

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1630

S. P. 567

In Senate, May 22, 1979

The Committee on Education suggested and ordered printed.

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 27.)

Presented by Senator Sutton of Oxford.

MAY M. ROSS, Secretary of the Senate.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Permit the Town of Canton to Withdraw from School Administrative District No. 21 and to Establish an Independent School Supervisory Unit.

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

Whereas, School Administrative District No. 21 consists of the Towns of Carthage, Canton and Dixfield; and

Whereas, the State Board of Education in March of 1979 granted concept approval to School Administrative District No. 21 for the construction of a middle school which would be located in Dixfield and would house grades 5 through 8; and

Whereas, the voters in School Administrative District No. 21 approved on May 7, 1979, the issuance of bonds for the construction of the middle school; and

Whereas, the State Board of Education is expected to consider granting final approval to School Administrative District No. 21 for the construction of the middle school at the board's meeting in July of 1979; and

Whereas, the present outstanding debt for capital outlay purposes in School Administrative District No. 21 is approximately \$200,000, is the result of improvements to the high school, and will be paid in full in approximately 7 years; and

Whereas, the district can not be dissolved if it has outstanding indebtedness caused by the issuance of bonds or notes for capital outlay purposes; and

Whereas, there is a desire in the district to be able to consider whether the district should be dissolved before it incurs additional indebtedness because of the issuance of additional bonds or notes for capital outlay purposes; 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. Petition for dissolution of School Administrative District No. 21. The residents of Carthage, Canton or Dixfield may petition for the dissolution of School Administrative District No. 21 in the manner authorized by the Maine Revised Statutes, Title 20, section 222, notwithstanding the provision in section 222 prohibiting a vote on a petition for dissolution while the district has outstanding indebtedness, which "is defined as bonds or notes for capital outlay purposes issued by the school directors..." The residents of Carthage, Canton or Dixfield may only exercise their rights under this Act to petition the State Board of Education for dissolution of the district if the petition is presented to the State Board of Education by July 1, 1979.

Sec. 2. Vote for creation of community school district. If the State Board of Education is petitioned pursuant to the authority of section 1, then the board shall simultaneously require that when the municipalities of Carthage, Canton and Dixfield vote on the dissolution agreement authorized under section 222, they shall also vote on the question of whether the 3 municipalities will join to create a community school district for the purposes of operating grades 9 through 12 in accordance with the Maine Revised Statutes, Title 20, chapter 11.

Sec. 3. Outstanding indebtedness of School Administrative District No. 21; liability of community school district. If School Administrative District No. 21 is dissolved and a community school district is formed, then the community school district shall become liable for School Administrative District No. 21's outstanding indebtedness which resulted from the bonds and notes which had been issued for capital outlay purposes by the district.

Sec. 4. Outstanding indebtedness of School Administrative District No. 21; individual municipal liability. If the district is dissolved and the voters in the municipalities of Carthage, Canton and Dixfield do not vote to form a community school district, then each municipality shall be individually liable for its share of any outstanding indebtedness which School Administrative District No. 21 has in accordance with School Administrative District No. 21's present cost-sharing formula.

Sec. 5. Tuition of students if no community school district is formed. If School Administrative District No. 21 is dissolved and the voters in Carthage, Canton and Dixfield do not authorize the creation of a community school district, then the municipalities of Carthage and Canton shall tuition their secondary students to the high school located in Dixfield and Dixfield shall accept those students on a tuition basis until June 30, 1988, unless a different arrangement had been agreed upon in the dissolution agreement. This tuition arrangements may be amended if the voters in each municipality affected by the amendment approve of the amendment.

Sec. 6. Municipal withdrawal from district. Notwithstanding the Maine Revised Statutes, Title 20, section 222 requiring a majority vote of all of the municipalities to dissolve a district, if one town in School Administrative District No. 21 votes to dissolve the district, then that town shall be allowed to withdraw from the district and shall remain liable for its proportionate share of the district's current outstanding indebtedness and shall be allowed to tuition its secondary school students to the high school in Dixfield until June 30, 1988, as otherwise authorized in section 5.

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

STATEMENT OF FACT

Voters within School Administrative District No. 21 have expressed a concern about the future course of the district. It is their desire that the district be dissolved and be replaced by a community school district if approved by the voters within the district. However, immediate action is needed since the present debt is manageable and could be easily handled by the separate municipalities if the district were dissolved. If the district were not dissolved, and a new middle school were constructed in Dixfield, it would be impossible to dissolve the district in the future because of the size of the outstanding indebtedness and because there would be inadequate facilities in Carthage and Canton to house the elementary school students since the new middle school located in Dixfield would then be housing them.