

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

Chapter 270

AN ACT Relating to Additions to and Dissolution of School Administrative Districts.

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after the Legislature adjourns unless enacted as emergencies; and

Whereas, the Sinclair Law does not provide for dissolution of a School Administrative District; and

Whereas, School Administrative Districts No. 2 and No. 3 have indicated a desire to vote as soon as possible on dissolution of their districts; and

Whereas, disagreements within said districts No. 2 and No. 3 have resulted in an inability of the said districts to construct new school facilities and have impeded the development of an effective educational program for the towns within said districts; and

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

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

Sec. 1. R. S., c. 41, § 111-P, repealed and replaced. Section 111-P of chapter 41 of the Revised Statutes, as enacted by section 1-B of chapter 364 and as repealed and replaced by section 2 of chapter 443, both of the public laws of 1957, is repealed and the following enacted in place thereof:

‘Sec. 111-P. Additions to and dissolution of School Administrative Districts. The residents of and the territory within any municipality not originally in an administrative district may be included by proceeding as follows: The school committee of the municipality wishing to join with an existing School Administrative District may file an application with the School District Commission on a form to be prepared by the commission. The School District Commission shall receive the application, make a study of the necessity for joining this municipality with an existing School Administrative District and recommend an agreement by which the municipality may become a member. This agreement shall be forwarded to the secretary of the School Administrative District and to the clerk of the municipality desiring to join the district. Within 45 days after receipt of said agreement by the clerk of the municipality desiring to join the district, said municipality, at a regular or special town meeting or city election, shall vote on the agreement in the following form: Article : To see if the municipality will vote to join School Administrative District No. as a participating municipality of the district under the following terms and conditions: (Set forth agreement recommended by the Maine School District Commission.)

The town clerk of the municipality desiring admission shall send a certified copy of the results of the vote to the secretary of the School Administrative District. If the board of directors finds that the vote was in the affirmative

the directors shall call a district meeting in accordance with section III-T to vote upon the following article:

Article : To see if the district will vote to admit the municipality of into School Administrative District No. as a participating municipality of the district under the following terms and conditions: (Set forth agreement recommended by the Maine School District Commission.)

The clerks of all the municipalities voting on the above questions shall forward to the School District Commission a certified report of the total number of affirmative and negative votes cast on the above questions. Upon receipt of the results of the voting from all municipalities, the commission shall meet, compute and record the result of the voting and shall notify by registered mail the town clerk of the municipality seeking to join the School Administrative District and the secretary of the School Administrative District of the results of said vote. If the commission finds that a majority of the voters voting on the question in the district and a majority of the voters voting on the question in the municipality desiring to join the district favor admission of the municipality into the district, the commission shall make a finding to that effect and record the same upon its records. The commission shall, after making its findings, issue an amended certificate for School Administrative District No. which shall be filed in the same manner as the original certificate. The issuance of said amended certificate by the School District Commission shall be conclusive evidence of the admittance of that municipality to the School Administrative District.

When the residents of a participating municipality desire to petition for dissolution of a School Administrative District, such petition shall become effective when approved by a 2/3 vote of the legal voters in said municipality present and voting at a special meeting, called and held in the manner provided by law for the calling and holding of town meetings or city elections. The question to be voted upon shall be in the following form: Be it resolved by the residents of the Town of that a petition for dissolution be filed with the directors of School Administrative District No. No Yes No such vote on a petition for dissolution shall be permitted while such School Administrative District shall have outstanding indebtedness. Outstanding indebtedness is defined as bonds or notes for capital outlay purposes issued by the school directors pursuant to approval thereof in a district meeting of such School Administrative District, or obligations to the Maine School Building Authority pursuant to any contract, lease or agreement made by the school directors pursuant to approval thereof in a district meeting of such School Administrative District, but shall not include any indebtedness of any municipality assumed by the School Administrative District, nor any contract, lease or agreement of the Maine School Building Authority to which by operation of law the School Administrative District has become the assignee.

After residents of a participating municipality have voted on a petition for dissolution, the clerk thereof shall forthwith give written notices by registered mail to the secretary of said School Administrative District and the School District Commission of the total number of affirmative and the total number of negative votes. If the School District Commission finds that 2/3 of the voters voting on said petition have voted in the affirmative, the Commission shall make a finding of fact to that effect and record it in its records.

