

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1550

H. P. 1268

House of Representatives, March 30, 1979

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

EDWIN H. PERT, Clerk

Presented by Mrs. Post of Owl's Head.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide for the Withdrawal of a Unit from a School Administrative District.

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

Sec. 1. 20 MRSA § 222-A is enacted to read:

§ 222-A. Withdrawal from a district

1. **Petition.** When the residents of a participating municipality desire to petition for withdrawal from a School Administrative District, the petition shall become effective when approved by a 2/3 vote of the legal voters in the municipality present and voting at a special meeting, called and held in the manner provided for the calling and holding of town meetings or city elections.

2. **Form.** The question to be voted upon shall be in the following form: Be it resolved by the residents of the town of _____ that a petition for withdrawal be filed with the directors of School Administrative District No. _____.
No _____ Yes _____.

3. **Notice of vote; finding by board.**

A. After residents of a participating municipality have voted on a petition for withdrawal, the clerk shall forthwith give written notices by registered mail to

the secretary of the School Administrative District and the State Board of Education of the total number of affirmative and the total number of negative votes.

B. If the board finds that $\frac{2}{3}$ of the voters voting on the petition have voted in the affirmative, the board shall make a finding of fact to that effect and record it in its records.

4. Agreement for withdrawal; notice; changes in agreement; final agreement.

A. The State Board of Education, after consultation with the district board of directors and municipal officers of the participating municipalities, shall prepare an agreement for withdrawal. The board is authorized to employ competent advisors in preparing an agreement. The agreement shall be submitted to the directors of the School Administrative District and the municipal officers of the participating municipalities meeting in joint session.

B. The board shall notify the directors and the municipal officers by registered mail of the time and place of the joint session and shall include in the notice a copy of the proposed agreement of withdrawal. The notice shall be mailed at least 10 days prior to the date set for the joint session.

C. The municipal officers and school directors may offer suggestions for change in the agreement. The board shall note and consider these suggestions in preparing the final agreement for withdrawal.

D. Within 60 days of the receipt of the petition for withdrawal and any necessary extensions of time as may be granted by a majority of the participating municipalities as represented by their municipal officers, the final agreement shall be forwarded to the secretary of the School Administrative District by registered mail.

5. Date of vote; notice; warrant; polling hours.

A. The State Board of Education shall determine the date upon which all municipalities shall vote upon the withdrawal agreement submitted to them.

B. The board shall give written notice by registered or certified mail, at least 10 days before the date so set. The notice shall be sent directly to the town or city clerk of each municipality having a right to vote on the withdrawal agreement.

C. The town or city clerk shall immediately notify the municipal officers upon receipt of the notice and the municipal officers shall meet and immediately issue a warrant for a special town meeting or city election, as the case may be. The date of the town meeting or the city election so called shall be the date as designated by the board and no other date shall be used.

D. 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.

6. Voting procedures.

A. Except as otherwise herein provided, the voting at the meetings held in towns shall be conducted in accordance with Title 30, sections 2061 to 2064, even though the town has not accepted the provisions of section 2061.

B. The voting at the meetings held in cities shall be conducted in accordance with Title 21.

C. In no event shall voting by absentee ballot be permitted.

7. Article. The article shall be in the following form: Article _____ : To see if the residents of School Administrative District No. _____ will vote to permit the town of _____ to withdraw from School Administrative District No. _____ subject to the terms and conditions of the withdrawal agreement dated _____ 19____ Yes _____ No _____.

8. Ballots; posting of agreement.

A. The dissolution agreement need not be printed on the ballot.

B. Copies of the agreement shall be posted in each participating municipality in the same manner as specimen ballots are posted under Title 30, chapter 207.

9. Restriction on withdrawal petitions. No participating municipality within a district which has voted on a withdrawal may petition for withdrawal within 6 months after the date of the district vote on the withdrawal.

10. Costs of withdrawal agreements and reimbursement.

A. The expense of employment of competent advisors in preparing the agreement of withdrawal shall be paid by the State Board of Education.

