elect at its annual meeting a school commit-
14 tee of 3 to hold office as provided in section 2305. The
15 municipality shall fill vacancies in that committee at each
16 subsequent annual meeting.

17 §2303. Additional school committee members

18 Notwithstanding section 2302, a municipality may vote
19 at its annual meeting to have 5 members on the school com-
20 mittee.

21 1. Vote. The municipality may vote to have a 5-member
22 board at:

23 A. Its annual meeting; or

24 B. At a special town meeting held at least 30 days
25 before the annual meeting, if a municipality has ac-
26 cepted Title 30, section 2061, relative to secret bal-
27 lot.

28 2. Election of additional members. The municipality
29 may, at its annual meeting, elect by ballot 3 additional
30 school committee members to serve with the 2 members whose
31 terms have not expired.

32 §2304. Neglect to choose committee

33 A municipality failing to elect members of the school
34 committee shall forfeit not less than \$30 nor more than
35 \$200.

1 §2305. Terms; vacancies; restrictions

2 1. Length of term. School committee members shall be
3 electd for staggered 3-year terms or, in municipalities with
4 biennial elections, 4-year terms.

5 2. Commencement of term. The term of newly elected
6 school board members shall start as determined under section
7 1003.

8 3. Vacancy. A vacancy on a school committee shall be
9 declared:

10 A. When the term of office of a member expires;

11 B. When a member changes residency from the municipal-
12 ity or subdistrict from which elected. Evidence that
13 an individual is registered to vote in a municipality
14 is prima facie evidence of that individual's residency;

15 C. On the death of a member; or

16 D. When a member resigns.

17 4. Filling a vacancy. A vacancy may be filled:

18 A. By the school committee within 30 days; or

19 B. Whenever the remaining members fail to appoint a
20 person to fill a vacancy, by election at a town meeting
21 called for the purpose.

22 §2306. Service without pay

23 School committee members shall serve without pay,
24 unless otherwise voted by the town.

25 SUBCHAPTER II

26 INCORPORATED SCHOOL DISTRICT

27 §2351. School district meetings

28 1. District meetings. Where the inhabitants and ter-
29 ritory of a single municipality constitute an incorporated
30 school district, and the charter of the district contains no
31 provisions for the calling and holding of meetings of the
32 district, meetings of the school district shall be called by
33 the municipal officers, in the manner provided by law for

1 the calling of town meetings, on written request signed by
2 trustees or other executive officers of the district.

3 2. Municipal meetings. A lawfully called meeting of
4 the inhabitants of the municipality shall be a lawful meet-
5 ing of the school district for the transaction of school
6 district business. If the business of the school district
7 has been transacted at a lawfully called meeting of the
8 inhabitants, the meeting is declared to be a legal and valid
9 meeting of the school district, and all votes passed and all
10 actions taken at that meeting which would have been legal
11 had the meeting been a lawfully called meeting of the school
12 district, are ratified and declared legal.

13 §2352. School money paid by municipalities

14 No money appropriated by law for public schools may be
15 paid from the treasury of any municipality except upon writ-
16 ten order of its municipal officers. No such order shall be
17 drawn by the officers except upon presentation of a properly
18 avouched bill of items, that bill of items having first been
19 approved by a majority of the members of the school commit-
20 tee and certified by the superintendent of schools.

21 CHAPTER 113

22 SHARED SERVICE AGREEMENTS

23 §2501. Shared service agreements

24 The school boards of 2 or more administrative units may
25 file an application to the commissioner for the purpose of
26 entering a shared service agreement to carry out a specified
27 educational function.

28 1. Application. The application shall be in a form
29 and containing such information as required by the commis-
30 sioner including, but not limited to, the following informa-
31 tion:

32 A. The specific services to be provided and numbers of
33 students to be served;

34 B. The cost estimate for services or operational bud-
35 get;

36 C. The method of providing services and the designa-
37 tion of personnel to be employed;

1 D. The method of sharing costs among the units; and

2 E. The identification of the sharing units and the
3 designation of the unit which shall administer the
4 agreement.

5 2. Approval. The commissioner shall either approve or
6 reject the application based upon the conditions set forth
7 in subsection 1.

