

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

CHAPTER 693

S.P. 897 - L.D. 2042

AN ACT to Revise the Education Laws.

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

Sec. 1. 20 MRSA §§1 - 1196, as amended, are repealed.

Sec. 2. 20 MRSA §1222 is repealed.

Sec. 3. 20 MRSA §§1231 - 3456, as amended, are repealed.

Sec. 4. 20 MRSA §§3471 - 4758, as amended, are repealed.

Sec. 5. 20-A MRSA is enacted to read:

TITLE 20-A

EDUCATION

PART 1

GENERAL PROVISIONS

CHAPTER 1

GENERAL PROVISIONS

§1. Definitions

As used in this Title, unless the context indicates otherwise, the following terms have the following meanings.

1. Adult education. "Adult education" means education programs primarily operated for individuals beyond the compulsory school ages and administered by school administrative units.

2. Approved private school. "Approved private school" means a private school approved for attendance purposes under chapter 117.

3. Board of directors. "Board of directors" means the

governing body with statutory powers and duties for a school administrative district.

4. Commissioner. "Commissioner" means the Commissioner of Educational and Cultural Services or the commissioner's designee.

5. Community school district. "Community school district" means a state-approved unit of school administration composed of more than one municipality or school administrative district which may provide public education for any combination of kindergarten through grade 12.

6. Cooperative board. "Cooperative board" means the governing body with statutory powers and duties for a vocational region.

7. Department. "Department" means the Department of Educational and Cultural Services.

8. District board of trustees. "District board of trustees" means a body with statutory powers and duties for a community school district.

9. District school committee. "District school committee" means the governing body with statutory powers and duties for a community school district.

10. Elementary school. "Elementary school" means that portion of a school that provides instruction in any combination of kindergarten through grade 8.

11. Elementary student. "Elementary student" means a student enrolled in an elementary school.

12. Exceptional student. "Exceptional student" is defined in section 7001.

13. Financial definitions. "Financial definitions" is defined in section 15503.

14. Joint committee. "Joint committee" means the governing body with statutory powers and duties for implementing a contract for secondary education under chapter 115.

15. Kindergarten. "Kindergarten" means a one-year or 2-year childhood education program immediately prior to grade one.

16. Local allocation. "Local allocation" is defined in section 15503, subsection 12.

17. Major capital costs. "Major capital costs" is defined in section 15503, subsection 13.

18. Minor capital costs. "Minor capital costs" is defined in section 15503, subsection 14.

19. Municipal school unit. "Municipal school unit" means a state-approved unit of school administration composed of a single municipality.

20. Parent. "Parent" means a parent, guardian or legal guardian.

21. Principal. "Principal" means the person who supervises the operation and management of a school and school property as determined necessary by the superintendent under policies established by the school board.

22. Private school. "Private school" means an academy, seminary, institute or other private corporation or body formed for educational purposes covering kindergarten through grade 12 or any portion thereof.

23. Private school approved for tuition purposes. "Private school approved for tuition purposes" means a private school approved for the receipt of public funds under sections 2951 to 2955.

24. Public school. "Public school" means a school that is governed by a school board of a school administrative unit and funded primarily with public funds.

25. School administrative district. "School administrative district" means a state-approved unit of school administration, composed of one or more municipalities which must provide public education to all public school students in the district.

26. School administrative unit. "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school administrative district, community school district or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools.

27. School agent. "School agent" means an individual appointed by the commissioner to serve in the capacity of a superintendent.

28. School board. "School board" means the governing body with statutory powers and duties for a school adminis-

trative unit.

29. School committee. "School committee" means the governing body with statutory powers and duties for a municipal school unit.

30. School construction project. "School construction project" is defined in section 15901, subsection 4.

31. School union. "School union" means a union composed of school administrative units joined for the purpose of providing joint administrative services, including a joint superintendent.

32. Secondary school. "Secondary school" means that portion of a school that provides instruction in any combination of grades 9 through 12.

33. Secondary student. "Secondary student" means a student enrolled in a secondary school.

34. Special school district. "Special school district" means a school district created by private and special law for the purpose of constructing or adding to school buildings, but which does not have the authority or responsibility for operating public schools.

35. State allocation. "State allocation" is defined in section 15503, subsection 20.

36. State board. "State board" means the State Board of Education.

37. State and local allocation. "State and local allocation" is defined in section 15503, subsection 21.

38. Subdistrict. "Subdistrict" means a geographic area which is a subdivision of a school administrative district for election purposes.

39. Superintendent. "Superintendent" means the person in a school administrative unit or school union appointed and having the authority and responsibility under this Title and other applicable statutes.

40. Union committee. "Union committee" means the governing body with statutory powers and duties for a school union.

41. Union school. "Union school" means a school operated by adjoining municipal school units under a joint

agreement.

42. Vocational center. "Vocational center" is defined in section 8301, subsection 3.

43. Vocational education. "Vocational education" is defined in section 8301, subsection 4.

44. Vocational region. "Vocational region" is defined in section 8301, subsection 5.

45. Vocational satellite program. "Vocational satellite program" is defined in section 8301, subsection 4.

§2. Policy on public education

The state policy on public education is as follows.

1. State responsibility for public education. In accordance with the Constitution of Maine, Article VIII, the Legislature shall enact the laws that are necessary to assure that all school administrative units make suitable provisions for the support and maintenance of the public schools. It is the intent of the Legislature that every person within the age limitations prescribed by state statutes shall be provided an opportunity to receive the benefits of a free public education.

2. Local control of public education. It is the intent of the Legislature that the control and management of the public schools shall be vested in the legislative and governing bodies of local school administrative units, as long as those units are in compliance with appropriate state statutes.

§3. Administrative procedures

The adopting of rules, conducting of adjudicatory hearings and issuing of licenses by the state board, department or commissioner shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, except as specified in this Title.

§4. Rule of construction

Notwithstanding Title 1, section 71, subsection 7, words of the masculine gender do not include the feminine gender, except when they are part of an occupational title.

CHAPTER 3
DEPARTMENT OF EDUCATIONAL
AND CULTURAL SERVICES

SUBCHAPTER I

DEPARTMENT ADMINISTRATION

§201. Purpose of the department

The Department of Educational and Cultural Services is established to:

1. Supervise public education. Supervise, guide and plan for a coordinated system of public education for all citizens of the State;

2. Interrelation with other programs. Interrelate public education with other social, economic, physical and governmental activities, programs and services;

3. Cultural services. Provide for a coordinated, integrated system of cultural resources programs and projects;

4. Advancement of education. Encourage and stimulate public interest in the advancement of education; and

5. Cultural and historical heritage. Support cultural and historical heritage institutions and activities of the State at both the state and local level.

§202. Department organization

The department shall include the following:

1. State Board of Education. The State Board of Education;

2. Maine Education Council. The Maine Education Council;

3. Maine State Commission for Higher Education Facilities. The Maine State Commission for Higher Education Facilities;

4. Maine Representatives to the New England Board of Higher Education. The Maine Representatives to the New England Board of Higher Education;

5. Maine School Building Authority. The Maine School

Building Authority;

6. Governor Baxter School for the Deaf. The Governor Baxter School for the Deaf;

7. Maine State Commission on the Arts and the Humanities. The Maine State Commission on the Arts and the Humanities;

8. Arts and Humanities Bureau. The Arts and Humanities Bureau;

9. Maine State Museum Commission. The Maine State Museum Commission;

10. Maine State Museum Bureau. The Maine State Museum Bureau;

11. State Historian. The State Historian;

12. Maine State Library. The Maine State Library;

13. Maine State Library Bureau. The Maine State Library Bureau;

14. Maine Historic Preservation Commission. The Maine Historic Preservation Commission;

15. Bureau of Vocational Education. The Bureau of Vocational Education;

16. Other entities. Other entities authorized by the Legislature; and

17. Other bureaus. Any other bureau the commissioner establishes.

§203. Appointment of directors; deputy commissioners and others

Each bureau shall be under the direction of a person appointed as follows.

1. Director of the Maine State Museum Bureau. The Director of the Maine State Museum Bureau shall be qualified by training or by experience in museum work and shall be appointed by the Maine State Museum Commission with the approval of the commissioner. The director shall serve for an indefinite term, subject to removal for cause. Compensation shall be fixed by the Governor.

2. Director of the Arts and Humanities Bureau. The Director of the Arts and Humanities Bureau shall be qualified by training or by experience and shall be appointed by the Maine State Commission on the Arts and the Humanities with the approval of the commissioner. The director shall serve for an indefinite term, subject to removal for cause. Compensation shall be fixed by the Governor.

3. Director of the Maine State Library Bureau. The Director of the Maine State Library Bureau shall be qualified by training or by experience in library work and shall be appointed by the commissioner with the approval of the Governor. The director shall be known as the State Librarian and shall serve for an indefinite term, subject to removal for cause. Compensation shall be fixed by the Governor.

4. Associate Commissioner of the Bureau of Vocational Education. An associate commissioner shall direct the Bureau of Vocational Education and shall be appointed by, and serve at the pleasure of, the commissioner.

5. Other bureau directors. The director of any other bureau shall be appointed by, and serve at the pleasure of, the commissioner. These positions shall be subject to the Personnel Law, except for the following:

- A. The deputy commissioner;
- B. The assistant to the commissioner;
- C. The Associate Commissioner, Bureau of Instruction; and
- D. The Associate Commissioner, Bureau of School Management.

SUBCHAPTER II

COMMISSIONER

§251. Appointment; term

The appointment and term of service of the commissioner shall be as follows.

1. Appointment. The commissioner shall be appointed by the Governor from a list of 3 candidates prepared by the state board. An appointment shall be subject to review by the joint standing committee having jurisdiction over education and to confirmation by the Legislature.

2. Term. The commissioner shall serve at the pleasure of the Governor.

§252. Office

An office shall be provided for the commissioner at the seat of government.

§253. Commissioner's duties

The duties of the commissioner shall be as follows.

1. General duties. The commissioner shall exercise the powers and perform the duties granted to the department in this Title and shall devote full time to the duties of the office.

2. Hiring. The commissioner may hire personnel deemed necessary to fulfill the duties of the department. These personnel shall be subject to the Personnel Law, except as provided in section 203.

3. Delegation. The commissioner may authorize a designee to carry out the assigned duties.

4. Specific duties. The commissioner also shall:

A. Coordinate, consolidate and prepare a budget for the department;

B. Transfer personnel within the department to ensure their efficient utilization;

C. Coordinate the purchase and use of all department equipment; and

D. Review the function and operation of the department to ensure that overlapping functions and operations are eliminated.

5. Appointment of supervisors. The commissioner may appoint supervisors to assist and direct elementary and secondary teachers to work with school officers and school boards on request and to perform other duties in the field of education. The salary and necessary traveling expenses of these supervisors shall be paid from an appropriation for that purpose.

6. Agricultural education consultant. The commissioner shall appoint, subject to the Personnel Law, an Education Specialist II or agricultural education consultant to

be responsible for supervision of agricultural technical education, including agribusiness and agriculture's relation to the environment.

7. School nurse coordinator. The commissioner shall appoint a school nurse coordinator with the qualifications and duties defined in section 6401.

§254. Educational duties

The commissioner shall have the following educational duties.

1. General duty. The commissioner may inspect and have general supervision over all public schools and shall advise and direct superintendents and school boards in the discharge of their duties, by circular letters and personal conferences.

2. In-service education. The commissioner shall encourage in-service education and staff development for teachers in cooperation with school officers.

3. Contracts for vocational educational programs. The commissioner may:

A. Contract with a private school for the conduct of vocational courses in accordance with section 3002; and

B. Reimburse the private schools for part of the cost of conducting approved vocational courses from funds available from the Federal Government for the purpose of vocational education.

4. Superintendent conference. Annually the commissioner shall hold a conference for the instruction of superintendents.

5. Medication. The commissioner may adopt or amend rules for the administration of medication in public or approved private schools. Medication may not be administered by unlicensed personnel at these schools, except as provided by the written prescription of a physician or dentist or by the written permission of the parent or guardian of the individual receiving the medication.

6. Other duties. The commissioner shall carry out all other duties assigned in this Title.

§255. School administrative unit; reports, records, information

1. Pamphlet of laws. The commissioner shall:

A. Compile the amended school laws of the State in pamphlet form and distribute them to municipal and school officers; and

B. Prepare and issue biennially, with such content as the commissioner deems appropriate, circulars of information and advice to school officers relating to new school laws.

2. Record books. The commissioner shall furnish to the school officers of each school administrative unit proper blank books in which they shall keep complete and itemized records of all matters relating to moneys appropriated, received and expended for schools. These books shall remain the property of the State.

3. Forms. The commissioner shall:

A. Prepare and print forms for all returns required by law or deemed necessary by the commissioner;

B. On March 1st, forward to each superintendent forms for the annual school return as provided in section 6004; and

C. On May 1st, forward to each superintendent forms for the returns required by sections 6051 and 6052.

4. Maintaining records. The commissioner shall preserve all school reports of this State and of other states which he may receive, the returns from the various municipalities and institutions of learning and books, apparatus, maps, charts, works on education, plans for school buildings, models and other articles of interest to school officers and teachers as may be obtained without expense to the State.

5. Information. The commissioner shall:

A. Obtain information on school systems of other states and countries and the condition and progress of public school education throughout the world;

B. Disseminate this information, with practical hints upon the conduct of schools, improved systems of instruction and the true theory of education by public addresses, circulars and articles prepared for the press;

C. Disseminate this information by outlines, suggestions and directions concerning the management, discipline and methods employed in teaching to teachers and school officers of the State; and

D. Do all in his power to awaken and sustain an interest in education among the people and to stimulate teachers to well directed efforts in their work.

§256. Miscellaneous duties

1. Report to Governor. The commissioner, annually, shall report to the Governor the result of his inquiries and investigations and the facts obtained from the school returns, with any suggestions and recommendations to improve public schools.

2. Joining educational organizations. The commissioner may authorize the department to join educational organizations and associations, both within and outside the State, when he judges that the membership will increase the efficiency or progress of education within the State.

3. Limit on authority. The commissioner may not exercise or interfere with the exercise of discretionary authority granted to the Maine State Museum Commission and the Maine State Commission on the Arts and the Humanities.

4. Control of gift-established schools. The commissioner shall:

A. Assume the control and management of all public schools established and maintained by gifts or bequests, when the gifts or bequests are conditioned on the commissioner assuming that control and management; and

B. Carry out the provisions on which those gifts or bequests are conditioned, when those conditions are approved by the Governor.

5. Duties imposed by charters. The commissioner shall perform all duties assigned by charter granted by the Legislature to an educational institution.

§257. High school equivalency certificates

1. Issue. The commissioner may issue high school equivalency certificates to residents of the State:

A. Who are at least 18 years of age;

B. Who:

(1) Have not been in attendance for one year or more at a public school or a private school approved by a state department of education or accredited by a regional association of colleges and secondary schools; or

(2) Have completed a formal training program approved by the commissioner; and

C. Who demonstrate through procedures prescribed by the commissioner that they have attained a general educational development comparable to that of secondary school graduates.