B. If the School Administrative District votes not to permit withdrawal, the municipality petitioning for withdrawal shall reimburse the board for the expenses. If the School Administrative District votes to permit withdrawal, the School Administrative District shall reimburse the board for the expenses.

11. Determination of vote. The town and city clerks shall, within 24 hours of determination of the result of the vote in their respective municipalities, certify the total number of votes cast in the affirmative and the total number of votes cast in the negative on the article to the board.

12. Determination of results; notification; execution of agreement.

A. Upon receipt of the results of the voting from all municipalities, the board shall meet and shall compute and record the total number of votes cast in the municipalities within the School Administrative District in the affirmative and the total number of votes cast in the negative on the article submitted.

B. The board shall notify the directors of the district by registered mail of the results of the vote.

C. If the board finds that a majority of the voters voting on the article have voted in the affirmative, it shall notify the directors of the district to forthwith execute the terms of the agreement for withdrawal.

13. Recount; checklists and ballots; disputed ballots.

A. 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 board shall forthwith cause the check lists and all the ballots cast in all of the participating municipalities to be collected and kept at the board office so they may be recounted by interested municipalities.

B. The town clerks of the participating municipalities are authorized to deliver the check lists and ballots to the board, notwithstanding any other provision of the law to the contrary.

C. The board shall resolve any question with regard to disputed ballots.

14. Execution of agreement; certified record; certificate of withdrawal.

A. When the agreement for withdrawal has been executed by the directors of the School Administrative District, the directors shall notify the board by registered mail that the agreement of withdrawal has been executed.

B. A complete certified record of the transaction involved in the withdrawal shall be filed with the board.

C. The board shall forthwith issue a certificate of withdrawal sent by registered mail to be filed with the directors of the School Administrative District, and a copy shall be recorded in the office of the Secretary of State.

15. Indebtedness; indebtedness after withdrawal; indebtedness defined.

A. Whenever a municipality or a part of a municipality withdraws from a district having outstanding indebtedness, the municipality or part of the municipality shall remain as part of the district from which it has withdrawn for the purpose of paying its portion of that indebtedness until its portion is paid.

B. The municipality or part of municipality shall not be part of the district from which it has withdrawn for the purpose of any outstanding indebtedness incurred subsequent to the date of the certificate of withdrawal.

C. Outstanding indebtedness, as used in this subsection, means that indebtedness as defined in section 222.

Sec. 2. 20 MRSA § 305, 3rd paragraph, 3rd and 4th sentences from the end, as enacted by PL 1969, c. 440, § 2-F, is amended to read:

Each member municipality of the district shall be represented at the meeting to determine the necessity of reconsidering the method of sharing costs by 3 of its municipal officers, its school director or directors, and 2 representatives from

each municipality chosen at large by its municipal officers. Any change in the method of sharing costs must first be approved by a vote of $\frac{2}{3}$ $\frac{1}{2}$ of those present and voting and shall become effective when approved by a majority vote of the district at a meeting called and held for this purpose in accordance with section 225.

Sec. 3. 20 MRSA § 305, 4th paragraph, as enacted by PL 1967, c. 483, § 3, is repealed and the following enacted in its place:

The clerks of the municipalities voting on the question of the alternate method of sharing costs shall make a return to the State Board of Education in the form that the board determines. If the board finds that more votes were cast in the district in the affirmative on the article than were cast in the negative, it shall make a finding to that effect, record the same in its records and certify its finding to the commissioner. If the vote on the article is in the affirmative, the commissioner shall certify that costs shall be shared in accordance with the agreement approved by the voters. This cost sharing agreement shall be used as the basis for the sharing of any future costs or assessments that may be authorized by the voters of the district.

STATEMENT OF FACT

The purposes of this bill are to:

1. Provide a process for the withdrawal of a unit from a School Administrative District;
2. Identify the number of municipal officers who may participate in the meeting to vote on a change of the cost-sharing method of a School Administrative District; and
3. Clarify that a majority vote of the district is required to change the method of sharing costs in a School Administrative District.