

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. 1554

S. P. 561

In Senate, April 27, 1981

Filed by the Joint Standing Committee on Education pursuant to S. P. 580 of the 108th Legislature and approved for introduction by a majority of the Legislative Council under Joint Rule 18 and 2,500 ordered printed.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

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

AN ACT to Revise the Education Law.

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

Sec. 1. 20 MRSA §§ 1-3456, as amended, are repealed.

Sec. 1-A. 20 MRSA §§ 3471-4758, as amended, are repealed.

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

TITLE 20-A

EDUCATION

PART 1

GENERAL PROVISIONS

CHAPTER 1

GENERAL PROVISIONS

§ 1. Definitions

As used in this Title, unless the context indicates otherwise, the following terms have the following meanings.

1. **Academy.** "Academy" means a private secondary school contracting with a school administrative unit to provide an educational program to the unit's

secondary school students at a cost not to exceed the maximum tuition rate established by the State.

2. **Approved private school.** “Approved private school” means a private school approved for attendance and tuition purposes under sections 155 and 4001.

3. **Board of directors.** “Board of directors” means the governing body with general policy-making authority for a school administrative district.

4. **Commissioner.** “Commissioner” means the Commissioner of Educational and Cultural Services.

5. **Community school district.** “Community school district” means a state approved unit of school administration composed of more than one municipality or school administrative district which may provide public education for any combination of grades.

6. **Cooperative board.** “Cooperative board” means the governing body with general policy-making authority for a vocational region.

7. **Cooperative committee.** “Cooperative committee” means the governing body for implementing a contract for secondary education under sections 4051 to 4054.

8. **Department.** “Department” means the Department of Educational and Cultural Services.

9. **District board of trustees.** “District board of trustees” means the governing body for specific limited purposes for a community school district, as provided under section 1705.

10. **District school committee.** “District school committee” means the governing body with general policy-making authority for a community school district.

11. **Elementary school.** “Elementary school” means a school that provides instruction in grades 1 through 8.

12. **Elementary student.** “Elementary student” means a student eligible for enrollment in an elementary school.

13. **Handicapped child.** “Handicapped child” means a child who is handicapped because of impairment in:

- A. Vision;
- B. Hearing;
- C. Speech and language;
- D. Cerebral or perceptual functions;
- E. Physical mobility functions;

F. Behavior; or

G. Mental development or maturation.

14. Joint board. "Joint board" means the governing body for implementation of cooperative agreements among school administrative units.

15. Joint committee. "Joint committee" means the governing body of a school union.

16. Kindergarten. "Kindergarten" means a one or 2-year childhood education program immediately prior to grade one.

17. Limited English student. "Limited English student" means a student with a primary verbal language other than English.

18. Local allocation. "Local allocation" is defined in section 10203, subsection 13.

19. Major capital costs. "Major capital costs" is defined in section 10203, subsection 14.

20. Minor capital costs. "Minor capital costs" is defined in section 10203, subsection 15.

21. Municipal school unit. "Municipal school unit" means a state approved unit of school administration composed of a single municipality.

22. Parent. "Parent" means a parent or legal guardian of a child.

23. Preschool program. "Preschool program" means a childhood education program prior to kindergarten, or grade one in a school administrative unit without kindergarten.

24. Principal. "Principal" means the chief administrative officer of a school who manages and supervises the operation of the school and school property under the direction of the superintendent and school board.

25. Private school. "Private school" means an academy, seminary, institute or other private corporation or body formed for educational purposes.

26. Public school. "Public school" means a school that is controlled by a school board and funded primarily and directly by taxes.

27. School administrative district. "School administrative district" means a state approved unit of school administration composed of more than one municipality which must provide public education to all public school students in the district.

28. School administrative unit. "School administrative unit" means the state approved unit of school administration and includes a municipal school unit, school administrative district or community school district.

29. **School board.** "School board" means the governing body with general policy-making authority for a school administrative unit or the governing body of an approved private school. It includes a school committee, board of directors, district school committee or cooperative board.

30. **School committee.** "School committee" means the governing body with general policy-making authority for a municipal school unit.

31. **School officers.** "School officers" means the superintendent and his assistants, and the principal and his assistants who have general supervisory authority over school operations.

32. **School union.** "School union" means a union composed of school administrative units joined for the purpose of providing limited joint supervisory administrative services, including a joint superintendent.

33. **Secondary school.** "Secondary school" means a school that provides instruction in any grade 9 through 12.

34. **Secondary student.** "Secondary student" means a student eligible for enrollment in a secondary school.

35. **Special school district.** "Special school district" means a school district created by private and special law for the purpose of constructing or adding to school buildings, but which does not have authority nor responsibility for operating public schools.

36. **Special education services.** "Special education services" means special services required to provide a handicapped child with an equal educational opportunity.

37. **State allocation.** "State allocation" is defined in section 10203, subsection 21.

38. **State board.** "State board" means the State Board of Education.

39. **State and local allocation.** "State and local allocation" is defined in section 10203, subsection 22.

40. **State school funding.** "State school funding" means the state payments to a school administrative unit under chapter 605.

41. **Subdistrict.** "Subdistrict" means a geographic area which is a subdivision of a school administrative unit for election purposes.

42. **Superintendent.** "Superintendent" means the chief executive officer of a school administrative unit.

43. **Union school.** "Union school" means a school operated by adjoining municipal school units under a joint agreement.

44. **Vocational center.** "Vocational center" is defined in section 5602, subsection 1.

45. Vocational education. “Vocational education” is defined in section 5602, subsection 2.

46. Vocational region. “Vocational region” is defined in section 5602, subsection 3.

47. Vocational satellite program. “Vocational satellite program” is defined in section 5602, subsection 4.

§ 2. Policy on public education

The state policy on public education is as follows.

1. State responsibility for public education. In accordance with the Constitution of Maine, Article VIII, the Legislature shall enact the laws that are necessary to assure that all school administrative units make suitable provisions for the support and maintenance of the public schools. It is the intent of the Legislature that every person within the age limitations prescribed by state statutes shall be provided an opportunity to receive the benefits of a free public education.

2. Local control of public education. It is the intent of the Legislature that the control and management of the public schools shall be vested in the legislative and governing bodies of local school administrative units, so long as those units are in compliance with appropriate state statutes.

§ 3. Administrative procedures

The procedures for administering this Title shall be as follows.

1. Adoption of rules. Rules adopted by the commissioner or the state board shall be adopted in accordance with the procedures of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II.

2. Adjudicatory proceedings. Adjudicatory hearings conducted by the commissioner, department or state board shall be conducted in accordance with the procedures of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV.

3. Licensing. Licenses issued by the commissioner, department or state board shall be issued in accordance with the procedures of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter V.

CHAPTER 3

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

SUBCHAPTER I

DEPARTMENT ADMINISTRATION

§ 101. Department

The Department of Educational and Cultural Services is established for the following purposes.

1. Purposes. The department is established to:

- A. Supervise, guide and plan for a coordinated system of public education for all citizens of the State;
- B. Interrelate public education to other social, economic, physical and governmental activities, programs and services;
- C. Provide for a coordinated, integrated system of cultural resources' programs and projects;
- D. Encourage and stimulate public interest in the advancement of education; and
- E. Support cultural and historical heritage, institutions and activities at both the state and local level.

2. Composition. The department shall include the following:

- A. The State Board of Education;
- B. The Maine Education Council;
- C. The Maine Commission for Higher Education Facilities;
- D. The Maine Representatives to the New England Board of Higher Education;
- E. The Maine School Building Authority;
- F. The Governor Baxter School for the Deaf;
- G. The Maine State Commission on the Arts and the Humanities;
- H. The State Museum;
- I. The Maine State Museum Commission;
- J. The State Historian;
- K. The Maine State Library; and
- L. The Maine Historic Preservation Commission.

§ 102. Department organization; appointment of directors

The department shall be organized as follows.

1. Department organization. The department shall have the following bureaus:

- A. The State Museum Bureau;

- B. The Arts and Humanities Bureau;
- C. The Maine State Library Bureau;
- D. The Bureau of Vocational Education; and
- E. Any other bureau the commissioner establishes.

2. Appointment of directors. Each bureau shall be under the direction of a person appointed as follows.

A. The Director of the State Museum Bureau shall be qualified by training or by experience in museum work and shall be appointed by the Maine State Museum Commission with the approval of the commissioner. He shall serve for an indefinite term, subject to removal for cause. His compensation shall be fixed by the Governor.

B. The Director of the Arts and Humanities Bureau shall be qualified by training or by experience and shall be appointed by the Maine State Commission on the Arts and the Humanities with the approval of the commissioner. He shall serve for an indefinite term, subject to removal for cause. His compensation shall be fixed by the Governor.

C. The Director of the Maine State Library Bureau shall be qualified by training or by experience in library work and shall be appointed by the commissioner with the approval of the Governor. He shall be known as the State Librarian. He shall serve for an indefinite term, subject to removal for cause. His compensation shall be fixed by the Governor.

D. An associate commissioner shall direct the Bureau of Vocational Education. He shall be appointed by, and serve at the pleasure of, the commissioner.

E. The director of any other bureau shall be appointed by, and serve at the pleasure of, the commissioner. These positions shall be subject to the Personnel Law, except for the following:

- (1) The deputy commissioner;
- (2) The assistant to the commissioner;
- (3) The Associate Commissioner; Bureau of Instruction; and
- (4) The Associate Commissioner; Bureau of School Management.

SUBCHAPTER II

COMMISSIONER

§ 151. Appointment; term

The appointment and term of service of the commission shall be as follows.

1. Appointment. The commissioner shall be appointed by the Governor from

a list of 3 candidates prepared by the state board. An appointment shall be subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature.

2. Term. The commissioner shall serve at the pleasure of the Governor.

§ 152. Office

An office shall be provided for the commissioner at the seat of government.

§ 153. Department duties

The duties of the commissioner shall be as follows.

1. General duties. The commissioner shall exercise the powers and perform the duties granted to the department in this Title. He shall devote all of his time to his duties.

2. Hiring. The commissioner may hire personnel that he deems necessary to fulfill the duties of the department. These personnel shall be subject to the Personnel Law, except as provided in section 102.

3. Delegation. The commissioner may authorize a designee to carry out his duties.

4. Specific duties. The commissioner also shall:

A. Coordinate, consolidate and prepare a budget for the department;

B. Transfer personnel within the department to ensure their efficient utilization;

C. Coordinate the purchase and use of all department equipment; and

D. Review the function and operation of the department to ensure that overlapping functions and operations are eliminated.

5. Pamphlet laws. The commissioner may:

A. Compile and distribute, in pamphlet form, to municipal and school officers copies of the amended school laws of the State; and

B. Prepare and issue biennially, circulars of information and advice to school officers, relating to new school laws.

6. Record books. The commissioner shall furnish to the school officers of each school administrative unit proper blank books in which they shall keep complete and itemized records of all matters relating to moneys appropriated, received and expended for schools. These books shall remain the property of the State.

7. Blanks. The commissioner shall prepare and print blank forms for all returns required by law or deemed by him to be necessary. He shall, on the first day of March, forward to each superintendent blanks for the annual school return

as provided in section 3203, and shall, on the first day of May, forward to each superintendent blanks for the returns required by sections 3204 and 3206.

8. **Reports.** The commissioner, annually, shall report to the Governor the result of his inquiries and investigations and the facts obtained from the school returns, with any suggestions and recommendations to improve public schools.

9. **Maintaining records.** The commissioner shall preserve all school reports of this State and of other states which he may receive, the returns from the various municipalities and institutions of learning and books, apparatus, maps, charts, works on education, plans for school buildings, models and other articles of interest to school officers and teachers as may be obtained without expense.

10. **Joining educational organizations.** The commissioner may join educational organizations and associations, both within and outside the State, when he judges membership will increase the efficiency or progress of education within the State.

11. **Limit on authority.** The commissioner may not exercise or interfere with the exercise of discretionary authority granted to the Maine State Museum Commission and the Maine State Commission on the Arts and the Humanities.

§ 154. Educational duties

The commissioner shall have the following educational duties.

1. **General duty.** The commissioner shall generally supervise all public schools and shall advise and direct superintendents and school boards in the discharge of their duties, by circular letters and personal conference.

2. **Information.** The commissioner may obtain information on school systems of other states and countries and the condition and progress of public school education throughout the world. He may disseminate this information, with practical hints upon the conduct of schools, improved systems of instruction and the true theory of education by public addresses, circulars and articles prepared for the press. He also may disseminate this information by outlines, suggestions and directions concerning the management, discipline and methods employed in teaching, to teachers and school officers of the State. He shall do all in his power to awaken and sustain an interest in education among the people and to stimulate teachers to well directed efforts in their work.

3. **In-service education.** The commissioner may encourage in-service education and staff development for teachers in cooperation with school officials.

4. **Contracts for vocational education programs.** The commissioner may contract with a private school, which is serving one or more municipalities in lieu of a public secondary school, for the conduct of vocational courses which meet the same standards for approval as those conducted in public secondary schools. He may reimburse them for part of the cost of conducting approved vocational courses from funds available from the Federal Government for the purpose of vocational education.

5. **Appointment of supervisors.** The commissioner may appoint supervisors to assist and direct elementary and secondary teachers to work with school officers and school boards on request, and to perform other duties in the field of education. The salary and necessary traveling expenses of these supervisors shall be paid from an appropriation for that purpose.

6. **Control of gift-established schools.** The commissioner shall assume the control and management of all public schools established and maintained by gifts or bequests, when the gifts or bequests are conditioned on the commissioner assuming that control and management. He shall carry out the provisions on which those gifts or bequests are conditioned, when those conditions are approved by the Governor.

7. **Duties imposed by charters.** The commissioner shall perform all duties imposed on him by charter granted by the Legislature to an educational institution.

8. **Educational television programs.** The commissioner may produce or contract for educational television programs.

9. **Instruction conference.** Annually, the commissioner shall hold a conference for the instruction of superintendents.

10. **Agricultural education consultant.** The commissioner shall appoint, subject to the Personnel Law, an education specialist II or agricultural education consultant to be responsible for supervision of agricultural technical education, including agribusiness and agriculture's relation to the environment.

11. **Removal of approval.** If a school fails to meet requirements, the commissioner may hold an adjudicatory hearing and remove basic approval for cause.

§ 155. Curriculum

The commissioner shall prescribe curriculum as follows:

1. **Basic curriculum.** The commissioner shall prescribe, by rule, the studies to be taught in the public schools and in approved private schools.

2. **Additional duties.** A school board of a public or approved private school may prescribe additional studies. On approval by the commissioner of a course arranged by the school committee, that course shall be the authorized course for that school.

3. **Required courses.** The following courses shall be required.

A. **American history and civil government, including the Constitution of the United States and the Declaration of Independence, the importance of voting and the privileges and responsibilities of citizenship, shall be taught in all schools of elementary and secondary grades, both public and private, and shall be required for graduation from all elementary schools, both public and private.**

B. A course in history, geography and the natural and industrial resources of Maine shall be taught in at least one grade from 7 to 12, in all schools, both public and private.

4. Private schools. The school officers of a private school founded after September 3, 1965, shall furnish the commissioner with a copy of the course of study arranged by them; except schools in good standing in the Independent Secondary School Division of the New England Association of Colleges and Secondary Schools.

5. Approval of schools. A school enrolling only pupils not residents of this State shall be subject to an annual review of its program. It shall be approved annually by the commissioner when it meets standards equivalent to those required of public and private schools in this State.

§ 156. Languages of instruction

Languages of instruction to be used in all schools shall be as follows.

1. Basic language. The basic language of instruction in all schools, public and private, shall be the English language, except as provided in this section.

2. Foreign language instruction. A school may provide courses in foreign languages that are taught in those languages.

3. Bilingual education. Subject to the annual approval of the commissioner, the school committee of an administrative unit having children from non-English-speaking families may provide programs involving bilingual education techniques. These techniques shall be designed to provide children with educational experiences to enhance their learning. Bilingual instructors shall be subject to certification by the state board in both course content and language of instruction.

4. Transitional instruction. A school board may provide transitional instruction programs.

A. "Transitional instruction" means instruction given to a limited English speaking student for the purpose of enabling the student to be instructed in English within a reasonable length of time. Transitional instruction shall not include bilingual education programs, as defined in PL 90-247, Title VII, United States Code Annotated, Title 20, Section 880b-1, that is, programs which do not include students of limited English speaking ability.

B. Certified bilingual instructors shall not be required for the provisions of transitional instruction at any grade level.

§ 157. Industrial education

The commissioner shall investigate methods of industrial education. He shall advise and aid in the introduction of industrial courses into all public secondary schools and approved private secondary schools. He shall report on all special

schools in which industrial education is provided. He shall inspect the courses of study offered in these schools and may approve these courses.

§ 158. Driver education

Driver education instruction in all schools shall be as follows.

1. Purpose. The purpose of this section is to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles, through classroom instruction and behind the wheel driving and observation in a dual control automobile, by encouraging school boards to provide this instruction in all the public secondary schools.

2. Educational aid. The commissioner shall employ necessary personnel, subject to the terms of the Personnel Law, and adopt or amend rules to carry out this section. He shall provide salaries and traveling expenses for a State Director of Driver Education, clerical assistance and supplementary teaching aids essential to the program.

3. Purchase of vehicle. Notwithstanding Title 5, section 7, the department may purchase a motor vehicle to be used principally in carrying out the purposes of this section.

4. School administrative unit fee. A school administrative unit may charge a fee, based on the per pupil cost, for a driver education course conducted after regular school hours during the school year.

5. Contract authority. A school administrative unit or private school may contract for driver education with any certified person or any commercial driver education school, provided that the instructor for the school shall be certified.

6. Temporary certification. If a certified instructor is not available within a school administrative unit, and if that unit requests it, the commissioner shall grant temporary driver education teacher certification to a person licensed by the Secretary of State to teach driver education. Requests for temporary certification shall be initiated by the administrative unit. A certificate may not be for more than one year.

§ 159. High school equivalency certificates

1. Issue. The commissioner may issue high school equivalency certificates to residents of the State:

A. Who are at least 18 years of age;

B. Who:

(1) Have not been in attendance for one year or more at a public school or a private school approved by a state department of education or accredited by a regional association of colleges and secondary schools; or

(2) Have completed a formal training program approved by the commissioner; and

C. Who demonstrate through procedures prescribed by the commission, that they have attained a general educational development comparable to that of secondary school graduates.

2. Certificate status. Certificates shall have the legal status of high school diplomas.

3. Fees. The commissioner may charge a fee sufficient to defray operating costs for a certificate. An honorably discharged or released veteran of the Armed Forces of the United States or a person judged by the commissioner to be economically disadvantaged shall be exempt from payment of a fee. That fee shall be paid from the income of the Permanent School Fund.

§ 160. Inspection of schools

The Commissioner shall inspect schools as follows.

1. Request. The commissioner shall cause an inspection to be made of schools in a school administrative unit, and to report to the school board his findings and recommendations when he is:

- A. Petitioned by 60% of the parents of the children of one school;
- B. Requested by the school board or the superintendent of schools; or
- C. Petitioned by 20% of the legal voters of the unit.

2. Standards. The commissioner shall adopt or amend rules to establish standards of buildings, equipment organization and instruction. He shall give ratings based on these standards to schools that are inspected as their general condition, equipment and grade of efficiency may entitle them.

3. Extent of inspection. If a petition is received by the commissioner, he may determine the extent and conditions under which an inspection shall be made.

§ 161. Medication

The commissioner may adopt or amend rules for the administration of medication in public or approved private schools. Medication may not be administered by unlicensed personnel at these schools except as provided by the written prescription of a physician or dentist or by the written permission of the parent or guardian of the individual receiving the medication.

§ 162. Student performance evaluation plan

The student performance evaluation plan shall be as follows.

1. Plan. The commissioner may establish a statewide student performance evaluation plan. It shall be known as the "Maine Assessment of Educational Progress."

2. Unit participation. A school administrative unit may participate in the plan by paying to the department an annual fee as set by the commissioner. The department shall place this fee in a special, nonlapsing, revolving account.

3. **Use of funds.** The commissioner shall use the money in this account to pay for the costs of administering, analyzing and reporting the results of the evaluations performed on behalf of the participating units.

4. **Education costs.** Costs relating to the participation of a school administrative unit in the plan shall not be considered in calculations of the actual costs of education for purposes of reimbursement under chapter 605.

§ 163. Compliance

The procedures for dealing with school administrative units which are allegedly in noncompliance with the reporting and program requirements of this Title shall be as follows.