2. Certificate status. Certificates shall have the legal status of high school diplomas.

3. Fees. The commissioner may charge a fee sufficient to defray operating costs for a certificate. An honorably discharged or released veteran of the Armed Forces of the United States or a person judged by the commissioner to be economically disadvantaged shall be exempt from payment of a fee. That fee shall be paid from the income of the Permanent School Fund.

§258. Inspection of schools

The commissioner shall inspect schools.

1. Request. The commissioner shall inspect the schools in a school administrative unit and report his findings and recommendations to the school board when:

A. Petitioned by 60% of the parents of the children of one school;

B. Requested by the school board or the superintendent of schools; or

C. Petitioned by 20% of the legal voters of the unit.

2. Standards. The commissioner shall prepare a list of standards of buildings, equipment organization and instruction and give ratings based on these standards to schools that are inspected as to their general condition, equipment and grade of efficiency.

3. Extent of inspection. If petitioned, the commis-

sioner may determine the extent and conditions under which an inspection shall be made.

§259. Student performance evaluation plan

The commissioner may establish a statewide student performance evaluation plan, which shall be known as the "Maine Assessment of Educational Progress."

1. Unit participation. A school administrative unit may participate in the plan by paying to the department an annual fee as set by the commissioner. The department shall place this fee in a special, nonlapsing, revolving account.

2. Use of funds. The commissioner shall use the money in the account established under subsection 1 to pay for the costs of administering, analyzing and reporting the results of the evaluations performed on behalf of the participating units.

3. Education costs. Costs relating to the participation of a school administrative unit in the plan shall not be considered in calculations of the actual costs of education for purposes of reimbursement under chapter 605.

CHAPTER 5

STATE BOARD OF EDUCATION

§401. State Board of Education

The appointments, terms and expenses of the State Board of Education members shall be as follows.

1. Appointment. The state board shall consist of 9 members who shall be appointed by the Governor. Each appointment shall be subject to review by the joint standing committee having jurisdiction over education and to confirmation by the Legislature.

2. Composition. The membership of the state board shall be broadly representative of the public. A person whose income is derived in substantial portion from income as a teacher or as an administrator in an educational institution, other than as a college president, may not be eligible for appointment to or service on the state board.

3. Expenses. Members of the state board shall serve without pay, other than their actual expenses while carrying out the functions of the board.

4. Term. The term of office of each member shall be 5 years. Any vacancy shall be filled for the remainder of the unexpired term.

§402. Organization; meetings

The state board shall organize and meet as follows.

1. Organization. The state board shall organize annually by electing one of their members as chairman and one as vice-chairman. They may also elect other officers.

2. Meetings. Meetings of the state board shall be held quarterly in the offices of the department on call of the chairman or the commissioner on 5 days' written notice to members. If both the chairman and commissioner are absent, or refuse to call a meeting, any 3 members of the state board may call a meeting by similar notices in writing.

3. Quorum. A majority of the state board members shall be a quorum.

4. Rules. The state board may adopt or amend rules for meeting procedures and administration of its duties.

§403. Seal

The state board shall adopt a seal. The seal may be used by the commissioner to authenticate documents or copies of documents.

§404. Records and reports

The state board shall be responsible for the following records and reports.

1. Records. The state board shall keep in the office of the commissioner a complete record of the minutes of its meetings and other procedures.

2. Report. Biennially, on the first Monday of January, the state board shall make a report to the Governor which shall contain the report of the commissioner to the state board. The state board shall print this report and distribute it to the members of the Legislature and to school officers. The cost of printing the report shall be paid from the appropriation of the department.

§405. Powers and duties

The state board shall have the following powers and

duties.

1. General authority. The state board shall have only the powers specifically stated in this Title.

2. Advisory role. The state board shall advise the commissioner concerning matters contained in this Title.

3. Specific duties. The state board shall have the following specific powers and perform the following duties:

A. Make recommendations to the Legislature for the efficient conduct of the public schools;

B. Approve the formation of school administrative districts;

C. Establish, maintain and operate vocational-technical institute schools of practical nursing;

D. Act on applications for additions to, dissolution of, transfers among, withdrawals from and closing of schools in school administrative districts and community school districts;

E. Adopt or amend rules on requirements for approval and accreditation of elementary and secondary schools;

F. Establish standards for the certification of teachers;

G. Adjust the subsidy to a school administrative unit when the expenditures for education in the unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive;

H. Act on articles of agreement for creation of an interstate school district;

I. Develop and adopt a plan for the establishment of vocational centers and regions and act upon applications to alter the delivery of vocational education within vocational regions and center areas;

J. Adopt or amend rules on standards for school construction;

K. Approve projects for state construction aid;

L. Approve the formation of community school districts;

M. Approve isolated secondary schools;

N. Obtain information regarding applications for granting degrees and make a recommendation to the Legislature;

O. Recommend funds to the Bureau of the Budget for equalization of educational opportunity;

P. Establish a student loan insurance program;

Q. Serve as state agency for administering federal funds; and

R. Under section 3, serve as an appeals board for unclassified personnel.

4. Review of department decisions. On the written request of an interested party, the state board shall review decisions made by the department acting through the commissioner or his duly authorized representative under sections 1401 to 1407, section 8351 and chapters 203, 205 and 505 and Title 20, section 3458. The written request shall be filed within 30 days from the date of the department's decision.

5. Overseeing school administrative districts. The state board shall oversee the establishment of school administrative districts as follows.

A. It shall develop and continually revise a state plan for the creation of efficient school administrative districts throughout the State. It shall use the plan for approving applications for the organization of school administrative districts.

B. It shall thoroughly study school conditions and needs, to determine plans for the establishment of appropriate school administrative districts in all organized territory.

(1) It shall report its actions and recommendations to each regular session of the Legislature on or before January 10th.

(2) The study and planning shall be directed by the state board, but shall include all possible participation and assistance by citizens and organizations at the local level.

(3) It is the intent of the Legislature that all school administrative units not in school adminis-

trative districts and operating secondary schools with less than 300 pupils in grades 9 to 12 shall submit plans for school district reorganization to the state board at least once in each 2-year period until the process of reorganization is completed.

C. It shall evaluate the effect of consolidation on valuation per pupil in the larger district, as compared to the individual municipalities comprising the district. It shall make definite recommendations with respect to an eventual uniform minimum tax rate toward the support of a foundation program of education when these larger districts have been appropriately established throughout the State.

D. It shall survey, as completely as possible, school building needs and costs in the proposed districts which are required to effectively accomplish the organization of the districts.

E. It shall expedite the reorganization of school administrative units by receiving, filing, examining and approving or disapproving applications by the school boards of all the municipalities wishing to establish a school administrative district.

F. It shall expedite the reorganization of administrative units by recommending to the Legislature establishment of school administrative districts which are not eligible for state board approval.

G. It may appoint and employ, under the Personnel Law, personnel to carry out the duties imposed on it by this subsection.

(1) It may fix the duties of these employees.

(2) It may make funds available to pay for their salaries and expenses.

(3) It may use other state board employees to carry out this subsection.

6. Recommendations to Legislature. The state board shall recommend to the Legislature any new legislation or amendments to existing legislation for the efficient conduct of the public schools.

§406. Rules

The state board may adopt rules to carry out its

responsibilities under this Title.

CHAPTER 7

COMPACT FOR EDUCATION

SUBCHAPTER I

COMPACT

§601. Purpose and policy - Article I

1. Purpose. It is the purpose of this compact to:

A. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels;

B. Provide a forum for the discussion, development, crystalization and recommendation of public policy alternatives in the field of education;

C. Provide a clearinghouse of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of State Government and local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education; and

D. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

2. Policy. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

3. Interrelationships. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as

well as in the excellence of its own education systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

§602. State defined - Article II

As used in this compact, "state" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

§603. Commission - Article III

The Education Commission of the States is established as follows.

1. Commission established. The Education Commission of the States, hereafter in this chapter called "the commission" is hereby established.

2. Membership. The commission shall consist of 7 members representing each party state: One member shall be the Governor; 2 shall be members of the Legislature selected by its respective houses and serving in such manner as the Legislature may determine; and 4 shall be appointed by and serve at the pleasure of the Governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, 6 members shall be appointed by and serve at the pleasure of the Governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principles for the composition of the membership on the commission from each party state shall be that the members representing that state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be, not to exceed, 10 nonvoting commissioners selected by the steering committee for terms of one year. These commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

3. Voting. The members of the commission shall be entitled to one vote each on the commission. No action of the commission may be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor of the action. Action of the commission shall be only at a meeting at which a majority of the commissioners are present.

4. Meetings. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained in those bylaws, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to this Article.

5. Seal. The commission shall have a seal.

6. Organization. The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice-chairman and a treasurer. The commission shall provide for the appointment of an executive director. The executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

7. Personnel. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director, subject to the approval of the steering committee, shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

8. Services. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of those governments, or from any agency of 2 or more of the party jurisdictions or their subdivisions.

9. Grants. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm association, foundation or corporation, and may

receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this subsection or services borrowed pursuant to subsection 8 shall be reported in the annual report of the commission. The report shall include the nature, amount and conditions, if any, of the donation, grant or services borrowed, and the identity of the donor or lender.

10. Facilities. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

11. Bylaws. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form, and shall file a copy of those bylaws and a copy of any amendment to those bylaws with the appropriate agency or officer in each of the party states.

12. Reports. The commission annually shall make to the Governor and Legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

§604. Powers - Article IV

In addition to authority conferred on the commission by other provisions of the compact, the commission may:

1. Information and data. Collect, correlate, analyze and interpret information and data concerning educational needs and resources;

2. Research. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration and instructional methods and standards employed or suitable for employment in public educational systems;

3. Proposals. Develop proposals for adequate financing of education as a whole and at each of its many levels;

4. Further research. Conduct or participate in research of the type referred to in this Article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher edu-

cation and other agencies and institutions, both public and private;

5. Policies and plans. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment of public education, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials; and

6. Other necessary things. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

§605. Cooperation with Federal Government - Article V

1. Federal membership. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the commission by, not to exceed, 10 representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the Federal Government, but no representative may have a vote on the commission.

2. Information. The commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

§606. Committees - Article VI

1. Steering committee. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of 32 members which, subject to this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission.

A. One-fourth of the voting membership of the steering committee shall consist of governors, 1/4 shall consist of legislators and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote.

B. The voting members of the steering committee shall

serve for terms of 2 years, except that members elected to the first steering committee of the commission shall be elected as follows: Sixteen for one year and 16 for 2 years.

C. The chairperson, vice-chairperson and treasurer of the commission shall be members of the steering committee and, anything in this subsection to the contrary notwithstanding, shall serve during their continuance in these offices.

D. Vacancies in the steering committee shall not affect its authority to act, but the commission, at its next regularly ensuing meeting following the occurrence of any vacancy, shall fill it for the unexpired term.

E. No person may serve more than 2 terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the 2-term limitation.

2. Advisory and technical committees. The commission may establish advisory and technical committees composed of state, local and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to 2 or more of the party states.

3. Other committees. The commission may establish such additional committees as its bylaws may provide.

§607. Finance - Article VII

1. Budget. The commission shall advise the Governor, or designated officer or officers of each party state, of its budget and estimated expenditures for such period as may be required by the laws of the party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

2. Apportionment. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

3. Obligations. The commission shall not pledge the credit of any party states. The commission may meet any of

its obligations in whole or in part with funds available to it pursuant to Article III, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

4. Accounts. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

5. Access to accounts. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

6. Audit or inspection. Nothing contained in this chapter shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

§608. Eligible parties; entry into and withdrawal - Article VIII

1. Eligibility. This compact shall have as eligible parties all states, territories and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor," as used in this compact, shall mean the closest equivalent official of such jurisdiction.

2. Entry. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same; provided that in order to enter into initial effect, adoption by at least 10 eligible party jurisdictions shall be required.

3. Adoption of compact. Adoption of the compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make this State a party only until December 31, 1969. During any

period when a state is participating in this compact through gubernatorial action, the Governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

4. Withdrawal. Except for a withdrawal effective on December 31, 1969 in accordance with subsection 3, any party state may withdraw from this compact by enacting a statute repealing the same, but no withdrawal may take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

5. Liability. No withdrawal may affect any liability already incurred by or chargeable to a party state prior to the time of that withdrawal.

§609. Construction and severability - Article IX

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

SUBCHAPTER II

ADMINISTRATIVE PROVISIONS

§651. Maine Education Council

1. Council established. There is established the Maine Education Council composed of the members of the Education Commission of the States representing this State, and 7 other persons appointed by the Governor.

2. Appointments. The Governor shall appoint: Two members for one year; 2 members for 2 years; and 3 members for 3 years. Upon the expiration of each term the appointment shall be for 3 years. Vacancies shall be filled for the full term. The appointees shall be selected so as to be

broadly representative of professional and lay interest within this State having the responsibilities for knowledge with respect to, and interest in, educational matters. The chairman shall be designated by the Governor from among its members.

3. Meetings. The council shall meet on the call of its chairman or at the request of a majority of its members, but in any event the council shall meet not less than 3 times in each year. The council may consider any and all matters relating to public educational policy and any matters relating to recommendations of the Education Commission of the States and the activities of the members in representing this State thereon.

§652. Members of Legislature, selection and tenure

The 2 members of the Legislature on the Education Commission of the States shall be appointed by the presiding officer of the respective House and shall serve on the commission during such time each is a member of his respective House.

§653. Bylaws filed

Pursuant to Article III, the commission shall file a copy of its bylaws and any amendment thereto with the office of the commissioner.

CHAPTER 9

PUBLIC BROADCASTING

SUBCHAPTER I

ADVISORY COMMITTEE ON MAINE

PUBLIC BROADCASTING

§801. Committee; expenses

1. Committee. The Advisory Committee on Maine Public Broadcasting shall facilitate the development of public broadcasting in the State.

2. Membership. The committee shall consist of 7 members to be appointed by the Governor for a full term of 5 years. One member shall be a representative of the department. One member shall be a representative of the University of Maine and the remaining members shall be citizens of the State. A vacancy in the membership shall be filled for

the unexpired term by appointment by the Governor.

3. Expenses. Members shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

§802. Organization; quorum

The committee shall elect a chairman, secretary, vice-chairman and treasurer, each of whose terms of office shall be 2 years. The committee shall adopt bylaws and rules for the calling and holding of meetings and the administration of its affairs. A majority of the membership of the committee shall constitute a quorum.

§803. Powers and duties

The Advisory Committee on Maine Public Broadcasting may act as follows:

1. Recommendations. To recommend to the trustees of the University of Maine relating to the appointment of professional, clerical or other assistants, location of public broadcasting stations and construction and equipment of those stations necessary to carry out the purposes of this chapter; and

2. Programs. To advise the trustees of the University of Maine for the public broadcasting programs to be transmitted by the network.

SUBCHAPTER II

GIFTS, CONSTRUCTION AND PROGRAMMING

§851. Gifts

The Governor may accept a gift of money, real or personal property, from any source, and grants-in-aid from the Federal Government to assist in carrying out the purposes of this chapter.

