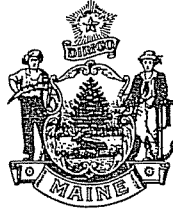


# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 115

H.P. 99

House of Representatives, January 12, 2009

### **An Act To Repeal the Laws Governing Consolidation of School Administrative Units**

(EMERGENCY)

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative EDGECOMB of Caribou.  
Cosponsored by Representatives: CELLI of Brewer, CROCKETT of Bethel, JOHNSON of  
Greenville, Senator TRAHAN of Lincoln and  
Representative: CLARK of Easton.

1       **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas**, in order for this legislation to apply to the 2009-2010 school year, it must  
4 take effect before the expiration of the 90-day period; and

5       **Whereas**, the provisions of this Act must take effect immediately to terminate the  
6 activities of reorganization planning committees and school administrative units that are  
7 currently in the process of attempting to meet statutory timelines related to school  
8 reorganization efforts; and

9       **Whereas**, in the judgment of the Legislature, these facts create an emergency within  
10 the meaning of the Constitution of Maine and require the following legislation as  
11 immediately necessary for the preservation of the public peace, health and safety; now,  
12 therefore,

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

14       **Sec. 1.** 20-A MRSA §1, sub-§20-A, as enacted by PL 2007, c. 240, Pt. XXXX,  
15 §1, is repealed.

16       **Sec. 2.** 20-A MRSA §1, sub-§23-B, as enacted by PL 2007, c. 240, Pt. XXXX,  
17 §2, is repealed.

18       **Sec. 3.** 20-A MRSA §1, sub-§24-B, as enacted by PL 2007, c. 240, Pt. XXXX,  
19 §3, is repealed.

20       **Sec. 4.** 20-A MRSA §1, sub-§24-C, as enacted by PL 2007, c. 240, Pt. XXXX,  
21 §4, is repealed.

22       **Sec. 5.** 20-A MRSA §1, sub-§26, as repealed and replaced by PL 2007, c. 668,  
23 §1, is repealed and the following enacted in its place:

24       **26. School administrative unit.** "School administrative unit" means the state-  
25 approved unit of school administration and includes a municipal school unit, school  
26 administrative district, community school district or any other municipal or quasi-  
27 municipal corporation responsible for operating or constructing public schools, except  
28 that it does not include a career and technical education region.

29       **Sec. 6.** 20-A MRSA §1201, as repealed by PL 2007, c. 240, Pt. XXXX, §6, is  
30 reenacted to read:

31       **§1201. Criteria for establishing a school administrative district**

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

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

1            2. Number of students. The district shall have, as recorded in the last return under  
2            section 6004:

3            A. Three hundred or more resident public secondary school students;

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

7            C. Fifty or more resident public secondary school students if:

8                    (1) The proposed district has on file with the state board a duly authorized and  
9                    executed 2-year to 10-year contract offer from a municipality having 100 or more  
10                   resident public secondary school students; and

11                   (2) If the combined number of resident public secondary school students in these  
12                   2 school administrative units exceeds 300; and

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

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

16                   (2) Formed on or before, and operating on April 1, 1957.

17            **Sec. 7. 20-A MRSA §1202**, as repealed by PL 2007, c. 240, Pt. XXXX, §7, is  
18            reenacted to read:

19            **§1202. Formation of district**

20            The residents of 2 or more municipalities may form a school administrative district  
21            which shall be a body politic and incorporate by completing the following steps.

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

26                   "To see if the municipality will vote to instruct its school board to file an  
27                   application with the State Board of Education for the purpose of forming a school  
28                   administrative district with the following towns: .....  
29                   (naming them)"

30            **2. Initial application.** If the article is approved, the school board shall file an initial  
31            application with the state board.

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

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

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

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

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

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

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

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

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

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

19           (1) Elect a chairman and a secretary;

20           (2) Determine the total number of school directors to represent each municipality  
21 and the method of apportioning voting power among directors consistent with  
22 this section and sections 1251 and 1252;

23           (3) Determine the method of sharing costs under section 1301; and

24           (4) Determine the date when all the municipalities in the proposed district shall  
25 vote on the articles of district formation. The date shall be at least 60 days from  
26 the date on which it is determined.

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

30          5. Calling municipal elections. If the state board finds the report of the joint  
31 meeting to be in order, the state board shall order the municipal officers of the  
32 municipalities involved to call town meetings or city elections on the date established  
33 pursuant to subsection 4, paragraph C, subparagraph (4) for the purpose of voting on the  
34 questions required by this subchapter relating to the formation of a school administrative  
35 district.

36          A. Municipalities voting on the questions of district formation under Title 30-A,  
37 sections 2528 to 2531-A shall open the polls at 10 a.m. and shall close the polls at 7  
38 p.m.

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

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

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

7 A. "Article .....: To see if the municipality will vote to join with the municipalities of  
8 (naming them) to form a school administrative district."

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

13 C. "Article .....: To choose ..... (number) school director(s) to represent the  
14 municipality (or subdistrict) on the board of school directors of the school  
15 administrative district."

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

18 Article .....: To see if the costs of operating "School Administrative District .....  
19 (number) shall be shared among the towns of ..... (naming them)  
20 in accordance with (per pupil, state valuation, a combination thereof or any other  
21 formula authorized by the Legislature)"

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

25 "Article .....: To see if the municipality will vote to authorize the district to  
26 assume full responsibility for amortizing the following listed indebtedness now  
27 outstanding in the school administrative units planning to form the school  
28 administrative district."

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

33 F. If a school administrative district is to be formed under this section, or if the  
34 proposed school administrative district plans to contract with a designated private  
35 school for the education of its students in grades 9 through 12, voters shall act on the  
36 following article.

37 "Article .....: To see if the municipality will vote to join with the municipalities  
38 of ..... (naming them) to form a school administrative district, which  
39 district is hereby authorized and directed to accept the contract offer of  
40 ..... for the schooling of pupils in grades 9 through 12."

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

3           8. Special provision for community school districts. A community school district  
4 may be changed to a school administrative district if each municipality within the district  
5 acts affirmatively on the following articles.

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

11           "Article ..... To see if the municipality will vote to authorize the .....  
12 (name) Community School District, of which this municipality is a part, to  
13 suspend operation as a community school district and organize and operate as a  
14 school administrative district in accordance with action on the following article."

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

20           "Article ..... To see if the municipality will vote to authorize the suspension of  
21 the .....(name) Community School District in order to organize  
22 and operate as a part of a larger school administrative district."

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

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

29           Sec. 8. 20-A MRS §1203, as repealed by PL 2007, c. 240, Pt. XXXX, §8, is  
30 reenacted to read:

31           **§1203. Issuance of a certificate of organization**

32           Certificates of organization shall be issued as follows.

33           1. Report of vote. The clerks of the municipalities which have voted on the  
34 questions regarding the formation of the school administrative district shall report to the  
35 state board the results of the vote in a manner determined by the state board.

36           2. Finding recorded. If the state board finds that a majority of voters in each school  
37 administrative unit forming the school administrative district have voted in favor of each  
38 of the articles of formation, elected the necessary school directors and taken all other  
39 necessary steps in the formation of the proposed school administrative district in

1 conformity with law, the state board shall make and record its finding that the school  
2 administrative district is in compliance.

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

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

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

12 **6. Issuance of certificate evidence of organization.** The issuance of the certificate  
13 shall be conclusive evidence of the lawful organization of the school administrative  
14 district.

15 **Sec. 9. 20-A MRSA §1204,** as repealed by PL 2007, c. 240, Pt. XXXX, §9, is  
16 reenacted to read:

17 **§1204. Transfer of property and assets**

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

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

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

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

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

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

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

36 A. The directors of the school administrative district may, notwithstanding any other  
37 statute or any provision of any trust agreement, use any sinking fund or other money



1 set aside by the school administrative unit to pay off the indebtedness for which the  
2 money was dedicated;

3 B. The municipality within a school administrative district may, by vote of its voters,  
4 raise, appropriate and transfer money to the school administrative district solely for  
5 school construction purposes; and

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

11 The municipality may only withdraw this appropriation:

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

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

16 **Sec. 10. 20-A MRSA §1205**, as repealed by PL 2007, c. 240, Pt. XXXX, §10, is  
17 reenacted to read:

18 **§1205. Operational date and transfer of authority**

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

21 **1. Operational date.** A school administrative district shall become operative on the  
22 date set by the state board as provided in section 1253.