1. **Reporting requirements.** If, after giving due notice, the commissioner finds that a school administrative unit is not complying with the requirements of this Title, he may withhold state aid from that unit. The withholding may only continue for as long as necessary to achieve compliance. If compliance cannot be achieved by withholding state aid, the commissioner may refer the matter to the Attorney General.

2. **Program requirements.** A complaint that alleges that a school administrative unit is not in compliance with the program requirements of this Title or of rules shall meet the requirements for a petition under section 160.

A. If the commissioner receives a complaint and finds that probable cause for it exists, he shall refer the complaint to the state board for a public hearing. He shall, on behalf of the board, give notice and cause an adjudicatory hearing to be held.

B. The state board or its designee shall make findings of fact on the specific charges in the complaint and shall decide whether there are reasonable grounds to believe that a unit is in noncompliance.

C. If the state board decides there are no reasonable grounds to believe that a unit is in noncompliance, the commissioner shall refer the matter to the Attorney General.

3. **Rules.** This section shall apply only to rules adopted or amended by the department as authorized under this Title in the manner required under section 3.

CHAPTER 5

STATE BOARD OF EDUCATION

§ 201. State Board of Education

The appointments, terms and expenses of the State Board of Education members shall be as follows.

1. **Appointment.** The state board shall consist of 9 members who shall be appointed by the Governor. Each appointment shall be subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature.

2. **Composition.** The membership of the state board shall be broadly representative of the public. A person who earns a substantial portion of his income as a teacher or as an administrator in an educational institution, other than as a college president, may not be eligible for appointment to or service on the state board.

3. **Expenses.** Members of the state board shall serve without pay, other than their actual expenses while carrying out the functions of the board.

4. **Term.** The term of office of each member shall be 5 years. Any vacancy shall be filled for the remainder of the unexpired term.

§ 202. Organization; meetings

The state board shall organize and meet as follows.

1. **Organization.** The state board shall organize annually by electing one of their members as chairman and one as vice-chairman. They may also elect other officers.

2. **Meetings.** Meetings of the state board shall be held quarterly in the offices of the department on call of the chairman or the commissioner on 5 days' written notice to members. If both the chairman and commissioner are absent, or refuse to call a meeting, any 3 members of the state board may call a meeting by similar notices in writing.

3. **Quorum.** A majority of the state board members shall be a quorum.

4. **Rules.** The state board may adopt or amend rules for meeting procedures and administration of its duties.

§ 203. Seal

The state board shall adopt a seal. The seal may be used by the commissioner to authenticate documents or copies of documents.

§ 204. Records and reports

The state board shall be responsible for the following records and reports.

1. **Records.** The state board shall keep in the office of the commissioner a complete record of the minutes of its meetings and other procedures.

2. **Report.** Biennially, on the first Monday of January, the state board shall make a report to the Governor which shall contain the report of the commissioner to the state board. The state board shall print this report and shall distribute it to the members of the Legislature and to school officers. The cost of printing the report shall be paid from the appropriation of the department.

§ 205. Powers and duties

The state board shall have the following powers and duties.

1. General authority. The state board shall have only the powers specifically stated in this Title.

2. Advisory role. The state board shall advise the commissioner concerning matters contained in this Title.

3. Specific duties. The state board shall have the following specific powers and perform the following duties:

A. Make recommendations to the Legislature for the efficient conduct of the public schools;

B. Approve the formation of school administrative districts;

C. Establish, maintain and operate schools of practical nursing;

D. Act on applications for additions to and dissolution of school administrative districts;

E. Adopt or amend rules on requirements for approval and accreditation of elementary and secondary schools;

F. Adjust the subsidy to a school administrative unit when the expenditures for education in the unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive;

G. Grant permission for a school administrative unit to enter into an agreement for cooperative educational purposes;

H. Act on articles of agreement for creation of an interstate school district;

I. Develop and adopt a plan for the establishment of vocational centers;

J. Adopt or amend rules on standards for school construction;

K. Approve projects for state construction aid;

L. Approve the formation of Community School Districts;

M. Approve isolated secondary schools;

N. Obtain information regarding applications for granting degrees and make a recommendation to the Legislature;

O. Recommend funds to the Bureau of the Budget for equalization of educational opportunity;

P. Establish a student loan insurance program;

Q. Serve as state agency for administering federal funds; and

R. Under section 3, serve as an appeals board for unclassified personnel.

4. Review of department decisions. On the written request of an interested party, the state board shall review decisions made by the department acting

through the commissioner or his duly authorized representative under sections 3901, 4001 and 4002. The written request shall be filed within 30 days from the date of the department's decision.

5. Establishment of vocational-technical institutes. The state board may establish, maintain and operate vocational-technical institutes to promote specialized training for persons who give evidence of special aptitude or need and who desire specialized training designed specifically to train for service in trade, industry or commerce.

6. Overseeing school administrative districts. The state board shall oversee the establishment of school administrative districts as follows.

A. It shall develop and continually revise a state plan for the creation of efficient school administrative districts throughout the State. It shall use the plan for approving applications for the organization of school administrative districts.

B. It shall thoroughly study school conditions and needs, to determine plans for the establishment of appropriate school administrative districts in all organized territory.

(1) It shall report its actions and recommendations to each regular session of the Legislature on or before January 10th.

(2) The study and planning shall be directed by the state board; but shall include all possible participation and assistance by citizens and organizations at the local level.

(3) It is the intent of the Legislature that all school administrative units not in school administrative districts and operating secondary schools with less than 300 pupils in grades 9 through 12 shall submit plans for school district reorganization to the state board at least once in each 2-year period until the process of reorganization is completed.

C. It shall evaluate the effect of consolidation on valuation per pupil in the larger district as compared to the individual municipalities comprising the district. It shall make definite recommendations with respect to an eventual uniform minimum tax rate toward the support of a foundation program of education when these larger districts have been appropriately established throughout the State.

D. It shall survey, as completely as possible, school building needs and costs in the proposed districts which are required to effectively accomplish the organization of the districts.

E. It shall expedite the reorganization of administrative units by recommending to the Legislature establishment of school administrative districts which are not eligible for state board approval.

F. It may appoint and employ, under the Personnel Law, personnel to carry out the duties imposed on it by this subsection.

- (1) It may fix the duties of these employees.**
- (2) It may make funds available to pay for their salaries and expenses.**
- (3) It may use other state board employees to carry out this subsection.**

§ 206. Certification of teachers

1. Certification. The state board shall authorize the commissioner to certify teachers and other professional personnel for service in a public school or in an approved private school.

2. Adult education. The state board may authorize the commissioner to certify adult education teachers and other teaching and professional personnel in publicly supported education programs other than those in the public schools, post-high school institutions, colleges and universities.

3. Semiprofessional personnel. The state board shall authorize the commissioner to approve the employment of teacher aides, teacher assistants or other semiprofessional personnel for service in schools.

4. Revocation. The state board shall authorize the commissioner to seek a revocation of a certificate in the Administrative Court.

5. Advisory board. The state board shall have the advice of a board of qualified practitioners, teacher-educators and representatives of the public in matters of certification. The advisory board shall be selected and function in accordance with rules adopted or amended by the state board. At least 50% of the advisory board shall be made up of persons who are currently employed in teaching positions as defined in section 10001. The advisory board shall review proposed changes in rules which relate to certification and revocation of certification of school personnel.

§ 207. Recommendations to Legislature

The state board shall recommend to the Legislature any new legislation or amendments to existing legislation for the efficient conduct of the public schools.

CHAPTER 7

POST-SECONDARY EDUCATION COMMISSION OF MAINE

§ 301. Establishment

The Post-secondary Education Commission of Maine hereafter in this chapter called the commission, is established to exercise the powers and perform the duties set forth in this Title.

§ 302. Short title

This chapter may be cited as the PECOM Act.

§ 303. Membership of commission

The membership of the commission shall be as follows.

1. **Membership.** The Post-secondary Education Commission of Maine shall consist of 16 members drawn from the following groups.

A. Six members shall be members of principal public governing and administrative boards concerned with post-secondary education in Maine and the Maine Advisory Council on Vocational Education. The members shall be selected in accordance with the procedures of the bodies they represent. These positions shall be assigned as follows:

(1) Two positions for members of the Board of Trustees of the University of Maine;

(2) One position for a member of the state board;

(3) One position for a member of the Maine Advisory Council on Vocational Education;

(4) One position for a member of the Board of Trustees of the Maine Maritime Academy; and

(5) One position for a member of the Maine Delegation of the New England Board of Higher Education. This member shall not, at the time of appointment or during membership of the Post-secondary Education Commission of Maine, be the Chancellor of the University of Maine, the commissioner, or an administrative officer or member of the governing board of a public, private nonprofit or proprietary post-secondary educational institution in Maine.

B. Three members shall represent private nonprofit institutions of post-secondary education in Maine. These representatives shall be appointed by a subcommittee of the Higher Education Council in Maine composed of private college members. This subcommittee shall not be limited in its choice of representatives to members of the Higher Education Council of Maine, but also shall consider administrative officers and members of the governing boards of any private nonprofit institution of post-secondary education.

C. One member shall represent proprietary institutions of post-secondary education in Maine. This representative shall be appointed by the Governor and shall be a chief executive officer or member of the governing board of a federally recognized proprietary institution of post-secondary education, as defined in the United States Higher Education Act of 1965, PL 89-329, United States Code, Title 20, Section 1070(a), as amended.

D. Four members shall represent the general public. These members shall not be employees of, or members of the governing body of, a public, private nonprofit or proprietary institution of post-secondary education in this State.

Representatives of the general public in this State shall be appointed by the Governor.

E. The Chancellor of the University of Maine and the commissioner shall serve as ex officio members of the commission.

2. **Terms.** Each member shall be appointed for a term of 4 years. A member shall serve until his successor has been duly appointed and qualified.

3. **Eligibility.** A position shall become vacant if the member appointed to it ceases to meet the qualifications for that position.

4. **Vacancy.** If a vacancy occurs prior to the expiration of a term, an eligible person may be appointed by the appointing authority to serve for the remainder of the unexpired term.

5. **Expenses.** Members shall serve without pay, but shall be reimbursed for travel and other expenses incurred in the performance of their official duties.

§ 304. Appointment of the chairman and vice-chairman

The chairman and vice-chairman of the commission shall be appointed by the members of the commission from among the 4 public members. The term of the chairman and vice-chairman shall be coterminous with their terms of the commission.

§ 305. Meetings

Commission meetings shall be held at least quarterly or upon call of the chairman on 5 days' written notice to the members. If the chairman is absent or refuses to call a meeting, any 4 members may call a meeting by similar notices in writing.

§ 306. Staff

The appointment of an executive director and the employment and retirement status of other staff shall be as follows.

1. **Executive director.** The commission may appoint an executive director, who shall serve at the pleasure of the commission and shall maintain offices in Augusta. The compensation of the executive director shall be fixed by the Governor.

2. **Other staff.** The commission may employ other professional and clerical staff.

3. **Retirement benefits.** A commission employee shall be eligible to become a member of the State Retirement System.

§ 307. Powers and duties

The commission shall:

1. **Comprehensive planning.** Conduct comprehensive planning for post-

secondary education in Maine, including planning in cooperation with the New England Board of Higher Education and other New England states. This planning shall assure the development, maintenance and accessibility of diversified post-secondary educational opportunities of high quality for Maine citizens. It shall seek efficient use of limited resources through promotion of voluntary coordination and cooperation among institutions and educational sectors and through encouragement of efforts to avoid unnecessary duplication of institutions, programs and facilities. This comprehensive planning shall take into consideration the educational, cultural, social and economic contributions to Maine of all of the post-secondary educational institutions in the State. It is the intent of the Legislature that this comprehensive planning shall lead to a cohesive system of post-secondary education involving all of the public, private nonprofit and proprietary post-secondary educational institutions in the State;

2. State commission under § 1202 of Higher Education Act. Serve as the state commission as required under the United States Code, Section 1202, Higher Education Act of 1965, Public Law 89-329, Title 20, United States Code, Section 1141 et seq, as amended;

3. Annual report. Present a report annually, before December 31st, to the Governor and the Legislature on "The State of Post-secondary Education in Maine," in which it reviews the comprehensive planning for the previous year and makes recommendations based on this planning which might lead to the maximum realization of the objectives of subsection 1; and

4. Studies. Undertake studies on post-secondary education in this State as requested by the Legislature and the Governor and provide reports and information to legislative committees as requested.

§ 308. Collection of information

The commission may request institutions of post-secondary education in Maine to submit information reasonably necessary for the commission to carry out responsibilities defined by federal and state law and to perform effective comprehensive planning. This authority shall be limited by safeguards necessary to protect the confidentiality of information related to specific persons.

§ 309. Limitations of the authority of commission with respect to institutions

The provisions of this Title related to the authority, responsibilities and functions of the commission may not be construed as authorizing the commission to infringe on or substitute its authority for or otherwise modify the governing authority of any institution of post-secondary education.

§ 310. Designation of PECOM as the state agency or state commission of the purposes of certain federal programs

The Post-secondary Education Commission of Maine shall be designated as the state agency or state commission for the following purposes.

1. **Designation.** The commission is designated as the state commission as required by the United States Code, Section 1202, subsection (a) of the Higher Education Act of 1965, as amended, Title 20, United States Code 1142a.

2. **Powers.** The commission may develop plans, rules and procedures, and establish or designate advisory committees, councils or task forces to carry out the requirements of the federal laws and other programs for which the commission is assigned responsibility under this section.

3. **Other functions.** The commission may undertake other functions assigned by federal law or regulation to state commissions designated pursuant to the United States Code, Section 1202 of the Higher Education Act of 1965, as amended, Title 20, United States Code, Section 1142a.

4. **Funds.** The commission may accept and disburse all moneys in accordance with the United States Code, Section 1202, the Higher Education Act of 1965, as amended, for which the commission is assigned responsibility under this section.

CHAPTER 9

THE MAINE STATE

COMMISSION FOR HIGHER EDUCATION FACILITIES

§ 401. Purpose

The purpose of this chapter is to authorize the Maine State Commission for Higher Education Facilities to conduct either directly or through other appropriate agencies or institutions, comprehensive planning to assist the institutions of higher education in Maine to construct needed classrooms, laboratories and libraries in order to accommodate mounting student enrollments and to meet demands for skilled technicians and for advanced graduate education as set forth under the United States Higher Education Facilities Act of 1963, Public Law 88-204, as amended by Section 3 of Public Law 89-752.

§ 402. Duties

The Maine State Commission for the Higher Education Facilities may establish plans and rules or amend existing plans and rules in accordance with the United States Higher Education Facilities Act of 1963, Public Law 77-204, as amended by Section 3 of Public Law 89-752, and requirements of the United States Government established under that Act, as amended. It may also accept and disburse all moneys in accordance with that Act.

CHAPTER 11

COMPACT FOR EDUCATION

SUBCHAPTER I

COMPACT

§ 501. Purpose and policy — Article I

1. Purpose. It is the purpose of this compact to:

A. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels;

B. Provide a forum for the discussion, development, crystalization and recommendation of public policy alternatives in the field of education;

C. Provide a clearinghouse of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of State Government and local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education; and

D. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

2. Policy. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

3. Interrelationships. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own education systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

§ 502. State defined — Article II

As used in this compact, "state" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

§ 503. Commission — Article III

The Education Commission of the States is established as follows.

1. Commission established. The Education Commission of the States, hereafter in this chapter called "the commission" is hereby established.

2. Membership. The commission shall consist of 7 members representing each party state: One member shall be the Governor; 2 shall be members of the Legislature selected by its respective houses and serving in such manner as the Legislature may determine; and 4 shall be appointed by and serve at the pleasure

of the Governor, unless the laws of the State otherwise provide. If the laws of a state prevent legislators from serving on the commission, 6 members shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principles for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be, not to exceed, 10 nonvoting commissioners selected by the steering committee for terms of one year. These commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

3. **Voting.** The members of the commission shall be entitled to one vote each on the commission. No action of the commission may be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor in the action. Action of the commission shall be only at a meeting at which a majority of the commissioners are present.

4. **Meetings.** The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained in those bylaws, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to this Article.

5. **Seal.** The commission shall have a seal.

6. **Organization.** The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice-chairman and a treasurer. The commission shall provide for the appointment of an executive director. The executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

7. **Personnel.** Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director, subject to the approval of the steering committee, shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The

commission in its bylaws shall provide for the personnel policies and programs of the commission.

8. **Services.** The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of those governments, or from any agency of 2 or more of the party jurisdictions or their subdivisions.

9. **Grants.** The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm association, foundation or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this subsection or services borrowed pursuant to subsection 8 shall be reported in the annual report of the commission. The report shall include the nature, amount and conditions, if any, of the donation, grant or services borrowed, and the identity of the donor or lender.

10. **Facilities.** The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

11. **Bylaws.** The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form, and shall file a copy of those bylaws and a copy of any amendment to those bylaws with the appropriate agency or officer in each of the party states.

12. **Reports.** The commission annually shall make to the Governor and Legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

§ 504. Powers — Article IV

In addition to authority conferred on the commission by other provisions of the compact, the commission may:

1. **Information and data.** Collect, correlate, analyze and interpret information and data concerning educational needs and resources;

2. **Research.** Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration and instructional methods and standards employed or suitable for employment in public educational systems;

3. **Proposals.** Develop proposals for adequate financing of education as a whole and at each of its many levels;

4. **Further research.** Conduct or participate in research of the type referred

to in this Article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education and other agencies and institutions, both public and private;

5. Policies and plans. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment of public education, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials; and

6. Other necessary things. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

§ 505. Cooperation with Federal Government — Article V

1. Federal membership. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the commission, by, not to exceed, 10 representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the Federal Government, but no representative may have a vote on the commission.

2. Information. The commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

§ 506. Committees — Article VI

1. Steering committee. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of 32 members which, subject to this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission.

A. One-fourth of the voting membership of the steering committee shall consist of governors, 1/4 shall consist of legislators and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote.

B. The voting members of the steering committee shall serve for terms of 2 years, except that members elected to the first steering committee of the commission shall be elected as follows: Sixteen for one year and 16 for 2 years.

C. The chairman, vice-chairman and treasurer of the commission shall be

members of the steering committee and, anything in this subsection to the contrary notwithstanding, shall serve during their continuance in these offices.

D. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuring meeting following the occurrence of any vacancy shall fill it for the unexpired term.

E. No person may serve more than 2 terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the 2-term limitation.

2. Advisory and technical committees. The commission may establish advisory and technical committees composed of state, local and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to 2 or more of the party states.

3. Other committees. The commission may establish such additional committees as its bylaws may provide.

§ 507. Finance — Article VII

1. Budget. The commission shall advise the Governor, or designated officer or officers of each party state, of its budget and estimated expenditures for such period as may be required by the laws of the party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

2. Apportionment. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

3. Obligations. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

4. Accounts. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. All receipts and disbursements of funds handled by the commission shall be audited

yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

5. Access to accounts. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

6. Audit or inspection. Nothing contained in this chapter shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

§ 508. Eligible parties; entry into and withdrawal — Article VIII

1. Eligibility. This compact shall have a eligible parties all states, territories and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor," as used in this compact, shall mean the closest equivalent official of such jurisdiction.

2. Entry. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same; provided that in order to enter into initial effect, adoption by at least 10 eligible party jurisdictions shall be required.

3. Adoption of compact. Adoption of the compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make this state a party only until December 31, 1969. During any period when a state is participating in this compact through gubernatorial action, the Governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission equitable share of the financial support of the commission from any source available to him.

4. Withdrawal. Except for a withdrawal effective on December 31, 1969 in accordance with subsection 3 any party state may withdraw from this compact by enacting a statute repealing the same, but no withdrawal may take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

5. Liability. No withdrawal may affect any liability already incurred by or chargeable to a party state prior to the time of that withdrawal.

§ 509. Construction and severability — Article IX

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the

remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

SUBCHAPTER II ADMINISTRATIVE PROVISIONS

§ 551. Maine Education Council

1. Council established. There is established the Maine Education Council composed of the members of the Education Commission of the States representing this State, and 7 other persons appointed by the Governor.

2. Appointments. The Governor shall appoint: two members for one year; 2 members for 2 years; and 3 members for 3 years. Upon the expiration of each term the appointment shall be for 3 years. Vacancies shall be filled for the full term. The appointees shall be selected so as to be broadly representative of professional and lay interest within this State having the responsibilities for knowledge with respect to, and interest in, educational matters. The chairman shall be designated by the Governor from among its members.