§852. Construction of statewide network

1. Authority. The University of Maine may acquire real estate, construct, operate, manage and equip radio, transmission and microwave television facilities and interconnect with any other radio or television network or station within or without this State for the purpose of providing a statewide public broadcasting network for the transmission of public broadcasting to pupils in the schools,

colleges, university and adult audiences throughout the State.

2. Contracts. The University of Maine may enter into contracts for the construction of those facilities, contracts for personal services necessary for the management and operation of those facilities and any other contracts deemed necessary to carry out the purposes of this chapter.

§853. Commissioner's programs

The commissioner may produce or contract for educational television programs.

PART 2

SCHOOL ORGANIZATION

CHAPTER 101

GENERAL PROVISIONS

SUBCHAPTER I

SCHOOL BOARDS

§1001. Duties of school boards

School boards shall perform the following duties.

1. General duties. They shall have the duties prescribed to them in this Title.

2. Management of schools. They shall manage the schools and provide custody and care, including repairs and insurance on school buildings and all school property in the school administrative units.

3. Selection of superintendent. They shall select a superintendent in accordance with section 1051.

4. No prohibition on use for political activity. The use of school buildings may not be denied to a person solely because use is requested for a political activity.

5. Insurance premiums. They may pay the premium of life, health, accident, hospitalization, major medical insurance in behalf of their employees and liability insurance for employees and school officials.

6. General course of instruction; textbooks. They

shall direct the general course of instruction and approve a uniform system of textbooks. A textbook thus approved may not be changed for 3 years unless by vote of the school board.

7. Tuition payment for attendance by those resident on territory ceded to United States. They shall prescribe the tuition for attendance of persons of the required age, resident in territory the jurisdiction of which has been ceded to the United States, included in or surrounded by the administrative unit.

8. Determine those to attend each school. They shall determine which students shall attend each school, classify them and transfer them from school to school where more than one school is maintained at the same time.

9. Students expelled or suspended. They shall expell any student who is deliberately disobedient or deliberately disorderly or for infractions of violence or possession, furnishing or trafficking of any scheduled drug as defined in Title 17-A, chapter 45, after a proper investigation of the student's behavior, and due process, if found necessary for the peace and usefulness of the school; and readmit him on satisfactory evidence that the behavior which was the cause of the student being expelled will not likely recur. The school committee may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules.

10. Physiology and hygiene. They shall make provisions for the instruction of all pupils in public schools in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system.

11. Persons not immunized excluded. They shall exclude, when requested to do so by the Director of the Bureau of Health or if they deem it expedient, any person not having evidence of current immunization against small-pox, or diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, rubeola (measles), rubella (German measles) or any other communicable illness for which immunization is available, unless the parent of the person shall present a signed statement that the parent is opposed to the immunization or a statement signed by a licensed physician indicating that the immunization is not medically advisable for the person. Should either of these statements be submitted, the person shall be excluded from school at the request of the Director of the Bureau of Health when in his opinion epidemic occurrence of the particular illness makes

the exclusion necessary for the protection of the public health.

12. Salaries of persons absent. They may adjust the salaries of teachers, principals and other persons legally employed by them who are compelled to be absent from their school duties. No reduction in pay may be made if absence is caused by the bona fide observance of designated holidays in the church of their faith. This subsection and section 13604 shall apply only in cases of persons who are employed on yearly contracts or on tenure of service and who hold the legal qualifications necessary for the positions.

§1002. Prohibited appointments and employment

The following provisions apply to members of a school board.

1. Definition. "Full-time employee" means a person regularly employed on a weekly basis regardless of remuneration or the number of hours worked.

2. Employment by school administrative unit, school union, academy. A member of a school board or spouse of a member may not be employed as a full-time employee in a public school within the jurisdiction of the school board to which the member is elected or contract high school or academy located within a supervisory union in which the member is a representative on the union committee.

3. Appointment to civil office and other employment. No school board member may, during the term for which he has been elected and for one year thereafter, be appointed to any civil office of profit or employment position, which shall have been created or the compensation of which shall have been increased by the action of the school board during such term.

§1003. Commencement of term of office

The term of newly elected school board members shall start:

1. After election. Immediately upon being elected and sworn in; or

2. Fixed date. On a fixed date established by the voters on an appropriate article at a properly called town meeting, the date shall be between the municipal election and July 1st.

§1004. Conflict of interest; contracts

A contract made by a school board shall follow the requirement of Title 30, section 2251.

SUBCHAPTER II
SUPERINTENDENTS

§1051. Selection of superintendents

The following provisions shall apply to the selection of superintendents.

1. Eligibility requirements. Only those persons who hold a state certificate of superintendence grade may be eligible to become superintendents. Members of the school board may not be eligible to become superintendent in the school administrative unit which they represent.

2. Appointment. The school board shall elect, by majority vote of the full membership, the superintendent. The school board, upon notification by the commissioner, shall meet during December of the year preceding the expiration of the superintendent's contract, at a day and place determined by the chairman. When a vacancy occurs, the school board shall meet as soon as possible to choose a superintendent.

3. Term. The superintendent's term shall be established by the school board.

A. The term may not exceed 5 years.

B. The term shall expire on June 30th of the year of expiration.

4. Failure to elect. If the school board fails to elect a superintendent by June 30th, the school board may appoint a competent and qualified agent, with the advice and consent of the commissioner, to serve in that capacity until a superintendent is elected.

5. Notice to the commissioner. Annually and when a new superintendent is chosen, the chairman and secretary of the school board shall certify under oath to the commissioner, on forms provided by the commissioner, all facts relating to the unit's selection of a superintendent.

6. Election in certain units. The following provisions shall apply to the election of superintendents by cer-

tain units.

A. In a school union, the union committee shall perform the functions of a school board.

B. In a school administrative unit governed by a private and special law that provides for the election of a superintendent, the governing board shall elect a superintendent in the manner provided in that law.

C. In a community school district, the district school committee shall elect the superintendent.

§1052. Discharge

A school board may discharge a superintendent before the expiration of the contract term.

1. Requirements. The superintendent may be discharged only:

A. For cause;

B. After due notice and investigation; and

C. By a majority vote of the full membership of the school board.

2. Salary. On discharge, the superintendent's salary shall cease.

3. Appeal. The superintendent may appeal the school board's decision to the commissioner. The commissioner shall hold a hearing as part of the appeal.

§1053. Allocation of services

1. School unions. The union committee shall determine the relative amount of service to be performed by the superintendent in each unit, including the minimum number of visits to be made each term to each school.

2. Community school district. In community school districts, the district school committee shall also determine the relative amount of service to be performed by the superintendent in each school administrative unit.

§1054. Office and salary

1. Office. The school board or union committee shall provide for an office for the superintendent, office assis-

tants, supplies, utilities and other office expenses.

2. Salary. The school board or union committee shall fix the superintendent's salary.

§1055. Superintendent; powers and duties

The superintendent shall be ex officio secretary of the school board and school building committee chosen by the administrative unit and shall perform duties as the school board or school building committee direct.

1. Records, orders, vouchers. The superintendent shall:

A. Keep a permanent record of all the votes, orders and proceedings;

B. Place all orders for materials and supplies purchased by vote of the school building committee or school board;

C. Keep all financial records and accounts; and

D. Issue vouchers showing the correctness of bills contracted on account of school appropriations. A bill may not be allowed for payment by the municipal officers unless:

(1) They have been approved by a majority vote of the full membership of the school board; or

(2) In school administrative districts, approved by a majority vote of the full membership of the school board or a finance committee selected by the board.

2. Inspect schools; annual report. The superintendent shall:

A. Inspect the schools and review the operating rules, the discipline and the proficiency of the students;

B. Visit each school at least the minimum number of times each term required by the school board or union committee; and

C. Annually, make and send to the commissioner a written report of the condition of the schools for the prior year, including a statement of the condition of school buildings, the progress made by the students and

an evaluation of the methods of instruction and government.

3. Financial and building report. The superintendent shall keep an accurate account of school finances and send a written report, at least once a term, to each school board member. The report shall include a financial statement and a statement of the repair, cleanliness and sanitary arrangements of school buildings and outbuildings.

4. Selection and purchase of textbooks. The superintendent shall select textbooks, supplies and apparatus with the approval of the school board and shall make all these purchases under rules adopted by the school board.

5. Distribution and accounting of supplies. The superintendent shall assure that all necessary apparatus and supplies are seasonably distributed to each school, accurately accounted for and economically used.

6. Display of flags. The superintendent shall:

A. Ensure that the United States and Maine flags are displayed from public school buildings every school day and on appropriate occasions; and

B. Report annually to the school board the amount necessary to furnish the public schools with suitable flags and flagstaffs. The school administrative unit shall appropriate the necessary funds.

7. Enforce rules of the school board. The superintendent shall enforce or cause to be enforced all rules of the school board.

8. Full-time employment. The superintendent shall devote his entire time to superintendence in the school supervisory unit which employs him. The superintendent may perform educational service outside of the supervisory unit with the approval of the commissioner and with the consent of the school board.

9. Report to the commissioner. The superintendent shall report, under oath, to the commissioner before August 1st. The report shall contain:

A. The amount appropriated and expended on elementary and secondary education in the preceding fiscal year;

B. The number of weeks schools were open;

C. The number of students registered;

D. The average attendance; and

E. The amount received for tuition.

10. Supervise teachers. The superintendent shall direct and supervise the work of all teachers.

CHAPTER 103

SCHOOL ADMINISTRATIVE DISTRICTS

SUBCHAPTER I

PURPOSE

§1101. Organization of school administrative units

It is declared policy of the State to encourage the development of school administrative units of sufficient size to provide:

1. Opportunity. A more equalized educational opportunity for pupils;

2. Programs. Satisfactory school programs;

3. Tax rates. A greater uniformity of school tax rates among the units; and

4. Public funds. A more effective use of the public funds expended for the support of public schools.

SUBCHAPTER II

ORGANIZATION

§1201. Criteria for establishing a school administrative district

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

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

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

A. Three hundred or more resident public secondary

school students;

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

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

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

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

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

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

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

§1202. Formation of district

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

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

"To see if the municipality will vote to instruct its school board to file an application with the State Board of Education for the purpose of forming a school administrative district with the following towns:

(naming them)"

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

state board.

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

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

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

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

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

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

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

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

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

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

(1) Elect a chairman and a secretary;

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

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

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

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

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

A. Municipalities voting on the questions of district formation under Title 30, sections 2061 to 2064 shall open the polls at 10 a.m. and shall close the polls at 7 p.m.

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

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

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

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

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

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

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

Article _____ : To see if the costs of operating
"_____ Community School District" shall
(name)
be shared among the towns of _____
(naming them)

in accordance with (per pupil, state valuation, a combination thereof or any other formula authorized by the Legislature).

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

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

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

F. If a school administrative district is to be formed under section 1202, subsection 2, paragraph D, or if the proposed school administrative district plans to contract with a designated private school for the education of its students in grades 9 through 12, voters shall act on the following article.

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

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

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

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

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

B. Municipalities, including all of those participating in an existing community school district, may form a school administrative district on approval of the state board and suspend the operation of the community school district if each of the participating municipalities acts affirmatively on an article similar in form to the following, and acts affirmatively on each of the

other articles required in this section.

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

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

D. The board of directors of the school administrative
district shall pay to the trustees of the former commu-
nity school district within their jurisdiction suffi-
cient funds each year to amortize all outstanding capi-
tal indebtedness existing at the time the community
school district was suspended.

§1203. Issuance of a certificate of organization

Certificates of organization shall be issued as fol-
lows.

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

2. Finding recorded. If the state board finds that a
majority of voters in each school administrative unit form-
ing the school administrative district have voted in favor
of each of the articles of formation, elected the necessary
school directors and taken all other necessary steps in the
formation of the proposed school administrative district in
conformity with law, the state board shall make and record
its finding that the school administrative district is in
compliance.

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

4. Certificate of organization. The state board
shall, immediately after making its finding, issue a certif-
icate of organization.

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

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

§1204. Transfer of property and assets

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

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

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

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

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

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

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

A. The directors of the school administrative district may, notwithstanding any other statute or any provision of any trust agreement, use any sinking fund or other money set aside by the school administrative unit to

pay off the indebtedness for which the money was dedicated;

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

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

The municipality may only withdraw this appropriation:

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

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

§1205. Operational date and transfer of authority

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

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

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

3. Transfer of school accounts. Notwithstanding section 10004 or any charter of a community school district or coterminous district, the balance remaining in the school accounts of the municipalities, community school district or coterminous school districts within the school administrative district shall be paid to the treasurer of the district in equal monthly installments over the remainder of the fiscal year in which the district is formed.

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

5. Superintendent contracts. The contracts between the superintendents and municipalities within the district shall be transferred to the school administrative district. The board of directors shall determine the superintendents' duties within the district and pay that proportion of the salaries paid for by the former school administrative units in the district.

§1206. Application of general law

Schools operated by legally established school administrative districts shall be the official schools of the participating municipalities. The provisions of general law relating to public education shall apply to these schools. State funds for public schools shall be paid directly to the treasurer of the school administrative district.

SUBCHAPTER III

SCHOOL DIRECTORS

§1251. Board of directors

Provisions for a board of directors shall be as follows.

1. Size. The size shall be determined by the joint meeting under section 1203 or by the reapportionment committee under section 1255, but shall not be less than 5. It shall include at least one director from each municipality or subdistrict.

2. Term of office. In municipalities with annual elections, directors shall serve a 3-year term. In municipalities with biennial elections, directors shall serve a 4-year term. A director shall serve until his successor is elected and qualified.

3. Terms of office under district formation. The newly elected directors under a district formation or reapportionment plan shall meet and draw lots for the length of term specified as follows.

A. In municipalities with annual elections, 1/3 of the

directors shall serve one-year terms, 1/3 shall serve 2-year terms and 1/3 shall serve 3-year terms. If the number of directors is not evenly divisible by 3, the first remaining director shall serve a 3-year term and the 2nd a 2-year term.

B. In municipalities with biennial elections, 1/2 of the directors shall serve a 4-year term and 1/2 a 2-year term. If the number of directors is not divisible by 2, the remaining director shall serve a 4-year term.

C. The directors shall serve their terms as determined at the organizational meeting and an additional period until the next regular election of the municipalities. Thereafter, the directors' terms of office shall date from the time of each municipality's regular election.

4. Compensation. Compensation for attendance at a school board meeting shall be between \$10 and \$25 per meeting. Whenever the directors recommend to increase their compensation, they shall submit their recommendation to the district voters for approval.

A. On notification by the school board, the municipal officers shall, at the next regular or special town meeting or city election, prepare a warrant or ballot for the purpose of voting on the proposed increase.

The question shall be in the following form.

"Should the School Administrative District No. _____ directors be paid compensation at the rate of \$ _____ for each meeting which each director attends?"

