

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

SUMMARY REPORT
TO THE
ONE HUNDRED AND SIXTH LEGISLATURE

VOLUME TWO

JANUARY, 1973



STATE OF MAINE

THE LEGISLATIVE RESEARCH COMMITTEE

Senator Joseph Sewall, Old Town
Chairman

*Representative John E. Gill, So. Portland
Vice-Chairman

From the Senate

Richard N. Berry, Cape Elizabeth
Gerard P. Conley, Portland
Armand J. Fortier, Rumford
Edwin H. Greeley, Morrill
Harvey Johnson, Oakland

From the House

**Richard W. Stillings, Berwick
Ethel B. Baker, Orrington
Walter L. Bunker, Ashville
Albert E. Cote, Lewiston
John A. Donaghy, Lubec
Roland A. Gauthier, Sanford
Louis Jalbert, Lewiston
***Theodore E. Lewin, Augusta
John L. Martin, Eagle Lake
Ronald S. Wight, Presque Isle

Ex Officio

Kenneth P. MacLeod, Brewer
President of the Senate

David J. Kennedy, Milbridge
Speaker of the House

Director

Samuel H. Slosberg, Gardiner

Assistant Director

David S. Silsby, Augusta

*Deceased

**Vice-Chairman, August 18, 1972

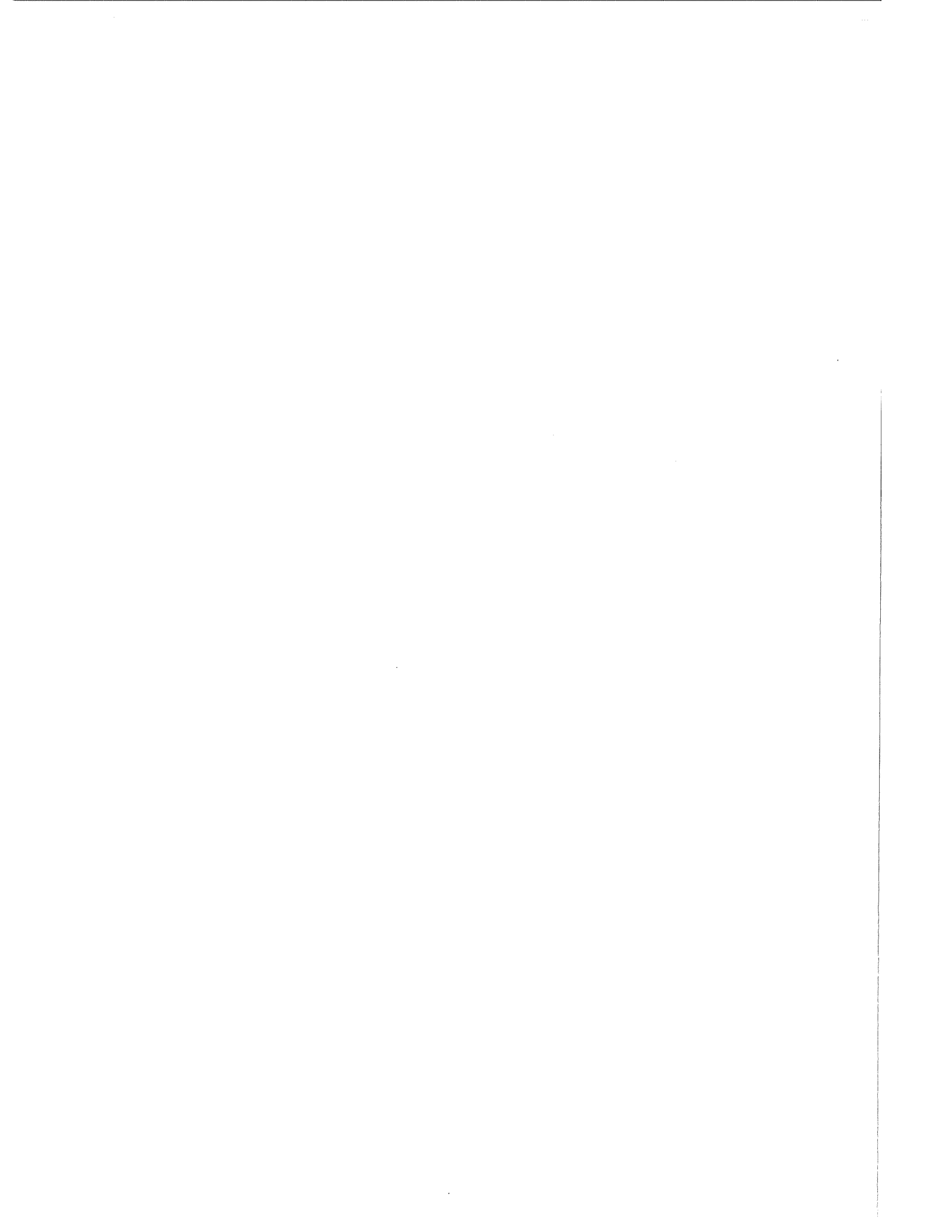
***Replaced Representative Gill

C O N T E N T S

	Page
Membership.....	ii
Table of Contents.....	iii
Legislative Proposals.....	IV
Letter of Transmittal.....	V
 Research Reports:	