23 **2. Transfer of governing authority.** The school directors shall, on the date  
24 established in subsection 1, assume responsibility for the management and control of the  
25 public schools within the former school administrative units within the district and these  
26 former school administrative units on that date have no further responsibility for the  
27 operation or control of the public schools within the district.

28 **3. Transfer of school accounts.** Notwithstanding section 15004 or any charter of a  
29 community school district or coterminous district, the balance remaining in the school  
30 accounts of the municipalities, community school district or coterminous school districts  
31 within the school administrative district shall be paid to the treasurer of the district in  
32 equal monthly installments over the remainder of the fiscal year in which the district is  
33 formed.

34 **4. Teacher contracts.** The contracts between the municipalities within the district  
35 and all teachers shall automatically be assigned to the school administrative district as of  
36 the date the district becomes operative. The district shall assign teachers to their duties  
37 and make payments upon their contracts.

38 **5. Superintendent contracts.** The contracts between the superintendents and  
39 municipalities within the district shall be transferred to the school administrative district.

1 The board of directors shall determine the superintendents' duties within the district and  
2 pay that proportion of the salaries paid for by the former school administrative units in  
3 the district.

4 **Sec. 11. 20-A MRSA §1305-C**, as amended by PL 2007, c. 668, §2 and affected  
5 by §55, is repealed.

6 **Sec. 12. 20-A MRSA c. 103, sub-c. 6**, as repealed by PL 2007, c. 240, Pt.  
7 XXXX, §12, is reenacted to read:

8 **SUBCHAPTER 6**

9 **REORGANIZATIONS**

10 **§1401. Additions**

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

13 **1. Application.** The board of directors of the municipality wishing to join with an  
14 existing school administrative district may file an application with the commissioner on a  
15 form to be provided by him.

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

19 B. The agreement may contain a new method of sharing costs among the member  
20 municipalities of the district in accordance with section 1301. The article set out in  
21 section 1202, subsection 6, paragraph D, authorizing units to vote on alternate  
22 methods of sharing costs shall be used if the agreement recommended by the  
23 commissioner contains a provision for using one of the alternate methods of sharing  
24 costs.

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

27 **2. First meeting.** Within 45 days after receipt of the agreement by the municipal  
28 clerk, a regular or special town meeting or city election in the joining municipality, shall  
29 vote on the agreement. The vote shall conform to the following procedure.

30 A. The article voted on shall be:

31 "Article ..: Shall the municipality vote to join School Administrative District No.....  
32 as a participating municipality of the district subject to the terms and conditions of  
33 the agreement prepared by the commissioner dated ..... 19..?

34 Yes ... No ..."

35 (A copy of the agreement shall be posted with each warrant.)

1 B. The election of the directors and the vote on the agreement shall be conducted on  
2 the same day. This election shall follow the procedures used for the election of  
3 municipal officials by the municipality.

4 C. The vote on the agreement shall be called using the same methods as the  
5 municipality uses in conducting its business at regular or special town meetings or  
6 city elections.

7 D. If the municipality is organized under a special legislative charter, it shall call a  
8 referendum following the procedures outlined in its charter.

9 E. The municipal clerk shall send a certified copy of the results of the vote to the  
10 secretary of the school administrative district.

11 **3. Second meeting.** If the board of directors finds that the vote was in the  
12 affirmative, the board shall call a district referendum within 45 days in accordance with  
13 sections 1351 to 1354 to vote on the following article.

14 Article ..: Shall the district vote to admit the municipality of .....(name  
15 the municipality) into School Administrative District No..... as a participating  
16 municipality of the district subject to the terms and conditions of the agreement  
17 prepared by the commissioner dated ..... 19.....?

18 Yes .. No .."

19 (A copy of the agreement shall be posted with each warrant.)

20

21 A. The municipal clerks within the district shall forward to the commissioner a  
22 certified report of the total number of affirmative and negative votes cast on the  
23 article.

24 B. On receipt of the results of the voting from all municipalities, the commissioner  
25 shall compute and record the result of the voting.

26 **4. Commissioner finding.** If the commissioner finds that a majority of the voters of  
27 the district and a majority of the voters of the municipality favor admission of the  
28 municipality into the district, he shall make a finding to that effect.

29 A. The commissioner shall notify by registered mail the clerk of the municipality  
30 seeking to join the school administrative district and the secretary of the school  
31 administrative district of the results of the vote.

32 B. If the commissioner's finding is that a majority is for joining, he shall issue an  
33 amended certificate for the school administrative district, which shall be filed in the  
34 same manner as the original certificate.

35 **5. Certificate.** The issuance of an amended certificate shall be conclusive evidence  
36 of the admission of that municipality to the school administrative district.

37 **§1402. Combining of districts**

38 If one school administrative district wishes to join with another school administrative  
39 district, the following procedure shall be used.

1           1. Application. Each district's board of directors shall file an application with the  
2 commissioner on a form to be prepared by him.

3           A. The commissioner shall receive the applications, make a study of the necessity for  
4 combining the districts and recommend an agreement by which the districts may  
5 combine.

6           B. This agreement shall be forwarded to the secretary of each school administrative  
7 district.

8           2. Meeting. Within 45 days after receipt of the agreement each district's board of  
9 directors shall call a district meeting in accordance with sections 1351 to 1354 to vote on  
10 the following article.

11           "Article .. To see if School Administrative District No.... will vote to join School  
12 Administrative District No.... in a merger to form a larger district subject to the terms  
13 and conditions of the agreement prepared by the commissioner dated ..... 19.....

14                                   Yes .. No .."

15           (A copy of the agreement shall be posted with each warrant.)

16           3. Return. The secretary of each school administrative district shall file a return  
17 with the commissioner immediately following the votes in the district on the question of  
18 merger.

19           4. Commissioner's finding. If the commissioner finds that a majority of the voters  
20 in each district have voted in favor of the merger, he shall make a finding to the effect.

21           5. Notice. The commissioner shall notify by registered mail the secretary of each  
22 district of the results of the vote.

23           6. Certificate. If the commissioner's finding is that a majority is for merging, he  
24 shall issue a new certificate for the enlarged school administrative district and assign a  
25 number. The certificate shall be filed in the same manner as the original certificate.

26           7. Evidence. The issuance of the certificate by the commissioner shall be conclusive  
27 evidence of the merger of the school administrative districts.

28           §1403. Dissolution of a district

29           1. Ten percent petition. Upon receipt of a petition which seeks to dissolve a school  
30 administrative district and establishes a maximum figure for the cost of preparing a  
31 dissolution agreement signed by 10% of the number of voters in a municipality who  
32 voted at the last gubernatorial election, the municipal officers shall call and hold a special  
33 election, in the manner provided for the calling and holding of town meetings or city  
34 elections to vote on the dissolution of the school administrative district.

35           A. At least 10 days before the election, a posted or otherwise advertised public  
36 hearing on the petition shall be held by the municipal officers.

37           B. The petition must be approved by secret ballot by a 2/3 vote of the voters present  
38 and voting before it may be presented to the board of directors and the commissioner.

1 Voting in towns shall be conducted in accordance with Title 30-A, sections 2528 and  
2 2529, even if the towns have not accepted the provisions of Title 30-A, section 2528,  
3 and voting in cities shall be conducted in accordance with Title 21-A.