B. No increase in compensation is effective unless approved by a majority of the voters voting on the question.

5. Secretary and treasurer. The superintendent shall serve as secretary and treasurer of the school board and shall give a bond to the district of a sum and with the sureties as the school board shall determine. The bond shall be deposited with the chairman. The expense of that bond shall be paid by the district. The bond premium, compensation paid directors for attendance at meetings and expenses of the district shall be paid from funds of the district by the treasurer on vouchers presented and certified by the superintendent and approved by a majority of the school board or a finance committee duly elected annually by

that board.

6. Oath of office. Before their first meeting, newly elected directors shall take the following oath or affirmation before a dedimus justice or notary public.

"I do swear that I will faithfully discharge to the best of my abilities the duties incumbent on me as a school director of School Administrative District No..... according to the Constitution and laws of this State. So help me God."

A. A director shall make a certificate documenting that he has taken the oath or affirmation and return it to the secretary of the district to place in the district records.

B. If a director is conscientiously scrupulous of taking an oath, the word "affirm" shall be used instead of "swear" and the words "this I do under the pains and penalty of perjury" instead of the words "so help me God."

7. Election of officers. The board of directors shall elect a chairman and vice-chairman and other officers as may be necessary.

§1252. Methods of representation

The following are methods of representation.

1. Method A: Subdistrict representation. Directors shall represent subdistricts.

A. The subdistricts, as far as practicable, shall be whole municipalities. If the municipalities are divided into subdistricts, then they shall be divided into subdistricts of approximately equal size as determined by the latest Federal Decennial Census or Federal Estimated Census. The municipal officers shall provide a separate voting place for each subdistrict of the municipality.

B. The boundaries of each subdistrict shall be determined by a majority vote of the joint meeting or reapportionment committee. Each subdistrict shall have one director, except that in a municipality comprised of 2 or more subdistricts, the joint meeting may authorize the election of directors-at-large.

2. Method B: Weighted votes. Directors shall cast

weighted votes.

A. The committee shall apportion 1,000 votes among all the members of the board. The ratio of the number of votes cast by the directors representing a municipality in relation to the number 1,000 shall be the same ratio to the nearest whole number as the population of the municipality is in relation to the population of all municipalities in the district, as determined by the latest Federal Decennial Census or Federal Estimated Census.

B. To assure the use of whole numbers, the 1,000 votes apportioned among the board members may be increased or decreased by not more than 5 votes.

C. A plan may not permit the voting power of any director to exceed by more than 2% the percentage of voting power he would have if all 1,000 votes were apportioned equally among the directors.

D. In a municipality served by 2 or more directors, the votes cast by them shall be divided equally among them. The directors shall be elected at large within the municipality unless otherwise provided by municipal charter.

3. Method C: At-large voting. Directors shall be elected at large by all of the voters in the district.

4. Method D: Other. Directors may be elected by any other method that meets the requirements of the one-man, one-vote principle that is not included in Methods A, B or C.

§1253. Election

For the purpose of nominations, school directors shall be considered municipal officials and shall be nominated in accordance with Title 30, chapter 207, or with a municipal charter, whichever is applicable.

1. Initial meeting on district formation. On the election of the school directors, the clerk of each municipality within the school administrative district shall forward the names of the directors elected for that municipality to the state board with other data with regard to their election as the state board may require. On receipt of the names of all of the directors, the state board shall set a time, place and date for the first meeting of the directors and give notice to the directors in the manner set forth in

section 1203, subsection 3, paragraph A.

2. Special provisions. In the election for representation under the methods provided in section 1252 the following shall apply.

A. Under Methods A and B:

(1) Within 30 days after notification by the board of directors of the approval or reapportionment plan, the municipal officers shall call a special election to elect directors to serve under the plan for the school administrative district;

(2) Nomination papers shall be furnished by the secretary of the district. Notwithstanding any other section of this Title, directors shall be nominated by obtaining a minimum of 25 and a maximum of 50 signatures of registered voters residing within the subdistrict. The secretary shall notify the municipal officers of the names of candidates in each subdistrict;

(3) The municipal officers shall prepare ballots to be used in their municipality for the election;

(4) The clerks of each municipality shall forward to the secretary the results of the vote by subdistrict;

(5) The board of directors shall meet and total the votes cast for each candidate within each subdistrict and shall immediately notify the clerks in each municipality, the candidates and the commissioner of the results of the vote;

(6) The terms of the directors elected under the original municipal representation system shall cease on the date that the newly elected directors are sworn into office; and

(7) Notwithstanding any other provision of statute, directors shall be elected by secret ballot. The ballots shall be prepared for and distributed to the municipalities or subdistricts by the secretary of the district.

B. Under Method C:

(1) Nominations for directors shall be made on petitions provided by the district secretary. The

petitions shall be signed as provided in Title 30, section 2061, subsection 3, or if the candidate is a voting resident in a municipality having less than 200 population, signed by at least 20% of the registered voters of that municipality;

(2) The petitions shall be submitted to the registrar of voters in the respective municipalities for certification of the voting residence of the director nominated and of the voters signing the petition;

(3) The registrar of voters shall return the certified petitions to the district secretary not later than 30 days prior to the date of the annual election to be held in the municipality;

(4) The ballot shall be prepared and distributed by the district secretary. It shall give the number of offices to be filled and list the candidates by municipalities or subdistricts in which they are resident;

(5) Notwithstanding any other provision of law, school directors shall be elected by secret ballot;

(6) If all member municipalities do not conduct the election for directors on the same date, then all ballots cast in the elections shall be impounded by the clerk of each municipality:

(a) After all municipalities have voted, the clerks and one or more election supervisors designated by the municipal officers of each municipality shall meet at an agreed upon location and tally the ballot;

(b) The tally shall be completed within one day of the last member municipality election;

(c) The election supervisors shall select from among their members a chairman who shall supervise the tally of ballots; and

(d) The clerk of each municipality shall as promptly as possible after the election certify to the board of directors the result of the voting in that municipality; and

(7) Any recount petitions shall be filed with the

secretary of the board of directors and recounts shall be conducted in each member municipality in accordance with the applicable laws.

§1254. Vacancies

Declaration and filling of vacancies shall be as follows.

1. Definition of vacancy. A vacancy occurs:

A. When the term of the office of a school director expires;

B. When a school director changes residency from the municipality or subdistrict from which elected. Evidence that an individual is registered to vote in a municipality is prima facie evidence of that individual's residency;

C. On the death of a school director; or

D. When a school director resigns.

2. School board. The board of directors shall notify the municipal officers of the municipalities within the district before the annual town meeting or before the regular city election of the vacancy.

3. Filling vacancies. Vacancies shall be filled as follows.

A. The municipal officers of the municipality in which the director resided shall select an interim director for the municipality or subdistrict to serve until the next annual municipal election. The interim director shall serve until his successor is elected and qualified.

B. The municipal officers shall provide at the next municipal or subdistrict election for the election of a director to fill the vacancy.

§1255. Reapportionment

The state board shall determine the necessity for reapportionment.

1. Duties of the state board. The state board shall determine if a district is apportioned in accordance with the principles of one man, one vote, if:

- A. It receives a request by the board of directors;
- B. It receives a petition signed by district voters equal to at least 10% of the voters who voted in the last gubernatorial election in the district; or
- C. It determines a district is not apportioned according to the principles of one man, one vote.

2. Awaiting census results. If the state board receives a request within 12 months before a Federal Decennial Census or Federal Estimated Census, the board may wait until after the new census figures are available to make a determination.

3. Findings and order. If the state board finds the district's representation is not apportioned in accordance with the principle of one man, one vote, it shall, within 7 days of that decision, notify the municipal officers in each municipality in the district and the school board to create a reapportionment committee. The notification shall include the time and place for the first meeting of the committee which shall be held not later than 20 days after the notificaton.

4. Reapportionment committee membership. The reapportionment committee shall consist of one municipal officer and one citizen at large from each member municipality, chosen by the municipal officers, and one director from each municipality, chosen by the board of directors. The appointments shall be made prior to the first meeting of the committee.

5. Quorum. A majority of the committee shall be a quorum.

6. Duties of the commissioner. The commissioner shall provide the committee with the most recent Federal Decennial Census or Federal Estimated Census figures for each municipality in the district and at least one recommended apportionment plan.

7. Duties of the reapportionment committee. The committee shall:

- A. Elect a chairman and secretary and may adopt suitable rules of procedure;
- B. Consider and by majority vote adopt a plan including the method of representation, total number of directors and number of directors representing each

municipality or subdistrict; and

C. Within 90 days of the first meeting, send a report of their plan to the state board for approval. It may, within the 90-day limit, submit alternative plans for apportionment.

8. State board approval. The state board shall approve or disapprove the committee plan within 30 days of receiving it.

9. Failure to gain state board approval. If a plan has not been adopted by the committee or approved by the board within the time limits, the commissioner shall prepare a suitable plan and submit it to the state board for approval.

10. Putting the approved plan into effect. On approval of a plan by the state board, the commissioner shall send a certified copy to the municipal officers and school directors. The original plan shall be retained in the state board files.

A. The approved plan shall be effective immediately. The committee shall determine the terms of the directors who shall be elected at the next annual municipal elections so as to comply with section 1253.

B. If the approved plan requires a reduction of the number of directors to be elected in a municipality, all of the existing directors representing the municipality shall, within 7 days after the date of approval and under the supervision of the board of directors, choose by lot which directors' terms shall terminate.

C. If the approved plan requires that additional directors be elected in a municipality, the municipal officers shall fill the vacancies by appointment. A new director shall serve until his successor is elected and qualified at the next annual municipal election.

D. The current board of directors shall serve until the next annual municipal elections.

E. The reapportionment committee shall thereupon be dissolved.

11. Duties of present directors during reapportionment. The board of directors, during the reapportionment of its membership, shall serve as legal representatives of the district until the reapportionment is completed. The board

shall carry out all business of the district, including the borrowing of necessary funds which may be required during the period of reapportionment.

§1256. Powers and duties

The board of directors:

1. School district name. May select an unofficial name of the district;

2. Finance committee. May elect a 3-member finance committee whose members shall be directors;

3. Operating schools. May operate elementary school units;

4. Purchase of land outside the district. May purchase land outside of the geographical limits of the district and erect a school on it if, because of the location of other schools within the school district or transportation difficulties, a school within the district would not be in the best interests of the district;

5. Bylaws. Shall adopt bylaws for the regulation of the affairs of the board and the conduct of its business;

6. Property disposal. May not dispose of any real property unless the transaction has been authorized by the voters of the district as required by sections 1351 to 1354, except:

A. The board may vote to return unused school property to the municipality where the property is located if the district has assumed no indebtedness or lease obligation on account of the property;

B. The board may transfer or lease unused school property to nonprofit organizations for educational or cultural purposes; and

C. The board may lease any unused school buildings for educational or cultural purposes; and

7. Gifts. May accept and receive money or other property, outright or in trust, for any specified benevolent or educational purpose. The board shall comply with the following in accepting gifts.

A. If the board receives written notice from a prospective donor or his representative of a proposed gift,

they shall submit the matter to the next regular meeting of the board or shall call a special meeting. The board shall, within 10 days after the meeting, send written notice of its acceptance or rejection.

B. If the gift is in trust, the board shall deposit or invest those trust funds according to Title 30, section 5051.

(1) Unless prohibited by a trust instrument, the district may treat any 2 or more trust funds as a single fund for the purposes of investment.

(2) After deduction for management expenses, any interest earned or capital gains realized shall be prorated among the various trust funds.

(3) Property or securities included in the corpus of a trust fund shall be retained where the trust instrument so provides.

(4) Unless otherwise specified in the trust instrument, only the annual income from the trust fund may be spent.

(5) If the district fails to comply with the terms of the trust instrument, the trust fund reverts to the donor or his heirs.

C. If the money or other property is a conditional gift for any specified benevolent or educational purpose, the following shall apply.

(1) Prior to the acceptance of a gift the board of directors shall obtain approval of the legislative body of the school administrative district.

(2) When the donor's part of the agreement respecting the execution of the conditional gift has been completed, the district shall perpetually comply with, and may raise money to carry into effect, the conditions upon which it was made.

(3) Unless otherwise specified by its terms, a conditional gift of money shall be deposited or invested according to Title 30, section 5051.

§1257. Quorum

At least a majority of the board of directors in number and voting power shall be a quorum.

§1258. Program

A school administrative district shall maintain a program which includes kindergarten to grade 12.

1. Secondary school. A district shall provide a secondary school facility as follows.

A. A district which enrolls more than 700 pupils in grades 9 to 12 may operate more than one 4-year school.

B. A district which enrolls less than 700 pupils in grades 9 to 12 shall provide grades 10 to 12 in one facility within 4 years from the date of the district's formation.

C. Secondary school facilities may be operated as 4-year schools, a 6-year school for grades 7 to 12 or 2 or more 3-year schools, except that students living in an area remote from a public school may be provided for under section 5204.

2. Other facilities. Notwithstanding this section, a district may contract with a nearby school administrative unit or with a private school for all or part of its secondary pupils. The contract may be for a term of from 2 to 10 years.

SUBCHAPTER IV

FINANCING

§1301. Finances

A school administrative district may raise money for establishing and maintaining public schools, erecting buildings and providing equipment.

1. Methods of sharing costs. The costs of operating a school administrative district shall be shared among all municipalities within the district in one of the following ways.

A. Under a property valuation method, municipalities in a district shall share costs in the same proportion as each municipality's state valuation is to the district's state valuation.

B. Under an alternate plan approved by the state board and by a vote of the legislative bodies of the school administrative units forming the district and based on:

- (1) The number of resident pupils in each town;
- (2) The state valuation of each member town's real property as set in the calendar year prior to the district's fiscal year; or
- (3) Any combination of subparagraphs (1) and (2).

2. Residents on federal property. For the purposes of this chapter only, a district shall count students residing on land under the control of the Federal Government or on a federal military reservation, who are eligible under United States Public Law 81-874, as residents of the district but not as residents of a municipality.

3. Amendment of cost-sharing formulas. The cost-sharing formula may be amended as follows.

A. If requested by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district, the board of directors shall hold a meeting of municipal representatives to determine the necessity of reconsidering the method of sharing costs. The district shall give at least 15 days' notice to each municipality comprising the district of that meeting.

B. Each member municipality shall be represented at the meeting by 2 representatives chosen at large by its municipal officers, and one member of the district board of directors chosen by the municipality's directors.

C. A change in the method of sharing costs may only be approved by a majority vote of the municipal representatives present.

D. If approved by this meeting, the change shall be submitted to the voters at a district meeting. It shall become effective when approved by a majority vote of the district in a district referendum called and held for this purpose in accordance with sections 1351 to 1354.

E. Assessments made by the school board thereafter shall be made in accordance with the new method of sharing costs.

F. The secretary of the district shall notify the state board that the district has voted to change its method of sharing costs. The state board shall issue

an amended certificate of organization showing this new method of sharing costs.

§1302. Budget preparation

The district budget shall be prepared as follows.

1. Preparation by board. The board of directors shall annually prepare a budget for:

A. Operational costs;

B. Bonds falling due;

C. Interest on bonds or other obligations;

D. Rentals and other charges in a contract;

E. A lease or agreement with the Maine School Building Authority; and

F. Temporary loans.

2. Distribution. At least 7 days before the district budget meeting, the board of directors shall make available to the legislative body responsible for final budget approval and residents of the district, a detailed budget document. It shall include a summary of anticipated revenues and estimated school expenditures.