Tax Relief for the Elderly.....	1
Nonrefundable Containers.....	13
County Government.....	30
State Funding of the Court.....	30
Intoxication and Treatment.....	63
School District Reorganization.....	100
Eastport Oil Development.....	115
State Fire Marshal.....	153
Governmental Operations.....	183
 General Information:	
Committee Authority.....	219
Committee Rules.....	232
Cumulative Index.....	235
Committee Directory.....	243

PROPOSED BILLS TO BE SUBMITTED TO THE 106th LEGISLATURE

	<u>Page</u>
AN ACT Creating the Uniform Alcoholism and Intoxication Treatment Act	73
AN ACT Establishing the Office of State Fire Marshal	171
AN ACT to Abolish the Committee on Maine Public Broadcasting	188





STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE
STATE HOUSE
AUGUSTA, MAINE 04330

January 3, 1973

To the Members of the 106th Legislature:

The Legislative Research Committee hereby has the pleasure of submitting to you Volume II of its report on activities for the past two years.

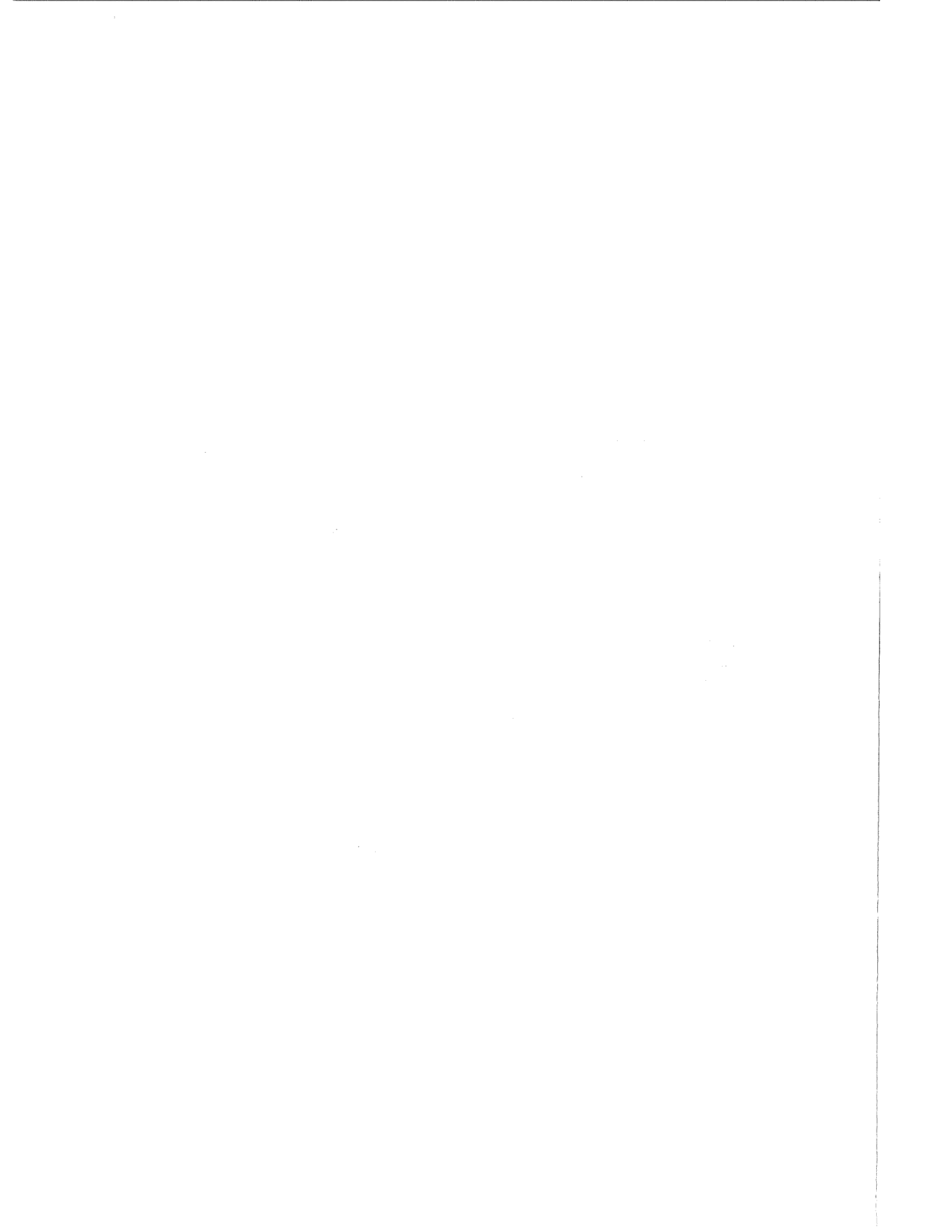
This volume, designated as the second summary volume, is a continuation of both, assigned and unassigned matters undertaken by the Committee and contains findings and recommendations pursuant thereto.