8 3. School board approval. If the commissioner
9 approves the shared agreement, it shall be subject to
10 approval by a majority of the members of the school boards
11 of each administrative unit involved in the agreement before
12 the agreement becomes effective.

13 4. Duration of agreement. An agreement which has been
14 ratified is valid for the fiscal year beginning July 1st
15 following the ratification vote and ending June 30th of the
16 next calendar year.

17 5. State-local allocation. Expenses incurred under
18 the agreement may be reported as an operating cost in addi-
19 tion to the items listed in section 15503, subsection 16.

20 6. Sharing costs. Cost for carrying out the agreement
21 shall be shared in accordance with the terms of the agree-
22 ment, but costs of administration of the agreement shall not
23 exceed 10% of the total budget of the agreement.

24 7. Renewal of agreement. A cooperative agreement may
25 only be renewed upon reapplication to the commissioner and
26 ratification by a majority of the members of each school
27 board involved in the agreement.

28 CHAPTER 115

29 CONTRACTS FOR SCHOOL PRIVILEGES

30 §2701. Authority to contract for school privileges

31 The legislative body of a school administrative unit
32 other than a school administrative district, which does not
33 maintain any kindergarten to grade 12 may authorize its
34 school board to contract with another school for school
35 privileges for all or a part of its resident students in
36 those grades.

37 §2702. Acceptance of contract students

1 The legislative body of any nearby school administra-
2 tive unit or the board of trustees of a nearby private
3 school approved for tuition purposes may agree to accept
4 contract students.

5 §2703. Contract

6 The governing bodies of the sending units and receiving
7 school shall establish a contract.

8 1. Specific provisions. The contract:

9 A. Shall specify the duration of the contract from one
10 to 5 years;

11 B. May include the establishment of a joint committee
12 if the receiving school is a private school;

13 C. Shall include other provisions parties deem neces-
14 sary;

15 D. Shall be ratified by a majority vote of each of the
16 governing bodies party to the contract; and

17 E. Shall meet any additional requirements set forth in
18 rules established by the commissioner.

19 2. Tuition. Tuition shall be determined under chapter
20 209.

21 §2704. Joint committee

22 A joint committee if established pursuant to section
23 2003:

24 1. Membership. Shall have an equal number of school
25 board members and board of trustee members;

26 2. Powers and duties. Shall have the following powers
27 and duties:

28 A. To select and employ teachers for the private
29 school;

30 B. To fix teachers' salaries;

31 C. To arrange the course of study;

32 D. To supervise the instruction; and

1 E. To adopt, amend and enforce rules pertaining to
2 other educational activities of the private school; and

3 3. Secretary ex officio. Shall have the superinten-
4 dent of the school administrative unit in which the private
5 school is located serve as the secretary ex officio if the
6 school administrative unit in which the private school is
7 located is represented on the joint committee. If the
8 school administrative unit in which the private school is
9 located is not a member of the joint committee, the joint
10 committee shall select a superintendent from one of its
11 participating school administrative units as secretary ex
12 officio.

13 CHAPTER 117

14 PRIVATE SCHOOLS

15 SUBCHAPTER I

16 BASIC SCHOOL APPROVAL

17 §2901. Requirement for basic school approval

18 A private school may operate as an approved private
19 school for meeting the requirement of compulsory school
20 attendance under section 5001 if it:

21 1. Hygiene, health, safety. Meets the standards for
22 hygiene, health and safety under Titles 22 and 25; and

23 2. Is either:

24 A. Currently accredited by the New England Association
25 of Colleges and Secondary Schools; or

26 B. Meets the department's requirements for approval
27 for attendance purposes under section 2902.

28 §2902. Department requirements

29 Private schools approved for attendance purposes by the
30 department shall:

31 1. Immunization. Comply with the immunization provi-
32 sions under section 6351;