3. Meetings. The council shall meet on the call of its chairman or at the request of a majority of its members, but in any event the council shall meet not less than 3 times in each year. The council may consider any and all matters relating to public educational policy and any matters relating to recommendations of the Education Commission of the States and the activities of the members in representing this State thereon.

§ 552. Members of Legislature, selection and tenure

The 2 members of the Legislature on the Education Commission of the States shall be appointed by the presiding officer of the respective House and shall serve on the commission during such time each is a member of his respective House.

§ 553. Bylaws filed

Pursuant to Article III, the commission shall file a copy of its bylaws and any amendment thereto with the office of the commissioner.

CHAPTER 13 ADVISORY COMMITTEE ON MAINE PUBLIC BROADCASTING

§ 601. Committee; expenses

1. Committee. The Advisory Committee on Maine Public Broadcasting shall facilitate the development of public broadcasting in the State.

2. **Membership.** The committee shall consist of 7 members to be appointed by the Governor for a full term of 5 years. One member shall be a representative of the department. One member shall be a representative of the University of Maine and the remaining members shall be citizens of the State. A vacancy in the membership shall be filled for the unexpired term by appointment by the Governor.

3. **Expenses.** Members shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

§ 602. Organization; quorum

The committee shall elect a chairman, secretary, vice-chairman and treasurer, each of whose terms of office shall be 2 years. The committee shall adopt bylaws any rules for the calling and holding of meetings and the administration of its affairs. A majority of the membership of the committee shall constitute a quorum.

§ 603. Powers and duties

The Advisory Committee on Maine Public Broadcasting may act as follows:

1. **Recommendations.** To recommend to the trustees of the University of Maine relating to the appointment of professional, clerical or other assistants, location of public broadcasting stations and construction and equipment of those stations necessary to carry out the purposes of this chapter; and

2. **Programs.** To advise the trustees of the University of Maine for the public broadcasting programs to be transmitted by the network.

§ 604. Gifts

The Governor may accept a gift of money, real or personal property, from any source, and grants-in-aid from the Federal Government to assist in carrying out the purposes of this chapter.

§ 605. Construction of statewide network

The University of Maine may acquire real estate, construct, operate, manage and equip radio, transmission and microwave television facilities and interconnect with any other radio or television network or station within or without this State for the purpose of providing a statewide public broadcasting network for the transmission of public broadcasting to pupils in the schools, colleges, university and adult audiences throughout the State. The University of Maine may enter into contracts for the construction of those facilities, contracts for personal services necessary for the management and operation of those facilities and any other contracts deemed necessary to carry out the purposes of this chapter.

PART 2
SCHOOL ORGANIZATION
CHAPTER 101
GENERAL PROVISIONS
SUBCHAPTER I
PURPOSES

§ 1001. Organization of school administrative units

The policy of the State in the organization of school administrative units is as follows.

1. **Declaration of policy.** It is the declared policy of the State to encourage the development of school administrative units of sufficient size to provide:

- A. A more equalized educational opportunity for pupils;
- B. Satisfactory school programs;
- C. A greater uniformity of school tax rates among the units; and
- D. A more effective use of the public funds expended for the support of public schools.

2. **Organization of schools.** The basic responsibility for educating students rests with the individual municipalities. Municipalities may share this responsibility through a variety of mechanism. They may form cooperative agreements for limited educational objectives, school unions for joint superintendency, union schools for jointly governing a school, community school districts for jointly governing an agreed on group of grade levels in the district or a school administrative district for governing educational services for all public school students in the district.

SUBCHAPTER II
SCHOOL BOARDS

§ 1051. Prohibited appointments

The following provisions apply to members of a school board.

1. **Definition.** "Employee" means a person regularly employed on a weekly basis regardless of remuneration or the number of hours worked.

2. **Employment restriction.** A member of a school board or his spouse may not be employed as an employee in a public school within the jurisdiction of the school board of which he is a member.

3. **Appointment restriction.** In a school administrative district, a member of the board of directors may not, during the term for which he is elected and for one

year thereafter, be appointed to a civil office for profit or employment which has been created or the compensation increased by the action of the board of directors during the member's term.

§ 1052. Void contracts

A contract made by the school board during the term of a member who is pecuniarily interested in that contract, either directly or indirectly, shall be void, unless the school board has advertised for sealed bids for that contract, and that advertisement for sealed bids has been published at least 5 days prior to the date set for closing of bids in a newspaper having general circulation within the school administrative unit.

§ 1053. Bids

Bids to a school administrative district or vocational region shall meet the following requirements.

1. **Written.** They shall be in writing, sealed, with the outside envelope or wrapper plainly marked "Bid, not to be opened until (with appropriate date inserted)." They shall be mailed to or filed with the superintendent.

2. **Time.** A director or employee of the school administrative district or vocational region may not open a bid until the appointed time.

3. **Public opening.** At the time and place stated in the public notice, all bids shall be opened publicly by the superintendent or, in his absence or disability, by a school board member designated for the purpose by the chairman of the school board. Bid openings shall be open to the public.

4. **Reading.** If a citizen who is not a school board member or unit employee, or a representative of the press is present, bids shall at that time either be made available for examination by him or shall be read aloud in a manner to be heard plainly by those in attendance.

**SUBCHAPTER III
SUPERINTENDENTS**

§ 1101. Selection of superintendents

The following provisions shall apply to the selection of superintendents.

1. **Eligibility requirements.** A person may be eligible to become superintendent only if he holds a state certificate of superintendence grade. A person may not be eligible to become superintendent if he is a member of the school board which selects him.

2. **Appointment.** The school board shall select the superintendent on notification by the commissioner. It shall meet during December of the year preceding the expiration of the superintendent's contract, at a day and place determined by the chairman. At the meeting or as soon thereafter as possible, the school board shall choose a superintendent.

3. Term. The superintendent's term shall be established by the school board.

A. The term may not exceed 5 years.

B. The term shall expire on June 30th of the year of expiration.

4. Failure to select. If the school board fails to choose a superintendent by June 30th, the school board may appoint a competent and qualified agent, with the advice and consent of the commissioner, to serve in that capacity until his successor is chosen and qualified.

5. Notice to the commissioner. Annually and when a new superintendent is chosen, the chairman and secretary of the school board shall certify under oath to the commissioner, on forms provided by him, all facts relating to the district's selection of a superintendent.

6. Service. The school board shall determine the minimum number of visits to be made by the superintendent each term to each school in the school administrative units.

In community school districts, the district school committee shall also determine the relative amount of service to be performed by the superintendent in each school administrative unit.

7. Office. The school board shall provide for an office for the superintendent, office assistants, supplies, utilities and other office expenses.

8. Salary. The school board shall fix the superintendent's salary.

9. Selection by certain units. The following provisions shall apply to selection of superintendents by certain units.

A. In a community school district, the district school committee may perform the functions of a school board.

B. In a school union, the joint committee shall perform the functions of a school board.

C. In a school administrative unit governed by a private and special law that provides for the selection of a superintendent, the governing board shall select a superintendent in the manner provided in that law.

§ 1102. Discharge

A school board may discharge a superintendent before the expiration of his term.

1. Requirements. He may be discharged only:

A. For cause;

B. After due notice and investigation; and

C. By a majority vote of the full membership of the school board.

2. **Salary.** On discharge, the superintendent's salary shall cease.

3. **Appeal.** A superintendent may appeal the school board's decision to the commissioner. The commissioner shall hold a public hearing as part of the appeal.

§ 1103. Superintendents, powers and duties

A superintendent shall be ex officio, secretary of the school board and school building committee. He shall perform duties as the school building committee or school board direct.

1. **Records, orders, vouchers.** He shall:

A. Keep a permanent record of all the votes, orders and proceedings;

B. Place all orders for materials and supplies purchased by vote of the school building committee or school board;

C. Keep all financial records and accounts; and

D. Issue vouchers showing the correctness of bills contracted on account of school appropriations. A bill may not be allowed for payment by the municipal officers unless:

(1) They have been approved by the school board; or

(2) In school administrative districts, approved by a finance committee.

2. **Inspect schools; annual report.** He shall inspect the schools and review the general operating rules, the rules for discipline and the proficiency of the pupils.

A. He shall visit each school at least the minimum number of times each term required by the school board.

B. Annually, he shall make a written report of the condition of the schools for the prior year including a statement of the condition of school buildings, the progress made by the pupils and an evaluation of the methods of instruction and government. He shall send a copy to the commissioner.

3. **Financial and building report.** He shall keep an accurate account of school finances and send a written report, at least once a term, to each school board member. The report shall include a financial statement and a statement of the repair, cleanliness and sanitary arrangements of school buildings and outbuildings.

4. **Selection and purchase of textbooks.** He shall select textbooks, supplies and apparatus with the approval of the school board. He shall make all these purchases under rules adopted by the school board.

5. **Distribution and accounting of supplies.** He shall assure that all necessary apparatus and supplies are seasonably distributed to each school, accurately accounted for and economically used.

6. **Display of flags.** He shall ensure that the United States and Maine flags are displayed from public school buildings on appropriate occasions. He shall report annually to the school board the amount necessary to furnish the public schools with suitable flags and flagstafs.

7. **Enforce rules of the school board.** He shall enforce or cause to be enforced all rules of the school board.

8. **Full-time employment.** He shall devote his entire time to superintendence in the school administrative unit which employs him. He may perform educational service outside of his unit with the approval of the commissioner and with the consent of the school board employing him.

§ 1104. **Teachers; hiring; dismissal**

The superintendent shall nominate all teachers, under rules governing salaries and qualifications adopted or amended by the school board. If the school board approves a nomination, he may employ that teacher for a term approved by the school board.

1. **Probation and subsequent contracts of teachers.** After a probationary period of not more than 2 years, a contract of a teacher shall be for not less than 2 years.

2. **Automatic contract extension.** Unless a teacher receives written notice to the contrary at least 6 months before the termination date of the contract, the contract shall be extended automatically for one year and for subsequent years. The right to extend the period of time through a new contract is reserved to the contracting parties.

3. **Dismissal.** Just cause for dismissal or nonrenewal may be a negotiable item in accordance with the procedure set forth in Title 26, chapter 9, for teachers who have served beyond the probationary period.

4. **Hearing after notice.** After a probationary period of 2 years, a teacher who receives notice that his contract is not going to be renewed may, during the 15 days following the notification, request a hearing with the school board.

A. He may request the reasons for his dismissal.

B. A hearing shall be private except by mutual consent. The parties may be represented by counsel.

C. A hearing shall be granted within 30 days of the receipt of the teacher's request.

5. **Terminate contract; change in conditions.** The school board may terminate a contract, after due notice, if changes in local conditions warrant the elimination of the teaching position for which the contract was made.

6. **Substitute appointments.** If the superintendent and the school board fail to legally appoint a teacher, a commissioner may appoint a substitute teacher. The substitute teacher shall serve until a teacher is legally appointed.

7. Supervision of teachers. The superintendent shall direct and supervise the work of all teachers in the school administrative unit.

SUBCHAPTER IV

TRANSPORTATION AND BOARD

§ 1151. Transportation

A superintendent, with the approval of the school board, shall provide transportation for public school students residing in the unit as follows.

1. Elementary students. Elementary students shall be transported to and from the nearest suitable school.

2. Secondary students. Secondary students shall be transported to and from the nearest suitable school.

A. If a school administrative unit does not maintain a secondary school, secondary students shall be transported to and from the school they attend under contract with the unit.

B. A school administrative unit shall pay transportation charges over regular transportation lines for secondary students who reside on islands if those islands are:

- (1) Within the school administrative unit;
- (2) Without a secondary school; and
- (3) Served by regular transportation lines.

The charges shall not exceed regular fares. The transportation line and the school board may by agreement establish school fares for these students at less than the regular fare.

C. A school board may provide transportation for a student attending another secondary school.

3. Community school district. A community school district may provide transportation for elementary and secondary students under an agreement between the district school committee and the member school administrative units.

4. Special education students. If a school administrative unit does not provide special education services, it shall provide transportation for special education students to and from classes conducted by a public or private school.

5. Temporary residents and residents on state-owned property. The commissioner shall reimburse a school administrative unit for approved transportation of students who reside on state-owned property located in towns of less than 100 residents or who are temporary residents, if those students reside more than 2 miles from the school.

A. A superintendent, with the approval of the school board, shall report these students to the commissioner. The report shall include any other information the commissioner requires.

B. The commissioner may direct the unit to provide transportation or he may provide payments for boarding the student.

C. On receiving a bill of expenses for transportation or board from a school administrative unit, the commissioner shall reimburse it for those expenses in December, from the department appropriation for that purpose.

6. Remote location. If a student resides in a location remote from and inaccessible to schools or public highways, his parent shall be responsible for providing transportation to a public highway or paying board for him within walking distance of a school.

7. Adult education. A school administrative unit may provide transportation for adults to and from adult education programs.

8. Vocational education. The following provisions shall apply to transportation for vocational education.

A. The sending school administrative unit shall provide transportation for its students to and from a vocational center or vocational satellite program.

B. The cooperative board shall provide for the transportation of students to and from vocational region programs. Transportation may not be provided outside the vocational region, unless approved by the commissioner.

9. Duration. Transportation shall be provided for the number of weeks that the school operates.

10. Minimum distances. A school board may establish the distance from a school that students must reside to receive transportation.

11. Safety. Transportation provided shall conserve the comfort, safety and welfare of the students conveyed. A responsible driver shall be in charge of the vehicle and shall have control over the conduct of the students while they are transported.

12. Contract. A school administrative unit may contract for transportation. A contract may not exceed a period of 5 years.

13. Cost of service and equipment. Transportation services and the purchase of new buses shall be accomplished in the most economical manner consistent with the welfare and safety of students. Transportation expenditures shall be an expense of transportation operations of a school in a school administrative unit.

14. New bus purchases. School bus purchases, contracts or leases shall be subject to approval by the commissioner.

A. The commissioner may not approved, in one year, more than \$4,000,000 in

expenditures for school bus purchases for transporting elementary and secondary students. Annually, the Legislature shall review this limitation.

B. The commissioner shall encourage school administrative units, whenever possible, to purchase school buses from current funds rather than from short-term loans.

C. A school board may obtain a short-term loan to purchase school buses if it is approved by the unit's legislative body. The term of a loan may not exceed 3 years, except a loan during the unit's first year of operation may not exceed 5 years.

D. Expenditures for approved school bus purchases may not be included in expenditure limitations placed on school administrative units under this Title.

§ 1152. Board

1. Elementary pupils. In place of transportation, the school board may authorize the boarding of a student. That board:

A. Shall not exceed \$40 per week; and

B. Shall be at a suitable place near an established school.

2. Island secondary students. A school administrative unit which includes a coastal island which has no highway connection to the mainland and which does not maintain an approved secondary school shall pay for board for a student whose parent resides on the island.

A. Board shall not exceed \$40 per week or a prorated amount for a fraction of a week. It shall be paid only if:

(1) The commissioner determines that it is necessary that the student board away from home to attend a secondary school;

(2) The boarding arrangement is approved by the school board; and

(3) The commissioner approves the boarding arrangement in advance on a from provided for the purpose.

B. The Town of Cumberland may pay the tuition, transportation or board of a student whose parent resides on Chebeague Island for attendance at an approved secondary school.

C. Payment for board shall be made on receipt of a satisfactory attendance record at the end of a period no longer than one month. The payment shall be charged to the secondary school transportation account.

D. The commissioner shall apportion to the school administrative unit a sum equal to 1/2 the amount paid for boarding students if:

(1) The unit is required to pay board for the students;

(2) It has paid board for the students; and

(3) The superintendent, before September 1st annually, has made a return for the preceding school year, under oath, to the commissioner on a form provided to him showing:

- (a) The name and residence of each student for which board was paid;
- (b) The amount paid; and
- (c) The name and location of the school attended.

SUBCHAPTER V

COOPERATIVE AGREEMENTS

§ 1201. Cooperative agreements

School administrative units may enter into a cooperative agreement to carry out a specified educational function.

1. Agreements requiring local funding. The following provisions shall apply to agreements requiring local funding.

A. The school boards shall file an application with the state board in a form and containing the information required by the state board.

B. The state board shall prepare the agreement. It shall submit to the legislative body of each school administrative unit an article that:

- (1) Specifies the specific educational functions to be accomplished;
- (2) The method of sharing costs in carrying out the functions;
- (3) The number of board members to represent each unit on the joint board;
- (4) The method of dissolving the agreement;
- (5) The procedure for disposing of real and personal property; and
- (6) Other specifications which may be necessary for the agreement.

C. The voters shall vote in accordance with Title 30, section 2052. The voting at 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 Title 30, section 2061. The meetings in school administrative districts shall be called in accordance with sections 1551 to 1554. In cities, the acceptance or rejection of the agreement shall be by the legislative body.

D. The agreement shall be approved by a majority vote in each of the school administrative units involved.

E. If approved, the state board shall issue a certificate to the joint board created under the agreement.

2. Cooperative agreements not requiring local funds. The following provisions shall apply to agreements that do not require local funding.

- A. The superintendents of the school administrative units shall jointly call one or more joint meetings of the school boards of the units to establish the terms and conditions of the agreement under which the specific educational functions shall be accomplished. The agreement shall include a joint board.
 - B. The agreement shall be approved by the school board in each school administrative unit by a majority vote.
 - C. The agreement also shall be approved by the state board.
3. Membership on the joint board. Membership on the joint board shall consist of a superintendent of each participating school administrative unit and members from each school board chosen by its membership.
- A. If the agreement requires local funds, the number of board members shall be determined by the agreement.
 - B. If the agreement does not require local funds, there will be 2 school board members from each school board.
4. Authority of the joint board. The joint board:
- A. Shall have the authority specified in the agreement;
 - B. May accept and administer federal funds for the specific educational function which is authorized by the agreement;
 - C. Shall annually determine the cost of carrying out the specific educational function;
 - D. Shall submit the proposed budget, if any, to each participating school board;
 - E. Shall seek approval of the budget by a majority of the full membership of each of the school boards;
 - F. Shall require each participating school administrative unit to place on its budget and appropriate that unit's share of an approved budget;
 - G. Shall annually elect a chairman, vice-chairman, secretary and treasurer; and
 - H. Shall establish an executive committee, composed of its officers, with the power to approve payrolls and otherwise carry out the directions of the joint board.
5. Duties of the officers of the cooperative board. The secretary shall keep accurate records of meetings of the joint board. The treasurer shall render account of all funds received and of all bills paid at the direction of the joint board. He shall annually cause an audit of the accounts to be accomplished. The audit shall be filed with the chairman of the joint board and with the state board.
6. Report. The joint board shall file semiannual progress reports with the

participating school boards. The reports shall include the educational progress and the financial status of the cooperative venture in accordance with the terms of the cooperative agreement.

7. Finances. The following provisions shall apply to financing under a cooperative agreement.

A. The commissioner may pay school construction aid on a project approved as a result of a cooperate agreement. The aid shall be computed in the same manner as for a community school district as set forth in Title 20, sections 3457 - 3460.

B. The joint board may acquire, lease, hold and dispose of real and personal property used in the cooperative undertaking.

C. If the cooperative agreement requires local funding, each participating school administrative unit shall place in its budget and appropriate its share of the budget approved by the joint board and the unit's school board.

8. Status. A joint board shall be a quasi-municipal corporation.

SUBCHAPTER VI

CONDEMNATION

§ 1251. Authority for condemnation

1. Conditions. A school administrative unit may condemn land for the construction or enlargement of school buildings and playgrounds when:

A. The owner of the property refuses to sell;

B. The parties are unable to agree on a price within 60 days of the first offer;
or

C. The owner of the property resides outside the State and has no authorized agent or attorney within the State.

2. School administrative units. The following school administrative units may condemn land for school construction:

A. Municipalities;

B. School administrative districts; and

C. Community school districts.

3. Restrictions. A school administrative unit may not condemn lots exceeding 25 acres for one project.

§ 1252. Procedures

1. Vote. A school board may condemn land for school construction when a location has been designated by:

- A. A vote of the municipal legislative body at a meeting called for that purpose;
 - B. A vote of the legal voters of a school administrative district, on the recommendation of the board of directors; or
 - C. A vote of the legal voters of a community school district, on the recommendation of the district school committee.
2. Appraisal. Damages for condemnation shall be determined:
- A. As provided for laying out town ways for municipalities; or
 - B. As provided for laying out county ways in Title 23, sections 2052 and 2054, for school administrative districts and community school districts, except that notice need not be given to the Department of Transportation.
3. Payment of damages. The school board may take lots for school construction after payment of these damages. If the owner of the condemned property resides outside the State the damages shall be deposited in the municipal treasury for municipalities and in the county treasury for other school administrative units.
4. Description. The school board shall cause a plan and description of the lots, as they have laid them out, to be recorded in the registry of deeds where the land lies, within 30 days of payment or deposit of damages.
5. Notice. The school board shall serve on the owner a certified copy of the vote directing the condemnation. This notice shall be served according to the Maine Rules of Civil Procedure.