Again, we of the Committee, gratefully acknowledge our indebtedness to the many individuals, organizations and agencies for their valuable contributions to the work of the Committee and it is our hope that the information contained in this report will be of assistance to the members of the 106th Legislature and the people of the State of Maine.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Sewall".

JOSEPH SEWALL, Chairman
Legislative Research Committee



STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON
SCHOOL DISTRICT REORGANIZATION
to the
ONE HUNDRED AND SIXTH LEGISLATURE

JANUARY, 1973
Legislative Research Committee
Publication 106-21



SUBCOMMITTEE ON SCHOOL DISTRICT REORGANIZATION

CHAIRMAN - Richard W. Stillings

VICE CHAIRMAN - John L. Martin

Ethel B. Baker

Walter L. Bunker

Guy A. Marcotte

SCHOOL DISTRICT REORGANIZATION

On October 21, 1971 the Committee upon its own motion undertook a study of School District Reorganization assisted by the State Department of Education. This study was advanced by the Commissioner of Education in the following letter:

"I have become increasingly concerned of late with what is happening to some of our school administrative districts. Formation of districts has come to a virtual standstill and, indeed, there have been two recent dissolutions of school districts - one in the Ellsworth area and one in the Pembroke area. Furthermore, we have other districts that have either taken votes on dissolution or are considering them. School administrative districts have provided valuable benefits to Maine education. By reorganizing school districts more efficient operation has been possible, and better programs have been offered to boys and girls.

For some time the Department of Education and the State Board of Education have been requesting legislation which would either mandate further consolidations or give the Commissioner certain powers to enable him to further encourage school district formation. I would respectfully suggest that the whole matter of school district reorganization could well be a matter for study by the Legislative Research Committee. The Sinclair Law, so-called, is now almost 14 years old and has done an excellent job in helping the State to redistrict. It is obvious to me, however, that further redistricting will not occur without legislative direction. Indeed, as I have indicated before, I feel that we will lose some school districts if we do not have prompt action. If the committee feels that this is an action which should be further considered, I would be pleased to meet with them to describe some of the problems I see in the present law relating to school district formation."

I N T R O D U C T I O N

Our study of the school districts in Maine revealed that there were far too many small school units to achieve an adequate educational program and maximum use of state and local tax resources.

We find that there are wide variations in school tax effort and in school expenditures from one unit to another within the state. This wide variation in school tax effort and in expenditure prohibits logical school district reorganization. We believe that the adoption of an adequate funding plan which meets the constitutional test of equity as set forth in the Rodriguez case currently before the United States Supreme Court is necessary before school district reorganization in the state can be completed. Consequently, we recommend that the state require a uniform tax effort for school purposes to be made by all municipalities. To each municipality would be distributed at least the average per pupil cost for school operations, plus the cost of transporting pupils to and from school, plus the cost of providing school facilities. The taxpayers in every unit would be making the same tax effort to provide educational services, and the state would be contributing, from broad-based state taxes, sufficient funds to assure every municipality of an average per pupil cost, plus the cost of transportation and school construction. The local citizens would be permitted to approve higher per pupil expenditures upon approval of the citizens. Such excesses above the average cost should be limited to a maximum of 5 mills effort.