33 2. Language of instruction. Use English as the lan-
34 guage of instruction except as specified under section 4602;

1 3. Courses required by statute. Provide instruction
2 in history as specified under section 4601, subsection 1 and
3 English as specified in section 4601, subsection 2;

4 4. Commissioner's basic curriculum. Provide instruc-
5 tion in the basic curriculum established by rule by the com-
6 missioner under section 4601, subsection 4;

7 5. Certified teachers. Employ only certified teach-
8 ers; and

9 6. Secondary schools. For private secondary schools:

10 A. Meet the requirements of a minimum school year
11 under section 4801;

12 B. Provide a school day of sufficient length to allow
13 for the operation of its approved education program;

14 C. Have a student-teacher ratio of not more than 30 to
15 one;

16 D. Include not less than 2 consecutive grades from 9
17 to 12;

18 E. Maintain adequate, safety protected records; and

19 F. Meet the requirements applicable to the approval of
20 private schools for attendance purposes established by
21 the state board pursuant to section 405, subsection 3,
22 paragraph E.

23 §2903. Governing body requirements

24 Nothing in this subchapter shall restrict the authority
25 of the governing body of a private school to require addi-
26 tional subjects to be taught in their school.

27 §2904. Removal of basic approval

28 1. Commissioner may remove basic approval. Notwith-
29 standing any other provision of law, the commissioner may
30 remove basic approval from any private school for failure to
31 meet applicable approval requirements.

32 2. Procedural requirements. Whenever a school fails
33 to meet these requirements the commissioner shall:

34 A. Give due notice; and

1 B. Hold a hearing.

2 3. Hearing. The hearing on removal of basic approval
3 shall be in accordance with the applicable provisions of the
4 Maine Administrative Procedure Act, Title 5, chapter 375
5 and rules of the state board adopted pursuant to section
6 405, subsection 3, paragraph E.

7 §2905. Nonrenewal of basic approval

8 The decision of the commissioner on nonrenewal of basic
9 approval of any school applying for renewal shall be in ac-
10 cordance with the Maine Administrative Procedure Act, Title
11 5, chapter 375 and rules adopted by the State Board of Edu-
12 cation under section 405, subsection 3, paragraph E.

13 SUBCHAPTER II

14 APPROVAL FOR THE RECEIPT OF PUBLIC

15 FUNDS BY PRIVATE SECONDARY SCHOOLS

16 §2951. Approval for tuition purposes

17 A private secondary school may be approved for the
18 receipt of public funds for tuition purposes only if it:

19 1. Basic approval. Meets the requirements for basic
20 school approval under subchapter I;

21 2. Nonsectarian. Is a nonsectarian school in accor-
22 dance with the First Amendment of the United States Consti-
23 tution;

24 3. Incorporated. Is incorporated under the laws of
25 the State of Maine or of the United States; and

26 4. Reports and audits. Complies with the reporting
27 and auditing requirements in sections 2952 and 2953.

28 §2952. Report to commissioner

29 A private secondary school receiving state funds,
30 either directly or indirectly, and a private school approved
31 for tuition and attendance purposes shall annually, on or
32 before July 15th, report to the commissioner the information
33 he may require.

34 §2953. Audit

1 The following audit shall be made.

2 1. Annual audit. A private secondary school approved
3 for tuition purposes shall, on or before September 1st of
4 each year, furnish to the State Auditor satisfactory proof
5 that the books, accounts, financial documents and reports to
6 the commissioner of the academy for the preceding fiscal
7 year have been examined and found to be in a satisfactory
8 and accurate condition with proper vouchers on file. An
9 audit shall be made by the Department of Audit or by indi-
10 viduals or firms recognized as competent auditors by train-
11 ing and experience or by qualified public accountants.

12 2. Special audit. Audits by the State Auditor may be
13 requested by 3 or more duly elected and qualified officers
14 of the private secondary school. This audit shall be con-
15 ducted at the expense of the requesting academy except when
16 the audit is deemed necessary by the commissioner.

