

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1048

H.P. 717

House of Representatives, March 24, 2015

**An Act To Allow School Administrative District No. 27 To Transfer
Ownership of the St. Francis Elementary School to the Town of St.
Francis**

(EMERGENCY)

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative MARTIN of Eagle Lake.
Cosponsored by Senator EDGECOMB of Aroostook.

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,** School Administrative District No. 27 is the owner of the St. Francis
4 Elementary School building and its site in the Town of St. Francis; and

5 **Whereas,** the board of directors of School Administrative District No. 27 and the
6 municipal officers of the Town of St. Francis have agreed that it would be in the best
7 interests of School Administrative District No. 27 and the Town of St. Francis for School
8 Administrative District No. 27 to transfer the St. Francis Elementary School building and
9 its site to the Town of St. Francis so that a portion of the property could be leased back to
10 School Administrative District No. 27 for educational purposes for continued use as an
11 elementary school; and

12 **Whereas,** the Maine Revised Statutes, Title 20-A, section 4103, subsection 3
13 provides for the transfer of control or ownership of a school building that has been closed
14 for lack of need and that does not have any anticipated use as a school building to the
15 municipal officers or inhabitants of the town, but does not authorize transfer of a school
16 building to a municipality if the school administrative unit intends to continue to use a
17 portion of the building for school purposes; and

18 **Whereas,** the 2015-2016 school year may begin before the expiration of the 90-day
19 period; and

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

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

25 **Sec. 1. Authority to convey.** Notwithstanding the Maine Revised Statutes, Title
26 20-A, chapter 202, the board of directors of School Administrative District No. 27 may
27 transfer to the Town of St. Francis ownership of the St. Francis Elementary School
28 building and its site, subject to the approval of the voters of the Town of St. Francis.
29 Following the transfer of ownership, the municipal officers of the Town of St. Francis
30 may lease a portion of the St. Francis Elementary School building and its site back to
31 School Administrative District No. 27 for use for educational purposes. The initial term
32 of the lease may be extended for any number of subsequent terms. Subject to applicable
33 law, the municipal officers of the Town of St. Francis are authorized to renovate, use,
34 lease, sell, mortgage or otherwise convey any portion of the St. Francis Elementary
35 School building and its site, subject, however, to any rights and interests of School
36 Administrative District No. 27 as lessee of a portion of the property for educational
37 purposes. As long as School Administrative District No. 27 leases any portion of the
38 property for educational purposes, the other uses of the property must be compatible with
39 use of the property for educational purposes as reasonably determined by the board of
40 directors.