Units would be permitted to reorganize through one of the four possibilities currently existing in the statutes. They could form school administrative districts. By vote of the citizens, two or more towns may join together for the purpose of operating schools kindergarten through grade 12. Citizens decide upon the method of sharing costs as set forth in the statutes and representation on the board of school directors with every town having representation.

Units could organize into community school districts by vote of the citizens. Each town is represented by three trustees who are responsible for school facilities and each town is represented by school board members in proportion to the number of students with a maximum of three and a minimum of one. Costs must be shared either on state valuation or on the basis of the number of pupils.

Units could reorganize by forming union schools. In such a case, the citizens approve by vote an agreement for operation. The agreement must contain the method of sharing costs, the representation on the board of control, and all other items pertaining to the operation of a school system.

Units could reorganize using the cooperative board statute. Two or more units may join together for the purpose of accomplishing a specific educational function. The unit is organized by voting on the terms of an agreement which sets forth the methods of sharing costs, the representation on a joint board, the procedures for acquiring and disposing of real property, and the method of dissolving the agreement.

In conclusion, we believe that the Legislature should encourage school district reorganization to improve educational opportunities for children and to increase the efficient use of state and local tax dollars.

T A B L E O F C O N T E N T S

PART I -- Recommendations to Encourage Efficient and Effective School Units	1
PART II -- Background Information about Maine Units	2
PART III -- Size of School Units	4
PART IV -- School Consolidation and Minimum Standards	7
PART V -- Suggested Legislation to Implement the Recommendations . .	8

P A R T I

RECOMMENDATIONS TO ENCOURAGE EFFICIENT AND EFFECTIVE SCHOOL UNITS

We recommend that:

1. All units be encouraged to operate a school program K through 12, with a provision that a unit may choose to contract for secondary education.
2. Except in geographically isolated areas, all units should be encouraged to meet the standard of a minimum of 1,000 pupils or a geographic area equivalent to four Maine townships.
3. More effective units organize through one of four choices now permitted in the statutes -- cooperative boards, union schools, community school districts, and school administrative district.
4. The administrative boards of each unit should be determined by local officials using the procedures already established in Title 20.
5. State funds plus a uniform tax based on state valuation should be used to furnish every unit with at least the average cost per pupil expended for operations, transportation and debt service in the year prior to the convening of the Legislature.
6. Expenditures made above the average cost should be optional in each unit with a limited tax effort permitted by the unit with a completely equalizing factor incorporated in the plan. For example, if a unit chooses to provide additional services, then a single mill of effort would produce the same number of dollars per pupil in Greenbush as would be permitted in Wiscasset.
7. A means be established to evaluate the effectiveness of each school system and the quality of the product in order that continuing assurances can be made that local and state tax dollars are being effectively expended.

P A R T I I

BACKGROUND INFORMATION ABOUT MAINE UNITS

1. There were in 1971-72, 249,522 pupils educated at public expense.
2. There are a number of small units operating schools where adequate educational programs cannot be furnished at a reasonable cost level.
3. Local property taxes were bearing 61% of the cost of public education state-wide.
4. A gross amount of \$196,248,426 was expended for public school education, grades K through 12.
5. Wide variations among municipalities exist in the amounts of money that are expended per pupil for education. (\$1,915 high, \$384 low)
6. Large variations in per pupil expenditure occur between elementary schools and secondary schools. (\$584 elementary average, \$856 secondary average)
7. Wide variations exist in the amount of local school tax effort that is made to support school programs. (97 mills high, 1 mill low)
8. Units with high per pupil valuations tend to spend considerably more money per pupil than units with low per pupil valuations. (\$1,060 wealthy group, \$384 poor group)
9. Wide differences exist among the counties in per pupil expenditures. The average in the highest county exceeds the lowest county by more than 1/3. (\$668 highest, \$486 lowest)
10. Average pupil-teacher ratios vary from county to county. The highest county has 20% more pupils per teacher than the lowest county. (22.48 highest, 18.82 lowest)
11. Average teachers' salaries vary considerably among the counties. The county paying the highest average salary exceeds the lowest county by more than 20%. (\$9,908 highest, \$8,077 lowest)

We conclude that many school units in Maine do not:

1. Permit equal educational opportunity for children.
2. Effectively use local and state tax dollars.
3. Provide adequate vocational training for each student.