17 §2954. Rules of commissioner

18 The commissioner may adopt rules regarding tuition
19 charges, accounting and other aspects of a private secondary
20 school and school administrative unit relationships.

21 §2955. Penalty for noncompliance

22 Private secondary schools which have not complied with
23 sections 2951 to 2953 before September 1st of each year may
24 not receive tuition payments from any school administrative
25 unit.

26 SUBCHAPTER III

27 SPECIFIC EDUCATION PROGRAMS

28 §3001. Schools for exceptional students

29 Private schools which operate programs for exceptional
30 students shall conform to the applicable provisions of this
31 chapter and chapters 301 and 303.

32 §3002. Vocational education

33 The commissioner may contract with a private school,
34 which is serving one or more municipalities in lieu of a
35 public secondary school, for the conduct of vocational
36 courses which meet the same standards for approval as those
37 conducted in public secondary schools.

1 SUBCHAPTER IV

2 PRIVATE SCHOOLS SERVING NONRESIDENTS

3 §3051. Non-Maine students

4 Schools enrolling only students whose parents are not
5 residents of the State shall be subject to an annual review
6 of their programs by the commissioner. The programs shall
7 be approved if they meet standards equivalent to those re-
8 quired for private schools under this chapter.

9 CHAPTER 119

10 UNORGANIZED TERRITORY

11 SUBCHAPTER I

12 GENERAL PROVISIONS

13 §3201. Definitions

14 As used in this chapter, unless the context indicates
15 otherwise, the following terms have the following meanings.

16 1. Unorganized territory. "Unorganized territory"
17 means territory not part of a municipality.

18 2. Unorganized unit. "Unorganized unit" means an
19 unorganized township, gore, strip, tract, surplus, point,
20 patent, peninsula, island, deorganized town or plantation or
21 any other distinct portion of the unorganized territory.

22 §3202. Rules

23 The commissioner may adopt rules to carry out this
24 chapter.

25 SUBCHAPTER II

26 SCHOOL PRIVILEGES

27 §3251. School privileges

28 Persons between the ages of 5 and 20 years who reside
29 with a parent or legal guardian in an unorganized territory
30 shall be entitled to school privileges. These privileges
31 shall be provided under the direction of the commissioner
32 under rules adopted or amended by the commissioner in accor-
33 dance with section 3 and approved by the Governor.

1 §3252. Elementary pupils

2 1. Elementary school privileges provided. The commis-
3 sioner may provide elementary school privileges by estab-
4 lishing and maintaining elementary schools in an unorganized
5 territory or by sending the students to another public
6 school as tuition students.

7 2. Admission by receiving school. Tuition students
8 sent to a public school shall be admitted by the receiving
9 school on receiving notice by the commissioner.

10 3. Benefits. Tuition students shall be entitled to
11 all privileges and benefits and subject to the same rules as
12 resident students of the school administrative unit.

13 4. Term. The minimum school year shall be as defined
14 in section 4801.

15 5. Tuition. The commissioner shall pay tuition for
16 each student in accordance with the proportional cost per
17 student of the school attended or as agreed upon.

18 6. Transportation and board. Transportation and board
19 may be paid in full or in part by the commissioner.

20 7. Exception. The commissioner may make arrangements
21 for children living in the unorganized territory of Estcourt
22 to attend a public school in Commission Scolaire Des
23 Frontieres Sully, Province of Quebec. With the commis-
24 sioner's approval tuition shall be paid by the State for these
25 students.

26 §3253. Secondary students

27 1. Qualified secondary students. The commissioner may
28 authorize a qualified student whose parent or legal guardian
29 resides in an unorganized territory to attend an approved
30 secondary school which accepts the student.

31 2. Tuition. The commissioner shall pay the same
32 amount for tuition as municipalities not supporting and
33 maintaining an approved secondary school are required to
34 pay, provided that the student maintains a satisfactory
35 standard of deportment and scholarship.