§ 1253. Reversion

If land taken under this chapter has ceased to be used for school purposes for 2 successive years the lot shall revert to the owner, his heirs or assigns, on his demand. The request for reversion shall be made in writing to the school board. The school board may enter the lot and remove the school buildings within 6 months after the demand.

§ 1254. Appeals

If the owner is aggrieved at the damages awarded him under this chapter he may appeal to the Superior Court of the county in which the land or any part of it lies.

1. Procedure. He shall file a complaint in the court and serve the school administrative unit with a copy within 90 days of the date of recording of the description of the lot in the registry of deeds. The complaint shall set forth substantially the facts, but shall not state the amount of the damages previously awarded to the owner.

2. Determination of damages. The damages may be determined in the

Superior Court by a committee of reference if the parties so agree, or by a jury verdict.

3. **Costs.** If the damages are increased, the school administrative unit shall pay the damages and costs; otherwise the costs shall be paid by the appellant.

4. **Committee of reference compensation.** A committee of reference shall be allowed a reasonable compensation for their services. This compensation shall be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts.

5. **Further appeal.** An appeal may be taken by a party from the judgment of the court to the Supreme Judicial Court.

§ 1255. School lots; erroneous description

1. **Reappraisal.** If a school administrative unit has designated, located and described a lot upon which to construct or enlarge a school and from mistake or omission has failed to comply with the law whereby the location has been rendered invalid, 3 legal voters and taxpayers of that unit may apply in writing to the school board and have the lot, so designated or described, reappraised by them.

2. **Notice.** The school board to whom an application has been made shall give not less than 7 nor more than 20 days' notice to the municipal clerks and to the person owning or having charge of the real estate. The notice shall contain the time and place for the hearing. After examination and hearing of all interested, the school board shall appraise and affix a fair value to the lot as set out, exclusive of improvements made by the school administrative unit. As soon as practicable, the school board shall notify the municipal clerks and the person owning or having charge of the real estate of the appraisal.

3. **Assessment and collection.** The sum fixed as the value of the lot shall be assessed, collected and paid over as other school money.

4. **Tender.** A sum which has been tendered and is in the hands or under the control of the persons owning or having charge of the land shall be allowed in payment of the appraisal.

5. **Appeal by either party.** The school board or the person owning or having charge of the land reappraised may appeal if they are dissatisfied with the reappraisal.

A. The claim for appeal shall be submitted to the county commissioners of the county in which the land lies, and shall include a copy of the proceedings.

B. The determination of the appeal shall be by a majority of the commissioners who are not residents of the school administrative unit.

C. The determination may be appealed by an aggrieved party to the Superior Court as provided under section 1254.

6. **Improvements inure to units.** If a school administrative unit has erected or moved a building on or improved a lot, the improvement shall inure to the benefit of the school administrative unit. The building or improvements may be as completely occupied and controlled by the school administrative unit as it would have been if the location had been in strict conformity to law.

7. **Tax not affected.** The legality of a tax assessed to build, repair or remove a school building and to pay for a lot shall not be affected by a mistake or error in designation or location of a lot.

SUBCHAPTER VII

PENALTIES

§ 1301. Forfeiture

A forfeiture under this Title may be recovered by indictment. Unless specifically provided for, it shall be disbursed as follows.

1. **School purposes.** It shall be paid into the treasury of the school administrative unit where the offense occurred, for use for school purposes.

2. **Prosecution costs.** An amount equal to the cost of prosecution shall be paid into the county treasury.

3. **Forfeiture.** A school administrative unit shall forfeit the money it received to a person bringing civil suit, if the unit has not expended that money within one year of receiving it.

§ 1302. Fraud

A school officer or teacher who is convicted of defrauding the State into paying tuition in excess of that established in sections 3105 and 4053, shall be guilty of a Class D crime.

§ 1303. Disturbing schools

A person who enters a public or private school building or another place of instruction during or out of school hours, while the teacher or student is present, and willfully interrupts or disturbs the teacher or student by loud speaking, rude or indecent behavior, signs or gestures, or willfully interrupts a school by prowling about the building, making noises, throwing missiles at the schoolhouse or disturbing the school, shall commit a civil offense and shall forfeit not less than \$2 nor more than \$20.

§ 1304. Injuries by minor; damages

If a minor injures or aids in injuring a schoolhouse or school outbuildings, utensils or appurtenances; defaces the walls, benches, seats or other parts of school buildings by marks, cuts or otherwise; or injures or destroys school property belonging to a school administrative unit, the unit may recover of the minor's parent, in a civil action, double the damage.

§ 1305. Defacing schoolhouses, outbuildings

A person who defaces the walls, benches, seats, blackboards or other parts of schoolhouse or school outbuildings, by obscene pictures, language, marks or descriptions, commits a civil offense and shall pay a fine of not more than \$10.

§ 1306. Liability for injury to books or appliances

If a public school student loses, destroys or unnecessarily injures a schoolbook or appliance furnished to him at the expense of the school administrative unit, his parent shall be notified. If the loss or damage is not made good to the satisfaction of the school board within a reasonable time, they shall report the case to the assessors of the municipality in which the student resides. The municipal assessors shall include in the next municipal tax of the delinquent parent the value of the book or appliance, to be assessed and collected as other municipal taxes.

§ 1307. Misappropriation of funds; penalty

If any part of the money raised by a school administrative unit, or paid to them by the State for superintendence, is expended for any other purposes, then each person misappropriating that money shall forfeit double the sum so misapplied. The money may be recovered in a civil action in the name and to the use of the school administrative unit by any of its residents. A school administrative unit or school union may not receive further aid from the State for superintendence until the amount so misapplied has been raised and expended for superintendence by that unit or school union.

§ 1308. Noncompliance with requirements of this Title

The penalty for noncompliance is outlined in section 163.

SUBCHAPTER VIII**MISCELLANEOUS****§ 1351. Minor capital costs**

The following provisions apply to minor capital costs.

1. **Financing.** School administrative units may, with approval of the legislative body, arrange financing for maintenance of plant and minor remodeling.

2. **Capital reserve fund.** School administrative units may establish a capital reserve fund for maintenance of plant and minor remodeling.

§ 1352. School insurance

A school administrative unit shall carry fire and allied insurance coverages in the amount of the replacement cost of schools constructed under chapter 608. The commissioner may approve an alternate amount of insurance coverage if the replacement insurance coverage cannot be acquired at a reasonable cost.

§ 1353. Water supply

If a school building of a school administrative unit is supplied by a water supply operated by the school administrative unit and which serves only the school buildings under the control of the school board, the water supply shall not be considered a public water supply under Title 22, sections 2651 and 2652. The school board shall ensure that this water supply meets standards set by the Department of Human Services for private water supplies of schools.

§ 1354. Fee for driver education

A school administrative unit may charge a fee, based on the per pupil cost, for a driver education course conducted after regular school hours during the school year.

§ 1355. Tuition students

A school administrative unit which receives tuition students shall give at least 2 years' notice to a sending school administrative unit before discontinuing the acceptance of tuition students. The receiving unit shall file a copy of the notice with the commissioner. If the school board of a receiving unit fails to give a proper 2-year notice, the commissioner may authorize withholding school construction aid until that receiving unit complies.

§ 1356. Fencing

Schoolhouse lots and playgrounds that require fencing shall be fenced by the municipality, or school administrative unit.

§ 1357. Closing schools

Schools may be closed or relocated as follows.

1. **Closing or moving.** The legislative body of a school administrative unit may, at a regular or special meeting, discontinue or change the location of a school:

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

B. With appropriate conditions to preserve the rights and privileges of the residents for whose benefit the school had been established.

2. **Temporary closing.** A school board may, for a combined period of not more than one year, close a school if there are not enough pupils for profitable management.

3. **Small enrollment.** A school with less than an average daily attendance of 8 pupils shall close, unless:

A. The school board recommends the school stay open; and

B. The legislative body at a regular or special meeting approved that recommendation.

CHAPTER 103
SCHOOL ADMINISTRATIVE DISTRICTS
SUBCHAPTER 1
ORGANIZATION

§ 1401. Criteria for establishing a school administrative district

The following criteria shall apply to establishing a school administrative district.

1. **Number of municipalities.** The district shall have 2 or more member municipalities.

2. **Number of students.** The district shall have, as recorded in the last return under section 3203:

A. **Three hundred or more resident public secondary school pupils;**

B. **One hundred or more resident public secondary school students, if the state board determines the formation of a larger district is educationally, economically or geographically not feasible;**

C. **Any number of secondary school students, if the new district is composed in whole or in part of a community school district:**

(1) **Offering a program of education for grades 9 through 12; and**

(2) **Formed on or before, and operating on April 1, 1957; and**

D. **Fifty or more resident public secondary school students if:**

(1) **The proposed district has on file with the state board a duly authorized and executed 5-year to 20-year contract offer from a municipality having 100 or more resident public secondary school students; and**

(2) **If the combined number of resident public secondary school students in these 2 school administrative units exceeds 300.**

§ 1402. Formation of district

The residents of 2 or more municipalities may form a school administrative district by completing the following steps.

1. **Application vote.** At a duly called special or regular town meeting or city election the voters of a municipality may instruct its school board to file an application with the state board. The article to be inserted in the warrant for the meeting shall be in the following form:

“To see if the municipality will vote to instruct its school board to file an application with the State Board of Education for the purpose of forming a School Administrative District with the following towns: (naming them.)”

2. Initial application. If the article is approved, the school board shall file an initial application to the state board.

A. The application shall include a list of the names of the municipalities that propose to join the school administrative district, an adequate study outlining the desirability and the educational feasibility of the proposed district, and whatever other information the state board may deem necessary and proper.

B. In municipalities which have less than 300 but more than 99 resident pupils, the application shall state in detail the educational, economic and geographic reasons for the educational, economic and geographic reasons for the formation of the proposed school administrative district.

C. An application shall be filed on a form prepared by the state board.

3. Calling of a joint meeting. If the state board finds the proposed school administrative district eligible and approves its initial application, the state board shall notify the municipal officers and the members of the school boards in the municipalities within the proposed district of a date, time and place of a joint meeting of the municipal officers and the school board members from each municipality.

A. The notice shall be in writing and sent by registered or certified mail, return receipt requested, to the addresses as shown on the application.

B. The notice shall be mailed at least 10 days prior to the date set for the meeting.

4. Joint meeting. The following shall govern the joint meeting.

A. At least 1/2 of the total number of municipal officers and school committee members eligible to vote at the joint meeting, shall be present to constitute a quorum. If there is no quorum, those present shall report to the state board that a quorum was not present and request the state board to issue a new notice.

B. The school boards and municipal officers of each municipality shall caucus and select 3 of their members to represent their municipality in the joint meeting. Other members may not vote in the joint meeting.

C. Those with voting rights shall, by majority vote:

(1) Elect a chairman and a secretary;

(2) Determine the total number of school directors to represent each municipality and the method of apportioning voting power among directors consistent with this section and section 1401;

(3) Determine the method of sharing costs under section 1501; and

(4) Determine the date when all the municipalities in the proposed district shall vote on the articles of district formation.

D. The chairman and secretary shall prepare a report describing the number of directors and the representation from each municipality. They shall sign and forward that report to the state board.

5. Calling municipal elections. If the state board finds the report of the joint meeting to be in order, the state board shall order the municipal officers of the municipalities involved to call town meetings or city elections within 60 days of the joint meeting, for the purpose of voting on the question of forming a school administrative district.

A. Municipalities voting on the questions of district formation under Title 30, sections 2061 to 2064 shall open the polls at 10 a.m. and shall close the polls at 7 p.m.

B. In other municipalities the municipal officers shall direct that the town meeting or city election shall open at 7:30 p.m.

C. All school administrative units shall vote upon the questions of school district information in the same fashion as the units conduct other business at regular or special town meetings, except that school administrative units electing municipal officers by secret ballot may use that method for electing school board directors.

6. Articles to be voted on. The articles to be voted on shall be in the following form.

A. "Article : To see if the municipality will vote to join with the municipalities of (naming them) to form a School Administrative District."

B. "Article : To see if the municipality will vote to approve the allocation of representation within the district on the Board of School Directors as recommended by the school committees and municipal officers as follows: The total number of directors shall be _____."
(number)

C. "Article : To choose _____ school director(s) to represent
(number)

the municipality (or subdistrict) on the board of school directors of the School Administrative District."

D. If the state board has authorized an alternative method of sharing costs, the municipality shall vote on the following article.

"Article : Shall theauthorize the board of directors to
(administrative unit)

assess local appropriations annually in accordance with Alternate Method A—Alternate Method B

(Cross out one) Yes..... No.....

(The exact terms of Alternate Method A or Alternate Method B shall be printed below the question on the warrant and on the ballot if a ballot is used.)

E. If coterminous school districts exist or there is outstanding indebtedness for school construction or other school property in any of the municipalities concerned, the following additional article must also be acted on.

“Article : To see if the municipality will vote to authorize the district to assume full responsibility for amortizing the following listed indebtedness now outstanding in the school administrative units planning to form the School Administrative District.”

(The list must include the name of the obligated school administrative unit, type of obligation, amount unpaid, interest rate and the payment schedule for all outstanding school indebtedness of all the school administrative units comprising the School Administrative District under consideration.)

F. If a school administrative district is to be formed under section 1401, subsection 2, paragraph D, or if the proposed school administrative district plans to contract with a designated private school for the education of its students in grades 9 through 12, voters shall act on the following article.

“Article : To see if the municipality will vote to join with the municipalities of _____ to form a School Administrative
(naming them)

District, which district is hereby authorized and directed to accept the contract offer of _____
for the schooling of pupils in grades 9 through 12.”

7. Majority vote. Approval of each article shall be by a majority vote of those voting in each municipality on each article.

8. Special provision for community school districts. A community school district may be changed to a school administrative district, with the following articles.

A. Existing community school districts may become school administrative districts on approval of the state board and may suspend operation as a community school district if each of the participating municipalities acts affirmatively on an article similar in form to the following, prior to accepting the other articles required in this section.

“Article : To see if the municipality will vote to authorize the _____
_____ Community School District,
(name)

of which this municipality is a part, to suspend operation as a community school district and organize and operate as a School Administrative District in accordance with action on the following article.”

B. Municipalities, including all of those participating in an existing community school district, may form a school administrative district on approval of the state board and suspend the operation of the community school district if each of the participating municipalities acts affirmatively on an article similar in form to the following, and acts affirmatively on each of the other articles required in this section.

“Article : To see if the municipality will vote to authorize the suspension of the _____ Community School District

(name)

in order to organize and operate as a part of a larger School Administrative District.”

C. In approving one of these articles, all acts of a community school district in contracting their indebtedness shall be ratified and confirmed.

D. The board of directors of the school administrative district shall pay to the trustees of the former community school district within their jurisdiction sufficient funds to amortize all outstanding capital indebtedness existing at the time the community school district was suspended.

§ 1403. Issuance of a certificate of organization

Certificates of organization shall be issued as follows.

1. Vote. A school administrative unit voting to join the school administrative district shall report to the state board the results of the vote in a manner determined by the state board.

2. Finding recorded. If the state board finds that a majority of voters in each school administrative unit joining the school administrative district have voted in favor of each of the articles of formation, elected the necessary school directors and taken all other necessary steps in the formation of the proposed school administrative district in conformity with law, the state board shall make and record its finding that the school administrative district is in compliance.

3. School administrative district number assigned. The state board, having made its finding, shall assign a number to each school administrative district in the order of their formation. The official title of the school administrative district shall be “School Administrative District No. _____.”

4. Certificate of organization. The state board shall, immediately after making its finding, issue a certificate of organization.

5. Certificate issued, filed and recorded. The original certificate shall be delivered to the school directors on the day that they organize and a copy, attested by the secretary of the state board, shall be filed and recorded in the office of the Secretary of State.

6. Issuance of certificate evidence of organization. The issuance of the

certificate shall be conclusive evidence of the lawful organization of the school administrative district.

§ 1404. Transfer of property and assets

The transfer of school property and assets shall be as follows.

1. **Board of directors.** The directors of a school administrative district shall determine what school property of the municipalities and former school administrative units in their district are necessary to carry out the functions of their district and:

A. Request in writing that the school board of each school administrative unit or the municipal officers transfer title of their school property and buildings to the school administrative district; or

B. Assume all the duties and liabilities under lease agreements with the Maine School Building Authority if the title is held by the authority.

2. **Transfer.** The school board or municipal officers shall make the transfer notwithstanding any other provision in the charter of the school administrative unit or municipality or other provision of law.

3. **Maine School Building Authority.** The Maine School Building Authority, on the completion of all rental payments and other conditions in the lease, shall transfer the title to the school administrative district notwithstanding any provision in the lease or other provision of the law.

4. **Financing assumed debts.** If a school administrative district has assumed the outstanding indebtedness of a former school administrative unit:

A. The directors of the school administrative district may, notwithstanding any other statute or any provision of any trust agreement, use any sinking fund or other money set aside by the school administrative unit to pay off the indebtedness for which the money was dedicated;

B. A municipality within a school administrative district may, by vote of its voters, raise, appropriate and transfer money to the school administrative district solely for capital outlay purposes; and

C. A municipality, within a proposed school administrative district that has applied to the state board, may, by vote of its voters, raise and appropriate money for capital outlay purposes to be transferred to the proposed school administrative district, if and when the district takes over the operation of the public school within its jurisdiction.

The municipality may only withdraw this appropriation:

(1) If the formation of the district fails to be approved by the municipalities within the district or by the state board; or

(2) If 9 months or more after the original vote, the electorate of the town vote to withdraw the appropriation.

§ 1405. Operational date and transfer of authority

The operational date and transfer of authority of a school administrative district shall be as follows.

1. **Operational date.** A school administrative district shall become operative on the date set by the state board as provided in section 1453.

2. **Transfer of governing authority.** The school directors shall assume the management and control of the public schools within the former school administrative units within the district and these former school administrative units shall have no further responsibility for the operation or control of the public schools within the district.

3. **Transfer of school accounts.** Notwithstanding section 10004 or any charter of a community school district or coterminous district, the balance remaining in the school accounts of the municipalities, community school district or coterminous school districts within the school administrative district shall be paid to the treasurer of the district in equal monthly installments over the remainder of the fiscal year in which the district is formed.

4. **Teacher contracts.** The contracts between the municipalities within the district and all teachers shall automatically be transferred to the school administrative district. The district shall assign teachers and assume obligation for existing teacher contracts.

5. **Superintendent contracts.** The contracts between the superintendents and municipalities within the district shall be transferred to the school administrative district. The board of directors shall determine the superintendent's duties within the district and pay that proportion of the salaries paid for by the former school administrative units in the district.

§ 1406. Application of general law

Schools operated by legally established School Administrative Districts shall be the official schools of the participating municipalities. The provisions of general law relating to public education shall apply to these schools. State funds for public schools shall be paid directly to the treasurer of the School Administrative District.

**SUBCHAPTER II
SCHOOL DIRECTORS****§ 1451. Board of directors**

Provisions for a board of directors shall be as follows.

1. **Size.** The size shall be determined by the joint meeting under section 1402 or by the reapportionment committee under section 1455, but shall not be less than 5. It shall include at least one director from each municipality or subdistrict.

2. **Term of office.** In municipalities with annual elections, directors shall serve a 3-year term. In municipalities with biennial elections, directors shall serve a 4-year term. A director shall serve until his successor is elected and qualified.

3. **Terms of office under district formation.** The newly elected directors under a district formation or reapportionment plan shall meet and draw lots for the length of term specified as follows.

A. In municipalities with annual elections, 1/3 of the directors shall serve one-year terms, 1/3 shall serve 2-year terms and 1/3 shall serve 3-year terms. If the number of directors is not evenly divisible by 3, the first remaining director shall serve a 3-year term and the 2nd a 2-year term.