Size-cost Relationships

<u>Units Serving Populations of</u>	<u>Per Pupil Expenditures</u>	
	<u>Municipalities</u>	<u>Districts</u>
Over 10,000	\$598.66	\$568.41
5,000 - 9,999	635.83	568.81
2,500 - 4,999	605.02	581.00
Under 2,500	578.84	582.89

Per pupil operating costs other than salaries in elementary and secondary schools vary considerably, as shown below:

	<u>Per Pupil Expenditures Other Than Teachers' Salaries</u>	
	<u>Elementary</u>	<u>Secondary</u>
High	\$611.68	\$896.85
90th	177.13	300.64
80th	152.94	257.63
70th	139.26	233.30
60th	128.71	218.76
50th	120.49	204.56
40th	111.91	194.00
30th	105.53	183.23
20th	96.51	165.76
10th	87.17	150.58
Low	56.63	88.06

P A R T I I I
SIZE OF SCHOOL UNITS

Size of School Units in Maine

Size of School	Elementary Schools			High Schools				
	C.S.D.	Municipalities	Districts	Total	C.S.D.	Municipalities	Districts	Total
None		50	1	51		0	14	14
Under 100	(4) 1	42	5	48		4	5	9
101- 200		30	3	33		4	7	11
201- 300		26	2	28	(2) 1	4	9	14
301- 400		7	4	11	(6) 1	8	9	18
401- 500		8	2	10		3	12	15
501- 600		4	5	9		9	5	14
601- 700		2	4	6	(4) 1	2	6	9
701- 800		1	7	8		1	0	1
801- 900		6	5	11		0	4	4
901-1,000		3	6	9		3	3	6
1,001-1,100		1	3	4		0	0	0
1,101-1,200		0	6	6		4	1	5
1,201-1,300		3	3	6		1	0	1
1,301 and over		26	19	45		8	0	8
	1	209	75	285	3	51	75	129

The Make-up of Maine's Educational Units

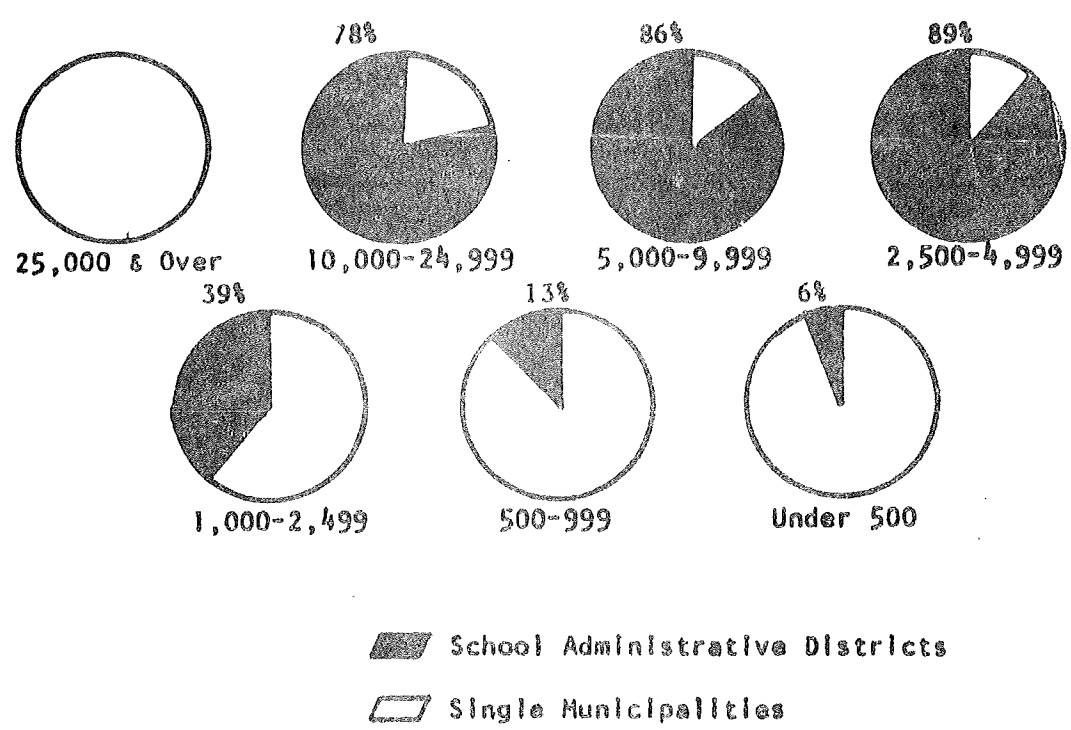
Two hundred eighty-eight (288) units were responsible for providing educational opportunities - seventy-five (75) school administrative districts and two hundred thirteen (213) cities and towns. Sixteen municipalities provide programs through four community school districts. Two hundred eighty-two (282) municipalities provide opportunities through 75 school administrative districts. Of the remaining