36 3. Board. The commissioner may pay board in full or
37 in part for a student attending school as provided in sub-
38 section 1. The commission:

1 A. Shall determine when board for a student is neces-
2 sary;

3 B. Shall provide application forms;

4 C. May approve applications for boarding arrangements;
5 and

6 D. Shall make payments for board for periods not less
7 than one school month on receipt of a satisfactory
8 attendance record of a student.

9 §3254. Other students

10 The commissioner may establish evening schools, day
11 schools, classes and educational activities for persons over
12 16 years of age residing in the unorganized territory and
13 not attending public school. Students in these schools or
14 classes shall be subject to the same conditions, state and
15 local rules and federal regulations as for public schools.

16 §3255. Children on government reservations

17 The commissioner may make special arrangements to pro-
18 vide elementary school privileges in cooperation with the
19 Federal Government for children residing with a parent or
20 legal guardian at a light station, fog warning station,
21 lifesaving station or other place within a United States
22 government reservation.

23 SUBCHAPTER III

24 COMMISSIONER'S POWERS

25 §3301. General powers

26 The commissioner shall have the following general
27 powers.

28 1. Agents. The commissioner may appoint agents for an
29 unorganized territory who shall act as attendance officers
30 and perform school duties delegated to them by the commis-
31 sioner.

32 2. Special attendance officers. The commissioner may
33 appoint special attendance officers for an unorganized unit.
34 Attendance officers shall be subject to the provisions of
35 sections 3302 and 5052.

1 3. School buildings. School buildings not privately
2 owned in an unorganized territory are declared to be the
3 property of the State. The commissioner may hold, use and
4 direct repairs, changes or additions to the school build-
5 ings.

6 4. Disposal of property. The commissioner may sell,
7 transfer or dispose of school property or equipment in the
8 unorganized territory. The proceeds of the sale, transfer
9 or disposal shall be used as provided in section 3351.

10 §3302. General laws applicable

11 The following general laws shall apply.

12 1. General laws. Sections 6301, 6802 and 6804 to 6807
13 shall apply to children in the unorganized territory.

14 2. Application rules. The commissioner may adopt or
15 amend rules concerning officials, appropriate courts, dis-
16 posal of fines and similar matters that are necessary to
17 apply to the unorganized territory the laws referred to in
18 subsection 1. These rules shall be subject to approval by a
19 Justice of the Supreme Judicial Court, who may approve them
20 if they conform to the general principles of the law being
21 applied.

22 3. Printing. The commissioner shall print these laws
23 and rules in sufficient quantity for use in the unorganized
24 territory and for persons requesting them.

25 §3303. Census

26 Before school privileges are provided in an unorganized
27 territory and annually thereafter, as long as school privi-
28 leges are provided in an unorganized unit under this chap-
29 ter, the commissioner shall determine the number of persons
30 resident in the unit on April 1st and the names and ages of
31 those between 5 and 20 years of age who have not completed
32 the 12th grade.

33 §3304. Tuition students in unorganized units

34 A school board may, when it seems advantageous and in
35 the best interest of the students concerned, arrange for
36 students who are entitled to school privileges in its school
37 administrative unit, to attend schools maintained by the
38 State in the unorganized territory, subject to the terms and
39 conditions the commissioner may determine.

1 1. Charges. The commissioner may make allowances or
2 adjustments for transportation costs or other services fur-
3 nished by a sending unit for students sent as tuition stu-
4 dents to a school in an unorganized unit. Per student
5 tuition charges shall be computed as follows:

6 A. The total cost of schooling for the preceding
7 fiscal year, excluding employer retirement contribu-
8 tions made by the State and transportation costs for
9 the unorganized unit in which the school is located;
10 and the total amount of assessment for capital expendi-
11 tures made for the preceding fiscal year, shall be
12 divided by the average daily membership of students in
13 the unorganized unit during the preceding school year.