4 **2. Form.** The question to be voted upon shall be in substantially the following form:

5 "Article ..: Be it resolved by the residents of the Town of ..... that a petition for  
6 dissolution be filed with the directors of School Administrative District No. .... and  
7 with the commissioner, that the dissolution committee be authorized to expend  
8 \$..... and that the (municipal officers; i.e. selectmen, town council, etc.) be  
9 authorized to issue notes in the name of the Town of ..... or otherwise pledge the  
10 credit of the Town of ..... in an amount not to exceed \$..... for this purpose?

11 Yes .... No ...."

12 **3. Notice of vote; finding by commissioner.** If residents of a participating  
13 municipality vote favorably on a petition for dissolution, the clerk shall immediately give  
14 written notices, by registered mail, to the secretary of the school administrative district  
15 and the commissioner which shall include:

16 A. The petition adopted by the voters, including the positive and negative votes cast;  
17 and

18 B. An explanation by the municipal officers, stating to the best of their knowledge,  
19 the reason or reasons why the municipality seeks to dissolve the district.

20 **4. Agreement for dissolution; notice; changes in agreement; final agreement.**  
21 The agreement for dissolution shall comply with the following.

22 A. The commissioner, after consultation with the district board of directors,  
23 municipal officers of the participating municipalities, and representatives of the group  
24 which filed the petition with the municipality, shall direct the municipal officers of  
25 each municipality to select representatives to a committee as follows: One member  
26 from the municipal officers, the group filing the petition; and one member from the  
27 general public; and one member from the group filing the petition if the group is  
28 represented in the municipality, otherwise an additional one member of the general  
29 public. The commissioner shall also direct the directors representing each  
30 municipality to select one member of the board of directors who represents that  
31 municipality to serve on the committee. The municipal officer and the member of the  
32 board of directors shall serve on the committee only so long as they hold their  
33 respective offices. Vacancies will be filled by the municipal officers and board of  
34 directors. The chairman of the board of directors shall call a meeting of the  
35 committee within 30 days of the filing of the notice of the vote in subsection 3. The  
36 chairman of the board shall open the meeting by presiding over the election of a  
37 chairman of the committee. The responsibility for the preparation of the agreement  
38 shall rest with the committee, subject to the approval of the commissioner. The  
39 committee may draw upon the resources of the department for information not  
40 readily available at the local level and employ competent advisors within the fiscal  
41 limit authorized by the voters. The agreement shall be submitted to the commissioner  
42 within 90 days after the committee is formed. Extensions of time may be granted by  
43 the commissioner upon the request of the committee.

1           (1) The agreement shall contain provisions to provide educational services for all  
2           students in the district. The agreement shall provide that during the first year  
3           following the dissolution, students may attend the school they would have  
4           attended if the district had not dissolved. The allowable tuition rate for students  
5           sent from one municipality to another in the former school administrative district  
6           shall be determined under section 5805, subsection 1, except that it shall not be  
7           subject to the state per pupil average limitation in section 5805, subsection 2.

8           (2) The agreement shall establish the dissolution to take effect at the end of the  
9           district's fiscal year.

10          (3) The agreement shall establish that the dissolution will not cause a need  
11          within 5 years from the effective date of dissolution for school construction  
12          projects which would be eligible for state funds. This limitation does not apply  
13          where a need for school construction existed prior to the effective date of the  
14          dissolution or where a need for school construction would have arisen even if the  
15          district had not dissolved.

16          (4) The agreement shall establish how transportation services will be provided.

17          (5) The agreement shall provide for administration of the new administrative  
18          units, which should not include the creation of new supervisory units if at all  
19          possible.

20          (6) The agreement shall make provision for the distribution of financial  
21          commitments arising from outstanding bonds, notes and any other contractual  
22          obligations that extend beyond the proposed date of dissolution.

23          (7) The agreement shall make appropriate provision for the distribution of any  
24          outstanding financial commitments to the superintendent of the school  
25          administrative district.

26          (8) The agreement shall provide for the continuation and assignment of  
27          collective bargaining agreements as they apply to the new or reorganized school  
28          administrative unit for the duration of those agreements and shall provide for the  
29          continuation of representational rights.

30          (9) The agreement shall provide for the continuation of continuing contract  
31          rights under section 13201, subsection 2.

32          (10) The agreement shall provide for the disposition of all real and personal  
33          property and other monetary assets.

34          (11) The agreement shall provide for the transition of administration and  
35          governance of the schools to properly elected governing bodies of the newly  
36          created administrative units and shall provide that the governing bodies shall not  
37          be elected simultaneously with the vote on the article to dissolve unless the  
38          commissioner finds there are extenuating circumstances which necessitate  
39          simultaneous elections.

40          B. Within 60 days of the receipt of the agreement, the commissioner shall either give  
41          it conditional approval or recommend changes. The changes shall be based upon the  
42          standards set forth in paragraph A and the commissioner's findings of whether the

1 contents of the plan will provide for appropriate educational and related services to  
2 the students of the district and for the orderly transition of assets, governance, and  
3 other matters related to the district.

4 C. If the commissioner gives conditional approval of the agreement, he shall notify  
5 the directors and the municipal officers by registered mail of the time and place of a  
6 public hearing at least 20 days prior to the date set for the hearing, to discuss the  
7 merits of the proposed agreement of dissolution. The chairman of the board of  
8 directors will conduct the hearing.

9 (1) The directors shall post a public notice in each municipality of the time and  
10 location of the hearing at least 10 days before the hearing.

11 (2) Within 30 days following the hearing, the committee shall forward the final  
12 agreement to the commissioner.

13 D. If the commissioner recommends changes he shall:

14 (1) Send the agreement back to the committee for necessary corrections;

15 (1-A) Establish a maximum time within which to make the corrections; and

16 (2) Indicate that the corrected agreement shall be returned to the commissioner  
17 for conditional approval before it goes to public hearing as set forth in paragraph  
18 C.

19 **5. Date of vote; notice; warrant; polling hours.** The date and time for voting shall  
20 be established as follows.

21 A. The commissioner shall determine the date upon which all municipalities shall  
22 vote upon the dissolution agreement submitted to them. The election shall be held as  
23 soon as practicable and the commissioner shall attempt to set the date of the vote to  
24 coincide with a statewide election.

25 B. At least 35 days before the date set in paragraph A, the board of directors shall  
26 give written notice by registered or certified mail to the town or city clerk of each  
27 municipality having a right to vote on the dissolution agreement.

28 C. The town or city clerk shall immediately notify the municipal officers upon  
29 receipt of the notice, and the municipal officers shall meet and immediately issue a  
30 warrant for a special town meeting or city election, as the case may be, to be held on  
31 the date designated by the commissioner. No other date may be used.

32 D. In the respective warrants, the municipal officers shall direct that the polls shall  
33 be open at 10 o'clock in the forenoon and shall remain open until 8 o'clock in the  
34 afternoon.

35 **6. Public hearing; voting procedures.** The following requirements apply to the  
36 voting procedures.

37 A. At least 10 days before the election, a posted or otherwise advertised public  
38 hearing on the dissolution question shall be held by the municipal officers.

1 B. Except as otherwise provided in this section, the voting at the meetings held in  
2 towns shall be conducted in accordance with Title 30-A, sections 2528 and 2529,  
3 even if the towns have not accepted the provisions of Title 30-A, section 2528.

4 C. The voting at the meeting held in cities shall be conducted in accordance with  
5 Title 21-A.

6 **7. Article.** The article shall be in the following form.

7 "Article .....: Shall School Administrative District No. .... be dissolved subject  
8 to the terms and conditions of the dissolution agreement dated ..... 19 .....?  
9 Yes ..... No ....."

10 **8. Ballots; posting of agreement.** The dissolution agreement need not be printed on  
11 the ballot. Copies of the agreement shall be posted in each participating municipality in  
12 the same manner as specimen ballots are posted under Title 30-A, section 2528.

