

MAINE STATE LEGISLATURE

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New Draft of: H. P. 642, L. D. 872

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1521

H. P. 1235

House of Representatives, March 31, 1971

Reported by Mr. Haskell from Committee on Education and printed under
Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to a Transfer of Municipalities from One School
Administrative District to Another.

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

Sec. 1. R. S., T. 20, § 222, amended. Section 222 of Title 20 of the Revised Statutes, as amended, is further amended by adding at the end the following new paragraphs:

The State Board of Education is authorized to prepare agreements permitting municipalities to transfer from one School Administrative District to another, provided such transfers are requested by joint resolution of at least a majority of the directors of the districts involved. A municipality may only transfer to a district contiguous to it. The board shall prepare the agreement within a period of 60 days after the receipt of the resolution and such necessary extensions of time as may be granted by a majority of the directors of the districts involved. The board is authorized to employ competent advisors in preparing such an agreement. The board may designate a committee comprised of at least 4 members of the board to represent the board at a meeting with at least a majority of the directors of the districts involved held for the purpose of discussing proposed terms of the agreement of transfer. The committee shall give at least 10 days' notice of the time and place of such joint meeting with the directors, which notice shall be forwarded to the secretaries of the School Administrative Districts by registered mail. After such joint meeting, the committee shall notify the directors by registered mail of the time and place of a final meeting to discuss the agreement. The notice shall be mailed at least 10 days prior to the date set for such joint session.

The agreement of the board shall not be valid unless approved at annual or special district elections called for that purpose by an affirmative vote of

a majority of voters in each district involved. The board shall determine the date upon which district elections shall be held. The board shall give written notice by registered or certified mail, at least 10 days before the date so set, which notice shall be sent directly to the secretaries of the districts. Except for time periods in subsection 2, subparagraphs A and C, the procedure for holding district meetings shall be as specified in section 225. Such district elections shall be held within 45 days of the date of the final joint meeting of directors and the committee. The following question is to be used when a transfer of a municipality is considered:

“Article : Shall the district vote to permit the municipality of to transfer into School Administrative District No. as a participating municipality of that district subject to the terms and conditions of the agreement of transfer prepared by the State Board of Education dated 19.... Yes No. (A copy of the agreement must be posted with each warrant which directs the citizens to vote upon the question.)

The return and counting of votes shall be processed pursuant to section 225. Upon receipt of the results of the voting in the districts from each secretary thereof, the board shall meet, compute and record the total number of votes cast in the districts, the total number of affirmative votes and the total number of votes cast in the negative on the article. If the board finds that a majority of the voters voting on the article in each district have voted in the affirmative, they shall notify the directors of each district by registered mail of the results of said vote and to forthwith comply with the terms of the agreement of transfer. Any recount of the votes in the districts, requested by the municipal officers of any participating municipality of the districts, shall be conducted pursuant to the procedure specified in this section. When the agreement of transfer has been complied with by the directors of the districts, they shall notify the board by registered mail. A complete certified record of the transaction involved in the transfer shall be filed with the board, and the board shall forthwith issue a certificate of transfer, which shall be sent to each secretary by registered mail to be filed with the directors of the districts involved, and a copy shall be filed in the office of the Secretary of State.

Whenever a municipality is detached from a district having outstanding indebtedness, and is transferred to another district, the municipality shall remain as part of the district from which detached for the purpose of paying its proper portion of such indebtedness until the same has been redeemed, but said municipality shall not be part of the district from which detached for the purpose of any outstanding indebtedness subsequent to the date of the certificate of transfer. Outstanding indebtedness, as used in this paragraph, means that indebtedness defined in this section. Such municipality shall be a part of the district to which transferred for all purposes.

Sec. 2. R. S., T. 20, § 225, amended. The first paragraph of section 225 of Title 20 of the Revised Statutes, as repealed and replaced by section 24 of chapter 590 of the public laws of 1969, is 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 a change in the selec-

tion of a school building site, to approve a change in the method of sharing costs among the member municipalities, to approve an agreement to add another municipality or municipalities to the School Administrative District, **to approve an agreement to transfer a participating municipality to another School Administrative District**, to approve an agreement to merge with another 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, or to accept or reject a prospective gift, the school directors shall be authorized to call such meeting as follows:

Sec. 3. R. S., T. 20, § 225, sub-§ 3, ¶ H, additional. Subsection 3 of section 225 of Title 20 of the Revised Statutes, as amended, is further amended by adding a new paragraph H to read as follows:

H. When a meeting is called for the purpose of approving the agreement of transfer of a municipality from one School Administrative District to another School Administrative District, the article shall be in the form set forth in section 222.