14 A municipality which has contributed to the cost of the
15 school building in compliance with a special legislative Act
16 shall not pay the part of a tuition charge related to capi-
17 tal expenditures.

18 2. Income credited. The portion of tuition income
19 based on capital expenditure shall be credited to the
20 Unorganized Territory School and Capital Working Funds for
21 the fiscal year in which it is earned and shall reduce the
22 indebtedness charged against the unorganized unit in which
23 it was earned. The balance of tuition income shall be cred-
24 ited to the General Fund for the year in which it is earned
25 and shall be a credit in computing the school assessment on
26 the property of the unorganized unit in which it was earned.

27 3. Payments. The school board shall pay, prior to
28 June 30th of the school year for which a schooling agreement
29 is made any sums agreed on and shall charge these sums to
30 the appropriations of money raised in that school adminis-
31 trative unit.

32 §3305. Taking of land

33 The following provisions apply to taking land for
34 school purposes in the unorganized territory.

35 1. Taking. The commissioner may designate, lay out
36 and take a schoolhouse lot not to exceed 3 acres, after 30
37 days written notice to the owner, if:

38 A. The owner refuses to sell;

39 B. The commissioner determines the price is unreason-
40 able; or

1 C. The owner resides outside the State and has no
2 authorized agent or attorney in the State.

3 2. Appraisal and payment. Prior to a taking, the com-
4 missioner shall appraise the damages and pay or tender the
5 damages to the owner. If the owner does not reside in the
6 State, the commissioner shall deposit the damages with the
7 Treasurer of State for the owner's use.

8 3. Reversion to owner. If the State does not erect a
9 school building on the lot within 3 years from the date of
10 taking, the lot shall revert to the owner, the owner's heirs
11 or assigns.

12 4. Enlargement or extension of lot. The commissioner
13 may extend or enlarge a schoolhouse lot according to the
14 procedure and conditions in section 15705, subsection 10.
15 Land taken may not be within 50 feet of a dwelling.

16 5. Fencing. When a schoolhouse lot or playground re-
17 quires fencing, the commissioner shall fence it.

18 6. Appeals. If the owner is aggrieved at the location
19 of the lot or the damages awarded, he may apply to the State
20 Tax Assessor within 3 months. The State Tax Assessor may
21 change the location and assess the damages. If the damages
22 are increased or the location changed, the State shall pay
23 the damages and costs, otherwise the costs shall be paid by
24 the applicant.

25 SUBCHAPTER IV

26 FINANCING

27 §3351. Unorganized Territory School and Capital Working
28 Funds

29 1. Appropriation by the Legislature. The Legislature
30 may appropriate money to the Unorganized Territory School
31 and Capital Working Funds.

32 2. Expenditures by the commissioner. The commissioner
33 may expend amounts necessary to carry out subchapters II and
34 III from the Unorganized Territory School and Capital Work-
35 ing Funds and for a purpose necessary for the schooling of
36 children in the unorganized territory including:

37 A. Salaries, board and traveling expenses of teachers
38 and supervisors;

1 B. Conferences, training programs and professional
2 improvement of teachers;

3 C. Fuel and janitor service;

4 D. Tuition, board and transportation of elementary and
5 secondary school students;

6 E. Text and reference books, school apparatus and sup-
7 plies, leases or rentals of lots or school buildings;

8 F. Minor repairs to school buildings or equipment;

9 G. Services, expenses and fees of agents, attendance
10 officers and clerical assistants;

11 H. Office expenses and utility service;

12 I. School medical and dental services;

13 J. The erection, equipping, major repair, remodeling
14 or alteration of schoolhouses and other requisite
15 buildings;

16 K. The purchase of lots or buildings for school pur-
17 poses or faculty housing;

18 L. The purchase, equipment and major repair of school
19 buses; and

20 M. For any other necessary capital expenses for pro-
21 viding schools in the unorganized territory.

22 3. Balances. Unencumbered balances in the Unorganized
23 Territory School and Capital Working Funds shall not lapse
24 but shall be carried forward to the same fund for use in the
25 next fiscal year.