197 municipalities, 55 operate no schools and educate pupils by paying tuition to a nearby administrative unit. One hundred forty-two (142) single municipalities operated schools, 51 a kindergarten through grade 12 program, and 91 some type of elementary school.

If one looks at population areas served by various administrative units, it is at once obvious that a heavy proportion of each of the larger population areas are served by school administrative districts. For example, 78% of the municipalities in units serving areas between 10,000 and 25,000 in population were school administrative districts, while 94% of the municipalities in units serving population areas of fewer than 500 citizens are single municipalities.

The following chart shows the proportion of municipalities within each size group which are served by single municipalities and the proportion that are served by school administrative districts.

Population areas by size served by single units and School Administrative Districts



Of the 213 municipalities, Chart II shows the percentage of units served within each population size group. Of the 75 school administrative districts, Chart III shows the percentage of units served within each population size group. 75% of all school administrative districts serve population areas in excess of 2,500 population. Only 20% of the single municipalities serve population areas in excess of 2,500 population. More than half of the single municipality school systems (124) serve population areas with fewer than 1,000 people.

CHART II

Percentage of Single Municipalities serving population groups by size

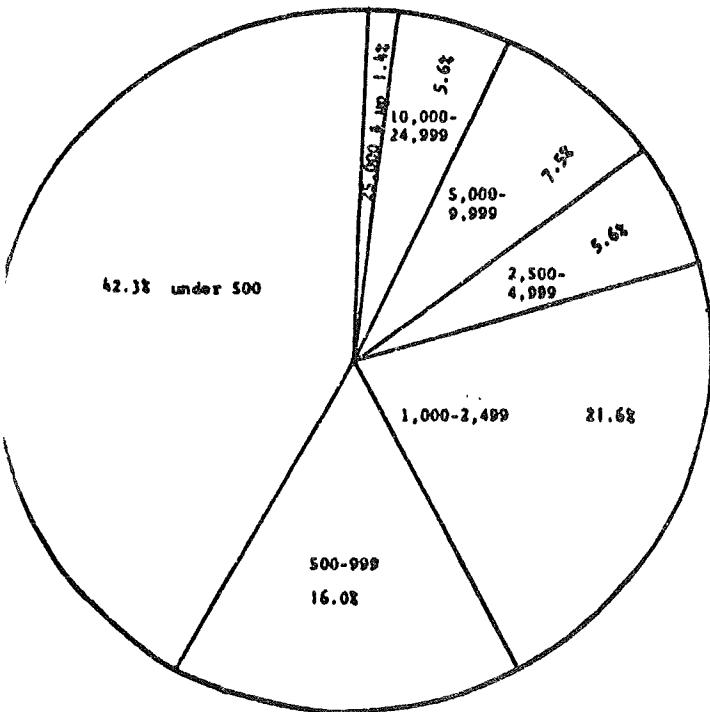
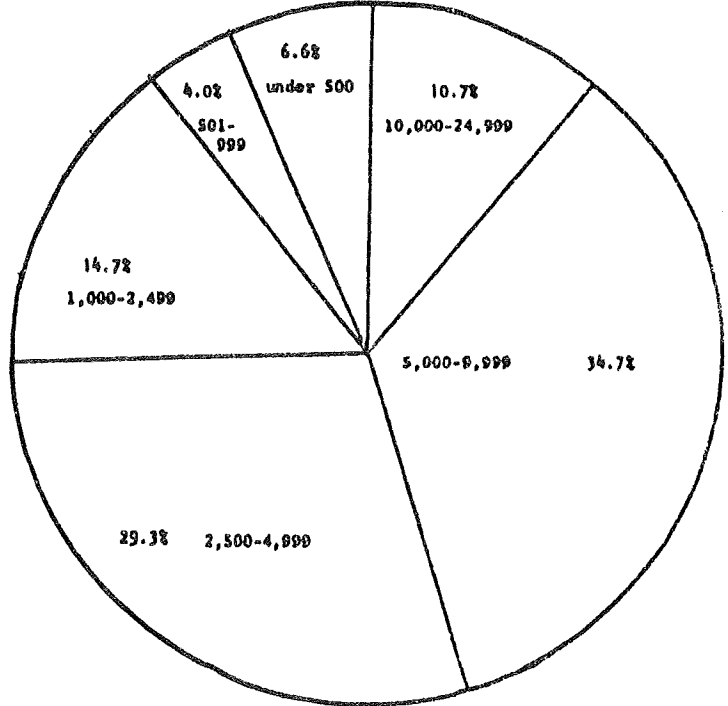