13 **9. Restriction on dissolution petitions.** No participating municipality within a  
14 district may petition for dissolution within 2 years after the date of:

15 A. A municipal vote on a petition for dissolution if the petition received less than  
16 60% of the votes cast; or

17 B. A district vote on a dissolution agreement if the agreement received less than 45%  
18 of the votes cast.

19 **10. Costs of dissolution agreements.** If the school administrative district votes to  
20 permit dissolution, then the district shall reimburse the petitioning municipality for the  
21 authorized expenses incurred by the dissolution committee. If the district votes not to  
22 permit dissolution, then the district will not be required to reimburse the petitioning  
23 municipality for those expenses.

24 **11. Determination of vote.** The town and city clerks shall, within 24 hours of  
25 determination of the result of the vote in their respective municipalities, certify the total  
26 number of votes cast in the affirmative and the total number of votes cast in the negative  
27 on the article to the board of directors.

28 **12. Determination of results; notification of commissioner; execution of**  
29 **agreement.** Determination of results shall comply with the following.

30 A. Upon receipt of the results of the voting from all municipalities, the board of  
31 directors shall meet and shall compute and record the total number of votes cast in the  
32 municipalities in the affirmative and in the negative on the dissolution article.

33 B. The board of directors shall notify the commissioner by registered mail or by  
34 hand delivery of the results of the vote.

35 C. If the commissioner finds that a majority of the voters voting on the article have  
36 voted in the affirmative, he shall notify the directors of the district to take steps to  
37 dissolve the district in accordance with the terms of the agreement for dissolution.

38 **13. Recount; checklists and ballots; disputed ballots.** The following provisions  
39 apply to recounts, checklists, ballots and disputed ballots.



1 A. If, within 7 days of the computation and recording of the results of the voting  
2 from all municipalities, the municipal officers of any participating municipality  
3 request to the commissioner in writing a recount of the votes in the district, the  
4 commissioner shall immediately cause the checklists and all the ballots cast in all of  
5 the participating municipalities to be collected and kept at the commissioner's office  
6 so they may be recounted by interested municipalities.

7 B. The town clerks of the participating municipalities are authorized to deliver the  
8 checklists and ballots to the commissioner, notwithstanding any other provision of  
9 law to the contrary.

10 C. The commissioner shall resolve any question with regard to disputed ballots.

11 **14. Execution of agreement; certified record; certificate of withdrawal.** When  
12 the agreement for dissolution has been put in effect by the directors of the school  
13 administrative district, the directors shall notify the commissioner by certified mail that  
14 the agreement of dissolution has been executed.

15 A. A complete certified record of the transaction involved in the dissolution shall be  
16 filed with the commissioner.

17 B. The commissioner shall immediately issue a certificate of dissolution to be sent  
18 by certified mail for filing with the directors of the school administrative district and  
19 shall file a copy in the office of the Secretary of State.

20 **15. Indebtedness; indebtedness defined; indebtedness after dissolution.** The  
21 following provisions apply to outstanding indebtedness.

22 A. Whenever a district having outstanding indebtedness dissolves, the district shall  
23 remain intact for the purpose of securing and retiring the indebtedness; the  
24 dissolution agreement may provide for alternate means for retiring outstanding  
25 indebtedness.

26 B. "Outstanding indebtedness" means bonds or notes for school construction projects  
27 issued by the board of directors pursuant to the authorization established under  
28 chapter 609 or Title 20, sections 3457 to 3460 or obligations to the Maine School  
29 Building Authority pursuant to any contract, lease or agreement made by the board of  
30 directors pursuant to approval thereof in a district meeting of the school  
31 administrative district, but does not include any indebtedness of any municipality  
32 assumed by the school administrative district at the time of formation nor any  
33 contract, lease or agreement of the Maine School Building Authority to which by  
34 operation of law the school administrative district has become the assignee.

35 **16. General purpose aid.** When a school administrative district dissolves, the  
36 general purpose aid for the individual municipalities must be computed in accordance  
37 with chapter 606-B.

38 **17. Committee recall.** If the commissioner determines that the dissolution  
39 committee has failed to comply with the requirements of this section, he may authorize  
40 the municipal officers and the district's board of directors to recall their representatives  
41 and to appoint new representatives to the committee.

1 **§1404. Reorganization of a school administrative district as a community school**  
 2 **district**

3 **1. Petition for reorganization.** The residents of a municipality within a school  
 4 administrative district may petition for dissolution of the school administrative district  
 5 and reorganization as a community school district, which will operate grades 9 to 12 and  
 6 any combination of kindergarten through grade 8 in accordance with chapter 105, in the  
 7 manner authorized by section 1403 for dissolution of a district. The articles to be voted  
 8 upon shall clearly set forth that a community school district will be formed upon the  
 9 dissolution of the school administrative district.

10 **2. Vote required.** If the commissioner is petitioned pursuant to the authority of  
 11 subsection 1, the board of directors of the school administrative district shall require the  
 12 member municipalities of the district to vote on an article which shall be substantially as  
 13 follows.

14 "Article ..... : Shall School Administrative District No. .... be dissolved subject to  
 15 the terms and conditions of the dissolution agreement dated ..... 19 ....., and the  
 16 towns of ..... form a community school district which shall be responsible for  
 17 the operation of grades .....?"

18 Yes ..... No ....."

19 **3. Governing body of community school district.** A school administrative district  
 20 which dissolves and simultaneously forms a new community school district pursuant to  
 21 this section shall have a single governing body which shall consist of a school committee  
 22 performing all of the duties of the school committee and the board of trustees set forth in  
 23 chapter 105.

24 **4. Commissioner.** The commissioner shall carry out his duties under sections 1403  
 25 and 1602 regarding the dissolution of a school administrative district and the creation of a  
 26 new community school district, except that the municipal officers and the board of  
 27 directors shall be responsible for developing a plan to provide for the continuity of the  
 28 educational program for each municipality to be included within the dissolution  
 29 agreement.

30 **5. Outstanding indebtedness of the school administrative district and liability of**  
 31 **the community school district.** If a school administrative district is dissolved and a  
 32 community school district is formed, the community school district shall become liable  
 33 for the school administrative district's outstanding indebtedness as defined in section  
 34 1403, except as otherwise provided for in subsection 6.

35 **6. Outstanding indebtedness of school administrative district; liability of**  
 36 **individual municipalities.** If the school administrative district is dissolved and the  
 37 ensuing community school district does not include all grades kindergarten through 12,  
 38 each member municipality shall be individually liable for any outstanding indebtedness  
 39 which the school administrative district had relative to the grades which will be operated  
 40 exclusively by that municipality or as otherwise provided for in the dissolution  
 41 agreement.

1           7. General purpose aid. When a school administrative district dissolves and a new  
2 community school district is formed, the general purpose aid for the community school  
3 district and the individual municipalities shall be computed in accordance with chapter  
4 605.

5           **§1405. Withdrawal of a single municipality from a school administrative district**

6           1. Petition. The residents of a participating municipality within a school  
7 administrative district composed of 3 or more municipalities may petition to withdraw  
8 from the district in the same manner as they would petition for the dissolution of a school  
9 administrative district in accordance with section 1403, except that only a simple majority  
10 vote of those casting valid ballots in the municipality is required before the petition may  
11 be presented to the board of directors and to the commissioner.

12           2. Procedure. The steps set forth in section 1403 for dissolution apply to the  
13 withdrawal of a member municipality from a school administrative district, except that:

14           A. The responsible committee for preparing the withdrawal agreement shall be  
15 limited to individuals from the municipality;

16           B. Instead of a district election, a municipal election shall be conducted and a 2/3  
17 vote of those casting valid ballots in the municipality is required before it may  
18 withdraw;

19           C. Wherever there is reference in section 1403 to the term "dissolution," or other  
20 terms not consistent with withdrawal, the term "withdrawal" or other appropriate  
21 language shall be substituted;

22           D. All public hearings required under section 1403 shall be conducted by the  
23 municipal officers; and

24           E. A municipality may not petition for withdrawal within 2 years after the date of:

25                   (1) A municipal vote on a petition for withdrawal if the petition received less  
26 than 45% of the votes cast; or

27                   (2) A municipal vote on a withdrawal agreement if the agreement received less  
28 than 60% of the votes cast.

