

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1564

H. P. 1098

House of Representatives, March 31, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hanson of Lebanon.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to School Administrative District No. 60 and the Formation of a New District Among the Towns of Berwick, Lebanon and North Berwick.

Emergency preamble. Whereas, the State Board of Education issued a Certificate of Organization for School Administrative District No. 60, so called, to consist of the Towns of Berwick, Lebanon and North Berwick on August 29, 1966, said Certificate to be effective September 19, 1966; and

Whereas, the 3 Towns of Berwick, Lebanon and North Berwick, in fact, operated as School Administrative District No. 60, so called, between September 19, 1966 and March 10, 1967; and

Whereas, the Maine Supreme Judicial Court did, on March 10, 1967, make a finding that School Administrative District No. 60, so called, was not properly formed and thereby is declared to be a nullity; and

Whereas, the Towns of Berwick, Lebanon and North Berwick have held their regular town meetings; and

Whereas, the school committee members were not elected because the district was still in operation at that time; and

Whereas, the following legislation becomes essential; and

Whereas, in the judgement 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. Funds. The Department of Education and the member towns shall credit the appropriate school account of each member town with any state or federal funds which were paid to School Administrative District No. 60, so called, between September 19, 1966 and March 10, 1967; and such credit shall be computed on the basis of applicable provisions of Title 20 of the Revised Statutes of 1964.

The treasurer of School Administrative District No. 60, so called, is authorized to employ an auditor who shall have authority to determine the amounts to be debited or credited to the school accounts of the member towns on the basis of the debits and credits incurred by each of the member towns. The treasurer of School Administrative District No. 60, so called, is authorized to pay any legal fees or other necessary expenses incurred by the operation of School Administrative District No. 60, so called; and said treasurer is also authorized and directed to pay any remaining school balances as determined by the audit to be due to the member towns as is provided herein.

School committee members holding office in the Town of Berwick, Lebanon and North Berwick on September 18, 1966, shall resume their respective offices and duties effective March 10, 1967, the latter date being the date of the court's decision declaring School Administrative District No. 60, so called, to be a nullity; and said school committee members shall continue in office until their successors are duly elected.

Sec. 2. District. The Towns of Berwick, Lebanon and North Berwick, or any combination of said towns which include Berwick, are hereby authorized to form School Administration District No. 60 by proceeding as follows: Within 45 days from the effective date of this Act, the Towns of Berwick, Lebanon and North Berwick, or any combination as aforesaid, may vote on the following question:

Article _____ : To see if the municipality will vote to join with _____ to form School Administrative District No. 60 as authorized by the provisions of Chapter _____ of the Private and Special Laws of 1967, and to share costs as follows: _____ percentage on the basis of pupils and _____ percentage on the basis of valuation. YES NO

The school directors elected by the citizens of Berwick in June, 1966, and the directors elected by the Town of Lebanon in July, 1966, and the directors elected by the Town of North Berwick in August of 1966, shall serve as the properly elected directors of the new district if such district is approved by the voters as provided for in this Act.

When the residents of each of the municipalities have voted upon the formation of the school administrative district, the clerk of each of the municipalities shall make a return to the State Board of Education pursuant to the provisions of the Maine Revised Statutes, Title 20, section 216; and the board is authorized to proceed under the provisions of said section 216. The formation of School Administrative District No. 60 pursuant to the provisions of this Act shall entitle said district to all the powers and privileges which are enumerated for school administrative districts in the Maine Revised Statutes, Title 20.

Sec. 3. Assessments. In financing the district appropriations to be assessed to member municipalities authorized at the annual district budget meeting, the assessments to the member municipalities shall be based partly on the number of resident pupils in each municipality and partly on the state valuation of each municipality. The portion of the cost that is based on resident pupils shall be in the same proportion as the 2-year average of resident pupils of the previous biennium in a member municipality bears to the total 2-year average of resident pupils in the previous biennium in the district; the portion of the cost that is based on state valuation shall be in the same proportion as the state valuation in a member municipality bears to the total state valuation of the district. When the member municipalities vote on the article, stated in section 2, said article shall contain the basis for sharing costs established by a 2/3 vote of the selectmen and school committee members of the proposed district jointly assembled, in accordance with one set of percentages from the following list.

Pupils	Valuation
30%	70%
35%	65%
40%	60%
45%	55%
50%	50%
55%	45%
60%	40%
65%	35%
70%	30%

Sec. 4. Construction. Nothing contained herein shall be construed to limit the number of times that the above-named municipalities may vote on the article contained in this Act, nor shall the authority granted to the State Board of Education under this Act be limited to any specified number of times for the Board to receive and act upon the results of the votes in the towns named herein, provided that such votes are accomplished within the specified time limits.

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