The School District Commission, after consultation with the district board of directors and municipal officers of the participating municipalities, shall pre-

pare an agreement for dissolution. The commission is authorized to employ competent advisors in preparing an agreement. Said agreement shall be submitted to the directors of the School Administrative District and the municipal officers of the participating municipalities meeting in joint session. The School District Commission shall notify said directors and said municipal officers by registered mail of the time and place of said joint session and shall include in said notice a copy of the proposed agreement of dissolution. The notice shall be mailed at least 10 days prior to the date set for the joint session. Said municipal officers and school directors may offer suggestions for change in the agreement. The School District Commission shall note and consider said suggestions in preparing the final agreement for dissolution. Within 60 days of the receipt of the petition for dissolution and such necessary extensions of time as may be granted by a majority of the participating municipalities as represented by their municipal officers, the final agreement shall be forwarded to the secretary of the School Administrative District by registered mail. The board of directors shall within 10 days call a district meeting under section 111-T to vote upon the following article.

Article: To see if the residents of School Administrative District No. will vote to dissolve School Administrative District No. subject to the following terms and conditions: (Set forth agreement recommended by the Maine School District Commission) Yes No

No participating municipality within a district which has voted on dissolution may petition for dissolution within 6 months after the date of the district vote on such dissolution. The expense of employment of competent advisors in preparing the agreement of dissolution shall be paid by the School District Commission. In the event the School Administrative District votes not to dissolve, the municipality petitioning for dissolution shall reimburse the School District Commission for said expenses. In the event the School Administrative District votes to dissolve, the School Administrative District shall reimburse the School District Commission for said expenses.

The town and city clerks shall, within 24 hours of determination of the results of the vote in their respective municipalities, certify the total number of votes cast in the affirmative and the total number of votes cast in the negative on the article to the Maine School District Commission.

Upon receipt of the results of the voting from all municipalities, the commission shall meet, compute and record the total number of votes cast in the municipalities within the School Administrative District in the affirmative and the total number of votes cast in the negative on the article submitted. The commission shall notify the directors of the district by registered mail of the results of said vote. If the commission finds that a majority of the voters voting on the article have voted in the affirmative they shall notify the directors of the district to forthwith execute the terms of the agreement for dissolution.

When the agreement for dissolution has been executed by the directors of the School Administrative District, the directors shall notify the commission by registered mail that the agreement of dissolution has been executed. A complete certified record of the transaction involved in the dissolution shall be filed with the commission and the commission shall forthwith issue a certificate of dissolution sent by registered mail to be filed with the directors of the School Administrative District, and a copy recorded in the office of the Secretary of State.'

Sec. 2. R. S., c. 41, § III-T, amended. The first paragraph of section III-T of chapter 41 of the Revised Statutes, as enacted by section 2 of chapter 443 of the public laws of 1957, is amended to read as follows:

'When it is necessary to hold a district meeting to approve the issuance of bonds or notes for capital outlay purposes, to approve an agreement to add another municipality or municipalities to the School Administrative District, to dissolve a School Administrative District, or to approve a proposed lease agreement with the Maine School Building Authority, or to authorize the school directors to contract for the schooling of secondary pupils, or to authorize the school directors to dispose of real property, the school directors shall be authorized to call such meeting as follows:'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective May 5, 1961

Chapter 271

AN ACT Limiting the Sale of Alcoholic Beverages in Certain New Retail Stores and Restaurants in the Unorganized Territory.

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

R. S., c. 61, § 24, amended. Section 24 of chapter 61 of the Revised Statutes is amended by adding at the end the following sentence:

'In no event shall the commission issue a license to any person who has moved a retail store or restaurant into or opened a new retail store or restaurant in an unincorporated place contiguous to any organized or unincorporated place where a local option vote has resulted in his being unable to procure a license in the place of his prior location of business for a period of one year after such local option vote.'

Effective September 16, 1961

Chapter 272

AN ACT Relating to Rulings on Admissibility of Evidence by Public Utility Hearing Examiners.

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

R. S., c. 44, § 63, amended. The last 3 sentences of section 63 of chapter 44 of the Revised Statutes are repealed and the following enacted in place thereof:

'When objection is made to admissibility of evidence, examiners authorized to practice before the Supreme Judicial Court shall rule on the admissibility of evidence in accordance with the practice and rules of evidence in civil actions in the Superior Court. The commission shall fix the salary of said examiners.'

Effective September 16, 1961