29           3. Cost of advisors. The expense of employing competent advisors by the  
30 municipality petitioning to withdraw shall be borne by the municipality and the expense  
31 of employing competent advisors by the district shall be borne by the district with the  
32 municipality bearing its share according to the district's cost-sharing agreement.

33           4. Commissioner recommended dissolution. The commissioner's responsibilities  
34 to initiate dissolution proceedings are as follows.

35           A. If a member town representing more than 50% of the total population in a district  
36 votes to withdraw from the district, then the commissioner shall analyze the  
37 educational impact of the town's withdrawal upon the district. The district's board of  
38 directors and the municipal officers from the remaining towns shall be consulted.

1 B. If the commissioner finds that it is impractical for the remaining towns to  
2 continue as a district, then he shall initiate the dissolution process set out in section  
3 1403 by having the district submit the following article to the voters at a district  
4 meeting called in accordance with sections 1351 to 1354.

5 "Article .....: Be it resolved by the voters of School Administrative District No.  
6 ..... that a dissolution committee be appointed and authorized to expend \$.....,  
7 and the directors of School Administrative District No. .... be authorized to issue  
8 notes or otherwise pledge the credit of School Administrative District No. .... in an  
9 amount not to exceed \$..... for this purpose?

10 Yes ..... No ....."

11 C. If the voters approve the article by a majority vote of those voting and present,  
12 then the rest of the dissolution process set forth in section 1403 shall apply except:

13 (1) A 2nd member from the general public shall be selected by the municipal  
14 officers to fill the position on the dissolution committee normally held by a  
15 representative of the group which would have filed the dissolution petition; and

16 (2) Costs of preparing a dissolution agreement shall be borne solely by the  
17 district.

18 **5. Transfer of property.** The district's board of directors may negotiate with the  
19 withdrawal committee regarding an equitable division of the district's property between  
20 the district and the municipality represented by the committee and transfer title of the  
21 property to the municipality following withdrawal. The board of directors shall  
22 determine that the district's educational program shall not be disrupted solely because of  
23 the transfer of any given property before it may complete the transfer.

24 **§1406. Transfer of a municipality from one school administrative district to another**

25 **1. Petition to commissioner.** The board of directors of 2 school administrative  
26 districts may petition the commissioner by joint resolution to permit a municipality to  
27 transfer from one school administrative district to another, provided that that municipality  
28 is being transferred to a district contiguous to the municipality.

29 **2. Transfer agreement.** The boards of directors of the 2 districts and the municipal  
30 officers of the municipality involved shall form a committee to prepare a transfer  
31 agreement within 60 days after being notified by the commissioner to prepare the  
32 agreement. Extensions of time may be granted by the commissioner.

33 A. The committee shall consider the standards set forth in section 1403, subsection 4,  
34 paragraph A in preparing the agreement.

35 B. The approval process for the agreement shall follow the steps set forth in section  
36 1403, subsection 4 to subsection 16.

37 C. The following question shall appear on the ballot when the transfer of a  
38 municipality is considered.

39 "Article .....: Shall School Administrative District No. .... vote to permit the  
40 municipality of ..... to transfer into School Administrative District No. ....

1 as a participating municipality of that district subject to the terms and conditions of  
2 the agreement of transfer approved by the commissioner dated ..... 19 .....?

3 Yes ..... No ....."

4 (A copy of the agreement shall be posted with each warrant which directs the citizens  
5 to vote upon the question.)

6 D. The article must be approved by a majority of votes cast in both districts and by a  
7 majority of votes cast in the municipality to be transferred before the agreement may  
8 take effect.

9 E. A complete certified record of the transaction involved in the transfer shall be  
10 filed with the commissioner. He shall issue immediately a certificate of transfer to  
11 the secretary of each school administrative district by registered mail to be filed with  
12 the directors of the districts involved and shall file a copy of the certificate of transfer  
13 in the office of the Secretary of State.

14 **3. Outstanding indebtedness.** Whenever a municipality, or a part of a municipality,  
15 is detached from a district having outstanding indebtedness, the municipality or part of a  
16 municipality shall remain as part of the district from which it was detached for the  
17 purposes of paying its proper portion of such indebtedness until the indebtedness shall be  
18 redeemed. The municipality or part of a municipality shall not be part of the district from  
19 which it was detached for the purpose of any outstanding indebtedness incurred  
20 subsequent to the date of the certificate of transfer.

21 **§1407. Closing an elementary school**

22 **1. Vote; cost of election.** An elementary school in a member municipality of a  
23 school administrative district may not be closed pursuant to section 4102, subsection 3  
24 unless the voters in the member town vote on the following article in accordance with the  
25 procedure set forth in sections 1351 to 1354.

26 "Article .....: Shall the board of directors of School Administrative District No.  
27 ..... be authorized to close ..... (name of school)?

28 Yes ..... No ....."

29 (The election must be conducted only within that member municipality, and the costs  
30 of the election are borne by the district.)

31 **2. Expense of keeping the school open.** If the voters vote to keep the school open,  
32 the member municipality is liable for some additional expense for actual local operating  
33 costs and transportation operating costs as defined in section 15672. The determination  
34 of costs is subject to the approval of the commissioner. The cost to be borne by the town  
35 voting to keep an elementary school open is the amount that would be saved if the school  
36 were closed. Any additional costs that must be borne by the member municipality must  
37 be part of the article presented to the voters at the meeting to determine whether the  
38 school should remain open.

39 **3. Costs and procedures during subsequent years.** During any year subsequent to  
40 the year during which an elementary school remains open contrary to the school  
41 administrative district board of director's vote to close that elementary school, as a result

1 of a municipal referendum, the elementary school will be open without any additional  
2 cost to the municipality except as described in paragraphs A and B.

3 A. If the school administrative district board of directors again vote to close the  
4 elementary school and the voters of the member municipality again vote to keep the  
5 elementary school open, as described in this paragraph, then the elementary school  
6 will remain open and the member municipality will be obligated to pay the additional  
7 costs as described in subsection 2.

8 B. If the school administrative district board of directors again votes to close the  
9 elementary school and the voters of the member municipality fail to vote to keep the  
10 elementary school open, then the elementary school is closed. In this event, the  
11 elementary school may be reopened only if the school administrative district board of  
12 directors vote to reopen the school.

13 **4. Definition of elementary school closing.** In this section, an elementary school  
14 closing shall be any action or actions by the school administrative district that have the  
15 effect of providing no instruction for any students at that elementary school.

16 **5. Method of payment by liable municipality.** If a municipality is liable for  
17 additional expenses as determined in subsection 1, paragraph B, then the amount of this  
18 additional expense shall be subtracted from the school administrative district budget  
19 before each member municipality's assessment is computed. This additional expense  
20 shall be paid by the member municipality which is liable in equal monthly amounts,  
21 unless the school administrative district and that member municipality mutually agree to  
22 another method of payment.

23 **§1408. State board review of commissioner's decisions**

24 A school administrative unit or other interested parties may request that the state  
25 board reconsider decisions made by the commissioner under this subchapter. The state  
26 board may have the authority to overturn decisions made by the commissioner. In  
27 exercising this power, the state board is limited by this subchapter.

28 **§1409. Rules**

29 The state board may adopt rules to carry out this subchapter.

30 **Sec. 13.** 20-A MRSA c. 103-A, as amended, is repealed.

31 **Sec. 14.** 20-A MRSA §1602, as repealed by PL 2007, c. 240, Pt. XXXX, §14, is  
32 reenacted to read:

33 **§1602. Formation**

34 A community school district may be formed by the residents of 2 or more  
35 municipalities only if the voters of each of those municipalities have voted to create the  
36 district.

37 **1. Municipal vote.** If the school board of each municipality's school administrative  
38 unit votes to join with another municipality to form a community school district, then the

1 municipal officers of each municipality shall call a meeting of the voters of their  
2 respective municipality in a manner provided by law for the calling of town meetings.  
3 Those meetings shall vote to either favor or oppose articles in substantially the following  
4 forms.