26 4. Gifts and bequests. The Treasurer of State may ac-
27 cept gifts, bequests and other funds from public or private
28 agencies, subject to any conditions approved by the commis-
29 sioner, to be credited to the fund. A gift, bequest or
30 grant made for a particular designated project shall be
31 credited to the fund created in this section.

32 5. Short-term investments. The treasurer of State
33 may, with the approval of the commissioner, make short-term
34 investments of accumulated assets in the fund. The income
35 and capital shall be returned to the fund. The income may

1 be expended by the commissioner for the purposes described
2 in subsection 2.

3 SUBCHAPTER V

4 ORGANIZATION AND DEORGANIZATION

5 §3401. Organization of unorganized unit

6 If an unorganized unit becomes organized as a municipi-
7 ality or plantation, it shall, within 5 years of the date
8 of organization, pay to the Treasurer of State for each
9 school building within its limits erected or remodeled prior
10 to August 20, 1951, a sum to be determined by the commis-
11 sioner from records kept by the commissioner of the cost of
12 these buildings, lots and improvements. The sum shall be
13 credited to the General Fund. A municipality or plantation
14 dissatisfied with the sum determined by the commissioner
15 may, after a vote taken by the municipality or plantation at
16 a regular or special meeting called for the purpose, appeal
17 to the Governor. The Governor's decision shall be final.

18 §3402. Deorganization of an organized unit

19 If a municipality or plantation becomes deorganized by
20 the Legislature, all school property in that municipality
21 shall become the property of the State and under the charge
22 of the commissioner, as is other school property in the
23 unorganized territory.

24 §3403. Failure of civil organization

25 1. Failure of organization. If the civil organization
26 of a municipality or plantation becomes defunct, through
27 failure to hold the annual meeting, failure to fill vacan-
28 cies in necessary offices or in any other manner, and until
29 the municipality or plantation recovers its civil organiza-
30 tion or it is deorganized by the Legislature, the commis-
31 sioner shall:

32 A. Assume charge of all school property within its
33 area;

34 B. Require an accounting of all municipal or
35 plantation school funds; and

36 C. Provide schools for children between 5 and 20 years
37 of age whose parents are residents of the municipality
38 or plantation.

1 2. School privileges. The commissioner may provide
2 school privileges under the supervision of an agent of the
3 unorganized territory or a special agent appointed for this
4 purpose.

5 3. Expenses. The expense of these school privileges
6 shall be paid from the appropriation for schools in the
7 unorganized territory.

8 4. Recovery of expenses. If a municipality or
9 plantation recovers its civil organization within 2 years,
10 the expenses paid under subsection 3, on the recommendation
11 of the commissioner, shall be deducted by the Treasurer of
12 State from school funds that may subsequently become payable
13 to the municipality. The Treasurer of State shall credit
14 these deductions to the appropriation for schools in the
15 unorganized territory.

16 CHAPTER 121

17 MAINE-NEW HAMPSHIRE INTERSTATE

18 SCHOOL COMPACT

19 ARTICLE I

20 GENERAL PROVISIONS

21 §3601. Enters

22 The State of Maine enters into the following compact
23 with the state of New Hampshire subject to the terms and
24 conditions stated in this chapter.

25 §3602. Statement of policy

26 It is the purpose of this compact to increase the edu-
27 cational opportunities within the states of Maine and New
28 Hampshire by encouraging the formation of interstate school
29 districts which will each be a natural social and economic
30 region with adequate financial resources and a number of
31 pupils sufficient to permit the efficient use of school
32 facilities within the interstate district and to provide
33 improved instruction. The state boards of education of
34 Maine and New Hampshire may formulate and adopt additional
35 standards consistent with this purpose and with these stan-
36 dards; and the formation of any interstate school district
37 and the adoption of its articles of agreement shall be sub-
38 ject to the approval of both state boards as set forth.