

MAINE STATE LEGISLATURE

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

E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Relating to Representation of School Administrative Districts.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the federal courts have ruled that each person on a board must represent substantially the same number of people; and

Whereas, several School Administrative Districts are in the process of reapportionment; and

Whereas, new and clear procedures are necessary in order that all reapportionment problems can be resolved; 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 R. S., T. 20, § 215, sub-§ 3, repealed and replaced. Subsection 3 of section 215 of Title 20 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

3. Meeting. The members of the school committee and the municipal officers of the municipalities within the proposed School Administrative District shall meet at the time and place appointed and organize the meeting by

electing a chairman and a secretary. No action shall be taken at the meeting unless at the time of the convening thereof there are present at least 1/2 of the total number of municipal officers and school committee members eligible to attend and vote at said meeting, other than to report to the board that a quorum was not present and request said board to issue a new notice for another meeting in the same manner set forth in subsection 2. If the school committee or municipal officers representing a municipality exceed 3 in number, the school committee or municipal officers shall choose 3 from their respective membership to represent the municipality for the purposes set forth in this section. The purpose of the meeting shall be to determine a fair and equitable number of school directors to be elected by and to represent each participating municipality and to apportion the voting power among the directors consistent with section 301. The date upon which all municipalities shall vote on the articles of district formation submitted by the state board shall also be determined at the joint meeting. The date set shall be at least 60 days from the date of the meeting and no other date shall be used for voting in the original vote on the questions of district formation. In the respective warrants the municipal officers shall direct that the town meeting or city election shall open at 7:30 in the afternoon, except that any unit voting on the questions of district formation under Title 30, sections 2061 to 2064 for the purpose of electing the directors shall open the polls on the specified day at 10:00 a.m. and shall close the polls at 7:00 p.m. Any unit using Title 30, sections 2061 to 2064 for the purpose of electing the directors shall open the polls on the specified day at 10:00 a.m. and shall close the polls at 7:00 p.m. When a decision has been reached on the total number of school directors and the number to represent each municipality or section thereof within the limitations provided, this shall be reduced to writing by the secretary and passed by a majority vote of those present. The vote shall be reduced to writing and the record of the meeting shall be signed by the chairman and attested by the secretary and forwarded to the board who shall receive and keep the same.

Sec. 2. R. S., T. 20, § 215, sub-§ 4, amended. Subsection 4 of section 215 of Title 20 of the Revised Statutes, as amended, is further amended by adding after the 4th paragraph, the following new paragraph:

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

Sec. 3. R. S., T. 20, § 301, amended. The first paragraph, as amended by section 1 of chapter 100 of the public laws of 1965 and by section 3 of chapter 552 of the public laws of 1973, and the 2nd paragraph as enacted by section 4 of chapter 552 of the public laws of 1973, of section 301 of Title 20 of the Revised Statutes, are repealed and the following enacted in place thereof:

All of the affairs of a School Administrative District shall be managed by a board of school directors apportioned in accordance with this section 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. No municipality or section thereof within any School Administrative District shall have less than one director to be elected by the municipality or section.

The State Board of Education shall, upon request of the board of directors of a School Administrative District, or upon petition by 10% of the number of voters for the gubernatorial candidates at the last regular election in all of the municipalities comprising the district, make a finding of fact as to whether the representation of the district is apportioned in accordance with this section. The Board may, on its own initiative, make such a finding of fact.

If the State Board of Education finds that the district's representation is not properly apportioned in accordance with this section, it shall, within 7 days of that decision, notify the municipal officers in each municipality in the district and the board of directors to create a reapportionment committee. In the case of a new School Administrative District, it shall notify the committee created under section 215, subsection 3.

The committee for reapportionment shall consist of one municipal officer and one citizen at large from each member municipality, chosen by the municipal officers in each of the respective municipalities, and one school director from each municipality, chosen by the board of directors. The notification shall also include the time and place for the first meeting of the committee, which shall be held not later than 20 days, after the date of notification. The necessary appointments shall be made prior to the first meeting of the committee.

At the first meeting, the committee shall elect from among its members a chairman and a secretary and may adopt suitable rules of procedure to expedite its business. The Commissioner of Educational and Cultural Services shall provide the committee with the necessary Federal Decennial Census figures for each municipality in the district and at least one recommended plan that meets the requirements of one of the 4 Methods A, B, C or D.

The committee shall consider and adopt a plan of representation, including total number of directors and members from each municipality or section that meets the requirements of any Method set forth in this section. A majority of the committee shall constitute a quorum and a plan shall be adopted by majority vote of those present. The committee may submit as many alternate plans as it wishes.

Sec. 4. R. S., T. 20, § 301, amended. The first sentence of the 3rd paragraph of section 301 of Title 20 of the Revised Statutes, as enacted by section 4 of chapter 552 of the public laws of 1973, is repealed and the following enacted in place thereof:

Method A: Method of Representation.

A school director shall represent a section of the district.