5 A. "Article ..: To see if the municipality of ..... (name) will vote to join with  
6 the municipalities of ..... (naming them) to form a community school district to  
7 be known as ..... Community School District which shall be responsible for the  
8 operation of grades ..... (naming them)."

9 B. "Article ..: To see if the costs of operating ..... Community School District  
10 shall be shared among the municipalities of ..... (naming them) in  
11 accordance with (per student, state valuation, a combination thereof or any other  
12 formula authorized by the Legislature)."

13 C. "Article ...: To see if the municipality of ..... (name) will vote to have the  
14 community school district's school committee perform the duties of the board of  
15 trustees."

16 **2. State board declaration.** Each municipal clerk shall file a return of the votes cast  
17 at the meeting with the state board. If the state board determines that a majority of those  
18 voting in each of the municipalities favored the articles in subsection 1, paragraphs A and  
19 B, then the state board shall so declare. With the declaration, the commissioner shall  
20 issue to the community school district a certificate of organization which shall be  
21 conclusive evidence of its lawful organization. The community school district shall bear  
22 the name voted on.

23 **3. Petition to reorganize to rename.** The district school committee may petition  
24 the state board to change the name of the community school district or to change the  
25 number of grades which the community school district is responsible for operating.

26 A. The state board shall authorize the change if it finds the change to be in the best  
27 interest of the community school district.

28 B. If the State Board of Education authorizes the change, then the governing body  
29 of the community school district shall notify the municipal officers in each of the  
30 member towns who shall call a meeting of the inhabitants of their respective towns in  
31 the manner provided by law for calling of town meetings and those meetings shall  
32 vote to favor or oppose articles in substantially the following forms.

33 (1) "Article ... : To see if the town will vote to authorize the .....   
34 Community School District to change its name to ..... Community  
35 School District."

36 (2) "Article...: To see if the town will vote to authorize the .....   
37 Community School District to be responsible for the operation of grades  
38 ....."

39 C. The clerk in each of the member towns shall file a return of the votes cast in the  
40 town meeting with the state board. If the state board finds that a majority of those  
41 voting in each of the towns favor the articles, then the community school district shall  
42 be reorganized accordingly.

1           **4. Board to file return.** Whenever the community school district is reorganized in  
2 the manner authorized in subsection 3 or under section 1751, the board of trustees shall  
3 file a return to that effect with the state board. A copy, certified by the commissioner, of  
4 the return shall be conclusive evidence of the reorganization of the community school  
5 district.

6           **Sec. 15. 20-A MRSA §1604**, as repealed by PL 2007, c. 240, Pt. XXXX, §15, is  
7 reenacted to read:

8           **§1604. Transition to new district**

9           **1. Transfer of contracts.** At the start of the school year after organization:

10           A. The contracts between the municipalities within the community school district  
11 and all teachers shall automatically be assigned to the community school district and  
12 the district shall be responsible for assigning teachers to their duties and making  
13 payments on their contract; and

14           B. The contracts between the superintendents and municipalities within the  
15 community school district shall automatically be assigned to the district.

16           (1) The superintendents' duties with regard to the community school district shall  
17 be determined by the district school committee.

18           (2) The community school district shall thereafter pay the proportionate part of  
19 the superintendents' salary that the municipalities were liable to pay.

20           **2. Transfer of assets.** Each municipality within the community school district, at  
21 the same time, shall transfer to the district:

22           A. All school supplies and equipment purchased for and in use by the school grades  
23 encompassed by the community school district formation; and

24           B. All real property, as requested by the district school committee, which was  
25 formerly used for the school grades encompassed by the district formation. The  
26 municipal officers shall execute quitclaim deeds for the transfer of real property  
27 requested by the district school committee.

28           **3. Initial budget.** The district school committee shall be responsible for preparing  
29 and submitting a budget to the voters, as authorized by section 1701, prior to the start of  
30 the first year.

31           **4. Operational date.** At the start of the school year after organization, the  
32 community school district shall become operative and the district school committee shall  
33 assume the sole management and control of the operation of all the public schools within  
34 the community school district for the authorized grade levels. It shall also adopt bylaws  
35 and an official seal.

36           **Sec. 16. 20-A MRSA §1701-C**, as amended by PL 2007, c. 668, §26 and affected  
37 by §55, is repealed.



1           **Sec. 17. 20-A MRSA §1751**, as repealed by PL 2007, c. 240, Pt. XXXX, §17, is  
2 reenacted to read:

3           **§1751. Additions to, dissolution of and withdrawal from a district**

4           **1. Additions.** The inhabitants of any territory within any town, not originally in the  
5 district, may be included upon vote of all towns concerned in a manner similar to that  
6 prescribed for establishing the community school district in section 1602 under such  
7 terms and arrangements as may be recommended by the community school district's  
8 school committee.

9           **2. Dissolution.** The residents of a participating municipality within a community  
10 school district may petition and vote to dissolve the district in the same manner as a  
11 participating municipality within a school administrative district may petition and vote to  
12 dissolve a school administrative district in accordance with section 1403.

13           **3. Withdrawal.** The residents of a participating municipality within a community  
14 school district may petition and vote to withdraw from the district in the same manner as  
15 a participating municipality within a school administrative district may petition to  
16 withdraw in accordance with section 1405.

17           **4. Transfer.** The school committees of 2 community school districts may permit the  
18 transfer of a municipality from one community school district to another in the same  
19 manner the boards of directors of 2 school administrative districts may permit a transfer  
20 in accordance with section 1406.

21           **5. Closing elementary school.** If a community school district includes elementary  
22 grades, the closing of an elementary school in a member municipality pursuant to section  
23 4102, subsection 3 must follow the procedures established in section 1407 for closing an  
24 elementary school in a member municipality in a school administrative district.

25           **6. Substitution of terms.** Whenever there is reference in sections 1403 and 1405 to  
26 1407 to a school administrative district, for purposes of this section, the term "community  
27 school district" shall be substituted. Other terms consistent with the intent of subsections  
28 2 to 5, to allow municipalities to withdraw or transfer from or to dissolve the district or  
29 keep a municipal elementary school open, may also be substituted as necessary.

30           **Sec. 18. 20-A MRSA §1901**, as repealed by PL 2007, c. 240, Pt. XXXX, §18, is  
31 reenacted to read:

32           **§1901. Formation**

33           **1. Commissioner's authority.** The commissioner shall adjust the grouping of  
34 school administrative units within the State in accordance with this section.

35           **2. Size.** A school union shall include not less than 35 nor more than 75 teachers  
36 unless the commissioner, upon request of a school board, finds that because of  
37 geographic location or other reasons, it is to the advantage of the State and the  
38 municipalities that a school union shall include fewer than 35 or more than 75 teachers.

1           3. Combining unions. On presentation of a written plan of organization which has  
2 been approved by the school boards involved, the commissioner may combine 2 or more  
3 school unions, or their parts, into a larger school union.

4           A. The new school union shall be administered by a superintendent of schools and  
5 staff assistants, who may be employed by the union committee as provided in section  
6 1051.

7           B. The commissioner may adjust disbursements for supervision so that there will be  
8 no loss in state support because of the reorganization.

9           4. Exception for existing school unions with over 35 teachers. Existing school  
10 unions employing over 35 teachers shall not be regrouped unless the proposed regrouping  
11 has been approved by a majority of the school board members in the school  
12 administrative units involved.

13           5. School administrative units with more than 75 teachers. A school  
14 administrative unit with more than 75 teachers may employ a superintendent of schools  
15 without uniting with other school administrative units for this purpose.

16           A. The school administrative unit shall elect a superintendent in the same manner  
17 and for the same term, fix the salary and discharge the superintendent under the same  
18 conditions as superintendents employed under sections 1051 to 1054.