B. In municipalities with biannual elections, 1/2 of the directors shall serve a 4-year term and 1/2 a 2-year term. If the number of directors is not divisible by 2, the remaining director shall serve a 4-year term.

C. The directors shall serve their terms as determined at the organizational meeting and an additional period until the next regular election of the municipalities. Thereafter, the directors' terms of office shall date from the time of each municipality's regular election.

4. **Residence restriction.** If a member of the board of school directors moves from the municipality or subdistrict that he represents, or is absent from the municipality or subdistrict for more than 90 days, a vacancy shall be declared to exist by the school board. The school board shall notify the municipal officers of the municipality in which the vacancy occurs. The municipal officers shall choose an interim director as provided in section 1454.

5. **Compensation.** Compensation for attendance at a school board meeting shall be between \$10 and \$25 per meeting. The school board shall recommend the exact compensation and submit their recommendation to the district voters for approval.

A. On notification by the school board, the municipal officers shall, at the next regular or special town meeting or city election, prepare a warrant or ballot for the purpose of voting on the proposed increase.

The question shall be in the following form.

“Should School Administrative District (number of district) directors be paid compensation at the rate of \$ for each meeting which each director attends?”

B. No increase in compensation is effective unless approved by a majority of the voters voting on the question.

6. **Secretary and treasurer.** The superintendent shall serve as secretary and treasurer of the school board. He shall give a bond to the district of a sum and with the sureties as the school board shall determine. The bond shall be deposited with

the chairman. The expense of that bond shall be paid by the district. The bond premium, compensation paid directors for attendance at meetings and expenses of the district shall be paid from funds of the district by the treasurer on vouchers presented and certified by the superintendent and approved by a majority of the school board or a finance committee duly elected annually by that board.

7. Oath of office. Before their first meeting, newly elected directors shall take the following oath or affirmation before a dedimus justice or notary public.

“I.....do swear that I will faithfully discharge to the best of my abilities the duties encumbent on me as school director of School Administrative District No..... according to the Constitution and laws of this State. So help me God.”

A. A director shall make a certificate documenting that he has taken the oath or affirmation and return it to the secretary of the district to place in the district records.

B. If a director is conscientiously scrupulous of taking an oath, the word “affirm” shall be used instead of “swear” and the words “this I do under the pains and penalty of perjury” instead of the words “so help me God.”

8. Election of officers. The school board shall elect a chairman and vice-chairman and other officers as may be necessary.

§ 1452. Methods of representation

The following are methods of representation.

1. Method A: Subdistrict representation; directors shall represent subdistricts.

A. The subdistricts, as far as practicable, shall be whole municipalities. If a municipality is divided into subdistricts, the municipal officers shall provide a separate voting place for each subdistrict of the municipality.

B. The boundaries of each subdistrict shall be determined by a majority vote of the joint meeting or reapportionment committee. Each subdistrict shall have one director, except that in a municipality comprised of 2 or more subdistricts, the joint meeting may authorize the election of directors at large.

2. Method B: Weighted votes; directors shall cast weighted votes.

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

B. The committee shall apportion 1,000 votes among all the members of the board. The ratio of the number of votes cast by the directors representing a municipality in relation to the number 1,000 shall be the same ratio to the nearest whole number as the population of the municipality as in relation to the population of all municipalities in the district, as determined by the latest Federal Decennial Census or Federal Estimated Census.

C. To assure the use of whole numbers, the 1,000 votes apportioned among the board members may be increased or decreased by not more than 5 votes.

D. A plan may not permit the voting power of any director to exceed by more than 2% the percentage of voting power he would have if all 1,000 votes were apportioned equally among the directors.

3. Method C: At-large voting. Directors shall be elected at large by all of the voters in the district.

4. Method D: Other. Directors may be elected by any other method that meets the requirements of the one-man, one-vote principle that is not included in Methods A, B or C.

§ 1453. Election

For the purpose of nominations, school directors shall be considered municipal officials and shall be nominated in accordance with Title 30, chapter 207, or with a municipal charter, whichever is applicable.

1. Initial meeting on district formation. On the election of the school directors, the clerk of each municipality within the school administrative district shall forward the names of the directors elected for that municipality to the state board with other data with regard to their election as the state board may require. On receipt of the names of all of the directors, the state board shall set a time, place and date for the first meeting of the directors.

2. Special provisions. In an election for representation under the methods provided in section 1452 the following shall apply.

A. Under Method A:

(1) Within 30 days after notification by the school board of the approval or reapportionment plan, the municipal officers shall call a special election to elect directors to serve under the plan for the school administrative district;

(2) Nomination papers shall be furnished by the secretary of the district. Notwithstanding any other section of this Title, directors shall be nominated by obtaining a minimum of 25 and a maximum of 50 signatures of registered voters residing within the subdistrict. The secretary shall notify the municipal officers of the names of candidates in each subdistrict;

(3) The municipal officers shall prepare ballots to be used in their municipality for the election;

(4) The clerks of each municipality shall forward to the secretary the results of the vote by subdistrict;

(5) The school board shall meet and total the votes cast for each candidate within each subdistrict and shall immediately notify the clerks in each municipality, the candidates and the commissioner of the results of the vote;

(6) The terms of the directors elected under the original municipal representation system shall cease on the date that the newly elected directors sworn into office; and

(7) Notwithstanding any other provision of statute, directors shall be elected by secret ballot. The ballots shall be prepared for and distributed to the municipalities or subdistricts by the secretary of the district.

B. Under Method C:

(1) Nominations for directors shall be made on petitions provided by the district secretary. The petitions shall be signed as provided in Title 30, section 2061, subsection 3, or if the candidate is a voting resident in a municipality having less than 200 population, signed by at least 20% of the registered voters of that municipality;

(2) 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;

(3) The registrar of voters shall return the certified petitions to the district secretary not later than 30 days prior to the date of the annual election to be held in the municipality;

(4) The ballot shall be prepared and distributed by the district secretary. It shall give the number of offices to be filled and list the candidates by municipalities or subdistricts in which they are resident;

(5) Notwithstanding any other provision of law, school directors shall be elected by secret ballot;

(6) If all member municipalities do not conduct the election for directors on the same date, then all ballots cast in the elections shall be impounded by the clerk of each municipality.

(a) After all municipalities have voted, the clerks and one or more election supervisors designated by the municipal officers of each municipality shall meet at an agreed upon location and tally the ballot.

(b) The tally shall be completed within one day of the last member municipality election. The election supervisors shall select from among their members a chairman who shall supervise the tally of ballots.

(c) The clerk of each municipality shall as promptly as possible after the election certify to the school board the result of the voting in that municipality; and

(7) Any recount petitions shall be filed with the secretary of the school board and recounts shall be conducted in each member municipality in accordance with the applicable laws.

If a vacancy occurs on the school board before the term of that director expires, then:

1. **School board.** The school board shall notify the municipal officers of the municipalities within the district before the annual town meeting or before the regular city election of the vacancy;

2. **Municipal officers.** The municipal officers shall provide for the election of a director to fill the vacancy; and

3. **Interim director.** The municipal officers of the municipality in which the director resided shall select an interim director for the municipality or subdistrict to serve until the next annual municipal election. The interim director shall serve until his successor is elected and qualified.

§ 1455. Reapportionment

The state board shall determine the necessity for reapportionment.

1. **Duties of the state board.** The state board shall determine if a district is apportioned in accordance with the principles of one man, one vote, if:

A. It receives a request by the school board;

B. It receives a petition signed by district voters equal to at least 10% of the voters who voted in the last gubernatorial election in the district; or

C. It determines a district is not apportioned according to the principles of one man, one vote.

2. **Awaiting census results.** If the state board receives a request within 12 months before a Federal Decennial Census or Federal Estimated Census, the board may wait until after the new census figures are available to make a determination.

3. **Findings and order.** If the state board finds the district's representation is not apportioned in accordance with the principle of one man, one vote, it shall, within 7 days of that decision, notify the municipal officers in each municipality in the district and the school board to create a reapportionment committee. The notification shall include the time and place for the first meeting of the committee which shall be held not later than 20 days after the notification.

4. **Reapportionment committee membership.** The reapportionment committee shall consist of one municipal officer and one citizen at large from each member municipality, chosen by the municipal officers, and one director from each municipality, chosen by the school board. The appointments shall be made prior to the first meeting of the committee.

5. **Quorum.** A majority of the committee shall be a quorum.

6. **Duties of the commissioner.** The commissioner shall provide the committee with the most recent Federal Decennial Census or Federal Estimated Census figures for each municipality in the district and at least one recommended apportionment plan.

7. **Duties of the reapportionment committee. The committee shall:**
 - A. **Elect a chairman and secretary and may adopt suitable rules of procedure;**
 - B. **Consider and by majority vote adopt a plan including the method of representation, total number of directors and number of directors representing each municipality or subdistrict;**
 - C. **Within 90 days of the first meeting, send a report of their plan to the state board for approval. It may, within the 90-day limit, submit alternative plans for apportionment; and**
 - D. **Determine the date when the district shall vote on the reapportionment plan.**
8. **State board approval. The state board shall approve or disapprove the committee plan within 30 days of receiving it.**
9. **Failure to gain state board approval. If a plan has not been adopted by the committee or approved by the board within the time limits, the commissioner shall prepare a suitable plan and submit it to the state board for approval.**
10. **Putting the approved plan into effect. On approval of a plan by the state board, the commissioner shall send a certified copy to the municipal officers and school directors. The original plan shall be retained in the state board files.**
 - A. **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 1453.**
 - B. **If the approved plan requires a reduction of the number of directors to be elected in a municipality, all of the existing directors representing the municipality shall, within 7 days after the date of approval and under the supervision of the school board, choose by lot which directors' terms shall terminate.**
 - C. **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.**
 - D. **The current school board shall serve until the next annual municipal elections.**
 - E. **The reapportionment committee shall thereupon be dissolved.**
11. **Duties of present directors during reapportionment. The school board, during the reapportionment of its membership, shall serve as legal representatives of the district until the reapportionment is completed. The school board shall carry out all business of the district, including the borrowing of necessary funds which may be required during the period of reapportionment.**

§ 1456. Powers and duties

The school board:

1. School district name. May select an unofficial name of the district;
2. Finance committee. May elect a 3-member finance subcommittee;
3. Operating schools. May operate elementary school units;
4. Purchase of land outside the district. May purchase land outside of the geographical limits of the district and erect a school on it if, because of the location of other schools within the school district or transportation difficulties, a school within the district would not be in the best interests of the district;
5. Bylaws. Shall adopt bylaws for the regulation of the affairs of the board and the conduct of its business;
6. Property disposal. May not dispose of any real property unless the transaction has been authorized by the voters of the district as required by sections 1551 to 1554, except:
 - A. The school board may vote to return unused school property to the municipality where the property is located if the district has assumed no indebtedness or lease obligation on account of the property;
 - B. The school board may transfer or lease unused school property to nonprofit organizations for educational or cultural purposes; and
 - C. The school board may lease any unused school buildings for educational or cultural purposes; and
7. Gifts. May accept and receive money or other property, outright or in trust, for any specified benevolent or educational purpose. The school board shall comply with the following in accepting gifts.
 - A. If the school board receives written notice from a prospective donor or his representative of a proposed gift, they shall submit the matter to the next regular meeting of the school board or shall call a special meeting. The school board shall, within 10 days after the meeting, send written notice of its acceptance or rejection.
 - B. If the gift is in trust, the school board shall deposit or invest those trust funds according to Title 30, section 5051.
 - (1) Unless prohibited by a trust instrument, the district may treat any 2 or more trust funds as a single fund for the purposes of investment.
 - (2) After deduction for management expenses, any interest earned or capital gains realized shall be prorated among the various trust funds.
 - (3) Property or securities included in the corpus of a trust fund shall be retained where the trust instrument so provides.

(4) Unless otherwise specified in the trust instrument, only the annual income from the trust fund may be spent.

(5) If the district fails to comply with the terms of the trust instrument, the trust fund reverts to the donor or his heirs.

C. If the money or other property is a conditional gift for any specified benevolent or educational purpose, the following shall apply.

(1) When the donor or his representative has completed his part of the agreement respecting the execution of the conditional gift, the district shall perpetually comply with, and may raise money to carry into effect, the conditions upon which it was made.

(2) Unless otherwise specified by its terms, conditional gift of money shall be deposited or invested according to Title 30, section 5051.

§ 1457. Quorum

One-half of the school board membership in number and voting power shall be a quorum.

§ 1458. Program

A school administrative district shall maintain a program which includes kindergarten through grade 12.

1. Secondary school. A district shall provide a secondary school facility as follows.

A. A district which enrolls more than 700 pupils in grades 9 through 12 may operate more than one 4-year school.

B. A district which enrolls less than 700 pupils in grades 9 through 12 shall provide grades 10 through 12 in one facility within 4 years from the date of the district's formation.

C. Secondary school facilities may be operated as 4-year schools, a 6-year school for grades 7 through 12, or 2 or more 3-year schools.

2. Remote areas. Children living in an area remote from a public school may be provided for under section 3105.

3. Other facilities. Notwithstanding this section, a district may contract with a nearby school administrative unit or with a private school for all or part of its secondary pupils. The contract may be for a term of from 2 to 10 years.

§ 1459. Disposal of property

In disposing of real property in any amount of personal property in an amount exceeding \$1,000, the school board shall comply with the following procedures.

1. Requirement to advertise. At least 5 days prior to the date set for the close of bids, the school board shall advertise for sealed bids in a newspaper having general circulation in the territory embracing the school administrative district.

2. Bid procedure. The following shall apply to bids.

A. Bids shall be in writing, sealed with outside envelope or wrapper plainly marked "Bid, not to be opened until (with appropriate date inserted)," and mailed to or filed with the superintendent of the unit.

B. A director or employee of the school administrative district may not open a bid until the appointed time.

C. At the time and place stated in the public notice, and open to the public, all bids shall be opened by the superintendent or, in his absence or disability, by any director designated for the purpose by the chairman of the school board.

D. If any citizens who are not school administrative district directors or employees, or if any representatives of the press are present, bids shall at the time either be made available for examination by them, or shall be read aloud in a manner to be heard plainly by those in attendance.

3. Exceptions. Property may be disposed of without bids as follows.

A. The school board may sell school property and buildings to the municipality where the property and buildings are located at a mutually acceptable price without advertising, provided the school administrative district had assumed no indebtedness or lease obligation on account of that property.

B. The directors may return unused real property to individuals from whom it was purchased, their heirs or assigns, when it is no longer needed for school purposes.

SUBCHAPTER III

FINANCING

§ 1501. Finances

A school administrative district may raise money for establishing and maintaining public schools, erecting buildings and providing equipment.

1. Methods of sharing costs. The costs of operating a school administrative district shall be shared among all municipalities within the district in one of the following ways.

A. Under a property valuation method, municipalities in a district shall share costs in the same proportion as each municipality's state valuation is to the district's state valuation.

B. Under an alternate, Method A:

(1) Each municipality shall raise 20 mills on its property valuation;

(2) Any additional appropriation shall be allocated according to the proportionate number of resident pupils residing in the municipality and in the district on October 1st and April 1st preceding the convening of the Legislature; and

(3) A municipality within the district may not be assessed an amount which exceeds 15% of the average percentage increase of the district as a whole over the assessments of the previous year. Amounts that must be redistributed because of this limitation shall be distributed among the remaining municipalities of the district as provided under subparagraph 2, but based on the number of pupils residing in the remaining member municipalities in place of the number of district pupils.

C. Under another alternate, Method B:

(1) The school board shall establish a plan to allocate the percentage of the budget to be assessed on the average of resident pupils and the percentage to be assessed on state valuation. The sum of both percentages shall equal 100%. A percentage may not be less than 15% and each percentage shall be in multiples of 5%; and

(2) Each municipality shall be assessed an amount that is in same proportion to:

(a) The total pupil percentage amount as the average of resident pupils of the municipality bears to the average of resident pupils of the district; and

(b) The total valuation percentage amount as the state valuation of the municipality bears to the total state valuation of all municipalities in the district.

2. Residents on federal property. For the purposes of this chapter only, a district may elect to consider pupils residing on land under the control of the Federal Government or on a federal military reservation, who are eligible under United States Public Law 81-874, as residents of the district but not as residents of a municipality.

3. Amendment of cost-sharing formulas. The cost-sharing formula may be amended as follows.

A. If requested by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district, the school board shall hold a meeting of municipal representatives to determine the necessity of reconsidering the method of sharing costs. The district shall give at least 15 days' notice to each municipality comprising the district of that meeting.

B. Each member municipality shall be represented at the meeting by 2 representatives chosen at large by its municipal officers, and one member of the district board of directors chosen by the municipality's directors.

C. A change in the method of sharing costs may only be approved by a majority vote of the municipal representatives present.

D. If approved by this meeting, the change shall be submitted to the voters at a district meeting. It shall become effective when approved by a majority vote

of the district in a district referendum called and held for this purpose in accordance with sections 1551 through 1554.

E. Assessments made by the school board thereafter shall be made in accordance with the new method of sharing costs.

F. The secretary of the district shall notify the state board that the district has voted to change its method of sharing costs. The state board shall issue an amended certificate of organization showing this new method of sharing costs.

§ 1502. Budget preparation

The district budget shall be prepared as follows:

1. Preparation by board. The school board shall annually prepare a budget for:

- A. Operational costs;
- B. Bonds falling due;
- C. Interest on bonds or other obligations;
- D. Rentals and other charges in a contract;
- E. A lease or agreement with the Maine School Building Authority; and
- F. Temporary loans.

2. Distribution. At least 7 days before the district budget meeting, the school board shall make available to the legislative body responsible for final budget approval and residents of the district, a detailed budget document. It shall include a summary of anticipated revenues and estimated school expenditures.

§ 1503. Budget meeting

The school board shall hold a district budget meeting at a time it determines.

1. Warrant. The budget meeting shall be called by a warrant. The warrant shall:

- A. Be signed, by a majority of the school board;
- B. Specify the time and place of the meeting;
- C. Include the proposed school budget and other articles the school board chooses to place before the voters, excluding authorization to borrow money for school construction purposes;
- D. Specify the state and local shares of the state-local allocation and local leeway, and additional expenditures without state participation; and
- E. Be directed to a resident of the district by name ordering him to notify all voters within the district to assemble at the time and place appointed.

2. Notice. An attested copy of the warrant shall be posted by the person to

whom it is directed in some conspicuous public place in each of the municipalities within the district at least 7 days before the meeting. The person who gives notice of the meeting shall make his return on the warrant stating the manner of notice in each municipality and the time when it was given.

3. Requested articles. If requested by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district, the school board shall place specific articles, not in conflict with existing state statutes, in the warrants for consideration at the next annual district budget meeting. To be included in the warrant a petition shall be received by the school board at least 15 days before the date set for the budget meeting. When placed on the warrant, the articles shall be considered before action relating to the appropriation of money for the operation of schools.

§ 1504. Meeting procedures

The following procedures shall be used at a district meeting.

1. Election of moderator. The secretary of the school board, or in his absence, the chairman of the school board, shall open the meeting and call for the election of a moderator.

2. Budget consideration. The budget shall be thoroughly explained. The voters shall have an opportunity to be heard. The voters may change items dealing with:

- A. The expenses necessary to operate the school administrative district;
- B. Appropriations for the reserve fund; or
- C. Appropriations for the contingency fund and capital outlay.

3. Approval. A majority vote of those voters present and voting shall be necessary for the approval of the annual budget.

4. Voting lists. Registration of voters for the annual budget meeting shall be held in each member municipality in accordance with the time schedule specified in Title 21, section 631.

A. Prior to the annual budget meeting, the municipal clerks of the member municipalities shall supply to the school board a current list of the registered voters of their municipality.

B. The lists shall be used in determining the voters who are eligible to vote at the annual budget meeting.

§ 1505. Alternative voting procedures

If requested by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district, the school board shall cause the following article to be voted on by the voters of the member municipalities.

“Shall School Administrative District No.require that the voting at future district budget meetings and special district budget meetings held between July 2, 1978 and July 1, 1982, be done within each member municipality of the district?

Yes_____ No_____”

1. Procedure. The procedure for voting on the article shall be as follows.

A. On receipt of a request and if the request complies with the requirement of this section, the school board shall immediately notify the municipal officers within the district of the receipt of the request.

B. The municipal officers within the district shall then cause the article to be placed on the ballots for that municipality for the next general or statewide special election occurring at least 45 days after the date on which the municipal officers received the notice.

