

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

---

---

ONE HUNDRED AND TENTH LEGISLATURE

---

---

**Legislative Document**

**No. 1092**

H. P. 921

House of Representatives, March 3, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative McCollister of Canton.

Cosponsor: Representative Rolde of York.

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

---

**AN ACT to Require School Administrative Districts and Community School Districts to Obtain Voter Approval of a Municipality's Voters Before Closing an Elementary School in that Municipality.**

---

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

Sec. 1. 20 MRSA § 217-A is enacted to read:

§ 217-A. Closing schools

Schools may be closed or relocated as follows.

1. **General provision.** The legislative body of a School Administrative District may, at a regular or special district budget meeting, close or change the location of a school:

A. On the written recommendation of the school board; and

B. When an alternative method of assuring the rights, under this Title, of the students attending the school has been established.

2. **Additional provisions for elementary schools.** If the school recommended to be closed or relocated serves any combination of grades from kindergarten through 8th grade:

**A. The board of directors shall:**

(1) Require the legislative body of the municipality in which the school is located to vote on the board of director's recommendation at a special or regular meeting at least 14 days prior to the district meeting. The vote in towns shall be held in accordance with Title 30, sections 2061 to 2064, even though the town has not accepted section 2061 and the vote in cities shall be held in accordance with Title 21; and

(2) Include their recommendation and the municipality's vote in the warrant calling the district meeting;

**B. The legislative body of the district:**

(1) Shall vote on the board of director's recommendation in a separate article; and

(2) May not set an effective date for the closing or relocation sooner than one year from their vote if the legislative body of the municipality voted against the proposal in paragraph A, subparagraph (1); and

**C. In addition to procedures established for the reconsideration of the school budget in section 4756-A, subsection 2, the voters of the affected municipality may, if they disapproved the recommendation in paragraph A, subparagraph (1):**

(1) Negotiate an alternative solution to the closing or relocation of the school with the board of directors and have the directors present the proposal at a special or regular district budget meeting.

(a) The proposal may include an amendment to the existing cost-sharing formula which allows the municipality to assume the difference in the costs of educating students in the school at its present location and the board of directors recommendation.

(b) Any such amendment must be approved by the municipality's voters under the procedure outlined in section 225;

(2) Within 6 months of the initial vote of the district, present a signed petition of 10% of the voters at the last gubernatorial election, or 100 voters, whichever is less, requesting the reconsideration of the article. The petition may also include a new article to amend the existing cost-sharing formula under procedures outlined in subparagraph (1); or

(3) Initiate procedures to withdraw from the School Administrative District under procedures established in section 222.

**3. The municipal officers of a town or city, as defined in Title 30, section 1901, subsection 7, shall be responsible for reviewing the operation of the schools funded with municipal funds under subsection 2, paragraph C, subparagraph (1) or (2), and shall have the authority to approve the municipal portion of the budget.**

**4. In relation to other schools closing provisions in this Title:**

**A. This section supersedes the provision of section 3561; and**

**B. The provision in section 306 to close schools where the average daily attendance for any school is less than 8 supersedes the provision of this section. The affected municipality may use the provision of subsection 2, paragraph C, to request a reconsideration of the closing.**

**Sec. 2. 20 MRSA § 381-A is enacted to read:**

**§ 381-A. Closing schools**

**Schools may be closed or relocated as follows.**

**1. General provision. The legislative body of a School Administrative District may, at a regular or special district budget meeting, close or change the location of a school:**

**A. On the written recommendation of the school board; and**

**B. When an alternative method of assuring the rights, under this Title, of the students attending the school has been established.**

**2. Additional provisions for elementary schools. If the school recommended to be closed or relocated serves any combination of grades from kindergarten through 8th grade:**

**A. The board of directors shall:**

**(1) Require the legislative body of the municipality in which the school is located to vote on the board of director's recommendation at a special or regular meeting at least 14 days prior to the district meeting. The vote in towns shall be held in accordance with Title 30, sections 2061 to 2064, even though the town has not accepted section 2061 and the vote in cities shall be held in accordance with Title 21; and**

**(2) Include their recommendation and the municipality's vote in the warrant calling the district meeting;**

**B. The legislative body of the district:**

**(1) Shall vote on the board of director's recommendation in a separate article; and**

**(2) May not set an effective date for the closing or relocation sooner than one year from their vote if the legislative body of the municipality voted against the proposal in subsection 2, paragraph A, subparagraph (1); and**

**C. In addition to procedures established for the reconsideration of the school budget in section 4756, subsection 2, the voters of the affected municipality may, if they disapproved the recommendation in paragraph A, subparagraph (1):**

**(1) Negotiate an alternative solution to the closing or relocation of the school with the board of directors and have the directors present the proposal at a special or regular district budget meeting.**

**(a) The proposal may include an amendment to the existing cost-sharing formula which allows the municipality to assume the difference in the costs of educating students in the school at its present location and the board of directors recommendation.**

**(b) Any such amendment must be approved by the municipality's voters under the procedure outlined in section 371;**

**(2) Within 6 months of the initial vote of the district, present a signed petition of 10% of the voters at the last gubernatorial election, or 100 voters, whichever is less, requesting the reconsideration of the article. The petition may also include a new article to amend the existing cost-sharing formula under procedures outlined in subparagraph (1); or**

**(3) Initiate procedures to withdraw from the School Administrative District under procedures established in section 381.**

**3. The municipal officers of a town or city as defined in Title 30, section 1901, subsection 7, shall be responsible for reviewing the operation of the schools funded with municipal funds under subsection 2, paragraph C, subparagraph (1) or (2), and shall have the authority to approve the municipal portion of the budget.**

**4. In relation to other school closing provisions in this Title:**

**A. This section supersedes the provision of section 3561; and**

**B. The provision in section 306 to close schools where the average daily attendance for any school is less than 8 supersedes the provision of this section. The affected municipality may use the provision of subsection 2, paragraph C, to request a reconsideration of the closing.**

#### STATEMENT OF FACT

The purpose of this bill is to require that School Administrative Districts and community school districts obtain the approval of the municipal voters before they may close or relocate an elementary school in that municipality.