

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)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

yes ✓

February 15, 1967

Asa A. Gordon, Director, School
Admin. Services
John W. Benoit, Assistant

Education
Attorney General

Petition for Dissolution of S.A.D. #57 by Town of Shapleigh

FACTS:

The Town of Shapleigh is one of six municipalities comprising School Administrative District #57. Recently, the reference School Administrative District voted to authorize the issuance of bonds, 20 M.R.S.A. § 225. About that same time, the Town of Shapleigh voted to petition for the dissolution of the reference School Administrative District. At Shapleigh's special town meeting held on December 30, 1966, the legal voters of the Town of Shapleigh voted 130 to 7 in favor of petitioning for dissolution. 20 M.R.S.A. § 222.

You have submitted a copy of a letter dated December 31, 1966 forwarded to the State Board of Education by the Town Clerk for Shapleigh; and you have also submitted copies of (1) the warrant calling for the special town meeting; (2) the constable's return on said warrant; and (3) a copy of the specimen ballot voted upon at the reference special town meeting. You state that these records submitted to you (at your request) by the Town of Shapleigh do not reveal that a public hearing was held in the Town of Shapleigh prior to the date of the special town meeting in which the voters acted upon the dissolution article.

QUESTION:

Is the action of the Shapleigh voters at the December 30, 1966 special town meeting invalid because no public hearing was held for the purpose of discussing the subject dissolution article prior to the date of the special town meeting?

ANSWER:

No.

REASON:

The Maine Statutes relating to public schools provide, inter alia, that the residents of a municipality may vote upon a Section 222 'dissolution article' at a town meeting, "called and held in the

manner provided by law for the calling and holding of town meetings or city elections. * * * " 20 M.R.S.A. § 222. The reference section requires that attention be given to the provisions of 30 M.R.S.A. § 2051, et seq. (general statutes having reference to town meetings, etc.)

You state in your memo that the warrant calling for the December 30, 1966 special town meeting in Shapleigh did not require a public hearing in accordance with the provisions of sections 2061 - 2064. Our examination of the reference statutory provisions indicates that section 2061, 4, specified the holding of a public hearing in enumerated instances:

"4. Petition for Article on Ballot. On the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10, the selectmen shall require that a particular article be placed in the next ballot printed, or shall call a special meeting for its consideration. If such particular article be placed in the next ballot printed, a public hearing shall be held by the municipal officers on the subject of such article at least 10 days before the day for voting thereon. * * * "
(Emphasis supplied.)

We do not interpret the words "such particular article" as encompassing the vote which occurred in the Town of Shapleigh on December 30, 1966. We interpret the words "such particular article" as referring only to the circumstances stated in 30 M.R.S.A. § 2061, 4. The given facts do not state those circumstances.

John W. Benoit
Assistant Attorney General

JWB/eh