

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1626

H.P. 1162

House of Representatives, March 21, 1997

**An Act Requiring Voter Approval for the Relocation of an Elementary
School Class.**

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SKOGLUND of St. George.
Cosponsored by Senator PINGREE of Knox and
Representatives: DESMOND of Mapleton, McELROY of Unity, SAVAGE of Union, SIROIS
of Caribou, VOLENIK of Brooklin.

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

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Sec. 1. 20-A MRSA §1407-A is enacted to read:

§1407-A. Relocating an elementary school class

1. Vote; costs of election. An elementary school class in a member municipality of a school administrative district may not be relocated outside the municipality unless the voters in the member municipality vote on the following article in accordance with the procedure set forth in sections 1351 to 1354.

"Article _____ : Shall the board of directors of School Administrative District No. _____ be authorized to relocate the elementary school (class or classes) as proposed?"

Yes

No"

The election must be conducted only within that member municipality and the costs of the election must be borne by the district.

2. Expense of not relocating the class or classes. If the voters vote to not relocate the class or classes, the member municipality is liable for any additional expense or credited for any reduced expense for that year for operating costs, transportation costs and minor capital costs as defined in section 15603, that exceeds a difference of 10% of the expense of the district for the operating costs, transportation costs and minor capital costs as compared on a per pupil basis in the base year. The determination of costs is subject to the approval of the commissioner. Additional costs or savings that must be borne or received by the member municipality must be part of the article presented to the voters at the meeting to determine whether or not to relocate the class or classes.

3. Costs and procedures during subsequent years. During any year subsequent to the year during which a class remains unrelocated, as a result of a municipal referendum, contrary to the school administrative district board of directors' vote to relocate that class the class will remain unrelocated without any adjustments of cost to the municipality except as described in paragraphs A and B.

A. If the school administrative district board of directors again votes to relocate the class or classes and the voters of the member municipality again vote to not relocate the class or classes, as described in this paragraph, then the class will remain unrelocated and the cost to the member municipality will be adjusted as described in subsection 5.

2 B. If the school administrative district board of directors
4 again votes to relocate the class or classes and the voters
6 of the member municipality fail to vote to not relocate the
 class or classes, then the class or classes will be
 relocated. In this case there will be no adjustment of
 costs.

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10 4. Definition of elementary school class relocation. In
12 this section, an elementary school class relocation is any action
14 or actions by the school administrative district that has the
 effect of relocating a class outside the boundaries of the member
 municipality. In this section the term elementary school class
 means any class in grades Kindergarten to 8.

16 5. Method of adjustment of payment by member municipality.
18 If a municipality is liable for additional expense as determined
20 in subsection 2, the amount of that additional expense must be
22 subtracted from the school administrative district budget before
24 each member municipality's assessment is computed. The
 additional expense must be paid by the member municipality that
 is liable in equal monthly amounts unless the school
 administrative district and that member municipality mutually
 agree to another method of payment.

26 If a municipality is to be credited for reduced expense as
28 determined in subsection 2, the amount of that reduced expense
30 must be added to the school administrative district budget before
32 each member municipality's assessment is computed. The amount of
34 that reduced expense must be credited to the member municipality
 that is responsible for the savings in equal monthly amounts
 unless the school administrative district and that member
 municipality mutually agree to another method of reducing the
 member's share.

36 Sec. 2. 20-A MRSA §1751, sub-§6, as enacted by PL 1981, c.
38 693, §§5 and 8, is amended to read:

40 6. Substitution of terms. Whenever there is reference in
42 sections 1403 and, 1405 to 1407 and 1407-A to a school
44 administrative district, for purposes of this section, the term
46 "community school district" shall be is substituted. Other terms
 consistent with the intent of subsections 2 to 5, to allow
 municipalities to withdraw or transfer from or to dissolve the
 district or keep a municipal elementary school open, may also be
 substituted as necessary.

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SUMMARY

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6 The purpose of this bill is to ensure that the interests of
8 the voters in a member municipality are not ignored or overridden
10 by the board of directors of a school administrative district
12 when the board of directors proposes to relocate an elementary
14 school class or classes outside of the boundaries of the member
16 municipality. This bill requires that:

18 1. Prior to the proposed relocation of an elementary school
20 class, the member municipality voters have the right to vote on
22 the proposal;

24 2. Any additional costs or savings that result from not
relocating a class or classes be a part of the article presented
to the voters; and

3. Any adjustment in a member municipality's payment that
results from the relocation or nonrelocation of an elementary
school class or classes be debited or credited to the member
municipality's assessment in equal monthly amounts or by another
method mutually agreed upon by the municipality and the board of
directors of the school administrative district.