

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1738, L.D. 1727)
SECOND REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 2134

H. P. 2301 House of Representatives, April 1, 1982
Reported by Representative Connolly from the Committee on Edu-
cation and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

**AN ACT to Correst Errors in the
Education Laws.**

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

Sec. 1. 20 MRSA §222-C, as enacted by PL 1981, c. 442,
§5, is repealed and the following enacted in its place:

§222-C. Withdrawal of a single municipality from a School
Administrative District

1. Petition. The residents of a participating munici-
pality within a School Administrative District composed of 3
or more municipalities may petition to withdraw from the
School Administrative District in the same manner as they
would petition for the dissolution of a School Administra-
tive District in accordance with section 222-A, except that
only a simple majority vote of those casting valid ballots
in the municipality is required before the petition may be

1 presented to the board of directors and to the state board.

2 2. Procedure. The steps set forth in section 222-A
3 for dissolution apply to the withdrawal of a member municipi-
4 pality from a School Administrative District, except that
5 the responsible committee for preparing the withdrawal
6 agreement will be limited to individuals from the municipal-
7 ity. Instead of a district election, a municipal election
8 shall be conducted and a 2/3 vote of those casting valid
9 ballots in the municipality is required before it may with-
10 draw. Wherever there is reference in the provisions of
11 section 222-A to the term "dissolution," the term "with-
12 drawal" or appropriated similar language shall be substi-
13 tuted.

14 3. Cost of advisors. The expense of employing compe-
15 tent advisors by the municipality, petitioning to withdraw
16 shall be borne by the municipality and the expense of
17 employing competent advisors by the district shall be borne
18 by the district with the municipality bearing its share ac-
19 ording to the district's cost-sharing agreement.

20 Sec. 2. 20 MRSA § 225, first ¶, as last amended by PL
21 1981, c. 464, §4, is further amended to read:

22 When it is necessary to hold a district meeting to
23 approve the issuance of bonds or notes for school construc-
24 tion projects as defined in section 3471, to borrow funds
25 for minor capital costs as defined in section 4743, to
26 approve a change in the selection of a school building site,
27 to approve a change in the method of sharing costs among the
28 member municipalities, to approve an agreement to add
29 another municipality or municipalities to the School Admin-
30 istrative District, to approve an agreement to transfer a
31 participating municipality to another School Administrative
32 District, to approve an agreement to merge with another
33 School Administrative District, or to approve a proposed
34 lease agreement with the Maine School Building Authority, or
35 to authorize the school directors to contract for the
36 schooling of secondary pupils, or to authorize the school
37 directors to dispose of real property, or to accept or
38 reject a prospective gift, the school directors shall be
39 authorized to call such meeting as follows.

40 Sec. 3. 20 MRSA § 225, sub-§ 2, ¶G, first sentence, as
41 repealed and replaced by PL 1977, c. 78, §127, is amended to
42 read:

43 The voting at meetings held in towns shall be held and
44 conducted in accordance with Title 30, sections 2061 to

1 2065, even though the town has not accepted the provi-
2 sions of Title 30, sections 2061 and 2062, provided
3 that the facsimile signature of the clerk referred to
4 in Title 30, section 2061, subsection 5, paragraph F,
5 shall be that of the chairman of the board of directors
6 and provided that if a district meeting is called to be
7 held simultaneously with a ~~general election or primary~~
8 ~~election~~ any statewide election the voting in towns
9 shall be held and conducted in accordance with Title
10 21, except that the duties of the Secretary of State
11 shall be performed by the district directors.

12 **Sec. 4.** 20 MRSA §301, Method A, sub-§5, as enacted by
13 PL 1973, c. 552, §4, is amended to read:

14 5. Municipal officers shall call special elections
15 within 30 60 days, but no earlier than 45 days, of the date
16 of notification by the board of school directors for the
17 purpose of electing directors to serve sections as set forth
18 in the reapportionment plan for the School Administrative
19 District;

20 **Sec. 5.** 20 MRSA §301, Method A, sub-§6, first sen-
21 tence, as enacted by PL 1973, c. 552, §4, is amended to
22 read:

23 Nomination papers for the position of school director shall
24 be furnished to candidates of each section by the secretary
25 of the School Administrative District at least 10 days
26 before the deadline for the filing of nomination papers.

27 **Sec. 6.** 20 MRSA §301, Method A, sub-§7, as enacted by
28 PL 1973, c. 552, §4, is repealed and the following enacted
29 in its place:

30 7. The ballots shall be prepared in accordance with
31 section 301-A.

32 **Sec. 7.** 20 MRSA § 304, 2nd sentence, as amended by PL
33 1979, c. 691, §1, is further amended to read:

34 To procure funds for ~~capital outlay purposes,~~ as defined in
35 ~~section 3457,~~ ~~or for~~ school construction projects, as de-
36 fined in section 3471, or minor capital costs, as defined in
37 section 4743, the school directors of said that district are
38 authorized to issue bonds and notes of the district.

39 **Sec. 8.** 20 MRSA §2263, sub-§2, ¶F, as enacted by PL
40 1979, c. 602, §3, is amended to read:

1 section 2061, subsection 3, paragraph B, to reduce the time
2 frame from 40 days to 10 days when a vacancy has to be
3 filled in a municipal office.

4 Section 6 of the new draft removes a conflict: Title
5 20, section 301, subsection 7, conflicted with section
6 301-A. Since section 301-A was more recently enacted, it is
7 the method that should control.

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