§1303. Budget meeting

The school board shall hold a district budget meeting at a time it determines.

1. Warrant. The budget meeting shall be called by a warrant. The warrant shall:

A. Be signed by a majority of the board of directors;

B. Specify the time and place of the meeting;

C. Include the proposed school budget and other articles the school board chooses to place before the voters, excluding authorization to borrow money for school construction purposes;

D. Specify the state and local shares of the state-local allocation and local leeway and additional expenditures without state participation; and

E. Be directed to a resident of the district by name ordering the resident to notify all voters within the district to assemble at the time and place appointed.

2. Notice. An attested copy of the warrant shall be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities within the district at least 7 days before the meeting. The person who gives notice of the meeting shall make a return of the posting on the warrant stating the manner of notice in each municipality and the time when it was given.

3. Requested articles. If requested by a written petition of at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in each municipality within the district, the board of directors shall place specific articles, not in conflict with existing state statutes, in the warrants for consideration at the next annual district budget meeting. To be included in the warrant a petition shall be received by the board of directors at least 15 days before the date set for the budget meeting. When placed on the warrant, the articles shall be considered before action relating to the appropriation of money for the operation of schools.

§1304. Meeting procedures

The following procedures shall be used at a district meeting.

1. Election of moderator. The secretary of the board of directors, or when absent, the chairman of the school board, shall open the meeting and call for the election of a moderator, receive and count votes for moderator and swear in the moderator.

2. Appointing ballot clerks. The moderator shall appoint from the certified voting list the ballot clerks necessary for the efficient operation of the meeting. The clerks shall be sworn in by the moderator.

3. Budget consideration. The budget shall be thoroughly explained. The voters shall have an opportunity to be heard. The voters may change only items dealing with:

A. The expenses necessary to operate the school administrative district;

B. Appropriations for the reserve fund; or

C. Appropriations for the contingency fund and school

construction purposes.

4. Approval. A majority vote of those voters present and voting shall be necessary for the approval of the annual budget.

5. Voting lists. Registration of voters for the annual budget meeting shall be held in each member municipality in accordance with the time schedule specified in Title 21, section 631.

A. Prior to the annual budget meeting, the municipal clerks of the member municipalities shall supply to the board of directors a certified corrected copy of the registered voters of their municipality.

B. The lists shall be used in determining the voters who are eligible to vote at the annual budget meeting.

§1305. Alternative voting procedures

If requested by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district, the board of directors shall cause the following article to be voted on by the voters of the member municipalities.

"Shall School Administrative District No. require that the voting at future district budget meetings and special district budget meetings be done within each member municipality of the district?

Yes _____ No _____"

1. Procedure. The procedure for voting on the article shall be as follows.

A. On receipt of a request and if the request complies with the requirement of this section, the board of directors shall immediately notify the municipal officers within the district of the receipt of the request.

B. The municipal officers within the district shall then cause the article to be placed on the ballots for that municipality for the next general or statewide special election occurring at least 45 days after the date on which the municipal officers received the notice.

C. The warrants, notices and voting procedures to be followed within a municipality, including absentee

voting procedures, shall be the same as those provided in Title 21, except that the duties of the Secretary of State shall be performed by the board of directors.

D. Municipal clerks shall, within 24 hours of the determination of the results of the vote in their municipality, certify to the board of directors the total number of votes cast in the affirmative and in the negative on the article.

E. As soon as all of the results from all of the municipalities have been returned to the board of directors, the board shall meet and compute the total number of votes cast in the affirmative and in the negative on the article in all of the municipalities within the district.

F. If the board of directors determines that there were more votes cast in the affirmative than there were in the negative on the article, they shall declare that the article has passed.

G. If the board of directors determines that the total number of votes cast on the article in the affirmative is equal to or less than those in the negative, they shall declare that the article has not passed.

H. The board of directors shall enter their declaration and computations in their records and send certified copies of it to the municipal clerk of each municipality within the district.

2. Application. Following the board of director's declaration that the article has passed, the board shall cause the voting at all future district budget meetings and to be called within each municipality within the district. The voting shall be held in accordance with the procedures set out in sections 1351 to 1354. The board may hold informational meetings on voting procedure and budget prior to voting. The board shall be responsible for the form of the articles to be voted on in the municipalities, except as otherwise provided by law.

3. Failure to approve a budget. If, at a district meeting where the voting is done within each municipality within the district, the voters fail to approve the operating school budget, or any part thereof, subsequent district budget meetings shall be held and the voting at these meetings shall be done at a single place within the district. These meetings shall be held solely for the purpose of approving an alternative operating school budget to

replace the part of the proposed budget which the voters failed to approve. These meetings shall be held in accordance with the provisions and procedures set out in section 1304. They may continue in this manner until an alternative budget is adopted.

§1306. Budget format

The board of directors shall determine the budget format unless the district voters petition to establish it.

1. Petition. An article dealing with the budget format may be placed on the next warrant if authorized by a majority vote of the board or if a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district has been presented to the board.

2. Meeting. A school budget format may be established by the district voters if the lesser of either 20% of the number of registered voters or 200 registered voters vote on an appropriate warrant article and a majority approve it. The meeting shall be called and held as provided for district approval procedures under sections 1351 to 1354.

3. Effective date. A change in budget format shall be voted on at least 90 days prior to the budget year for which that change is to be effective.

§1307. Specific line budgets

If the school budget format requires specific line categories, then in preparing the warrant and conducting the budget meeting, the following shall apply.

1. Separate articles. Each category shall be included in a separate warrant article.

2. Transfer. Unless authorized by the voters, the board of directors may not transfer funds between line item categories.

3. Summary action. To summarize the action taken on the school budget for the purposes of determining the district's state-local allocations, the articles prescribed in chapter 605 shall also be voted upon.

§1308. Failure to pass budget

If a budget for the operating of the district is not approved prior to July 1st, the budget as submitted by the

board of directors shall be automatically considered the budget approved for operational expenses for the ensuing year.

§1309. Special budget meeting

The school board may call a special budget meeting when they declare an emergency to exist. The voters of the district may authorize the directors at a special district budget meeting to pledge the credit of the district to obtain additional moneys for the operation of schools.

§1310. District assessments

District assessments shall follow these procedures.

1. Warrant. In accordance with the budget approved by the voters at an annual budget meeting and in substantially the same form as the warrant of the Treasurer of State for taxes, the board of directors shall issue its warrants to the assessors of each member municipality requiring it to assess upon the taxable estates within the municipality an amount which is that municipality's share of the district's costs.

2. Commitment. The municipal assessors shall commit the assessment to the constable or collector. Constables and collectors shall have the authority and powers to collect the district's taxes as is vested in them by law to collect state, county and municipal taxes.

3. Installments. The board of directors shall notify the member municipalities of the monthly installments that will become payable during the fiscal year.

4. Payment. A municipal treasurer shall pay the amount of the tax assessed in the fiscal year against the municipality to the treasurer of the district. The payments shall be paid in monthly installments on or before the 20th of each month.

5. Gifts. A municipality may use the proceeds from gifts or trust funds allocated for educational purposes to pay its share of the assessment.

6. Enforcement. If a municipal treasurer fails to pay the installment due, or any part, on the dates required, the treasurer of the district may issue a warrant for the amount of the unpaid tax to the county sheriff requiring the sheriff to levy by distress and sale on the real and personal property of any of the inhabitants of the municipality

where that default takes place. The sheriff or sheriff's deputies shall execute the warrant. In collecting taxes within member municipalities, the board of directors shall have the same power as county officials for the collection of county taxes under Title 36, chapter 105, subchapter 9.

§1311. Power to borrow money

A school administrative district may borrow money as follows.

1. Board of directors. The board of directors may borrow money to pay for:

A. Current operating expenses of the district if the loans are repaid within one year of the date of borrowing and are limited to an amount reasonably required for current operating expenses; and

B. School construction projects as defined in section 15901.

2. Voters approval. Bonds or notes for school construction purposes shall first be approved by a majority of voters of the district voting at an election called by the board of directors and held as provided in sections 1251 to 1254, except as is otherwise provided in this section.

A. Each bond or note shall have inscribed upon its face the name of the district, the date it was issued, the amount of the bond or note and the annual interest rate, payable semiannually. Each bond or note shall be in the form and be sold in the manner, at public or private sale, as the board of directors shall determine in accordance with state law. Bonds may not be sold for less than par.

B. Notes or bonds issued by a district shall be signed by the treasurer or assistant superintendent and countersigned by the chairman of the board of directors of the district. If coupon bonds are issued, each coupon shall be attested by a facsimile signature of the treasurer.

C. Each issue of bonds shall mature in substantially equal annual installments so that the first installment shall be payable not later than 2 years and the last installment not later than 25 years after the date of issue.

3. Temporary notes. Prior to issuing authorized

school construction bonds or notes, the board of directors may borrow in anticipation of their sale by issuing temporary notes and renewal notes subject to the following.

A. Their total face value amount may not exceed at any one time the authorized outstanding amount of the school construction bonds or notes.

B. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes, the period during which the issue of bonds shall be outstanding plus the period of the loan represented by the temporary notes or renewals shall not exceed 25 years.

C. Temporary notes shall mature not later than 3 years from the date the first temporary note is issued.

D. Temporary notes and renewal notes shall be legal obligations of the district.

E. The board of directors of a district which has received a certificate of approval of a school construction project pursuant to Title 20, section 3458 to be paid in accordance with the alternate method prescribed in Title 20, section 3460, may borrow in anticipation of unpaid portions of state aid and may issue temporary and renewal notes.

F. If the temporary or renewal notes in anticipation of state aid exceed the aggregate amount of state aid actually received by the district, the unexpended balance of those notes shall be used for the repayment. If an outstanding balance remains, it shall be included in the next annual budget and shall not be subject to change at the district budget meeting.

4. Early redemption. Bonds or notes issued on behalf of a district may be made subject to call for redemption, with or without premium, at the election of the board of directors before the date fixed for final payment of those bonds or notes. When these bonds or notes are issued, they shall contain provisions setting forth the method by which the option to call may be exercised, the procedure for payment in the event of call and the legal effect of making the call.

5. District status. Notes and bonds, and loans to pay current operating expenses, contracts, leases and agreements with the Maine School Building Authority, shall be legal obligations of the district. The district shall be a quasi-municipal corporation within the meaning of Title 30,

section 5053 and all the provisions of that section shall be applicable to them.

6. Debt limit. The aggregate principal amount of outstanding bonds or notes issued by a district for school construction purposes shall not exceed, at any one time, 10% of the total of the last preceding state valuation of all the municipalities within the district, plus an amount not to exceed 4% of that total district valuation set by the state board at the time of the initial approval of the school construction project.

A. Indebtedness in excess of 10% incurred under the law as it existed prior to April 1, 1974, is validated.

B. Outstanding school indebtedness assumed by the district shall be included in its limit of indebtedness, excluding contracts, leases or agreements with the Maine School Building Authority and notes in anticipation of state aid issued pursuant to subsection 3.

C. The percentage limit of the indebtedness for bonds or notes for school construction purposes authorized after April 27, 1967 shall be fixed as of the time of authorization by the voters or, if no district meeting is held to authorize those bonds or notes, upon the expiration of 35 days following passage of a resolution of the board of directors as described in subsection 7.

D. If the issuance of bonds or notes together with all outstanding indebtedness included within the district's limit of indebtedness would cause the district's indebtedness to exceed 10% of the total of the last preceding state valuation of all the municipalities within the district, the board of directors shall not issue those bonds or notes until they have received a certificate of approval pursuant to Title 20, section 3458.

E. If a certificate of approval indicates that the state board has authorized state aid to be paid in accordance with the alternate method prescribed by Title 20, section 3460, the total estimated amount of state aid payable on account of the school construction project described in the certificate of approval shall be treated as outstanding school indebtedness for the purpose of computing the borrowing capacity of the district to finance that project by issuing its bonds or notes. State aid shall be determined by applying the applicable percentage of state aid to the total estimated cost of the project, as set forth in the certifi-

cate of approval.

7. Bonds and notes under 1% of valuation. The board of directors may issue bonds or notes not to exceed 1% of the last preceding state valuation of all the municipalities within the district:

A. By calling a district meeting to approve the issuance of those bonds or notes as provided in section 1304; or

B. By passing a resolution to that effect, setting forth the amount of the proposed issue and the purposes for which the proceeds will be used and meeting the following requirements.

(1) The secretary of the board shall, within 5 days of the date of the passage of the resolution, cause attested copies of the resolution to be posted in 3 public and conspicuous places within each of the municipalities within the district. The secretary shall make a return of the posting stating its time and place. The return shall be kept with the records of the district and a copy of the return shall be mailed to each of the municipal officers of each municipality within the district.

(2) If, within 35 days of the date of the passage of the resolution, petitions with signatures of at least 10% of the residents in the district eligible to vote on the date that the resolution was adopted, are filed with the secretary requesting a vote of the district to approve or disapprove the issuance of the bonds or notes, the secretary shall immediately notify the board. They shall call an election for that purpose as set forth in sections 1351 to 1354.

(3) The board shall not authorize bonds or notes by resolution if the amount of the proposed issue, together with the amount of any other bonds or notes authorized solely by resolution and which are for the same purpose, exceeds 1% of the total of the last state valuation of all the participating municipalities.

§1312. Reserve fund

School administrative districts may establish a reserve fund for school construction projects as follows.

1. Establishment. A school administrative district may establish a reserve fund for school construction projects by including a request in the district budget and receiving voter approval. The board of directors shall be the trustee of the reserve fund. The reserve fund shall be deposited or invested by the treasurer under the direction of the board.

2. Deposit or investment. Reserve funds, trust funds and all permanent funds shall be deposited or invested by the treasurer under the direction of the board of directors as follows.

A. The balance in a savings bank, trust company or national bank in the State shall not exceed the amount insured by the Federal Deposit Insurance Corporation.

B. The funds may be invested in shares of a building and loan or a savings and loan association organized under state law.

C. The funds may be invested according to the law governing investment of the funds of savings banks under Title 9-B, chapter 55. For the purpose of this paragraph, the words "deposits of a bank" or their equivalent, as used in Title 9-B, chapter 55, mean the total assets of the reserve fund, trust fund or other permanent fund being invested. The limitation concerning the maximum amount which may be invested in a security or type of security under Title 9-B, chapter 55, applies only to an investment in that security or type of security which exceed \$2,000.

3. Expending moneys from reserve funds. The board of directors may expend the sum in the reserve fund when authorized to do so by a vote of the district at a district meeting or a district budget meeting, when an article for that purpose is set out in the warrant calling the meeting.

§1313. Disposal of property

In disposing of real property in any amount or personal property in an amount exceeding \$1,000, the board of directors shall comply with the following procedures.

1. Requirement to advertise. At least 5 days prior to the date set for the close of bids, the board of directors shall advertise for sealed bids in a newspaper having general circulation in the territory embracing the school administrative district.