CHART III

Percentage of all School Administrative Districts serving population groups by size



P A R T I V

SCHOOL CONSOLIDATION AND MINIMUM STANDARDS

Maine and the Nation

Between 1948 and 1971, the number of school districts in the nation was reduced from 83,815 units to 17,131 school units, or a reduction of 82%. In Maine, the number of school units was reduced from 495 units to 282 school units, or a reduction of 43.8%. In the nation, the number of units which operated no schools was reduced from 17,131 units to 743 units, or a reduction of 96%. In the State of Maine, the number of non-operating school units was reduced from 58 to 55, a reduction of 5%. While we have only 1½% of all the school units in the nation, we have 7.3% of all the non-operating units in the nation.

Standards Established in Other States

<u>State</u>	<u>Minimum Standard District</u>
Delaware	1,900 pupils and 100 sq. mi.
Colorado	1,500 pupils
Kansas	400 pupils
Kentucky	200 pupils
Minnesota	All units must operate K-12 program
Missouri	200 pupils or 100 sq. mi.
New Mexico	500 pupils
Ohio	All units must operate K-12 program
Oklahoma	All units must operate schools
Texas	750 pupils

P A R T V

SUGGESTED LEGISLATION TO IMPLEMENT THE RECOMMENDATIONS

AN ACT RELATING TO SCHOOL DISTRICT REORGANIZATION

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MAINE, as follows:

R.S., T. 20, sec. 212, amended. The last sentence of subsection 2 of section 212 of Title 20 of the Revised Statutes, as amended, is repealed and replaced with the following:

~~It is the intent of the Legislature that all administrative units not in School Administrative Districts and operating high schools with less than 300 pupils in grades 9 through 12 shall submit plans for school district reorganization to the board at least once in each 2-year period until the process of reorganization is completed;~~ It is the intent of the Legislature that all administrative units shall operate a school program from kindergarten through grade 12. It is further declared to be the intent that all units shall be large enough to encompass four Maine townships or a minimum of 1,000 pupils, wherever geographically possible.

Local administrative units may achieve efficiency of school operation in any one of the four possibilities provided by law; namely, by forming school administrative districts, community school districts, union schools, or by entering into cooperative agreements.

It is the intent of the Legislature that school committees, school directors and selectmen shall cooperate in establishing feasible plans for carrying out the intent of this Act on or before July 1, 1974. All units within an area containing municipalities not meeting minimum standards set forth above shall be required to submit a proposal to the State Board of Education. The proposal

shall include plans to increase the efficiency of school operations within the area.

Furthermore, any unit which enrolls fewer than 500 pupils and is not geographically isolated shall continue annually, after July 1, 1974, to submit plans for the consideration of the State Board and the local electorate.

The State Board of Education is authorized to consult with the officials at the local level and to approve the proposals which are submitted. The Board is further authorized to instruct local officials to call local elections to vote on the acceptance or rejection of the proposals. If the local officials are unable to resolve the method of representation on the new local board within the statutory provisions, the State Board of Education is authorized to determine the representation on the basis of the latest Federal dicennial census.

STATEMENT OF FACTS

The purpose of this legislation is to improve the educational opportunities for children by increasing the size of educational units to gain maximum use of local and state tax dollars. The elected officials in each municipality or administrative unit where fewer than 500 pupils are educated at public expense shall annually submit a reorganization proposal to the State Board and to the voters of the unit until the unit contains a minimum of 1,000 pupils or a minimum of four townships. Units which are geographically isolated will not be required to submit reorganization proposals.