C. The warrants, notices and voting procedures to be followed within a municipality, including absentee voting procedures, shall be the same as those provided in Title 21, except that the duties of the Secretary of State shall be performed by the school board.

D. Municipal clerks shall, within 24 hours of the determination of the results of the vote in their municipality, certify the total number of votes cast in the affirmative and in the negative on the article to the school board.

E. As soon as all of the results from all of the municipalities have been returned to the school board, the board shall meet and compute the total number of votes cast in the affirmative and in the negative on the article in all of the municipalities within the district.

F. If the school board determines that there were more votes cast in the affirmative than there were in the negative on the article, they shall declare that the article has passed.

G. If the school board determines that the total number of votes cast on the article in the affirmative is equal to or less than those in the negative, they shall declare that the article has not passed.

H. The school board shall enter their declaration and computations in their records and send certified copies of it to the municipal clerk of each municipality within the district.

2. Result. If it is declared that the voters within a district have voted in the affirmative on the article, the school board shall notify the commissioner of that fact and shall request authorization from the commissioner to cause the voting at future budget meetings to be held within each municipality within the district.

3. Commissioner to choose. The commissioner shall select not more than 3 districts from those requesting authorization. He shall notify the school boards of

those districts that they may cause the voting at future budget meetings to be held within each municipality within the district.

4. **Application.** Following notification, the school board shall cause the voting at all future district budget meetings and special district budget meetings held before July 1, 1982, to be held within each municipality within the district. The voting shall be held in accordance with the procedures set out in sections 1551 to 1554. The school board may hold informational meetings on voting procedure and budget prior to voting. The school board shall be responsible for the form of the articles to be voted on in the municipalities, except as otherwise provided by law.

5. **Failure to approve a budget.** If, at a district meeting where the voting is done within each municipality within the district, the voters fail to approve a part of the operating school budget, subsequent district budget meetings shall be held and the voting at these meetings shall be done at a single place within the district. These meetings shall be held solely for the purpose of approving an alternative operating school budget to replace the part of the proposed budget which the voters failed to approve. These meetings shall be held in accordance with the provisions and procedures set out in section 1504. They may continue in this manner until an alternative budget is adopted.

6. **Report.** The school board of a district authorized to vote under this section shall, no later than December 31, 1981, submit a written report to the commissioner containing the board's evaluation of the following items:

- A. Evaluation of the voting procedures authorized by this subsection;
- B. Evaluation of the effectiveness of that procedure in their district;
- C. Opinions on the advisability of retaining that procedure; and
- D. Any recommendation for change in the procedures which the board may feel appropriate.

7. **Repeal.** This section is repealed on January 1, 1983.

§ 1506. Budget format

The school board shall determine the budget format unless the district voters establish it.

1. **Petition.** An article dealing with the budget format may be placed on the next warrant if authorized by a majority vote of the school board or if a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district has been presented to the school board.

2. **Meeting.** A school budget format may be established by the district voters if at least 20% of the number of voters vote on an appropriate warrant article, and a majority approve it. The meeting shall be called and held as provided for district approval procedures under sections 1551 to 1554.

3. **Effective date.** A change in budget format shall be voted on at least 90 days prior to the budget year for which that change is to be effective.

§ 1507. Specific line budgets

If the school budget format requires specific line categories, then in preparing the warrant and conducting the budget meeting, the following shall apply.

1. **Separate articles.** Each category shall be included in a separate warrant article.

2. **Transfer.** Unless authorized by the voters, the school board may not transfer funds between line item categories.

3. **Summary action.** To summarize the action taken on the school budget for the purposes of determining the district's state-local allocations, the articles prescribed in chapter 605 shall also be voted upon.

§ 1508. Failure to pass budget

If a budget for the operating of the district is not approved prior to June 1st, the budget as submitted by the school board shall be automatically considered the budget approved for operational expenses for the ensuing year.

§ 1509. Special budget meeting

The school board may call a special budget meeting when they declare an emergency to exist. The voters of the district may authorize the directors at a special district budget meeting to pledge the credit of the district to obtain additional moneys for the operation of schools.

§ 1510. District assessments

District assessments shall follow these procedures

1. **Warrant.** In accordance with the budget approved by the voters at an annual budget meeting and in substantially the same form as the warrant of the Treasurer of State for taxes, the school board shall issue its warrants to the assessors of each member municipality requiring it to assess upon the taxable estates within the municipality an amount which is that municipality's share of the district's costs.

2. **Commitment.** The municipal assessors shall commit the assessment to the constable or collector. He shall have the authority and powers to collect the district's taxes as is vested in him by law to collect state, county and municipal taxes.

3. **Installments.** The school board shall notify the member municipalities of the monthly installments that will become payable during the fiscal year.

4. **Payment.** A municipal treasurer shall pay the amount of the tax assessed in the fiscal year against the municipality to the treasurer of the district. The payments shall be paid in monthly installments on or before the 20th of each month.

5. **Gifts.** A municipality may use the proceeds from gifts or trust funds allocated for educational purposes to pay its share of the assessment.

6. **Enforcement.** If a municipal treasurer fails to pay the installment due, or any part, on the dates required, the treasurer of the district may issue his warrant for the amount of the unpaid tax to the county sheriff requiring him to levy by distress and sale on the real and personal property of any of the inhabitants of the municipality where that default takes place. The sheriff or his deputies shall execute the warrant. In collecting taxes within member municipalities, the school board shall have the same power as county officials for the collection of county taxes under Title 36, chapter 105, subchapter 9.

§ 1511. **Power to borrow money**

A school administrative district may borrow money as follows.

1. **Board.** The school board may borrow money to pay for:

A. Current operating expenses of the district if the loans are repaid within one year of the date of borrowing and are limited to an amount reasonably required for current operating expenses; and

B. Capital outlay as defined in section 10203 or for school construction projects as defined in section 10303.

2. **Voters approval.** Bonds or notes for capital outlay purposes shall first be approved by a majority of voters of the district voting at an election called by the school board and held as provided in sections 1551 to 1554, except as is otherwise provided in this section.

A. Each bond or note shall have inscribed upon its face the name of the district, the date it was issued, the amount of the bond or note and the annual interest rate, payable semiannually. Each bond or note shall be in the form and be sold in the manner, at public or private sale, as the school board shall determine in accordance with state law. Bonds may not be sold for less than par.

B. Notes or bonds issued by a district shall be signed by the treasurer or assistant superintendent, and countersigned by the chairman of the board of directors of the district. If coupon bonds are issued, each coupon shall be attested by a facsimile signature of the treasurer.

C. Each issue of bonds shall mature in substantially equal annual installments so that the first installment shall be payable not later than 2 years and the last installment not later than 25 years after the date of issue.

3. **Temporary notes.** Prior to issuing authorized capital outlay bonds or notes, the school board may borrow in anticipation of their sale by issuing temporary notes and renewal notes subject to the following.

A. Their total face value amount may not exceed at any one time the authorized outstanding amount of the capital outlay bonds or notes.

B. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes, the period during which the issue of bonds shall be outstanding plus the period of the loan represented by the temporary notes or renewals shall not exceed 25 years.

C. Temporary notes shall mature not later than 3 years from the date the first temporary note is issued.

D. Temporary notes and renewal notes shall be legal obligations of the district.

E. The board of directors of a district which has received a certificate of approval of a capital outlay project pursuant to Title 20, section 3458 to be paid in accordance with the alternate method prescribed in Title 20, section 3460, may borrow in anticipation of unpaid portions of state aid and may issue temporary and renewal notes.

F. If the temporary or renewal notes in anticipation of state aid exceed the aggregate amount of state aid actually received by the district, the unexpended balance of those notes shall be used for the repayment. If an outstanding balance remains, it shall be included in the next annual budget and shall not be subject to change at the district budget meeting.

4. Early redemption. Bonds or notes issued on behalf of a district may be made subject to call for redemption, with or without premium, at the election of the school board before the date fixed for final payment of those bonds or notes. When these bonds or notes are issued, they shall contain provisions setting forth the method by which the option to call may be exercised, the procedure for payment in the event of call and the legal effect of making the call.

5. District status. Notes and bonds, and loans to pay current operating expenses, contracts, leases and agreements with the Maine School Building Authority, shall be legal obligations of the district. The district shall be a quasi-municipal corporation within the meaning of Title 30, section 5053, and all the provisions of that section shall be applicable to them.

6. Debt limit. The aggregate principal amount of outstanding bonds or notes issued by a district for capital outlay purposes shall not exceed, at any one time, 10% of the total of the last preceding state valuation of all the municipalities within the district, plus an amount not to exceed 4% of that total district valuation set by the state board at the time of the initial approval of the school construction project.

A. Indebtedness in excess of 10% incurred under the law, as it existed prior to April 1, 1974, is hereby validated.

B. Outstanding school indebtedness assumed by the district shall be included in its limit of indebtedness, excluding contracts, leases or agreements with the Maine School Building Authority and notes in anticipation of state aid issued pursuant to subsection 3.

C. The percentage limit of the indebtedness for bonds or notes for capital outlay purposes authorized after April 27, 1967 shall be fixed as of the time of authorization by the voters or, if no district meeting is held to authorize those bonds or notes, upon the expiration of 35 days following passage of a resolution of the school board as described in subsection 7.

D. If the issuance of bonds or notes together with all outstanding indebtedness included within the district's limit of indebtedness would cause the district's indebtedness to exceed 10% of the total of the last preceding state valuation of all the municipalities within the district, the school board shall not issue those bonds or notes until they shall have received a certificate of approval pursuant to Title 20, section 3458.

E. If a certificate of approval indicates that the state board has authorized state aid to be paid in accordance with the alternate method prescribed by Title 20, section 3460, the total estimated amount of state aid payable on account of the school construction project described in the certificate of approval shall be treated as outstanding school indebtedness for the purpose of computing the borrowing capacity of the district to finance that project by issuing its bonds or notes. State aid shall be determined by applying the applicable percentage of state aid to the total estimated cost of the project, as set forth in the certificate of approval.

7. Bonds and notes under 1% of valuation. The school board may issue bonds or notes not to exceed 1% of the last preceding state valuation of all the municipalities within the district:

A. By calling a district meeting to approve the issuance of those bonds or notes as provided in section 1504; or

B. By passing a resolution to that effect, setting forth the amount of the proposed issue and the purposes for which the proceeds will be used, and meeting the following requirements.

(1) The secretary of the school board shall, within 5 days of the date of the passage of the resolution, cause attested copies of the resolution to be posted in 3 public and conspicuous places within each of the municipalities within the district. He shall make a return of his posting stating its time and place. The return shall be kept with the records of the district, and a copy of the return shall be mailed to each of the municipal officers of each municipality within the district.

(2) If, within 35 days of the date of the passage of the resolution, petitions with signatures of at least 10% of the residents in the district eligible to vote on the date that the resolution was adopted, are filed with the secretary requesting a vote of the district to approve or disapprove the issuance of the bonds or notes, the secretary shall immediately notify the school board. They shall call an election for that purpose as set forth in sections 1551 to 1554.

(3) The school board shall not authorize bonds or notes by resolution if the

amount of the proposed issue, together with the amount of any other bonds or notes authorized solely by resolution and which are for the same purpose, exceeds 1% of the total of the last state valuation of all the participating municipalities.

§ 1512. Reserve fund

School administrative districts may establish a reserve fund for capital outlay purposes as follows.

1. Establishment. A school administrative district may establish a reserve fund for capital outlay purposes by including a request in the district budget and receiving voter approval. The school board shall be the trustee of the reserve fund. The reserve fund shall be deposited or invested by the treasurer under the direction of the school board.

2. Deposit or investment. Reserve funds, trust funds and all permanent funds shall be deposited or invested by the treasurer under the direction of the school board as follows.

A. The balance in a savings bank, trust company or national bank in the State shall not exceed the amount insured by the Federal Deposit Insurance Corporation.

B. The funds may be invested in shares of a building and loan or a savings and loan association organized under state law.

C. The funds may be invested according to the law governing investment of the funds of saving banks under Title 9-B, chapter 55. For the purpose of this paragraph, the words "deposits of a bank" or their equivalent, as used in Title 9-B, chapter 55, mean the total assets of the reserve fund, trust fund or other permanent fund being invested. The limitation concerning the maximum amount which may be invested in a security or type of security under Title 9-B, chapter 55, applies only to an investment in that security or type of security which exceeds \$2,000.

3. Expending moneys from reserve funds. The school board may expend the sum in the reserve fund when authorized to do so by a vote of the district at a district meeting or a district budget meeting, when an article for that purpose is set out in the warrant calling the meeting.

SUBCHAPTER IV

DISTRICT REFERENDUM

§ 1551. District referendum

The school board:

1. Authority to call a district referendum. May initiate a district referendum:

A. To approve the issuance of bonds or notes for capital outlay purposes;

- B. To approve a change in the selection of a school building site;**
- C. To approve a change in the method of sharing costs among the member municipalities;**
- D. To approve an agreement to add another municipality to the district;**
- E. To approve an agreement to transfer a participating municipality to another school administrative district;**
- F. To approve an agreement to merge with another school administrative district;**
- G. To approve a proposed lease agreement with the Maine School Building Authority;**
- H. To authorize the school board to contract for the schooling of secondary pupils;**
- I. To authorize the school board to dispose of real property; or**
- J. To accept or reject a prospective gift; and**

2. Required district referendum. Shall initiate a district referendum when requested by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district. At that referendum, the school board shall place before the voters the specific school construction article which has been requested by the petitioners.

§ 1552. Method of calling a district referendum

A district referendum shall be initiated by a warrant signed by a majority of the school board and the municipality's municipal officers.

1. Municipal officers. The warrant shall direct the municipal officers within the district to call a referendum on a date and time determined by the school board. A warrant may not be prepared and distributed more than 30 days prior to the date of the referendum.

A. The warrant shall be directed to a resident of the district by name, ordering him to notify the municipal officers of each of his municipalities within the district, to call a town meeting or city election on the date specified by the school board. No other date may be used. The person who serves the warrant shall make a return on the warrant stating the manner of services and the time when it was given.

B. The warrant shall be served on the municipal clerk of each of the municipalities within the district by delivering an attested copy of the warrant in hand within 3 days of the warrant. The municipal clerk, on receipt of the warrant, shall immediately notify the municipal officers within his municipality. The municipal officers shall immediately meet, countersign and have the warrants posted.

C. The warrants and other notices for the referendum shall be in the same form as provided in Title 21.

2. Content of the warrant. The warrant shall set forth the articles to be acted on in each municipal referendum. The articles shall have the following form.

A. When a referendum is called for the purpose of authorizing the issuance of bonds or notes for capital outlay purposes, the articles shall be substantially as follows.

(1) "Shall the school directors of School Administrative District No be authorized to issue bonds or notes in the name of this district for capital outlay purposes in an amount not to exceed \$ to construct a to be located at (primary or secondary school)?

(specifically define lot where school is to be erected)

Yes_____ No_____"

(2) "Shall the school director of School Administrative District No..... be authorized to issued bonds or notes in the name of this district for capital outlay purposes in an amount not to exceed \$ for the purpose of? (here state purpose of capital outlay)

Yes_____ No_____"

(3) "Shall the school directors of School Administrative District No be authorized to use the bond issue or notes in an amount not to exceed \$..... which was voted by the district on..... (date) to construct a to be located at? (specifically define lot where school is to be located)

Yes_____ No_____"

B. When a district votes to change the site of its school construction project using the article in subparagraph (3), the date of authorization of the project shall be the original date the voters authorized the school board to issue bonds or notes for that project.

C. When a referendum is called for the purposes of approving the addition of a municipality to the district, the article shall be in the form set forth in section 1601, subsection 2, paragraph A.

D. When a referendum is called for the purpose of approving a proposed lease agreement with the Maine School Building Authority, the article shall be exactly as is set forth in the proposed lease agreement.

E. When a referendum is called for the purpose of authorizing the school board to contract for the schooling of secondary pupils, the article shall be as follows.

“Shall the school directors of School Administrative District No..... be authorized to contract in the name of this district with (Name of Administrative the schooling of Unit or Academy) secondary pupils for a term ofyears? Yes_____ No_____”

F. When a referendum is called for the purpose of authorizing the school directors to dispose of real property, the article shall be as follows.

“Shall the school directors of School Administrative District No..... be authorized to dispose of? (describe the property) Yes_____ No_____”

G. When a referendum is called for the purpose of authorizing a change in the method of sharing costs in the district, the article shall be as follows.

“Shall the method of sharing costs in School Administrative District No..... be changed from the present method to the (describe) following method:? (describe) Yes_____ No_____”

H. When a referendum is called for the purposes of accepting or rejecting a prospective gift, the article shall be as follows.

“Shall the school directors of School Administrative District No..... be authorized to accept a prospective gift under the following conditions?..... (set forth terms and conditions) Yes_____ No_____”

I. When a referendum is called for the purpose of approving the agreement to transfer a municipality from one district to another district, the article shall be in the form set forth in section 1604.

§ 1553. Referendum procedures

The following procedures shall apply to a district referendum.

1. Ballots. The school board shall prepare and furnish the required number of ballots for carrying out the referendum as posted, including absentee ballots. It shall prepare and furnish all other materials necessary to fulfill the requirements for voting procedures.

2. Voting. Voting shall be held and conducted as follows.

A. The voting at referendum held in towns shall be held and conducted in accordance with Title 30, sections 2061 to 2065, even though the town has not accepted the provisions of Title 30, section 2061 and 2062. The facsimile signature of the clerk under Title 30, section 2061, subsection 5, paragraph F, shall be that of the chairman of the school board. If a district referendum is called to be held simultaneously with a general election or primary election, the voting in towns shall be held and conducted in accordance with Title 21, except that the duties of the Secretary of State shall be performed by the school board. The absentee voting procedure of Title 21 shall be used, except the duties of the Secretary of State shall be performed by the school board.

B. The voting at referendum in cities shall be held and conducted in accordance with Title 21, including the absentee voting procedure, except that the duties of the Secretary of State shall be performed by the school board.

3. Return and counting. The return and counting of votes shall be as follows.

A. The municipal clerk shall, within 24 hours of the determination of the results of the vote in his municipality, certify and send to the school board the total number of votes cast in the affirmative and in the negative on each article.

B. As soon as all of the results from all of the municipalities have been returned to the school board, the board shall meet and compute the total number of votes cast in all of the municipalities within the district in the affirmative and in the negative on each article.

C. If the school board determines that there were more votes cast in the affirmative than in the negative, on a given article, they shall declare that the article has passed.

D. If the school board determines that the total number of votes cast on an article in the affirmative is equal to or less than those cast in the negative, they shall declare that the article has not passed.

E. They shall enter their declaration and computations in their records and send certified copies of it to the clerk of each municipality within the district.

F. If the district votes on the question of merging with another district, the secretary shall immediately file a return with the state board of the results of the vote on the question of merger.

§ 1554. Reconsideration

The procedure to reconsider votes taken at a district referendum shall be as follows.

1. **Time Limit.** The school board shall, within 30 days, initiate a new district referendum to reconsider the vote of the previous referendum if, within 7 days of the first referendum, at least 10% of the number of voters voting at the last gubernatorial election in the municipalities within the district petition to reconsider a prior district referendum vote.

2. **Required quorum.** A reconsideration referendum is not valid unless the number of persons voting in that referendum is at least equal to the number who voted in the prior district referendum.

3. **Bond.** If the margin of the vote being reconsidered was between 10% and 25%, the petitioners shall post a bond with the petition equal to the actual and reasonable costs of the new referendum. If the margin of the vote being reconsidered exceeded 25%, the petitioners shall post an additional bond equal to the actual and reasonable costs which may be incurred as a result of the delay of an authorization or approval granted in the prior district referendum. If the petitioners are successful, the bonds shall be cancelled.

SUBCHAPTER V**REORGANIZATIONS****§ 1601. Additions**

A municipality not originally in a school administrative district may be included as follows.

1. **Application.** The school board of the municipality wishing to join with an existing school administrative district may file an application with the state board on a form to be provided by the state board.

A. The state board shall study the need for the municipality to join the school administrative district and recommend an agreement by which the municipality may become a member.

B. The agreement may contain a new method of sharing costs among the member municipalities of the district in accordance with section 1501. The article set out in section 1402, subsection 6, paragraph D, authorizing units to vote on alternate methods of sharing costs shall be used in the agreement recommended by the state board contains a provision for using one of the alternate methods of sharing costs.

C. This agreement shall be forwarded to the secretary of the school administrative district and to the clerk of the municipality desiring to join the district.

