

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2334

H. P. 1842

House of Representatives, January 10, 1974

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Tyndale of Kennebunkport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

**AN ACT** Relating to Representation of School Administrative Districts.

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

**Sec. 1. R. S., T. 20, § 215, sub-§ 3, amended.** The 4th, 5th and next to the last sentences of subsection 3 of section 215 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 552 of the public laws of 1973, are further amended to read as follows:

The purpose of the meeting shall be to determine a fair and equitable number of school directors ~~to represent the citizens in designated sections of the district~~

~~Section boundaries shall be determined by majority vote of those present, and procedures set forth in the method of representation in section 301 shall be followed to be elected by and to represent each participating municipality and to apportion the voting power among the directors consistent with section 303.~~

When a decision has been reached on the total number of school directors and the number to represent each municipality ~~representation for each section~~, within the limitations provided, this shall be reduced to writing by the secretary and must be passed by a vote of  $\frac{2}{3}$  of those present.

**Sec. 2. R. S., T. 20, § 215, sub-§ 4, amended.** The 3rd and 4th paragraphs of subsection 4 of section 215 of Title 20 of the Revised Statutes, as amended by section 2 of chapter 552 of the public laws of 1973, are further amended to read as follows:

Article : To see if the municipality will vote to approve the allocation of representation among the municipalities within the district and the voting power of the directors on the board of school directors as recommended by the school committees and municipal officers as follows: The total number of directors shall be \_\_\_\_\_ and the town of \_\_\_\_\_ shall have \_\_\_\_\_ director(s) with a vote of \_\_\_\_\_ (each), etc.

Article : To choose \_\_\_\_\_ school director(s) to represent the municipality section(s) on the board of school directors of the School Administrative District.  
(number)

Sec. 3. R. S., T. 20, § 301, repealed and replaced. Section 301 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 100 of the public laws of 1965 and sections 3 and 4 of chapter 552 of the public laws of 1973, is repealed and the following enacted in place thereof:

#### § 301. Membership

All of the affairs of a School Administrative District shall be managed by a board of school directors which shall consist of not less than 5 members, the exact number to be determined at the joint meeting of the municipal officers and school committee members as described in section 215. The number of school directors that each municipality shall be entitled to shall be in accordance with the determination that has been previously made and voted on under section 215. No municipality within any School Administrative District shall have less than one director to be elected by the municipality.

Sec. 4. R. S., T. 20, § 303, reenacted. Section 303 of Title 20 of the Revised Statutes, as amended by chapter 92 of the public laws of 1969 and as last repealed by section 6 of chapter 552 of the public laws of 1973, is reenacted to read as follows:

#### § 303. Reapportionment

When petitioned by 10% of the number of voters for the gubernatorial candidates at the last state-wide election in all of the municipalities comprising the districts, the board of school directors of a School Administrative District shall within 15 days give at least 15 days' notice to the municipal officers of each member municipality, of a meeting to determine the necessity of reapportionment of representation to the board or reapportionment of voting power among the directors.

Each municipality in a School Administrative District shall be represented at the meeting by 3 of its municipal officers as they shall determine, and its district director or directors. Any change in representation made at this meeting shall be effective if approved by a vote of  $\frac{2}{3}$  of those present and voting and subject to the limitations of section 301.

The ratio of the number of votes able to be cast by the director or all of the directors representing a member municipality in relation to all the votes able to be cast by all of the directors of the district shall not deviate by more than 5% from the ratio of the population of the member municipality in relation to the population of all municipalities in the district as determined by

the last Federal Decennial Census. No director shall have more than 20% of the voting power of the entire board.

In a member municipality served by 2 or more directors, the votes able to be cast by them on behalf of the voters in that municipality shall be divided equally among them; and the directors representing a municipality shall be elected at large unless otherwise provided by municipal charter.

Any change in the method of representation of the district or affecting the voting power of the director or directors of any member municipality shall be reported to the State Board of Education and the board of school directors of the district. The board of school directors shall then forthwith order the affected member municipalities to take necessary action to comply with the reapportionment plan as directed by the board. The board shall immediately implement any plan adopted that has the effect of changing the voting power of any director on the board.

Sec. 5. R. S., T. 20, § 306, amended. The 3rd sentence of section 306 of Title 20 of the Revised Statutes is amended to read as follows:

The school directors shall not transact any business at any meeting unless a majority of ~~the total number of~~ directors in number and voting power is present.

#### STATEMENT OF FACT

The purpose of this bill is to provide every participating municipality of a School Administrative District with at least one director; to permit methods of weighted voting at meetings of the board of school directors complying with constitutional voting requirements; and to greatly simplify administrative procedures relating to the election of directors.