

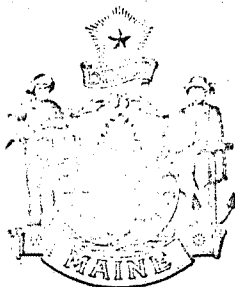
MAINE STATE LEGISLATURE

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AUGUSTA, MAINE 04333

June 12, 1979

H. Sawin Millett, Jr.
Commissioner
Dept. Educational & Cultural Svcs.
State House
Augusta, Maine 04333

Re: Amendments to Cost Sharing Formulas for School Administrative Districts

Dear Commissioner Millett:

This is in response to your oral request regarding what procedure a School Administrative District shall follow in order to change its cost sharing formula and whether a district's Board of Directors has authority to initiate a change.

The procedure which a School Administrative District shall follow "for changing the method of sharing costs among their member municipalities" is set forth in 20 M.R.S.A. §305, 3rd paragraph:

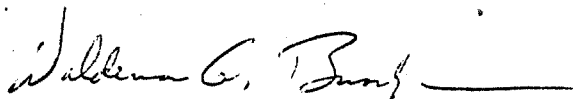
"When requested by 10% of the number of voters voting for the gubernatorial candidates at the last state-wide election in the municipalities comprising the district, the board of school directors of the School Administrative District shall give at least 15 days notice to each municipality comprising the School Administrative District of a meeting to determine the necessity of reconsidering the method of sharing costs. Each member municipality of the district shall be represented at the meeting to determine the necessity of reconsidering the method of sharing costs by its municipal officers, school director or directors, and two representatives from each municipality chosen at large by its municipal officers. Any change in the method of sharing costs must first be approved by a vote of 2/3 of those present and voting, and shall become effective when approved by a majority vote of the district at a meeting called and held for this purpose in accordance with section 225."

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The language in the second paragraph of section 305 would, at first glance, appear to authorize another procedure for effecting a change in a district's cost sharing formula. It states that "alternate methods of sharing costs among the member municipalities of a School Administrative District may be used if certified in accordance with the following procedures." However, the procedures set forth in the second paragraph authorize the "municipal officers and school committee members of the proposed School Administrative District" to "petition the State Board of Education on forms prepared by the Board for permission to share costs among the member municipalities of the proposed district using either alternate method A or alternate method B of this section." (Emphasis supplied). Therefore, the procedures identified in the second paragraph of section 305 are not available to an existing district, but are available only at the time of the formation of a new district.

I trust the above is dispositive of the questions you have raised in this matter.

Respectfully yours,



Waldemar G. Buschmann
Assistant Attorney General

WGB:lm

¹Without specific statutory authorization, the Board of Directors would not have the authority to initiate a change to the district's cost sharing formula in the manner set forth in the second paragraph of 20 M.R.S.A. §305. See City of Auburn v. Paul, 110 Me. 192, 202 (1912) and City of Auburn v. Paul, 113 Me. 207, 208 (1915) regarding the limitations on a subordinate governing body to exercise powers not specifically given to it by a statute or by the Constitution.