

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 835

H. P. 618

House of Representatives, January 25, 1961

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Westerfield of Liberty.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT to Provide for the Dissolution of School Administrative District No. 3.

Emergency preamble. Whereas the citizens of School Administrative District No. 3 have been sharply divided over the wisdom of consolidating the school systems of 11 towns and of transporting pupils the long distances involved in such consolidation ;

Whereas, this dissension has impeded the development of an effective educational program for these towns ; and

Whereas, immediate steps should be taken to meet this emergency ; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety ; now, therefore,

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

Sec. 1. Dissolution. The organization of School Administrative District No. 3 is hereby dissolved as of July 1, 1961 ; provided, however, that its corporate existence, powers, duties and liabilities shall survive for the purpose of settling and closing its concerns, prosecuting and defending all pending actions and causes of action to which it is, or may be, a party and all needful process growing out of the same, including provisions for the payment of all judgments or debts which may be rendered against it or exist in favor of any creditor, and for the purpose of disposing of its property and dividing its capital. Vacancies which occur within the board of school directors of the said district shall continue to

be filled in the manner provided by law so long as it is engaged in settling and closing its concerns.

Sec. 2. Superintending school committee. Prior to July 1, 1961, each of the several towns within the said school administrative district shall cause to be chosen a superintending school committee of not less than 3 members, whose terms shall expire at the annual town meeting in succeeding years, which committees shall after July 1, 1961, perform all the duties required by statute of superintending school committees.

Sec. 3. Real estate. The title to all real estate presently vested in the said school administrative district shall on July 1, 1961, by operation of law, pass to the town in which the real estate is situated; provided, however, that title to such real estate as was previously vested in a school district or community school district shall on that date, by operation of law, revert to the said school district or community school district; the said school district or community school district shall on July 1, 1961, resume the powers, duties and liabilities granted to it at its incorporation, notwithstanding a suspension of its operation at the time of the organization of the said school administrative district.

Sec. 4. Proceeds of fire insurance policies. On July 1, 1961, or within 20 days thereafter, the directors of the said school administrative district shall pay over to Freedom Academy Community School District the sum which represents the proceeds of a certain fire insurance policy or policies heretofore paid to Freedom Academy Community School District and thereafter transferred by it to the said school administrative district plus the interest earned upon the said proceeds during the period the said proceeds were held by the said school administrative district.

Sec. 5. Liability. On and after July 1, 1961, the said school administrative district shall have no further responsibility for the operation of public schools within the towns comprising the said school administrative district and no further liability for amortizing the school indebtedness of the several towns and districts contracted prior to the time the several towns became members of the said school administrative district. Any lease agreement between a municipality and the Maine School Building Authority, which lease agreement had at the organization of the said school administrative district been by operation of law assigned to it, shall on July 1, 1961, by operation of law, be reassigned to the municipality which originally entered into the said lease agreement. On and after July 1, 1961, the responsibility for operation of the public schools and the maintenance of school buildings shall be resumed by the respective towns, school districts and community school district which had such responsibility prior to the time the respective towns became members of the said school administrative district.

Sec. 6. Taxation. Each of the several towns comprising the said school administrative district shall raise by taxation the entire amount required of it pursuant to the warrant issued by the school directors of the said school administrative district in 1961, and the treasurer of each town shall pay $\frac{1}{2}$ of the said amount so raised to the said school administrative district. The remainder of the amount raised pursuant to the said warrant may be appropriated by each town for any school purpose or purposes.

Sec. 7. Apportionment. For 1961 the Commissioner of Education shall apportion to each of the several towns comprising the said school administrative district $\frac{1}{2}$ of the educational subsidy to which it would be entitled as a single town under the Revised Statutes of 1954, chapter 41, sections 237-D and 237-E.

Sec. 8. School supervisory union. On July 1, 1961, each of the several towns comprising the said school administrative district shall, for the purpose of employing a superintendent of schools, again be allocated to the school supervisory union of which it was a member when the said town became a member of the said school administrative district, subject from time to time to adjustment in the grouping of school administrative units in accordance with the Revised Statutes of 1954, chapter 41, section 77.

Sec. 9. Personal property. The directors of the said school administrative district shall on July 1, 1961, or within 60 days thereafter, sell and dispose of the personal property of the said school administrative district at such prices as they shall deem expedient, either to the several towns comprising the district or to others. On or before September 30, 1961, the proceeds of such sales, together with all other funds held by the said directors and not required to discharge any indebtedness of the said school administrative district shall be distributed by the said directors among the said towns in the proportion that the state valuation of each of the several towns bears to the total state valuation of the several towns.

Sec. 10. Application. Nothing contained herein shall prevent any of the several towns comprising the said school administrative district from participating with others of the said towns, or with other municipalities, in the formation of a school administrative district or districts pursuant to the Revised Statutes of 1954, chapter 41, section 111-F, or in the formation of a community school district or districts pursuant to said chapter 41, sections 112 and 113. The school district commission may approve the formation of a school administrative district or districts which include 2 or more of the said towns irrespective of the number of resident high school pupils educated at public expense in grades 9 through 12.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.