19           B. Annually and whenever a new superintendent is elected, the chairman and  
20 secretary of the school board shall certify to the commissioner, on the prescribed  
21 forms, all facts relative to the employment of the superintendent, including the  
22 amount of the salary to be paid.

23           6. Removal. If a school administrative unit having more than 75 teachers removes  
24 itself from an existing school union composed of not more than 2 units, the remaining  
25 unit shall, with the consent of its school board and the commissioner, be treated as though  
26 it had more than 75 teachers, provided that the remaining unit has more than 40 teachers.

27           7. Exception for remote administrative units. If the commissioner finds that a  
28 school administrative unit is remotely situated and that it is not practicable to combine it  
29 with other school administrative units for the purpose of employing a superintendent, the  
30 commissioner may place at the service of the school board of that unit the general agent  
31 for the schooling of the children in unorganized townships, or any other agent of the  
32 commissioner.

33           A. That agent shall, when assigned, serve as the superintendent of the school  
34 administrative unit. The agent shall have the same powers and shall perform the  
35 same service as superintendents of schools of municipalities. The agent's visits to the  
36 schools of the school administrative unit shall be at intervals as directed by the  
37 commissioner.

38           B. The treasurer of the school administrative unit shall pay to the agent a sum agreed  
39 upon by the agent and that school administrative unit. In case of dispute, the  
40 commissioner shall determine the amount to be paid.

1           **8. Exception for school administrative unit with fewer than 35 teachers.** If,  
2 because of geographic location or other circumstances, it is not practicable to combine a  
3 school administrative unit or a school union employing less than 35 teachers with other  
4 school administrative units to form a school union, the school board may provide  
5 supervisory service, when approved by the commissioner. The school administrative unit  
6 or school union may provide for supervisory services by:

7           A. Employing a qualified person to serve as superintendent and as a supervising  
8 principal;

9           B. Contracting with another school administrative unit or school union for  
10 supervisory services; or

11           C. Employing a qualified agent to fulfill supervisory needs.

12           **Sec. 19. 20-A MRSA §2101, sub-§1,** as repealed by PL 2007, c. 240, Pt. XXXX,  
13 §19, is reenacted to read:

14           **1. Establishment.** If a union school is desired, the municipalities shall apply to the  
15 commissioner. The commissioner shall prepare an agreement setting out the terms and  
16 conditions under which a union school may operate.

17           **Sec. 20. 20-A MRSA §2101, sub-§2,** as repealed by PL 2007, c. 240, Pt. XXXX,  
18 §20, is reenacted to read:

19           **2. Approval.** Before a union school may operate, each municipality shall approve  
20 the agreement by an affirmative vote acting under an appropriate article at a regular or  
21 special town meeting or city election.

22           **Sec. 21. 20-A MRSA §2303,** as amended by PL 2007, c. 668, §27, is repealed.

23           **Sec. 22. 20-A MRSA §2307,** as amended by PL 2007, c. 668, §28 and affected by  
24 §55, is repealed.

25           **Sec. 23. 20-A MRSA c. 114,** as amended, is repealed.

26           **Sec. 24. 20-A MRSA §4102, last ¶,** as enacted by PL 2007, c. 240, Pt. XXXX,  
27 §23, is repealed.

28           **Sec. 25. 20-A MRSA §5203, sub-§4,** as repealed and replaced by PL 2007, c.  
29 668, §29, is repealed and the following enacted in its place:

30           **4. Exception; no elementary school.** Elementary students whose parents reside in a  
31 unit that neither maintains an elementary school nor contracts for elementary school  
32 privileges may attend a private school approved for tuition purposes or a public school in  
33 an adjoining unit in the State or in a neighboring state that accepts tuition students. The  
34 school administrative unit where the students' parents reside shall pay tuition and  
35 transportation.

36           **Sec. 26. 20-A MRSA §5204, sub-§4,** as amended by PL 2007, c. 668, §30, is  
37 further amended to read:

1           **4. No secondary school.** ~~A school administrative~~ Secondary students whose parents  
2 reside in a unit that neither maintains a secondary school nor contracts for secondary  
3 school privileges pursuant to chapter 115 shall pay the tuition, in accordance with chapter  
4 219, at the public school or the approved private school of the parent's choice at which  
5 the student is accepted may attend a private school approved for tuition purposes, a public  
6 school in an adjoining unit that accepts tuition students or a school approved for tuition  
7 purposes in another state or country upon permission of officials of the receiving school.  
8 The school administrative unit where the students' parents reside shall pay tuition in the  
9 amount up to the legal tuition rate as defined in chapter 219.

10           **Sec. 27. 20-A MRSA §6051, sub-§1, ¶C,** as amended by PL 2007, c. 668, §31,  
11 is further amended to read:

12           C. A determination of whether or not the annual financial ~~data~~ report submitted to  
13 the department is correct;

14           **Sec. 28. 20-A MRSA §6051, sub-§4,** as amended by PL 2007, c. 668, §32, is  
15 further amended to read:

16           **4. Initial report to commissioner.** On or before ~~November~~ December 1st, the  
17 school board shall provide the commissioner with:

18           C. Written determination of whether or not proper budgetary controls are in place;

19           D. A written determination of whether or not the annual financial ~~data~~ report  
20 submitted to the department is correct, including submission of an audited  
21 reconciliation of the annual financial ~~data~~ report prepared and certified by the auditor;  
22 and

23           E. A written determination as to whether the school administrative unit has complied  
24 with applicable provisions of the Essential Programs and Services Funding Act.

25           **Sec. 29. 20-A MRSA §6051, sub-§6,** as amended by PL 2007, c. 668, §33, is  
26 further amended to read:

27           **6. Report to commissioner.** Within ~~6~~ 9 months after the end of the audit period, the  
28 school board shall provide the commissioner with:

29           A. A copy of the audit report;

30           B. Accountability of all revenues and expenditures;

31           C. Written assurance that the audit has been conducted in accordance with applicable  
32 state and federal laws relating to financial and compliance audits; and

33           D. Any other information that the commissioner may require.

34           **Sec. 30. 20-A MRSA §15672, sub-§25-A,** as enacted by PL 2007, c. 668, §35, is  
35 repealed.

36           **Sec. 31. 20-A MRSA §15680, sub-§1, ¶A,** as amended by PL 2007, c. 240, Pt.  
37 XXXX, §25, is further amended to read:

1 A. System administration. The per-pupil amount for "system administration" is the  
2 actual system administration expenditures, as defined in the State's accounting  
3 handbook for local school systems, for the most recent year available excluding  
4 expenditures for leases and the purchase of land and buildings, less revenues to  
5 system administration for services to other governments and refunds from a statewide  
6 school management association, divided by the average October and April enrollment  
7 counts for that fiscal year and then inflated to an estimated allocation year level by a  
8 10-year average increase in the Consumer Price Index or other comparable index.  
9 ~~Beginning in school year 2008-2009, this per-pupil amount must be based on school~~  
10 ~~year 2005-2006 system administration expenditures then reduced by 50% and~~  
11 ~~inflated to an estimated allocation year level by a 10-year average increase in the~~  
12 ~~Consumer Price Index or other comparable index;~~

13 **Sec. 32. 20-A MRSA §15680, sub-§1, ¶B**, as amended by PL 2007, c. 240, Pt.  
14 XXXX, §26, is further amended to read:

15 B. Operation and maintenance of plant. The per-pupil amount for "operation and  
16 maintenance of plant" is the actual operation and maintenance of plant expenditures,  
17 as defined in the State's accounting handbook for local school systems, for the most  
18 recent year available excluding expenditures for leases and the purchase of land and  
19 buildings, divided by the average October and April enrollment counts for that fiscal  
20 year and then inflated to an estimated allocation year level by a 10-year average  
21 increase in the Consumer Price Index or other comparable index. ~~For school year~~  
22 ~~2008-2009, the resulting per-pupil amount must be reduced by 5%;~~

23 **Sec. 33. 20-A MRSA §15681-A, sub-§2-A**, as enacted by PL 2007, c. 240, Pt.  
24 XXXX, §27, is repealed.