2. Bid procedure. The board of directors shall comply with the bid procedures outlined in section 1314.

§1314. Bid procedure

The following shall apply to bids.

1. Written bids. Bids shall be in writing, sealed with outside envelope or wrapper plainly marked "Bid, not to be opened until (with appropriate date inserted)," and mailed to or filed with the superintendent of the unit.

2. Time of opening. A director or employee of the school administrative district may not open a bid until the appointed time.

3. Public opening. At the time and place stated in the public notice, and open to the public, all bids shall be opened by the superintendent or, in his absence or disability, by any director designated for the purpose by the chairman of the board of directors.

4. Reading. If any citizens who are not school administrative district directors or employees, or if any representatives of the press are present, bids shall at the time either be made available for examination by them or shall be read aloud in a manner to be heard plainly by those in attendance.

5. Exceptions. Property may be disposed of without bids as follows.

A. The board of directors may sell school property and buildings to the municipality where the property and buildings are located at a mutually acceptable price without advertising, provided the school administrative district had assumed no indebtedness or lease obligation on account of that property.

B. The directors may return unused real property to individuals from whom it was purchased, their heirs or assigns, when it is no longer needed for school purposes.

§1315. Void contracts

A contract made by the school directors in a school administrative district during the term of a member who is pecuniarily interested in that contract, either directly or indirectly, shall be void, unless the board of directors has advertised for sealed bids for that contract and that adver-

tisement for sealed bids has been published at least 5 days prior to the date set for closing of bids in a newspaper having general circulation within the school administrative unit.

SUBCHAPTER V

DISTRICT REFERENDUM

§1351. District referendum

The school board:

1. Authority to call a district referendum. Shall initiate a district referendum:

A. To approve the issuance of bonds or notes for school construction projects;

B. To approve a change in the selection of a school building site;

C. To approve a change in the method of sharing costs among the member municipalities;

D. To approve an agreement to add one or more municipalities to the district;

E. To approve an agreement to transfer a participating municipality to another school administrative district;

F. To approve an agreement to merge with another school administrative district;

G. To approve a proposed lease agreement with the Maine School Building Authority;

H. To authorize the board of directors to contract for the schooling of secondary pupils;

I. To authorize the board of directors to dispose of real property; or

J. To accept or reject a prospective gift; and

2. Required district referendum. Shall initiate a district referendum when requested by a written petition of at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in the municipalities within the district. At that referendum, the school board shall place before the voters the specific

school construction article which has been requested by the petitioners.

§1352. Method of calling a district referendum

A district referendum shall be initiated by a warrant prepared and signed by a majority of the board of directors. The warrant shall be countersigned by the municipal officers in the municipality where the warrants are posted.

1. Municipal officers. The warrant shall direct the municipal officers within the district to call a referendum on a date and time determined by the board of directors. A warrant shall be prepared and distributed at least 30 days prior to the date of the referendum.

A. The warrant shall be directed to a resident of the district by name, ordering the resident to notify the municipal officers of each of the municipalities within the district, to call a town meeting or city election on the date specified by the board of directors. No other date may be used. The person who serves the warrant shall make a return on the warrant stating the manner of services and the time when it was given.

B. The warrant shall be served on the municipal clerk of each of the municipalities within the district by delivering an attested copy of the warrant in hand within 3 days of the date of the warrant. The municipal clerk, on receipt of the warrant, shall immediately notify the municipal officers within the municipality. The municipal officers shall forthwith meet, countersign and have the warrant posted.

C. The warrants and other notices for the referendum shall be in the same manner as provided in Title 21.

2. Content of the warrant. The warrant shall set forth the articles to be acted on in each municipal referendum. The articles shall have the following form.

A. When a referendum is called for the purpose of authorizing the issuance of bonds or notes for capital outlay purposes, the articles shall be substantially as follows.

(1) "Shall the school directors of School Administrative District No.....be authorized to issue bonds or notes in the name of this district for school construction purposes in an amount not to exceed \$..... to construct

a.
(elementary or secondary school)
to be located at
(specifically defined lot where school is to be
erected)

Yes _____ No _____ "

(2) "Shall the school director of School Adminis-
trative District No.....be authorized to issue
bonds or notes in the name of this district for
school construction projects in an amount not to
exceed \$.....for the purpose of.....

?

(here state purpose of school construction
project)

Yes _____ No _____ "

(3) "Shall the school directors of School Admin-
istrative District No..... be authorized to
use the bond issue or notes in an amount not to
exceed \$..... which was voted by the district on
.....

(date)

to construct a
(elementary or secondary school)

to be located at?
(specifically define lot where school is to be
located)

Yes _____ No _____ "

B. When a district votes to change the site of its
school construction project using the article in
subparagraph (3), the date of authorization of the
project shall be the original date the voters author-
ized the board of directors to issue bonds or notes for
that project.

C. When a referendum is called for the purposes of
approving the addition of a municipality to the dis-
trict, the article shall be in the form set forth in
section 1401, subsection 2, paragraph A.

D. When a referendum is called for the purpose of
approving a proposed lease agreement with the Maine
School Building Authority, the article shall be exactly
as is set forth in the proposed lease agreement.

E. When a referendum is called for the purpose of

authorizing the school board to contract for the schooling of secondary pupils, the article shall be as follows.

"Shall the school directors of School Administrative District No..... be authorized to contract in the name of this district with
(Name of Administrative Unit or Academy)
the schooling of secondary pupils for a term of
.....years?

Yes No "

F. When a referendum is called for the purpose of authorizing the school directors to dispose of real property, the article shall be as follows.

"Shall the school directors of School Administrative District No.....be authorized to dispose of.....
?
(describe the property)

Yes No "

G. When a referendum is called for the purpose of authorizing a change in the method of sharing costs in the district, the article shall be as follows.

"Shall the method of sharing costs in School Administrative District No.....be changed from the present method
(describe)
to the following method: ?
(describe)

Yes No "

H. When a referendum is called for the purposes of accepting or rejecting a prospective gift, the article shall be as follows.

"Shall the school directors of School Administrative District No..... be authorized to accept a prospective gift under the following conditions?
(set forth terms and conditions)

Yes No "

I. When a referendum is called for the purpose of approving the agreement to transfer a municipality from

one district to another district, the article shall be the form set forth in section 1406.

§1353. Referendum procedures

The following procedures shall apply to a district referendum

1. Ballots. The board of directors shall prepare and furnish the required number of ballots for carrying out the referendum as posted, including absentee ballots. It shall prepare and furnish all other materials necessary to fulfill the requirements for voting procedures.

2. Voting. Voting shall be held and conducted as follows.

A. The voting at referendum held in towns shall be held and conducted in accordance with Title 30, sections 2061 to 2065, even though the town has not accepted the provisions of Title 30, sections 2061 and 2062. The facsimile signature of the clerk under Title 30, section 2061, subsection 5, paragraph F, shall be that of the chairman of the board of directors. If a district referendum is called to be held simultaneously with a general election or primary election, the voting in towns shall be held and conducted in accordance with Title 21, except that the duties of the Secretary of State shall be performed by the board. The absentee voting procedure of Title 21 shall be used, except the duties of the Secretary of State shall be performed by the board.

B. The voting at referendum in cities shall be held and conducted in accordance with Title 21, including the absentee voting procedure, except that the duties of the Secretary of State shall be performed by the board of directors.

3. Return and counting. The return and counting of votes shall be as follows.

A. The municipal clerk shall, within 24 hours of the determination of the results of the vote in the municipality, certify and send to the board of directors the total number of votes cast in the affirmative and in the negative on each article.

B. As soon as all of the results from all of the municipalities have been returned to the board of directors, the board shall meet and compute the total

number of votes cast in all of the municipalities within the district in the affirmative and in the negative on each article.

C. If the board of directors determines that there were more votes cast in the affirmative than in the negative, on a given article, they shall declare that the article has passed.

D. If the board of directors determines that the total number of votes cast on an article in the affirmative is equal to or less than those cast in the negative, they shall declare that the article has not passed.

E. They shall enter their declaration and computations in their records and send certified copies of it to the clerk of each municipality within the district.

F. If the district votes on the question of merging with another district, the secretary shall immediately file a return with the state board of the results of the vote on the question of merger.

§1354. Reconsideration

The procedure to reconsider votes taken at a district referendum shall be as follows.

1. Time limit. The board of directors shall, within 60 days, initiate a new district referendum to reconsider the vote of the previous referendum if, within 7 days of the first referendum, at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in the municipalities within the district petition to reconsider a prior district referendum vote.

2. Required quorum. A reconsideration referendum is not valid unless the number of persons voting in that referendum is at least equal to the number who voted in the prior district referendum.

3. Bond. If the margin of the vote being reconsidered was between 10% and 25%, the petitioners shall post a bond with the petition equal to the actual and reasonable costs of the new referendum. If the margin of the vote being reconsidered exceeded 25%, the petitioners shall post an additional bond equal to the actual and reasonable costs which may be incurred as a result of the delay of an authorization or approval granted in the prior district referendum. If the petitioners are successful, the bonds shall be canceled.

SUBCHAPTER VI
REORGANIZATIONS

§1401. Additions

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

1. Application. The board of directors of the municipality wishing to join with an existing school administrative district may file an application with the state board on a form to be provided by the state board.

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

B. The agreement may contain a new method of sharing costs among the member municipalities of the district in accordance with section 1301. The article set out in section 1203, subsection 6, paragraph D, authorizing units to vote on alternate methods of sharing costs shall be used if the agreement recommended by the state board contains a provision for using one of the alternate methods of sharing costs.

C. 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.

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

A. The article voted on shall be:

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

Yes No "

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

B. The election of the directors and the vote on the

agreement shall be conducted on the same day. This election shall follow the procedures used for the election of municipal officials by the municipality.

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

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

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

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

"Article : Shall the district vote to admit the municipality of.....
(name the municipality)
into School Administrative District No..... as a participating municipality of the district subject to the terms and conditions of the agreement prepared by the State Board of Education dated 19.....?"

Yes No "

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

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

B. On receipt of the results of the voting from all municipalities, the state board shall meet, compute and record the result of the voting.

4. State board finding. If the state board finds that a majority of the voters of the district and a majority of the voters of the municipality favor admission of the municipality into the district, the state board shall make a finding to that effect and record it on its records.

A. The state board shall notify by registered mail the

clerk of the municipality seeking to join the school administrative district and the secretary of the school administrative district of the results of the vote.

B. If the state board finding is that a majority is for joining, it shall issue an amended certificate for the school administrative district, which shall be filed in the same manner as the original certificate.

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

§1402. Combining of districts

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

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

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

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

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

"Article : To see if School Administrative District No.... will vote to join School Administrative District No.... in a merger to form a larger district subject to the terms and conditions of the agreement prepared by the State Board of Education dated 19.....

Yes No "

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

3. Return. The secretary of each school administrative district shall file a return with the state board immediately following the votes in the district on the ques-

tion of merger.

4. State board finding. If the state board finds that a majority of the voters in each district have voted in favor of the merger, the state board shall make a finding to the effect and record the same on its records.

5. Notice. The state board shall notify by registered mail the secretary of each district of the results of the vote.

6. Certificate. If the state board finding is that a majority is for merging, it shall issue a new certificate for the enlarged school administrative district and assign a number. The certificate shall be filed in the same manner as the original certificate.

7. Evidence. The issuance of the certificate by the state board shall be conclusive evidence of the merger of the school administrative districts.

§1403. Dissolution of a district

1. Ten percent petition. Upon receipt of a petition of 10% of the number of voters in a municipality who voted at the last gubernatorial election, the municipal officers shall call and hold a special election in the manner provided for the calling and holding of town meetings or city elections to vote on the dissolution of the school administrative district.

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

B. The petition must be approved by secret ballot by a 2/3 vote of the voters present and voting before it may be presented to the board of directors and the state board. Voting in towns shall be conducted in accordance with Title 30, sections 2061 and 2062, even though the town has not accepted the provisions of Title 30, section 2061, and voting in cities shall be conducted in accordance with Title 21.

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

"Article : 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. and with the State Board

of Education?

Yes _____ No _____ "

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

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

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

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

A. The commissioner, after consultation with the district board of directors, municipal officers of the participating municipalities and representatives of the group which filed the petition with the municipality shall direct each municipality to select representatives to a committee as follows: One school director representing the municipality shall be selected by the directors representing that municipality; one member each from the municipal officers; the group filing the petition; and the general public shall be selected by the municipal officers. The chairman of the board of directors shall call a meeting of the committee within 30 days of the filing of the notice of the vote in subsection 3. The chairman of the board shall open the meeting by presiding over the election of a chairman of the committee. The responsibility for the preparation of the agreement shall rest with the committee. The committee may draw upon the resources of the department for information not readily available at the local level. The agreement shall be submitted to the state board and the commissioner within 90 days after the committee is formed. Extensions of time may be granted by the commissioner upon the request of the committee.

(1) The agreement shall contain provisions to provide educational services for all students in the district. The agreement shall provide that during the first year following the dissolution, students may attend the school they would have

attended if the district had not dissolved. The allowable tuition rate for students sent from one municipality to another in the former school administrative district shall be determined under section 5805, subsection 1, except that it shall not be subject to the state per pupil average limitation in section 5805, subsection 2.

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

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

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

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

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

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

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

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

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

(11) The agreement shall provide for the transition of administration and governance of the schools to properly elected governing bodies of the newly created administrative units.

B. Within 60 days of the receipt of the agreement, the state board shall either give it conditional acceptance or recommend changes with the advice of the commissioner based upon the standards set forth in paragraph A.

C. If the state board gives conditional approval of the agreement, the commissioner shall notify the directors and the municipal officers by registered mail of the time and place of a public hearing at least 20 days prior to the date set for the hearing, to discuss the merits of the proposed agreement of dissolution.

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

(2) Within 30 days following the hearing, the committee shall forward the final agreement to the commissioner and the state board.

D. If the state board recommends changes it shall:

(1) Send the agreement back to the committee for necessary corrections and establish a maximum time within which to make the corrections; and

(2) Indicate that the corrected agreement shall go through the steps outlined in paragraphs A to C, or such other steps as the board deems appropriate.

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

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

B. At least 35 days before the date set in paragraph

A. the board of directors shall give written notice by registered or certified mail to the town or city clerk of each municipality having a right to vote on the dissolution agreement.

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

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

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

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

B. Except as otherwise provided in this section, the voting at the meetings held in towns shall be conducted in accordance with Title 30, sections 2061 and 2062, even though the town has not accepted the provisions of Title 30, section 2061.

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

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

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

Yes No "

8. Ballots; posting of agreement. The dissolution agreement need not be printed on the ballot. Copies of the agreement shall be posted in each participating municipality in the same manner as specimen ballots are posted under Title 30, chapter 207.

9. Restriction on dissolution petitions. No participating municipality within a district which has voted on

dissolution may petition for dissolution within 2 years after the date of the district vote on the dissolution.

10. Costs of dissolution agreements and reimbursement. Costs incurred shall comply with the following.

A. The expense of employment of competent advisors in preparing the agreement of dissolution shall be paid by the state board.