2. **First meeting.** Within 45 days after receipt of the agreement by the

municipal clerk, a regular or special town meeting or city election in the joining municipality, shall vote on the agreement. The vote shall conform to the following procedure.

A. The article voted on shall be:

“Article : Shall the municipality vote to join School Administrative District No.as a participating municipality of the district subject to the terms and conditions of the agreement prepared by the State Board of Education dated19.....?”

Yes_____ No_____”

(A copy of the agreement shall be posted with each warrant.)

B. The election of the directors and the vote on the agreement shall be conducted on the same day. This election shall follow the procedures used for the election of municipal officials by the municipality.

C. The vote on the agreement shall be called using the same methods as the municipality uses in conducting its business at regular or special town meetings or city elections.

D. If the municipality is organized under a special legislative charter, it shall call a referendum following the procedures outlined in its charter.

E. The municipal clerk shall send a certified copy of the results of the vote to the secretary of the school administrative district.

3. Second meeting. If the district board of directors finds that the vote was in the affirmative, the board shall call a district referendum within 45 days in accordance with sections 1551 to 1554 to vote on the following article.

“Article : Shall the district vote to admit the municipality ofinto School Administrative District No.....as a participating municipality of the district subject to the terms and conditions of the agreement prepared by the State Board of Education dated.....19.....?”

Yes_____ No_____”

(A copy of the agreement shall be posted with each warrant.)

A. The municipal clerks within the district shall forward to the state board a certified report of the total number of affirmative and negative votes cast on the article.

B. On receipt of the results of the voting from all municipalities, the state board shall meet, compute and record the result of the voting.

4. State board finding. If the state board finds that a majority of the voters of the district and a majority of the voters of the municipality favor admission of the municipality into the district, the state board shall make a finding to that effect and record it on its records.

A. The state board shall notify by registered mail the clerk of the municipality seeking to join the school administrative district and the secretary of the school administrative district of the results of the vote.

B. If the state board finding is that a majority is for joining, it shall issue an amended certificate for the school administrative district, which shall be filed in the same manner as the original certificate.

5. Certificate. The issuance of an amended certificate shall be conclusive evidence of the admission of that municipality to the school administrative district.

§ 1602. Combining of districts

If one school administrative district wishes to join with another school administrative district, the following procedure shall be used.

1. Application. Each district’s board of directors shall file an application with the state board on a form to be prepared by the state board.

A. The state board shall receive the applications, make a study of the necessity for combining the districts and recommend an agreement by which the districts may combine.

B. This agreement shall be forwarded to the secretary of each school administrative district.

2. Meeting. Within 45 days after receipt of the agreement each district’s board of directors shall call a district meeting in accordance with sections 1551 to 1554 to vote on the following article.

“Article : To see if School Administrative District No.....will vote to join School Administrative District No.....in a merger to form a larger district subject to the terms and conditions of the agreement prepared by the State Board of Education dated.....19....

Yes_____ No_____”

(A copy of the agreement shall be posted with each warrant.)

3. Return. The secretary of each school administrative district shall file a return with the state board immediately following the votes in the district on the question of merger.

4. State board finding. If the state board finds that a majority of the voters in each district have voted in favor of the merger, the state board shall make a finding to the effect and record the same on its records.

5. Notice. The state board shall notify by registered mail the secretary of each district of the results of the vote.

6. Certificate. If the state board finding is that a majority is for merging, it shall issue a new certificate for the enlarged school administrative district and

assign a number. The certificate shall be filed in the same manner as the original certificate.

7. Evidence. The issuance of the certificate by the state board shall be conclusive evidence of the merger of the school administrative districts.

§ 1603. Dissolution

If the residents of a participating municipality desire to dissolve a school administrative district, they shall comply with the following.

1. Indebtedness limitation. A municipality may not request dissolution of a district if the district has any outstanding indebtedness. Outstanding indebtedness shall include:

- A. Bonds or notes for minor or major capital costs issued by the school board and approved by a district meeting of the school administrative district; and
- B. Obligations to the Maine School Building Authority under contract, lease or agreement made by the school board and approved by a district meeting of the school administrative district.

Outstanding indebtedness shall not include indebtedness of a municipality assumed by the school administrative district, nor a contract, lease or agreement of the Maine School Building Authority to which, by operation of law, the school administrative district has become the assignee.

2. Petition to the state board. The following procedures shall apply.

A. A municipality requesting dissolution shall petition the state board to initiate the dissolution proceedings. The petition shall be supported by a 2/3 vote of a special meeting on an article in the following form:

“Be it resolved by the residents of the municipality of.....that a petition for dissolution be filed with the directors of School Administrative District No.....

Yes_____ No_____”

B. The municipal clerk shall immediately give written notice by registered mail to the secretary of the school administrative district and the state board of the total number of affirmative and negative votes.

3. Dissolution proceedings. The proceedings to follow in dissolving a school administrative district are as follows.

A. If the state board finds that 2/3 of the municipal voters voting on the petition have voted in the affirmative, the state board:

- (1) Shall make a finding of fact to that effect and record it in its records;
- (2) May employ competent advisers to prepare an agreement. The expense of employing advisers shall be paid for by the state board. If the school administrative district votes not to dissolve, the municipality petitioning for

dissolution shall reimburse the state board for these expenses. If the school administrative district votes to dissolve, the district shall reimburse the state board for these expenses;

- (3) Shall consult with the district board of directors and municipal officers of the participating municipalities;
- (4) Shall prepare an agreement for dissolution;
- (5) Shall call a joint meeting of the district board of directors and municipal officers by sending a notice to the board and officers by registered mail at least 10 days before the date set for the meeting. The notice shall include:
 - (a) A copy of the proposed agreement; and
 - (b) The time and place of the meeting;
- (6) Shall consider the comments of the district's board of directors and the municipal officers in preparing the final agreement;
- (7) Within 60 days of the receipt of the petition for dissolution, plus any necessary extension of time granted by a majority of the participating municipalities as represented by their municipal officers, shall complete and forward by registered mail the final agreement to the secretary of the school administrative district; and
- (8) Shall determine the date on which the municipalities in the district shall vote on the dissolution agreement and send a notice by registered mail to each municipal clerk at least 10 days before the date set.

B. The municipal clerk shall immediately notify the municipal officers on receipt of the notice and the municipal officers shall meet and immediately issue a warrant for a special town meeting or city election.

C. The warrant shall:

- (1) Indicate the date set by the state board; and
- (2) Direct that the polls be open at 10 a.m. and remain open until 7 p.m.

D. Voting shall conform to the following.

- (1) Except as otherwise provided in this chapter:
 - (a) The voting at meetings held in towns shall be held and conducted in accordance with Title 30, sections 2061 to 2064, even though the town has not accepted the provisions of section 2061; and
 - (b) The voting at meetings in cities shall be held and conducted in accordance with Title 21.
- (2) Voting by absentee ballot may not be permitted.
- (3) The article shall read:

“Article : To see if the residents of School Administrative District No.....will vote to dissolve School Administrative District No....subject to the terms and conditions of the dissolution agreement dated.....19..... Yes_____ No_____”

(4) The dissolution agreement need not be printed on the ballot. Copies of that agreement shall be posted in each participating municipality in the same manner as specimen ballots must now be posted under Title 30, chapter 207.

(5) A municipality within a district which has voted on dissolution may not petition for dissolution within 6 months after the date of the district vote on dissolution.

E. A municipal clerk shall, within 24 hours of determination of the results of the vote in his municipality, file a return of the total number of votes cast in the affirmative and in the negative on the article with the state board.

F. On receipt of the results of the voting from all municipalities, the state board shall meet, compute and record the total number of votes cast in the municipalities within the school administrative district in the affirmative and in the negative on the article submitted. The state board shall notify the district’s board of directors by registered mail of the results of the vote.

G. If the state board finds that a majority of the voters voting on the article have voted in the affirmative, it shall notify the school board of the district to immediately execute the terms of the agreement for dissolution.

H. If, within 7 days of the recording of the results of the voting from all municipalities, the municipal officers of a participating municipality request in writing a recount of the votes in the district, the state board shall immediately cause the checklists and all the ballots cast in all of the participating municipalities to be collected and kept at the office so they may be recounted by interested municipalities. The municipal clerks of the participating municipalities may deliver their checklists and ballots to the state board notwithstanding any other provision of law. The state board shall resolve any question with regard to disputed ballots.

I. When the agreement for dissolution has been executed by the board of directors of the school administrative district, they shall notify the state board by registered mail of that execution.

J. A complete certified record of the transaction involved in the dissolution shall be filed with the state board. On receipt of that record, the state board shall immediately issue a certificate of dissolution and send it by registered mail to the board of directors of the school administrative district. A copy shall be recorded in the office of the Secretary of State.

4. State aid. If a school administrative district dissolves, the general purpose aid for the individual municipalities shall be computed in accordance with chapter 605.

5. **Posting of bond.** A municipality initiating proceedings for the dissolution of a school administrative district shall deposit to the credit of the state board a sum of money to pay the cost of the dissolution proceedings. The amount shall be determined by the state board. If the district is dissolved, the amount so set shall be returned to the petitioning municipality. If the district is not dissolved, the unused portion of the amount shall be returned to the petitioning municipality.

§ 1604. Transfer of municipalities

The state board may prepare agreements permitting municipalities to transfer from one school administrative district to another.

1. **Requirement for transfer.** A municipality's request for transfer shall be approved by a majority of each district's board of directors involved and shall involve a transfer to a contiguous district.

2. **Responsibilities of the state board.** The state board shall prepare the agreement within a period of 60 days after the receipt of the resolution and such necessary extensions of time as may be granted by a majority of the board of directors of the districts involved. It may employ competent advisors in preparing the agreement.

3. **Joint meeting of boards of directors.** The state board, in a subcommittee of at least 4 members designated by the board, shall call at least 2 joint meetings of the board of directors of the districts involved.

A. The meetings shall be called by a notice of the time and place sent by registered mail to the secretary of each district at least 10 days before the meetings.

B. During the meetings the proposed terms of transfer shall be discussed.

C. A majority of each board of directors shall be present.

D. During the first meeting the proposed terms of the agreement shall be discussed and during the last meeting the final terms presented by the state board shall be discussed.

4. **Approval of agreement.** The agreement may not be valid unless it is approved:

A. At an annual or special district meeting called for that purpose; and

B. By an affirmative vote of a majority of voters in each district.

5. **Meeting.** The state board shall determine the date on which the district meetings shall be held.

A. The state board shall give written notice by registered or certified mail, at least 10 days before the date set. The notice shall be sent directly to the secretary of each district.

B. Except for the time periods in section 1552, subsection 1, the procedure for holding district meetings shall be as specified in sections 1551 to 1554.

C. The district meetings shall be held within 45 days of the date of the final joint meeting of the state board and the school board.

D. The following article shall be used.

“Article : Shall the district vote to permit the municipality of..... to transfer into School Administrative District No..... as a participating municipality of that district subject to the terms and conditions of the agreement of transfer prepared by the state board dated..... 19.....

Yes_____ No_____”

(A copy of the agreement must be posted with each warrant.)

E. The return and counting of votes shall comply with section 1553.

F. The secretary shall send the results of the vote to the state board.

G. The state board shall meet, compute and record the total number of affirmative votes and negative votes on the article, cast in the districts. If the state board finds that a majority of the voters voting on the article in each district have voted in the affirmative, it shall notify the school board of each district by registered mail of the results of the vote and direct them to immediately comply with the terms of the agreement of transfer.

H. A recount of the votes on the districts, requested by the municipal officers of a participating municipality of the districts, shall follow the procedure specified in this section.

I. When the transfer has been completed by the school boards of the districts they shall notify the state board by registered mail.

J. A complete certified record of the transaction shall be filed with the state board. The state board shall immediately issue and send a certificate to each secretary by registered mail to be filed with the board of directors of the districts involved. A copy shall be filed in the office of the Secretary of State.

6. Outstanding indebtedness. The municipality transferred shall pay to the district from which it transferred its share of the outstanding indebtedness, as defined in this section, incurred before the transfer.

CHAPTER 105

COMMUNITY SCHOOL DISTRICT

SUBCHAPTER I

ORGANIZATION

§ 1701. Definitions

1. Community school district. A community school district means a school administrative unit consisting of the inhabitants of and the territory within 2 or more municipalities. It shall be a body politic and corporate responsible for the operating of kindergarten through grade 12, or any combination. It may include a

school administrative district, which does not operate a secondary school, for the secondary school grades of 9 through 12 only. If a school administrative district is included, the board of directors of the school administrative district may be substituted for the words "municipal officers" and school administrative district may be substituted for the word "municipality" in applying the terms of this chapter.

2. District board of trustees. The district board of trustees shall perform the duties provided in section 1705.

3. School board. The school board of a community school district shall be called a community school district school committee.

§ 1702. Formation

A community school district may be formed by the residents of 2 or more municipalities only if the voters of each of those municipalities have voted to create the district.

1. Municipal vote. If the school board of each municipality's school administrative unit votes to join with another municipality to form a community school district, then the municipal officers of each municipality shall call a meeting of the voters of their respective municipality in a manner provided by law for the calling of town meetings. Those meetings shall vote to either favor or oppose articles in substantially the following forms.

A. "Article.....: To see if the municipality will vote to join with the municipalities of (naming them) to form a community school district to be known as.....Community School District which shall be responsible for the operation of grades (naming them)."

B. "Article.....: To see if the costs of operating.....Community School District shall be shared among the municipalities of (naming them) in accordance with (per pupil, state valuation, a combination thereof or any other formula authorized by the Legislature)."

C. "Article.....: To see if the municipality will vote to have the community school district's school committee perform the duties of the board of trustees."

2. State board declaration. Each municipal clerk shall file a return of the votes cast at his meeting with the state board. If the state board determines that a majority of those voting in each of the municipalities favored the articles in subsection 1, paragraphs A and B, then the state board shall so declare. With the declaration, the commissioner shall issue to the community school district a certificate of organization which shall be conclusive evidence of its lawful organization. The community school district shall bear the name voted on.

3. Petition to reorganize or rename. The district school committee may petition the state board to change the name of the community school district or to change the number of grades which the community school district is responsible for operating.

A. The state board shall authorize the change if it finds the change to be in the best interest of the community school district.

B. If the State Board of Education authorizes the change, then the governing body of the community school district shall notify the municipal officers in each of the member towns who shall call a meeting of the inhabitants of their respective towns in the manner provided by law for calling of town meetings and those meetings shall vote to favor or oppose articles in substantially the following forms.

(1) "Article : To see if the town will vote to authorize the _____ Community School District to change its name to _____ Community School District."

(2) "Article : To see if the town will vote to authorize the _____ Community School District to be responsible for the operation of grades_____."

C. The clerk in each of the member towns shall file a return of the votes cast in his town meeting with the State Board of Education. If the State Board of Education finds that a majority of those voting in each of the towns favor the articles, then the community school district shall be reorganized accordingly.

4. Board to file return. Whenever the community school district is reorganized in the manner authorized in subsection 3 or as authorized under sections 1851 to 1853, the board of trustees shall file a return to that effect with the State Board of Education. A copy, certified by the commissioner, of the return shall be conclusive evidence of the reorganization of the community school district.

§ 1703. Power

The community school district school committee shall have the following authority.

1. Operation. It shall be responsible, as of the start of the school year after organization, for the operation of the authorized grades.

2. Borrowing. It may issue bonds and notes and borrow money as authorized in this Title.

3. Property. It may acquire and hold property for the purpose of operating schools within the authorized grade levels and for other purposes.

4. Cost sharing. It shall share costs in the manner authorized by the voters.

5. Recreational facilities. It may acquire, construct and operate related recreational and athletic facilities, which may also meet other community needs.

6. Official school. It shall be the official school of the participating municipalities responsible for the operation of the grades authorized by the commissioner's certificate.

7. General law. All provisions of the general law relating to public education shall apply to the district.

§ 1704. Transition to new district

1. Transfer of contracts. At the start of the school year after organization:

A. The contracts between the municipalities within the community school district and all teachers shall automatically be assigned to the community school district and the district shall be responsible for assigning teachers to their duties and making payments on their contract; and

B. The contracts between the superintendents and municipality within the community school district shall automatically be assigned to the district. The superintendent's duties with regard to the community school district shall be determined by the district school committee. The community school district shall thereafter pay the proportionate part of the superintendent's salary that the municipality was liable to pay.

2. Transfer of assets. Each municipality within the community district, at the same time, shall transfer to the community school district:

A. All school supplies and equipment purchased for and in use by the school grades encompassed by the community school district formation; and

B. All real property, as requested by the district school committee, which was formerly used for the school grades encompassed by the district formation. The municipal officers shall execute quitclaim deeds for the transfer of real property requested by the district school committee.

3. Initial budget. The district school committee shall be responsible for preparing and submitting a budget to the voters, as authorized by section 1801, prior to the start of the first year.

4. Operational date. At the start of the school year after organization, the community school district shall become operative and the district school committee shall assume the sole management and control of the operation of all the public schools within the community school district for the authorized grade levels. It shall also adopt bylaws and an official seal.

§ 1705. District board of trustees

The following provisions shall apply to the community school district board of trustees.

1. Terms of office. The terms of office of trustees are as follows.

A. When a community school district has been formed the municipal officers of each of the member municipalities shall appoint 3 residents from each municipality to serve on the board of trustees of the community school district. The 3 trustees shall be appointed as follows: One for one year; one for 2 years; and one for 3 years.

B. Thereafter one trustee from each municipality shall be elected each year for a term of 3 years by the voters of each of the participating municipalities. The elections shall take place at the annual municipal meetings and the trustees elected, or appointed, shall serve until their successors are elected and qualified.

C. Vacancies, whether caused by death, by resignation or by being absent from the municipality for more than 90 days, shall be filled by appointment by the municipal officers of the municipality which the former trustee represented until a successor trustee is elected for the unexpired term, if any, at the next annual meeting.

2. Duties. The district board of trustees shall:

A. Meet on call of one of its members after reasonable notice;

B. Elect a chairman, treasurer and a secretary. The district board of trustees may authorize the district's superintendent to act as its secretary and treasurer;

C. Determine the representation of each municipality on the district school committee. The representation of each municipality shall be in approximately the same ratio to the total membership of the district school committee as the municipality's latest Federal Decennial Census is to the latest Federal Decennial Census of all of the member municipalities. Federal Estimated Census figures shall be used if they are more recent than the Federal Decennial Census figures;

D. Handle requests of petitions for reapportionment in the manner provided for school administrative districts under section 1455; and

E. Borrow funds as provided in section 1802.

3. State board return. When the trustees have fulfilled the requirements of subsection 2 they shall file a return to that effect with the state board.

4. District school committee to act as district. A community school district may vote at any time on the article in section 1702, subsection 1, paragraph C, to see if the district school committee shall be authorized to perform the function of the district board of trustees. If the municipalities vote affirmatively on that article, the district school committee shall perform the duties of the district board of trustees under this chapter.

SUBCHAPTER II

OPERATION

§ 1751. District school committee

1. Officers, treasurer's fee and bond. The district school committee shall, annually in April, choose by ballot from its membership a chairman, a treasurer and a secretary. It may authorize the district's superintendent to be the treasurer and secretary.

A. The treasurer, if authorized by the district school committee, may receive up to \$250 for his services. He shall give a bond to the community school district in the sum and with sureties as the school board shall determine. The bond shall be deposited with the chairman. The expense of the bond shall be paid by the community school district.

B. Members of the district school committee shall receive only the compensation authorized by the municipalities or school administrative units which they represent.

§ 1752. Election; vacancies

1. Representation on the district school committee. Each member municipality's representation on the district school committee shall be chosen as follows.

A. The school board of each member municipality shall choose from its membership a person to represent it on the district school committee.

B. Membership on the district school committee shall be coterminous with the member's term of office on the municipal school board which he represents.

2. Vacancies. Vacancies on the committee shall be filled as follows.

A. A vacancy shall be filled by the school board of the municipality in which the vacancy occurs.

B. If a representative on the district school committee is absent from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists. The school board in the representative's municipality may choose from among its members another representative. He shall be chosen on the basis of seniority.

C. If a district school committee member is absent from a meeting, the senior nonvoting member shall be allowed all the rights and privileges of the absent member with the exception of the right to vote. This paragraph shall apply only to a member who is the sole representative of a municipality on the district school committee.

§ 1753. Powers and duties

A district school committee shall have the powers and duties with respect to the community school district as are conferred upon school boards under this Title, except those powers and duties which are expressly reserved for the district board of trustees.

