

MAINE STATE LEGISLATURE

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(EMERGENCY)

(New Draft of : S. P. 142, L. D. 419)

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 777

S. P. 347

In Senate, January 30, 1963

Reported by Mr. Brooks from Committee on Education. Printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

Presented by Senator Brooks of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT to Clarify the Procedure for the Dissolution of School Administrative Districts.

Emergency preamble. Whereas, the present statute for the dissolution of school administrative districts has proved costly and cumbersome; and

Whereas, it is necessary to clarify and simplify the method of voting on dissolution so that various municipalities or school administrative districts will be able to proceed with needed construction programs to replace inadequate and unsafe school buildings; and

Whereas, it is essential that safe and adequate school facilities be constructed in many school administrative districts and municipalities without further delay; 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. R. S., c. 41, § 111-P, amended. The fifth paragraph from the end of section 111-P of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 of the public laws of 1957 and as last repealed and replaced by section 1 of chapter 270 of the public laws of 1961, is amended to read as follows:

‘Article: To see if the residents of School Administrative District No. . . . will vote to dissolve School Administrative District No. . . . subject to the

following terms and conditions: (~~Set forth agreement recommended by the Maine School District Commission~~) of the dissolution agreement dated
..... 19 Yes No

The dissolution agreement need not be printed on the ballot. Copies of said agreement must be posted in each participating municipality in the same manner as specimen ballots must now be posted under chapter 90-A.'

Sec. 2. R. S., c. 41, § 111-P, amended. Section 111-P of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 of the public laws of 1957 and as last repealed and replaced by section 1 of chapter 270 of the public laws of 1961, is amended by adding before the last paragraph the following paragraph:

'If within 7 days of the computation and recording of the results of the voting from all municipalities, the municipal officers of any participating municipality request in writing a recount of the votes in the district, the District Commission shall forthwith cause the check lists and all the ballots cast in all of the participating municipalities to be collected and kept at the commission office so they may be recounted by interested municipalities. The town clerks of the participating municipalities are hereby authorized to deliver said check lists and ballots to the commission notwithstanding any other provision of the law to the contrary. The commission shall resolve any question with regard to disputed ballots.'

Sec. 3. R. S., c. 41, § 111-P, amended. Section 111-P of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 of the public laws of 1957 and as last repealed and replaced by section 1 of chapter 270 of the public laws of 1961, is amended by adding at the end a new paragraph to read as follows:

'The foundation program allowance for former member towns of dissolved school administrative districts in the year of dissolution shall be as follows:

The average of the two preceding years' resident pupil count, as hereinafter defined, of the member town shall be multiplied by the applicable dollar allowance set forth in Table 1, section 237-D of this chapter. Resident pupil count shall be the average April 1st pupil count of the two school years next preceding the convening of the Legislature. This computation shall be made for elementary and secondary pupils, except that any member town, which prior to entrance into the school administrative district did not operate elementary or secondary schools, but operated on a tuition basis with other towns, shall be considered for the purpose of this computation as having paid the average tuition rate of the school administrative district for the two preceding years.

To these amounts so computed, there shall be added the average of the expenditures by the school administrative district for the two preceding school years for board for the benefit of students of the member town; in addition, there shall be added an allowance for transportation expenditures which shall be computed by dividing the sum of the school administrative district's transportation expenses for the two preceding years by the resident pupil count of the school administrative district and multiplying the result by the resident pupil count of the member town.

The average net operating cost of the school administrative district for the two preceding years as computed for the district, shall be apportioned to the member town in the same proportion as the resident pupil count of the member town bears to the total resident pupil count of the school administrative district. The subsidy to individual member towns shall then be computed in accordance with the provisions of section 237-E of this chapter.

'For the biennium following the dissolution year, the above computation shall be made for that portion of the two-year period during which the town was actually a member of the school administrative district; the computation for the balance of the two-year period shall be made as set forth in sections 237-D and 237-E of this chapter.'

Sec. 4. R. S., c. 41, § III-P, amended. The last sentence of the sixth paragraph from the end of section III-P of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 of the public laws of 1957 and as last repealed and replaced by section 1 of chapter 270 of the public laws of 1961, is amended to read as follows:

~~'The Board of Directors shall within ten days call a district meeting under section III-T to vote upon the following Articles:~~

The Maine School District Commission shall also determine the date upon which all municipalities shall vote upon the Dissolution Agreement submitted to them. The Commission shall give written notice by registered or certified mail, at least ten days before the date so set, which notice shall be sent directly to the town or city clerk of each municipality having a right to vote on the Dissolution Agreement. The town or city clerk shall immediately notify the municipal officers upon receipt of said notice and said municipal officers shall meet and immediately issue a warrant for a special town meeting or city election, as the case may be, and the date of said town meeting or said city election so called shall be the date as designated by said Commission and no other date shall be used. In the respective warrants the municipal officers shall direct that the polls shall be open at 10 o'clock in the forenoon and shall remain open until 7 o'clock in the afternoon.

Except as otherwise herein provided, the voting at meetings held in towns shall be held and conducted in accordance with chapter 90-A, sections 37 to 39, even though the town has not accepted the provisions of said section 37, and the voting at meetings in cities shall be held and conducted in accordance with chapter 3-A. In no event, however, shall voting by absentee ballot be permitted.'

Sec. 5. R. S., c. 41, § III-T, amended. The first paragraph of section III-T of chapter 41 of the Revised Statutes, as enacted by section 2 of chapter 443 of the public laws of 1957, and as amended, is further amended to read as follows:

'When it is necessary to hold a district meeting to approve the issuance of bonds or notes for capital outlay purposes, to approve an agreement to add another municipality or municipalities to the School Administrative District,

~~to dissolve a School Administrative District~~ or to approve a proposed lease agreement with the Maine School Building Authority, or to authorize the school directors to contract for the schooling of secondary pupils, or to authorize the school directors to dispose of real property, the school directors shall be authorized to call such meeting as follows:"

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