B. If the school administrative district votes not to permit dissolution, the municipality petitioning for dissolution shall reimburse the state board for expenses. If the school administrative district votes to permit dissolution, the school administrative district shall reimburse the state board for the expenses.

11. Determination of vote. The town and city clerks shall, within 24 hours of determination of the result 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 board of directors.

12. Determination of results; notification; execution of agreement. Determination of results shall comply with the following.

A. Upon receipt of the results of the voting from all municipalities, the board of directors shall meet and shall 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.

B. The board of directors shall notify the state board by certified mail of the results of the vote.

C. If the state board finds that a majority of the voters voting on the article have voted in the affirmative, it shall notify the directors of the district to execute immediately the terms of the agreement for dissolution.

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

A. If, within 7 days of the computation and recording of the results of the voting from all municipalities, the municipal officers of any participating municipal-

ity request to the commissioner in writing a recount of the votes in the district, the commissioner shall immediately cause the checklists and all the ballots cast in all of the participating municipalities to be collected and kept at the commissioner's office so they may be recounted by interested municipalities.

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

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

14. Execution of agreement; certified record; certificate of withdrawal. When the agreement for dissolution has been executed by the directors of the school administrative district, the directors shall notify the state board by certified mail that the agreement of dissolution has been executed.

A. A complete certified record of the transaction involved in the dissolution shall be filed with the state board.

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

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

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

B. "Outstanding indebtedness" means bonds or notes for school construction projects issued by the board of directors pursuant to the authorization established under chapter 609 or Title 20, sections 3457 to 3460 or obligations to the Maine School Building Authority pursuant to any contract, lease or agreement made by the board of directors pursuant to approval thereof in a district meeting of the school administrative district, but does not include any indebtedness of any municipal-

ity assumed by the school administrative district at the time of formation 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.

16. General purpose aid. When a school administrative district dissolves the general purpose aid for the individual municipalities shall be computed in accordance with chapter 605.

§1404. Reorganization of a school administrative district as a community school district

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

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

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

Yes No "

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

4. Findings by state board dissolution plan. The state board shall carry out its duties under sections 1403 and 1602 regarding the dissolution of a school administra-

tive district and the creation of a new community school district, except that the municipal officers and board of directors shall be responsible for developing a plan to provide for the continuity of the educational program for each municipality to be included within the dissolution agreement.

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

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

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

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

The residents of a participating municipality within a school administrative district composed of 3 or more municipalities may petition to withdraw from the school administrative district in the same manner as they would petition for the dissolution of a school administrative district in accordance with section 1403, except that only a simple majority vote is required. The steps set forth in section 1403 for dissolution apply to the withdrawal of a member municipality from a school administrative district, except that the responsible committee for preparing the withdrawal agreement will be limited to individuals from the municipality. Instead of a district election, a municipal election shall be conducted and a 2/3 vote of the voters present and voting in the municipality is required before it may withdraw. Wherever there is reference in the provisions of section 1403 to the term "dissolution," the term "with-

drawal" or appropriate similar language shall be substituted.

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

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

2. Transfer agreement. The boards of directors of the 2 districts and the municipal officers of the municipality involved shall prepare the agreement within a period of 60 days after being authorized by the commissioner to prepare the agreement. Extensions of time may be granted by the commissioner.

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

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

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

"Article : Shall School Administrative District No. vote to permit the municipality of to transfer into School Administrative District No. as a participating municipality of that district subject to the terms and conditions of the agreement of transfer approved by the State Board of Education dated 19 ?

Yes No "

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

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

E. A complete certified record of the transaction

involved in the transfer shall be filed with the state board. The state board shall issue immediately a certificate of transfer to the secretary of each school administrative district by registered mail to be filed with the directors of the districts involved and shall file a copy of the certificate of transfer in the office of the Secretary of State.

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

§1407. Closing an elementary school

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

"Article : Shall the board of directors of School Administrative District No. be authorized to close

(name of school)

Yes No "

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

2. Expense of keeping the school open. If the voters vote to keep the school open, the member municipality shall be liable for any additional expense for operating costs, transportation costs and minor capital costs as defined in section 15503, which exceed by 10% the expense of the district for the operating costs, transportation costs and minor capital costs as compared on a per pupil basis in the base year. The determination of costs shall be subject to the approval of the commissioner. Any additional costs which must be borne by the member municipality shall be part of the article presented to the voters at the meeting to determine whether the school should remain open.

CHAPTER 105

COMMUNITY SCHOOL DISTRICT

SUBCHAPTER I

ORGANIZATION

§1601. Definitions

1. Community school district. A community school district means a school administrative unit consisting of the inhabitants of and the territory within 2 or more municipalities. It shall be a body politic and corporate responsible for the operating of kindergarten through grade 12, or any combination thereof. It may include a school administrative district, which does not operate a secondary school, for the secondary school grades of 9 to 12 only. If a school administrative district is included, the board of directors of the school administrative district may be substituted for the words "municipal officers" and school administrative district may be substituted for the word "municipality" in applying the terms of this chapter.

2. District board of trustees. The district board of trustees shall perform the duties provided in section 1651.

3. District school committee. The school board of a community school district shall be called a district school committee.

§1602. Formation

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

1. Municipal vote. If the school board of each municipality's school administrative unit votes to join with another municipality to form a community school district, then the municipal officers of each municipality shall call a meeting of the voters of their respective municipality in a manner provided by law for the calling of town meetings. Those meetings shall vote to either favor or oppose articles in substantially the following forms.

A. "Article : To see if the municipality of _____ will
_____ (name)
vote to join with the municipalities of _____"

_____ (naming them)
to form a community school district to be known as
_____ Community School District which shall
be responsible for the operation of grades
_____ (naming them)."

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

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

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

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

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

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

(1) "Article _____ : To see if the town will vote

to authorize the _____ Community School District to change its name to _____ Community School District."

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

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

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

§1603. Official school

The community school district shall be the official school of the participating municipalities responsible for the operation of the grades authorized by the commissioner's certificate.

§1604. Transition to new district

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

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

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

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

(2) The community school district shall there-

after pay the proportionate part of the superintendents' salary that the municipalities were liable to pay.

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

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

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

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

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

SUBCHAPTER II

DISTRICT BOARD OF TRUSTEES

AND DISTRICT SCHOOL COMMITTEE

§1651. District board of trustees

The following provisions shall apply to the community school district board of trustees.

1. Terms of office. The terms of office of trustees are as follows.

A. When a community school district has been formed the municipal officers of each of the member municipalities shall appoint 3 residents from each municipality to serve on the board of trustees of the community school district. The 3 trustees shall be appointed as

follows: One for one year; one for 2 years; and one for 3 years.

B. Thereafter, one trustee from each municipality shall be elected each year for a term of 3 years by the voters of each of the participating municipalities. The elections shall take place at the annual municipal meetings and the trustees elected, or appointed, shall serve until their successors are elected and qualified.

C. Vacancies, whether caused by death, by resignation or by being absent from the municipality for more than 90 days, shall be filled by appointment by the municipal officers of the municipality which the former trustee represented until a successor trustee is elected for the unexpired term, if any, at the next annual meeting.

2. Duties. The district board of trustees shall:

A. Meet on call of one of its members after reasonable notice;

B. Elect a chairman, treasurer and a secretary. The district board of trustees may authorize the district's superintendent to act as its secretary and treasurer;

C. Determine the representation of each municipality on the district school committee. The representation of each municipality shall be in approximately the same ratio to the total membership of the district school committee as the municipality's latest Federal Decennial Census is to the latest Federal Decennial Census of all of the member municipalities. Federal Estimated Census figures shall be used if they are more recent than the Federal Decennial Census figures;

D. Handle requests of petitions for reapportionment in the manner provided for school administrative districts under section 1255; and

E. Borrow funds as provided in section 1702.

3. State board return. When the trustees have fulfilled the requirements of subsection 2 they shall file a return to that effect with the state board.

4. District school committee to act as district board of trustees. A community school district may vote at any time on the article in section 1602, subsection 1, paragraph C, to see if the district school committee shall be author-

ized to perform the function of the district board of trustees. If the municipalities vote affirmatively on that article, the district school committee shall perform the duties of the district board of trustees under this chapter.

§1652. District school committee

1. Officers, treasurer's fee and bond. The district school committee shall, annually in April, choose by ballot from its membership a chairman, a treasurer and a secretary. It may authorize the district's superintendent to be the treasurer and secretary.

A. The treasurer, if authorized by the district school committee, may receive up to \$250 for services. The treasurer shall give a bond to the community school district in the sum and with sureties as the district school committee determines. The bond shall be deposited with the chairman. The expense of the bond shall be paid by the community school district.

B. Members of the district school committee shall receive only the compensation authorized by the municipalities or school administrative units which they represent.

§1653. Election; vacancies

1. Representation on the district school committee. Each member municipality's representation on the district school committee shall be chosen as follows.

A. The school board of each member municipality shall choose from its membership the representation to which it is entitled on the district school committee.

B. Membership on the district school committee shall:

(1) Be coterminous with the member's term of office on the municipal school board; or

(2) Commence on a date subsequent to the last municipal election, but not later than July 1st, as established by the voters of the district in accordance with the voting procedures established in section 1602.

2. Vacancies. Vacancies on the committee shall be filled as follows.

A. A vacancy shall be filled by the school board of

the municipality in which the vacancy occurs.

B. If a representative on the district school committee is absent from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists. The school board in the representative's municipality may choose from among its members another representative. The representative shall be chosen on the basis of seniority.

C. If a district school committee member is absent from a meeting, the senior nonvoting member shall be allowed all the rights and privileges of the absent member, with the exception of the right to vote. This paragraph shall apply only to a member who is the sole representative of a municipality on the district school committee.

§1654. Powers, duties and authority

1. General functions. A district school committee shall have the powers and duties with respect to the community school district as are conferred upon school boards under this Title, except those powers and duties which are expressly reserved for the district board of trustees.

2. Specific functions. A district school committee:

A. Shall be responsible, as of the start of the school year after organization, for the operation of the authorized grades;

B. May issue bonds and notes and borrow money as authorized in this Title;

C. May acquire and hold property for the purpose of operating schools within the authorized grade levels and for other purposes;

D. Shall share costs in the manner authorized by the voters; and

E. May acquire, construct and operate related recreational and athletic facilities, which may also meet other community needs.

SUBCHAPTER III

FINANCING

§1701. Budget approval

1. Preparation. A district school committee shall

annually prepare a budget for the operational and capital expenditures of the community school district.

2. Articles. The district school committee shall prepare appropriate articles to authorize the budget expenditures and to determine the sums of money that will be assessed to each member municipality.

3. Time and place. The district school committee shall call an annual budget meeting on or before June 30th at an hour and in a location within the community school district it designates.

4. Warrants. The district school committee shall post warrants in each of the member municipalities calling for an annual budget meeting. It shall follow the procedures that are used by a town for the calling of a regular town meeting.

5. Voting lists. The following provisions shall govern voting lists.

A. Registration of voters for the annual budget meeting shall be held in each member municipality in accordance with the schedule specified in Title 21, section 631.

B. Prior to the annual budget meeting, the municipal clerk of each member municipality shall supply to the district school committee a current list of the registered voters of the municipality. The lists shall be used in determining the voters who are eligible to vote at the annual budget meeting.

6. Moderator. The chairman of the district school committee, or when absent the secretary, shall open the meeting and shall call for the election of a moderator.

7. Majority vote. A majority vote of those voters present and voting shall be necessary for the approval of the annual budget.

8. Special budget meeting. The district school committee may call a special budget meeting when in their judgment a financial emergency exists. They shall post warrants in each of the member municipalities following the same procedures that are used for calling the regular annual budget meeting.

A. At the special budget meeting, the voters may

authorize the district school committee to make an assessment on the member municipalities or to borrow funds to obtain additional moneys for the operation of the district's schools because of a financial emergency.

B. If the voters authorize the district school committee to borrow additional money, that amount shall be added to the next annual assessment of the member municipalities.

9. Budget format; voter determination. The budget format shall be prescribed by a majority of the district school committee, unless at least 20% of the number of registered voters, as certified by the several municipal clerks to the secretary, vote on an appropriate warrant article prescribing the budget format.

A. The budget format may be determined by the voters of a community school district by adoption of an appropriate warrant article at a properly called meeting.

B. An article dealing with the budget format may be placed on the next warrant if, authorized by a majority vote of the district school committee or if a written petition of at least 10% of the number of voters voting in the last gubernatorial election of each municipality comprising the community school district has been presented to the district school committee.

10. Change in format. A change in budget format shall be voted at least 90 days prior to the budget year for which that change is to be effective.

11. Line item categories; transfer of funds. Line item categories and transfer of funds shall be as follows.

A. If the budget is prepared by specific line categories, each category shall be included in a separate warrant article.

B. Unless authorized by the voters, the district school committee may not transfer funds between line item categories.

12. State-local allocations. To summarize the action taken on the budget for the purposes of determining the community school district's state-local allocations, the articles prescribed in chapter 605, shall also be voted on.

§1702. Borrowing

1. Purposes of borrowing. The district board of trustees may borrow funds to pay for:

A. Current operational expenditures of the community school district in an amount not to exceed the gross budget approved by the voters at the annual meeting. These borrowed funds shall be repaid within the same fiscal year; and

B. Major and minor capital costs, not to exceed in the aggregate, at any one time outstanding, 10% of the total of the last preceding state valuation of all of the participating municipalities. Contracts, leases or agreements with the Maine School Building Authority shall not be debts or liabilities within this section.

2. Form of bond or note. Each bond or note shall have the following form.

A. It shall have inscribed on its face the name of the community school district, the date it was issued, the amount of the bond or note and the annual interest rate, payable semiannually. It shall be in the form and be sold in the manner, at public or private sale, as the district board of trustees determine in accordance with state law.

B. It shall be signed by the treasurer and countersigned by the chairman of the district board of trustees. If coupon bonds are issued, each coupon shall be attested by a facsimile signature of the treasurer.

3. Maturity and time limits. The following provisions apply to bonds or notes.

A. Each issue of bonds shall mature in substantially equal annual installments so that the first installment shall be payable not later than 2 years after the date of issue and the last installment not later than 25 years from the date of issue.

B. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes of the community school district or renewals thereof, the period during which that issue of bonds shall be outstanding, plus the period of the loan represented by the temporary notes or renewals, shall not exceed 25 years.

C. Notes shall mature not later than one year from their date of issue but may be renewed. The period of

the original note plus that of renewals shall not exceed 2 years.

4. District obligations. All notes, bonds, contracts and leases and all agreements with the Maine School Building Authority entered into by a community school district shall be the legal obligations of the district.

5. Status. A community school district shall be a quasi-municipal corporation within the meaning of Title 30, section 5053. The provisions of Title 30, section 5053 shall be applicable to it.

§1703. Community school district assessments

1. Community school district warrant. In accordance with the budget approved by the voters at the annual budget meeting and in substantially the same form as the warrant of the Treasurer of State for taxes, the district school committee shall issue its warrants to the assessors of each member municipality requiring them to assess upon the taxable estates within each municipality an amount that is that municipality's share of the community school district's costs.