SUBCHAPTER III

FINANCING

§ 1801. Budget approval

1. Preparation. A district school committee shall annually prepare a budget for the operational and capital expenditures of the community school district.

2. **Articles.** The district school committee shall prepare appropriate articles to authorize the budget expenditures and to determine the sums of money that will be assessed to each member municipality.

3. **Time and place.** The district school committee shall call an annual budget meeting on or before June 30th at an hour and in a location within the community school district it designates.

4. **Warrants.** The district school committee shall post warrants in each of the member municipalities calling for an annual budget meeting. It shall follow the procedures that are used by a town for the calling of a regular town meeting.

5. **Voting lists.** The following provisions shall govern voting lists.

A. Registration of voters for the annual budget meeting shall be held in each member municipality in accordance with the schedule specified in Title 21, section 631.

B. Prior to the annual budget meeting, the municipal clerk of each member municipality shall supply to the district school committee a current list of the registered voters of the municipality. The lists shall be used in determining the voters who are eligible to vote at the annual budget meeting.

6. **Moderator.** The chairman of the district school committee, or in his absence the secretary, shall open the meeting and shall call for the election of a moderator.

7. **Majority vote.** A majority vote of those voters present and voting shall be necessary for the approval of the annual budget.

8. **Special budget meeting.** The district school committee may call a special budget meeting when in their judgment a financial emergency exists. They shall post warrants in each of the member municipalities following the same procedures that are used for calling the regular annual budget meeting.

A. At the special budget meeting, the voters may authorize the district school committee to make an assessment on the member municipalities or to borrow funds to obtain additional moneys for the operation of the district's schools because of a financial emergency.

B. If the voters authorize the district school committee to borrow additional money, that amount shall be added to the next annual assessment of the member municipalities.

9. **Budget format; voter determination.** The budget format shall be prescribed by a majority of the district school committee, unless at least 20% of the number of registered voters, as certified by the several municipal clerks to the secretary, vote on an appropriate warrant article prescribing the budget format.

A. The budget format may be determined by the voters of a community school

district by adoption of an appropriate warrant article at a properly called meeting.

B. An article dealing with the budget format may be placed on the next warrant if authorized by a majority vote of the district school committee or if a written petition of at least 10% of the number of voters voting in the last gubernatorial election of each municipality comprising the community school district has been presented to the district school committee.

10. Change in format. A change in budget format shall be voted at least 90 days prior to the budget year for which that change is to be effective.

11. Line item categories; transfer of funds. Line item categories and transfer of funds shall be as follows.

A. If the budget is prepared by specific line categories, each category shall be included in a separate warrant article.

B. Unless authorized by the voters, the district school committee may not transfer funds between line item categories.

12. State-local allocations. To summarize the action taken on the budget for the purposes of determining the community school district's state-local allocations, the articles prescribed in chapter 605, shall also be voted on.

§ 1802. Borrowing

1. Purposes of borrowing. The district board of trustees may borrow funds to pay for:

A. Current operational expenditures of the community school district in an amount not to exceed the gross budget approved by the voters at the annual meeting. These borrowed funds shall be repaid within the same fiscal year; and

B. Major and minor capital costs, not to exceed in the aggregate, at any one time outstanding, 10% of the total of the last preceding state valuation of all of the participating municipalities. Contracts, leases or agreements with the Maine School Building Authority shall not be debts or liabilities within this section.

2. Form of bond or note. Each bond or note shall have the following form.

A. It shall have inscribed on its face the name of the community school district, the date it was issued, the amount of the bond or note and the annual interest rate, payable semiannually. It shall be in the form and be sold in the manner, at public or private sale, as the district board of trustees shall determine in accordance with state law.

B. It shall be signed by the treasurer and countersigned by the chairman of the district board of trustees. If coupon bonds are issued, each coupon shall be attested by a facsimile signature of the treasurer.

3. **Maturity and time limits.** The following provisions apply to bonds or notes.
 - A. Each issue of bonds shall mature in substantially equal annual installments so that the first installment shall be payable not later than 2 years after the date of issue and the last installment not later than 25 years from the date of issue.
 - B. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes of the community school district or renewals thereof, the period during which that issue of bonds shall be outstanding, plus the period of the loan represented by the temporary notes or renewals, shall not exceed 25 years.
 - C. Notes shall mature not later than one year from their date of issue but may be renewed. The period of the original note plus that of renewals shall not exceed 2 years.
4. **District obligations.** All notes, bonds, contracts and leases and all agreements with the Maine School Building Authority entered into by a community school district shall be the legal obligations of the district.
5. **Status.** A community school district shall be a quasi-municipal corporation within the meaning of Title 30, section 5053. The provisions of Title 30, section 5053 shall be applicable to it.

§ 1803. Community school district assessments

1. **Community school district warrant.** In accordance with the budget approved by the voters at the annual budget meeting and in substantially the same form as the warrant of the Treasurer of State for taxes, the district school committee shall issue its warrants to the assessors of each member municipality requiring them to assess upon the taxable estates within each municipality an amount that is that municipality's share of the community school district's costs.
2. **Municipality tax collector.** The assessors of each member municipality shall commit the assessment to the constable or collector. The constable or collector shall have all the authority and powers to collect the community school district's taxes as is vested in him by law to collect state, county and municipal taxes.
3. **Monthly installments.** The district school committee shall notify the member municipalities of the monthly installments that will become payable during the fiscal year.
4. **Payment.** Each municipal treasurer shall pay the amount of the tax assessed to the treasurer of the district. The payments shall be paid in monthly installments and shall be made on or before the 20th of each month.
5. **Gifts.** A member municipality may use the proceeds from gifts or trust funds allocated for educational purposes to pay its share of the assessment.
6. **Failure to pay.** If a treasurer fails to pay any part of installment due on the

required dates, the treasurer of the community school district may issue his warrant for the amount of the tax remaining unpaid, to the county sheriff requiring him to levy by distress and sale on the real and personal property of any of the inhabitants living in the municipality where that default takes place. The sheriff or a deputy shall execute the warrant. The district school committee when collecting taxes within each member municipality, shall have the same authority as is vested in county officials for the collection of county taxes under the statutes.

7. Delinquent payments to the Maine School Building Authority. If a community school district, which has financed school construction through the Maine School Building Authority, is delinquent in its payment to the authority, the department shall make payment to the authority on behalf of the community school district. Payments may be made from any amounts properly payable to the district not exceeding the amount then presently due to the authority or from the department to the community school district.

§ 1804. Sharing costs

The following provisions apply to sharing district costs.

1. Formula. A community school district shall share its costs among the member municipalities on the basis of:

- A. The number of resident pupils in each municipality;
- B. The state valuation of each member municipality's real property as set in the calendar year prior to the district's fiscal year;
- C. In accordance with any combination of paragraphs A and B; or
- D. In accordance with any other formula authorized by the Legislature.

2. Amendment of formula. The procedure for amending the cost sharing formula shall be as follows.

A. When requested by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities comprising the community school district, the district school committee shall give at least 15 days' notice to each member municipality of a meeting to determine the necessity of reconsidering the method of sharing costs.

B. Each member municipality shall be represented by 2 representatives chosen by its municipal officers and one member of the district school committee chosen by the committee members from that municipality. A change in the method of sharing costs shall first be approved by a vote of a majority of those present and voting.

C. Municipal approval shall be in the same manner as the original formula was adopted when the community school district was formed. The total vote cast in each of the member municipalities shall be at least 20% of the number of votes cast in each of the member municipalities in the last gubernatorial election.

D. A change in the cost-sharing formula shall be effective at the start of the next fiscal year which starts at least 90 days after the voters have approved it.

SUBCHAPTER IV REORGANIZATION

§ 1851. Additions to the district

A municipality not originally in the community school district may be included by the vote of all the municipalities concerned in a manner similar to that prescribed for establishing the community school district. The addition of a new municipality shall be under the terms and arrangements recommended by the district school committee.

§ 1852. Withdrawal from the district

If the voters of a member municipality have voted to withdraw from a community school district by a 2/3 vote of the legal voters present and voting at a special meeting, called and held in the manner provided by law for the calling and holding of town meetings, the withdrawal may be authorized by special Act of the Legislature on the terms contained in the special Act. A withdrawal may not be permitted while the community school district has outstanding indebtedness.

§ 1853. Limitation on member school administrative districts

A school administrative district may not dissolve under section 1603 if it is a member of a community school district which has outstanding debt.

§ 1854. Districts formed by private and special Acts of the Legislature

If the provisions of this chapter conflict with the provisions of any private and special Act of the Legislature which created a community school district, then the provisions of the private and special Act shall control.

CHAPTER 107 SCHOOL UNIONS

§ 1901. Formation

1. Commissioner's authority. The commissioner shall adjust the grouping of school administrative units within the State in accordance with this section.

2. Size. A school union shall include not less than 35 nor more than 75 teachers unless the commissioner, upon request of a school board, finds that because of geographic location or other reasons, it is to the advantage of the State and the municipalities that a school union shall include fewer than 35 or more than 75 teachers.

3. Combining unions. On presentation of a written plan of organization which has been approved by the school boards involved, the commissioner may combine 2 or more school unions, or their parts, into a larger school union.

A. The new school union may be administered by a superintendent of schools

and staff assistance, who may be employed by the joint committee as provided in section 1101.

B. The commissioner may adjust disbursements for supervision so that there will be no less in state support because of the reorganization.

4. Exception for existing school unions with over 35 teachers. Existing school unions employing over 35 teachers shall not be regrouped unless the proposed regrouping has been approved by a majority of the school board members in the school administrative units involved.

5. School administrative units with more than 75 teachers. A school administrative unit with more than 75 teachers may employ a superintendent of schools without uniting with other school administrative units for this purpose.

A. The school administrative unit may choose a superintendent in the same manner and for the same term, fix his salary and discharge him under the same conditions as superintendents employed under section 1101.

B. When a superintendent is chosen, the chairman and secretary of the school board shall certify to the commissioner, on forms prescribed by him, all facts relative to the employment of the superintendent including the amount of the salary to be paid.

6. Removal. If a school administrative unit having more than 75 teachers removes itself from an existing school union composed of not more than 2 units, the remaining unit shall, with the consent of its school board and the commissioner, be treated as though it had more than 75 teachers, provided that the remaining unit has more than 40 teachers.

7. Exception for remote administrative units. If the commissioner finds that a school administrative unit is remotely situated and that it is not practicable to combine it with other school administrative units for the purpose of employing a superintendent, he may place at the service of the school board of that unit the general agent for the schooling of the children in unorganized townships, or any other agent of the commissioner.

A. That agent shall, when assigned, serve as the superintendent of the school administrative unit. The agent shall have the same powers and shall perform the same service as superintendent of schools of municipalities. His visits to the schools of the school administrative unit shall be at intervals as directed by the commissioner.

B. The treasurer of the school administrative unit shall pay to the agent a sum agreed upon by the agent and that school administrative unit. In case of dispute, the commissioner shall determine the amount to be paid.

8. Exception for school administrative unit with fewer than 35 teachers. If a school administrative unit or a school union employs less than 35 teachers and, because of geographic location or other circumstances, it is not practicable to combine it with other school administrative units to form a school union, the

school board may provide supervisory service, when approved by the commissioner. In one of the following ways the school administrative unit or school union may:

- A. Employ a qualified person to serve as superintendent and as a supervising principal;
- B. Contract with another school administrative unit or school union for supervisory services; or
- C. Employ a qualified agent to fulfill supervisory needs.

§ 1902. Joint committee of school unions

The school boards of the school administrative units comprising a school union shall form a joint committee, which shall be, for the purposes of this chapter, the agent of each school administrative unit comprising the school union.

1. Delegation of authority by member school boards. The school board of a school administrative unit in a school union may authorize one of its members to act for the school board in the meetings of the joint committee. He may cast the votes for his school board.

2. Method of voting. The method of voting shall be as follows.

- A. The votes of the individual members of the joint committee shall be cast on a weighted basis in proportion to the population of the unit represented as compared with the total population of the units comprising the joint committee.
- B. To become effective, all actions of the joint committee shall be approved by a vote representing more than 1/2 of the population comprising the units which make up the joint committee.

3. Duties. The joint committee:

- A. Shall meet annually in December, at a day and place agreed upon by the chairman of the school boards comprising the union;
- B. Shall choose a chairman and a secretary;
- C. Shall, at its organizational meeting or as soon thereafter as possible and whenever a vacancy occurs, elect a superintendent as provided under section 1101;
- D. Shall apportion the costs for a superintendent under section 1101, among the school administrative units in proportion to the service to be performed and certify to the treasurer of each school administrative unit and to the commissioner the amounts to be paid; and
- E. May authorize a school administrative unit within the school union to serve as a contractual employer of teachers who provide services to more than one unit in the union. Employment shall be subject to section 1104 and Title 26, chapter 9-A.

§ 1903. Appropriation for superintendent's salary

School administrative units shall appropriate for the salary of the superintendent their proportion of the sum paid the superintendent, but not more than the amount certified by the joint committee to the municipal treasurer. The proportion to be paid by a municipality shall be paid out of the appropriation made for the support of maintenance of public schools.

CHAPTER 109**UNION SCHOOLS****§ 2001. Union schools**

Adjoining municipalities on the written recommendation of their municipal school committees, may, by concurrent action, maintain or establish union schools for the benefit of the municipalities. They shall contribute to their support under the terms of the agreement.

1. **Establishment.** If a union school is desired, the municipalities shall apply to the commissioner. The commissioner shall prepare an agreement setting out the terms and conditions under which a union school may operate.

2. **Approval.** Before a union school may operate, each municipality shall approve the agreement by an affirmative vote acting under an appropriate article at a regular or special town meeting or city election.

§ 2002. Financing of union schools

1. **Apportionment of state school subsidy.** Amounts due from the State on account of union schools shall be paid to the municipality in which the students reside. The amounts to be contributed by each municipality for the maintenance of the school shall be determined in accordance with the terms of the agreement.

2. **Construction aid.** A union school shall be eligible for school construction aid on a project constructed as a result of the union school agreement. The aid shall be computed in the same manner as for a community school district as set forth in Title 20, sections 3457 to 3460.

CHAPTER 111**MUNICIPAL SCHOOL COMMITTEE****§ 2101. Election of school committee members**

A municipality, not included in a school administrative district, shall elect at its annual meeting a school committee of 3 to hold office as provided in section 2107. The municipality shall fill vacancies in that committee at each subsequent annual meeting.

§ 2102. Additional school committee members

Notwithstanding section 2101 a town may vote at its annual meeting to have 5

members on the school committee and may elect by ballot 3 additional school committee members to serve with the 2 members whose terms have not expired.

§ 2103. Alternate method of election of school committee members

If a town has accepted Title 30, section 2061, relative to secret ballot, it may, at least 30 days before the annual meeting, hold a special town meeting to vote to have 5 members on the school committee.

§ 2104. Neglect to choose committee

A municipality failing to elect members of the school committee shall forfeit not less than \$30 nor more than \$200.

§ 2105. School year

Notwithstanding any other section of the statutes, school committees, with the approval of the commissioner, may adopt or amend rules necessary to implement an extended school year at the local level. The commissioner may make appropriate adjustments, not to exceed the allowable subsidy, to insure fair and equitable treatment in the distribution of state aid.

§ 2106. Applicability of provisions to certain towns or cities

Sections 2101 to 2103 and 2107 may not apply to municipalities whose charters specify the methods of selection and term of office of a school board; nor to municipalities authorized by private and special laws to otherwise choose a school board.

§ 2107. Terms; vacancies; restrictions

School committees first elected under section 2101 shall designate by lot members to hold office for one, 2 and 3 years respectively, in the manner as follows: One for one year; one for 2 years; and one for 3 years. The school committee shall certify the designation to the town clerk to be recorded. Thereafter, one member shall be chosen by ballot at the annual meeting of the town, to hold office for 3 years. The school committee members shall serve their terms as designated and an additional period until the next regular election of the municipality. The school committee may fill vacancies occurring between annual meetings, and the term of office of any member so chosen shall expire at the next annual meeting. Whenever the remaining members fail to appoint a person to fill a vacancy, it may be filled by election at a town meeting called for the purpose.

§ 2108. Service without pay

School committee members shall serve without pay, unless otherwise voted by the town.

§ 2109. School district meetings

1. District meetings. Where the inhabitants and territory of a single municipality constitute an incorporated school district, and the charter of the

district contains no provisions for the calling and holding of meetings of the district, meetings of the school district shall be called by the municipal officers, in the manner provided by law for the calling of town meetings, on written request signed by trustees or other executive officers of the district.

2. **Municipal meetings.** A lawfully called meeting of the inhabitants of the municipality shall be a lawful meeting of the school district for the transaction of school district business. If the business of the school district has been transacted at a lawfully called meeting of the inhabitants, the meeting is declared to be a legal and valid meeting of the school district, and all votes passed and all actions taken at that meeting which would have been legal had the meeting been a lawfully called meeting of the school district, are ratified and declared legal.

§ 2110. **Duties of school committees**

School committees shall perform the following duties.

1. **Management of schools.** They shall manage the schools and provide custody and care, including repairs and insurance on school buildings and all school property in the school administrative units.

2. **No prohibition on use for political activity.** The use of school buildings may not be denied to a person solely because use is requested for a political activity.

3. **Insurance premiums.** They may pay the premium of life, health, accident, hospitalization, major medical insurance in behalf of their employees and liability insurance for employees and school officers.

4. **General course of instruction; textbooks.** They may direct the general course of instruction and approve a uniform system of textbooks. A textbook thus approved may not be changed for 3 years unless by vote of the school committee.

5. **Tuition payment for attendance by those resident on territory ceded to United States.** They may prescribe the tuition for attendance of persons of the required age, resident in territory the jurisdiction of which has been ceded to the United States, included in or surrounded by the administrative unit.

6. **Determine those to attend each school.** They may determine which students shall attend each school, classify them and transfer them from school to school where more than one school is maintained at the same time.

7. **Students expelled or suspended.** They may expel an obstinately disobedient and disorderly student, after a proper investigation of his behavior, if found necessary for the peace and usefulness of the school. They may readmit him on satisfactory evidence of his repentance and amendment. The school committee may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules.

8. **Physiology and hygiene.** They shall make provisions for the instruction of all pupils in public schools or approved private schools in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system.

9. **Persons not immunized excluded.** They may exclude, when requested to do so by the Director, Bureau of Health or if they deem it expedient, any person not having evidence of current immunization against smallpox, or diphtheria, tetanus, pertussis (whooping cough), rubeola (measles), rubella (German measles) or any other communicable illness for which immunization is available, unless the parent of the person shall present a signed statement that the parent is opposed to the immunization or a statement signed by a licensed physician indicating that the immunization is not medically advisable for the person. Should either of these statements be submitted, the person shall be excluded from school at the request of the Director, Bureau of Health when in his opinion epidemic occurrence of the particular illness makes the exclusion necessary for the protection of the public health.

10. **Military leave of absence of teachers.** Teachers who are members of the National Guard or other authorized state military or naval forces, and those teachers who are members of the Army, Air Force, Marines, Coast Guard or Naval Reserve may take a leave of absence from their respective duties, without net loss of income during periods of annual training not to exceed 17 calendar days in any calendar year as specified under the National Defense Act or Armed Forces Reserve Act of 1952, provided that the teachers have made every reasonable effort to perform their annual training during the period when school is not in session.

11. **Salaries of persons absent.** They may adjust the salaries of teachers, principles and other persons legally employed by them who are compelled to be absent from their school duties. No reduction in pay may be made if absence is caused by the bona fide observance of designated holidays in the church of their faith. This subsection and subsection 12 shall apply only in cases of persons who are employed on yearly contracts or on tenure of service and who hold the legal qualifications necessary for the positions.

12. **Leave of absence.** To increase the efficiency of the public schools and to permit a teacher, principal or other person to pursue a further course of study or to travel to be better qualified by education and culture for his position in the schools, school committees may grant to any teacher, principal or other person regularly employed by them a leave of absence for a period of not to exceed one year and for not more than half pay. A leave of absence may be granted only after 7 years and under those conditions and rules determined by the school board.

CHAPTER 113

MAINE-NEW HAMPSHIRE INTERSTATE SCHOOL COMPACT

ARTICLE I

GENERAL PROVISIONS

§ 2201. Enters

The State of Maine enters into the following compact with the state of New Hampshire subject to the terms and conditions stated in this chapter.