Sec. 4-A. R. S., T. 20, § 301, amended. The 4th paragraph of section 301 of Title 20 of the Revised Statutes, as enacted by section 4 of chapter 552 of the public laws of 1973, is repealed.

Sec. 5. R. S., T. 20, § 301, amended. Section 301 of Title 20 of the Revised Statutes, as amended, is further amended by adding at the end the following:

Method B: Weighed Votes.

The committee shall apportion 1000 votes among all the members of the board. The ratio of the number of votes able to be cast by the directors representing a member municipality at a board meeting in relation to the number 1000 shall be the same ratio to the nearest whole number as the population of the member municipality is in relation to the population of all municipalities in the district, as determined by the last Federal Decennial Census.

In order to assure the use of whole numbers, the 1000 votes apportioned among the board members may be increased or decreased by not more than 5 votes.

No play shall permit the voting power of any director to exceed by more than 2% the percentage of voting power he would have if all 1000 votes were apportioned equally among the designated number of directors.

In a member municipality served by 2 or more directors, the votes able to be cast by them shall be divided equally among them the directors shall be elected at large within the municipality they represent unless otherwise provided by municipal charter.

Method C: At-Large Voting.

Directors shall be elected at large by all of the voters in the District comprising the member municipalities. Nominations for membership as directors shall be made on petitions provided by the district secretary and signed as provided in Title 30, section 2061, subsection 3, except municipalities having less than 200 population shall have petitions signed by at least 20% of the registered voters of the municipality in which the candidate is a voting resident. The petitions shall be submitted to the registrar of voters in the respective municipalities for certification of the voting residence of the director nominated and of the voters signing the petition. Each registrar of voters shall return the petition with the certification appearing thereon to the district secretary not later than 30 days prior to the date of the annual election to be held in each of the member municipalities. The ballot shall be prepared by the district secretary and state the number of offices to be filled and list the candidates by municipalities in which they are resident.

In the event that all member municipalities do not conduct the election for directors on the same date, then all ballots cast in such elections shall be impounded by the clerk of each member municipality and after all member municipalities have thus cast ballots and impounded the same, the clerks of each of the member municipalities shall within one day of the last member municipality election convene together with one or more election supervisors designated by the municipal officers of each of the member municipalities and tally the ballots. The election supervisors shall select from among their

members a chairman who shall supervise the tally of ballots. The clerk of each member municipality shall as promptly as possible after the election certify to the board of directors the result of the voting in that town.

Any recount petitions shall be filed with the secretary of the board and recounts shall be conducted in each member town in accordance with the laws applicable thereto.

Method D: Other.

This shall be any method of choosing school directors meeting the requirement of the one-man, one-vote principle that is not included in Methods A, B or C.

Sec. 6. R. S., T. 20, § 301-A, additional. Title 20 of the Revised Statutes is amended by adding a new section 301-A, to read as follows:

§ 301-A. Approval of plans

Plans adopted by the committee shall be submitted to the State Board of Education for approval. The board shall approve or disapprove of an adopted plan within 30 days of its receipt. If no plan is approved as submitted, other plans may be submitted, but any plan must be adopted by the committee within 90 days after the first meeting of the committee. If no plan has been adopted by the committee or approved by the board within the 90-day period, the commissioner shall prepare a suitable plan and submit it to the board for approval.

Upon approval of a plan by the State Board of Education, the commissioner shall notify the municipal officers and the board of school directors of the approved plan by sending a certified copy to the municipal officers and school directors or school committees. The original of the plan approved by the board shall be retained in its files.

The approved plan shall be effective immediately. The committee shall determine the terms of the directors who shall be elected at the next annual municipal elections so as to comply with section 302. The current board of directors shall serve until the next annual municipal elections with the exceptions noted in the following paragraph. The committee shall thereupon be dissolved.

If the approved plan requires a reduction of the number of directors to be elected in a municipality, all of the existing directors representing a municipality shall, within 7 days after the date the plan was approved by the State Board of Education and under the supervision of the board of directors, choose by lot to determine which directors' terms shall terminate. If the approved plan requires that additional directors be elected in a municipality, the municipal officers shall fill the vacancies by appointment. A new director shall serve until his successor is elected and qualified at the next annual municipal election.

Notwithstanding any other provision of law, school directors shall be elected by secret ballot in Methods A and C. The ballots shall be prepared

for and distributed to the municipalities or sections by the secretary of the board of directors. They shall be in the form set forth in the state election laws.

Sec. 7. 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.

Sec. 8. Transition provision. The State Board of Education shall suspend action taken by districts that have initiated but not completed the reapportionment process, including the election of new directors pursuant to the public laws of 1973, chapter 552, on the effective date of this Act and direct those districts to proceed in accordance with this Act. Any plan implemented by a district in accordance with prior law shall be valid until a new plan has been adopted pursuant to this Act.

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

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 representation on the board of school directors complying with constitutional voting requirements; and to greatly simplify administrative procedures relating to the election of directors.