25 **Sec. 34. 20-A MRSA §15681-A, sub-§3-A**, as enacted by PL 2007, c. 240, Pt.  
26 XXXX, §28, is repealed.

27 **Sec. 35. 20-A MRSA §15688, sub-§2**, as amended by PL 2007, c. 240, Pt.  
28 XXXX, §29, is further amended to read:

29 **2. Member municipalities in school administrative districts or community**  
30 **school districts; total costs.** For each municipality that is a member of a school  
31 administrative district; or community school district ~~or regional school unit~~, the  
32 commissioner shall annually determine each municipality's total cost of education. A  
33 municipality's total cost of education is the school administrative district's; or community  
34 school district's ~~or regional school unit's~~ total cost of education multiplied by the  
35 percentage that the municipality's most recent calendar year average pupil count is to the  
36 school administrative district's; or community school district's ~~or regional school unit's~~  
37 most recent calendar year average pupil count.

38 **Sec. 36. 20-A MRSA §15688, sub-§3-A**, as amended by PL 2007, c. 668, §§36  
39 and 37, is further amended to read:

40 **3-A. School administrative unit; contribution.** For each school administrative  
41 unit, the commissioner shall annually determine the school administrative unit's required

1 contribution, the required contribution of each municipality that is a member of the unit,  
2 if the unit has more than one member, and the State's contribution to the unit's total cost  
3 of education in accordance with the following.

4 A. For a school administrative unit composed of only one municipality, the  
5 contribution of the unit and the municipality is the same and is the lesser of:

6 (1) The total cost described in subsection 1; and

7 (2) The total of the full-value education mill rate calculated in section 15671-A,  
8 subsection 2 multiplied by the property fiscal capacity of the municipality.

9 B. ~~Except as provided in paragraph B-1, for~~ For a school administrative district, or  
10 community school district ~~or regional school unit~~ composed of more than one  
11 municipality, each municipality's contribution to the total cost of education is the  
12 lesser of:

13 (1) The municipality's total cost as described in subsection 2; and

14 (2) The total of the full-value education mill rate calculated in section 15671-A,  
15 subsection 2 multiplied by the property fiscal capacity of the municipality.

16 C. For a school administrative district, or community school district ~~or regional~~  
17 ~~school unit~~ composed of more than one municipality, the unit's contribution to the  
18 total cost of education is the lesser of:

19 (1) The total cost as described in subsection 1; and

20 (2) The sum of the totals calculated for each member municipality pursuant to  
21 paragraph B, subparagraph (2).

22 D. The state contribution to the school administrative unit's total cost of education is  
23 the total cost of education calculated pursuant to subsection 1 less the school  
24 administrative unit's contribution calculated pursuant to paragraph A or C, as  
25 applicable. The state contribution is subject to reduction in accordance with section  
26 15690, subsection 1, paragraph C.

27 **Sec. 37. 20-A MRSA §15689, sub-§1-B**, as enacted by PL 2007, c. 668, §38, is  
28 repealed.

29 **Sec. 38. 20-A MRSA §15690, sub-§1, ¶B**, as amended by PL 2007, c. 240, Pt.  
30 XXXX, §31, is further amended to read:

31 B. For a school administrative district, or a community school district ~~or a regional~~  
32 ~~school unit~~, an article in substantially the following form must be used when the  
33 school administrative district, or community school district ~~or regional school unit~~ is  
34 considering the appropriation of an amount up to its required contribution to the total  
35 cost of education as described in section 15688.

36 (1) "Article ....: To see what sum the district will appropriate for the total cost of  
37 funding public education from kindergarten to grade 12 as described in the  
38 Essential Programs and Services Funding Act and to see what sum the district  
39 will raise and assess as each municipality's contribution to the total cost of  
40 funding public education from kindergarten to grade 12 as described in the

1 Essential Programs and Services Funding Act in accordance with the Maine  
2 Revised Statutes, Title 20-A, section 15688 (Recommend amount set forth  
3 below):

4		
5	Total Appropriated (by municipality):	Total raised (district assessments
6		by municipality):
7	Town A (\$amount)	Town A (\$amount)
8	Town B (\$amount)	Town B (\$amount)
9	Town C (\$amount)	Town C (\$amount)
10	School District	School District
11	Total Appropriated	Total Raised
12	(\$sum of above)	(\$sum of above)"

13 (2) The following statement must accompany the article in subparagraph (1).  
14 "Explanation: The school administrative unit's contribution to the total cost of  
15 funding public education from kindergarten to grade 12 as described in the  
16 Essential Programs and Services Funding Act is the amount of money determined  
17 by state law to be the minimum amount that the district must raise and assess in  
18 order to receive the full amount of state dollars."

19 **Sec. 39. 20-A MRSA §15691-A**, as enacted by PL 2007, c. 240, Pt. XXXX, §32,  
20 is repealed.

21 **Sec. 40. 20-A MRSA §15696**, as amended by PL 2007, c. 668, §§39 to 41 and c.  
22 695, Pt. A, §23, is repealed.

23 **Sec. 41. 20-A MRSA §15755**, as repealed by PL 2007, c. 240, Pt. XXXX, §34, is  
24 reenacted to read:

25 **§15755. Entitlement**

26 The State's school administrative units and municipalities are entitled to the  
27 appropriations required by this chapter.

28 **Sec. 42. 20-A MRSA §15904, sub-§3-A**, as enacted by PL 2007, c. 240, Pt.  
29 XXXX, §35, is repealed.

30 **Sec. 43. PL 2007, c. 240, Pt. XXXX, §36**, as amended by PL 2007, c. 668, §§42  
31 to 48, is repealed.

32 **Sec. 44. PL 2007, c. 240, Pt. XXXX, §37** is repealed.

33 **Sec. 45. PL 2007, c. 240, Pt. XXXX, §38** is repealed.

34 **Sec. 46. PL 2007, c. 240, Pt. XXXX, §39** is repealed.

35 **Sec. 47. PL 2007, c. 240, Pt. XXXX, §40** is repealed.

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**Sec. 48.** PL 2007, c. 240, Pt. XXXX, §41 is repealed.

**Sec. 49.** PL 2007, c. 240, Pt. XXXX, §42, as amended by PL 2007, c. 668, §49, is repealed.

**Sec. 50.** PL 2007, c. 240, Pt. XXXX, §43, as amended by PL 2007, c. 668, §§50 to 53, is repealed.

**Sec. 51.** PL 2007, c. 240, Pt. XXXX, §44 is repealed.

**Sec. 52.** PL 2007, c. 240, Pt. XXXX, §45 is repealed.

**Sec. 53.** PL 2007, c. 240, Pt. XXXX, §46 is repealed.

**Sec. 54.** PL 2007, c. 240, Pt. XXXX, §47 is repealed.

**Sec. 55.** PL 2007, c. 240, Pt. XXXX, §48 is repealed.

**Sec. 56.** PL 2007, c. 668, §54 is repealed.

**Sec. 57.** PL 2007, c. 668, §55 is repealed.

**Sec. 58. Report; additional necessary legislation.** No later than March 30, 2009, the Commissioner of Education shall submit to the Joint Standing Committee on Education and Cultural Affairs a report that contains recommendations and any proposed legislation necessary to fully repeal the provisions governing the reorganization of school administrative units into regional school units found in Public Law 2007, chapter 240, Part XXXX and as those provisions were affected by Public Law 2007, chapter 668. The proposed legislation must also address any obsolete cross-references in the law. Following receipt and review of the initial report, the Joint Standing Committee on Education and Cultural Affairs shall submit a bill to the First Regular Session of the 124th Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

### SUMMARY

This bill repeals the laws related to the consolidation of school administrative units that were enacted by the First Regular Session of the 123rd Legislature in Public Law 2007, chapter 240, Part XXXX and repeals changes made by Public Law 2007, chapter 668. The bill also restores the laws that were amended or repealed to accommodate the consolidation.