2. Municipality tax collector. The assessors of each member municipality shall commit the assessment to the constable or collector. The constable or collector shall have all the authority and powers to collect the community school district's taxes as are vested in the office by law to collect state, county and municipal taxes.

3. Monthly installments. The district school committee shall notify the member municipalities of the monthly installments that will become payable during the fiscal year.

4. Payment. Each municipal treasurer shall pay the amount of the tax assessed to the treasurer of the district. The payments shall be paid in monthly installments and shall be made on or before the 20th of each month.

5. Gifts. A member municipality may use the proceeds from gifts or trust funds allocated for educational purposes to pay its share of the assessment.

6. Failure to pay. If a treasurer fails to pay any part of the installment due on the required dates, the treasurer of the community school district may issue a warrant for the amount of the tax remaining unpaid, to the county sheriff requiring the sheriff to levy by distress and

sale on the real and personal property of any of the inhabitants living in the municipality where that default takes place. The sheriff or a deputy shall execute the warrant. The district school committee when collecting taxes within each member municipality, shall have the same authority as is vested in county officials for the collection of county taxes under the statutes.

7. Delinquent payments to the Maine School Building Authority. If a community school district, which has financed school construction through the Maine School Building Authority, is delinquent in its payment to the authority, the department shall make payment to the authority on behalf of the community school district. Payments may be made from any amounts properly payable to the district not exceeding the amount then presently due to the authority or from the department to the community school district.

§1704. Sharing costs

The following provisions apply to sharing district costs.

1. Formula. A community school district shall share its costs among the member municipalities on the basis of:

A. The number of resident pupils in each municipality;

B. The state valuation of each member municipality's real property as set in the calendar year prior to the district's fiscal year;

C. In accordance with any combination of paragraphs A and B; or

D. In accordance with any other formula authorized by the Legislature.

2. Amendment of formula. The procedure for amending the cost-sharing formula shall be as follows.

A. When requested by a written petition of at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in the municipalities comprising the community school district, the district school committee shall give at least 15 days' notice to each member municipality of a meeting to determine the necessity of reconsidering the method of sharing costs.

B. Each member municipality shall be represented by 2

representatives chosen by its municipal officers and one member of the district school committee chosen by the committee members from that municipality at the meeting to determine the necessity of reconsidering the method of sharing costs. A change in the method of sharing costs shall first be approved by a vote of a majority of those present and voting.

C. Municipal approval shall be in the same manner as the original formula was adopted when the community school district was formed. The total vote cast in each of the member municipalities shall be at least 20% of the number of votes cast in each of the member municipalities in the last gubernatorial election.

D. A change in the cost-sharing formula shall be effective at the start of the next fiscal year which starts at least 90 days after the voters have approved it.

§1705. Authority to accept gifts

1. Outright or in trust. A community school district may accept and receive money or other property, outright or in trust, for any specified benevolent or educational purpose.

A. When the district school committee receives written notice from a prospective donor or his representative of a proposed gift, outright or in trust, it shall submit the matter to the next regular meeting of the committee, and shall, within 10 days after the meeting, send written notice of its acceptance or rejection.

B. If the gift is in trust the committee shall either deposit or invest trust funds according to Title 30, section 5051.

2. Conditional. A community school district may accept and receive money or other property as a conditional gift for any specified benevolent or educational purpose. When the district school committee receives written notice from a prospective donor or his representative of a proposed gift, they shall submit the matter to the next regular meeting of the legislative body or shall call a special meeting for that purpose and shall, within 10 days after the meeting, send written notice of its acceptance or rejection.

SUBCHAPTER IV

REORGANIZATION

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

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

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

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

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

5. Closing an elementary school. If a community school district includes elementary grades, the closing of an elementary school in a member municipality shall follow the procedures established in section 1407 for closing an elementary school in a member municipality in a school administrative district.

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

§1752. Districts formed by private and special Acts of the Legislature

If the provisions of this chapter conflict with the

provisions of any private and special Act of the Legislature which created a community school district, then the provisions of the private and special Act shall control.

CHAPTER 107

SCHOOL UNIONS

§1901. Formation

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

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

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

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

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

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

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

A. The school administrative unit shall elect a superintendent in the same manner and for the same term, fix the salary and discharge the superintendent under the

same conditions as superintendents employed under sections 1051 to 1054.

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

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

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

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

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

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

A. Employing a qualified person to serve as superin-

tendent and as a supervising principal;

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

C. Employing a qualified agent to fulfill supervisory needs.

§1902. Union committee of school unions

The school boards of the school administrative units comprising a school union shall form a union committee, which shall be, for the purposes of this chapter, the agent of each school administrative unit comprising the school union.

1. Delegation of authority by member school boards. The school board of a school administrative unit in a school union may authorize one of its members to act for the school board in the meetings of the union committee. The member may cast the votes for the school board.

2. Method of voting. The method of voting shall be as follows.

A. The votes of the individual members of the union committee shall be cast on a weighted basis in proportion to the population of the unit represented as compared with the total population of the units comprising the union committee.

B. To become effective, all actions of the union committee shall be approved by a vote representing more than 1/2 of the population comprising the units which make up the union committee.

3. Duties. The union committee:

A. Shall meet annually in December, at a day and place agreed upon by the chairman of the school boards comprising the union;

B. Shall choose a chairman and a secretary;

C. Shall, at its organizational meeting or as soon thereafter as possible and whenever a vacancy occurs, elect a superintendent as provided under section 1051;

D. Shall apportion the costs for a superintendent under section 1051, among the school administrative units in proportion to the service to be performed and

certify to the treasurer of each school administrative unit and to the commissioner the amounts to be paid; and

E. May authorize a school administrative unit within the school union to serve as a contractual employer of teachers who provide services to more than one unit in the union. Employment shall be subject to section 13201 and Title 26, chapter 9-A.

§1903. Appropriation for superintendent's salary

School administrative units shall appropriate for the salary of the superintendent their proportion of the sum paid the superintendent, but not more than the amount certified by the union committee, to the municipal treasurer. The proportion to be paid by a municipality shall be paid out of the appropriation made for the support or maintenance of public schools.

CHAPTER 109

UNION SCHOOLS

§2101. Union schools

Adjoining municipalities on the written recommendation of their municipal school committees may, by concurrent action, maintain or establish union schools for the benefit of the municipalities. They shall contribute to their support under the terms of the agreement.

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

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

§2102. Financing of union schools

1. Apportionment of state school subsidy. Amounts due from the State on account of union schools shall be paid to the municipality in which the students reside. The amounts to be contributed by each municipality for the maintenance of the school shall be determined in accordance with the terms of the agreement.

2. Construction aid. A union school shall be eligible for school construction aid on a project constructed as a result of the union school agreement. The aid shall be computed in the same manner as for a community school district as set forth in chapter 609.

CHAPTER 111

MUNICIPAL SCHOOLS

SUBCHAPTER I

SCHOOL COMMITTEE

§2301. Applicability of provisions to certain towns or cities

Sections 2302 to 2303 and 2305 do not apply to municipalities whose charters specify the methods of selection and term of office of a school committee, nor to municipalities authorized by private and special laws to otherwise choose a school committee.

§2302. Election of school committee members

A municipality, not included in a school administrative district, shall elect at its annual meeting a school committee of 3 to hold office as provided in section 2305. The municipality shall fill vacancies in that committee at each subsequent annual meeting.

§2303. Additional school committee members

Notwithstanding section 2302, a municipality may vote at its annual meeting to have 5 members on the school committee.

1. Vote. The municipality may vote to have a 5-member board at:

A. Its annual meeting; or

B. At a special town meeting held at least 30 days before the annual meeting, if a municipality has accepted Title 30, section 2061, relative to secret ballot.

2. Election of additional members. The municipality may, at its annual meeting, elect by ballot 3 additional school committee members to serve with the 2 members whose terms have not expired.

§2304. Neglect to choose committee

A municipality failing to elect members of the school committee shall forfeit not less than \$30 nor more than \$200.

§2305. Terms; vacancies; restrictions

1. Length of term. School committee members shall be elected for staggered 3-year terms or, in municipalities with biennial elections, 4-year terms.

2. Commencement of term. The term of newly elected school board members shall start as determined under section 1003.

3. Vacancy. A vacancy on a school committee shall be declared:

A. When the term of office of a member expires;

B. When a member changes residency from the municipality or subdistrict from which elected. Evidence that an individual is registered to vote in a municipality is prima facie evidence of that individual's residency;

C. On the death of a member; or

D. When a member resigns.

4. Filling a vacancy. A vacancy may be filled:

A. By the school committee within 30 days; or

B. Whenever the remaining members fail to appoint a person to fill a vacancy, by election at a town meeting called for the purpose.

§2306. Service without pay

School committee members shall serve without pay, unless otherwise voted by the town.

SUBCHAPTER IIINCORPORATED SCHOOL DISTRICT§2351. School district meetings

1. District meetings. Where the inhabitants and territory of a single municipality constitute an incorporated

school district, and the charter of the district contains no provisions for the calling and holding of meetings of the district, meetings of the school district shall be called by the municipal officers, in the manner provided by law for the calling of town meetings, on written request signed by trustees or other executive officers of the district.

2. Municipal meetings. A lawfully called meeting of the inhabitants of the municipality shall be a lawful meeting of the school district for the transaction of school district business. If the business of the school district has been transacted at a lawfully called meeting of the inhabitants, the meeting is declared to be a legal and valid meeting of the school district, and all votes passed and all actions taken at that meeting which would have been legal had the meeting been a lawfully called meeting of the school district, are ratified and declared legal.

§2352. School money paid by municipalities

No money appropriated by law for public schools may be paid from the treasury of any municipality except upon written order of its municipal officers. No such order shall be drawn by the officers except upon presentation of a properly avouched bill of items, that bill of items having first been approved by a majority of the members of the school committee and certified by the superintendent of schools.

CHAPTER 113

SHARED SERVICE AGREEMENTS

§2501. Shared service agreements

The school boards of 2 or more administrative units may file an application to the commissioner for the purpose of entering a shared service agreement to carry out a specified educational function.

1. Application. The application shall be in a form and containing such information as required by the commissioner including, but not limited to, the following information:

A. The specific services to be provided and numbers of students to be served;

B. The cost estimate for services or operational budget;

C. The method of providing services and the designa-

tion of personnel to be employed;

D. The method of sharing costs among the units; and

E. The identification of the sharing units and the designation of the unit which shall administer the agreement.

2. Approval. The commissioner shall either approve or reject the application based upon the conditions set forth in subsection 1.

3. School board approval. If the commissioner approves the shared agreement, it shall be subject to approval by a majority of the members of the school boards of each administrative unit involved in the agreement before the agreement becomes effective.

4. Duration of agreement. An agreement which has been ratified is valid for the fiscal year beginning July 1st following the ratification vote and ending June 30th of the next calendar year.

5. State-local allocation. Expenses incurred under the agreement may be reported as an operating cost in addition to the items listed in section 15503, subsection 16.

6. Sharing costs. Cost for carrying out the agreement shall be shared in accordance with the terms of the agreement, but costs of administration of the agreement shall not exceed 10% of the total budget of the agreement.

7. Renewal of agreement. A cooperative agreement may only be renewed upon reapplication to the commissioner and ratification by a majority of the members of each school board involved in the agreement.

CHAPTER 115

CONTRACTS FOR SCHOOL PRIVILEGES

§2701. Authority to contract for school privileges

The legislative body of a school administrative unit other than a school administrative district, which does not maintain any kindergarten to grade 12 may authorize its school board to contract with another school for school privileges for all or a part of its resident students in those grades.

§2702. Acceptance of contract students

The legislative body of any nearby school administrative unit or the board of trustees of a nearby private school approved for tuition purposes may agree to accept contract students.

§2703. Contract

The governing bodies of the sending units and receiving school shall establish a contract.

1. Specific provisions. The contract:

A. Shall specify the duration of the contract from one to 5 years;

B. May include the establishment of a joint committee if the receiving school is a private school;

C. Shall include other provisions parties deem necessary;

D. Shall be ratified by a majority vote of each of the governing bodies party to the contract; and

E. Shall meet any additional requirements set forth in rules established by the commissioner.

2. Tuition. Tuition shall be determined under chapter 209.

§2704. Joint committee

A joint committee if established pursuant to section 2003:

1. Membership. Shall have an equal number of school board members and board of trustee members;

2. Powers and duties. Shall have the following powers and duties:

A. To select and employ teachers for the private school;

B. To fix teachers' salaries;

C. To arrange the course of study;

D. To supervise the instruction; and

E. To adopt, amend and enforce rules pertaining to

other educational activities of the private school; and

3. Secretary ex officio. Shall have the superintendent of the school administrative unit in which the private school is located serve as the secretary ex officio if the school administrative unit in which the private school is located is represented on the joint committee. If the school administrative unit in which the private school is located is not a member of the joint committee, the joint committee shall select a superintendent from one of its participating school administrative units as secretary ex officio.

CHAPTER 117

PRIVATE SCHOOLS

SUBCHAPTER I

BASIC SCHOOL APPROVAL

§2901. Requirement for basic school approval

A private school may operate as an approved private school for meeting the requirement of compulsory school attendance under section 5001 if it:

1. Hygiene, health, safety. Meets the standards for hygiene, health and safety under Titles 22 and 25; and

2. Is either:

A. Currently accredited by the New England Association of Colleges and Secondary Schools; or

B. Meets the department's requirements for approval for attendance purposes under section 2902.

§2902. State requirements

Private schools approved for attendance purposes by the department shall:

1. Immunization. Comply with the immunization provisions under section 6351;

2. Language of instruction. Use English as the language of instruction except as specified under section 4602;

3. Courses required by statute. Provide instruction in history as specified under section 4601, subsection 1 and

English as specified in section 4601, subsection 2;

4. Commissioner's basic curriculum. Provide instruction in the basic curriculum established by rule by the commissioner under section 4601, subsection 4;

5. Certified teachers. Employ only certified teachers;

6. Secondary schools. For private secondary schools:

A. Meet the requirements of a minimum school year under section 4801;

B. Provide a school day of sufficient length to allow for the operation of its approved education program;

C. Have a student-teacher ratio of not more than 30 to one;

D. Include not less than 2 consecutive grades from 9 to 12; and

E. Maintain adequate, safety protected records; and

7. State board rules. Meet the requirements applicable to the approval of private schools for attendance purposes established by the state board pursuant to section 405, subsection 3, paragraph E.

§2903. Governing body requirements

Nothing in this subchapter shall restrict the authority of the governing body of a private school to require additional subjects to be taught in their school.

§2904. Removal of basic approval

1. Commissioner may remove basic approval. Notwithstanding any other provision of law, the commissioner may remove basic approval from any private school for failure to meet applicable approval requirements.

2. Procedural requirements. Whenever a school fails to meet these requirements the commissioner shall:

A. Give due notice; and

B. Hold a hearing.

3. Hearing. The hearing on removal of basic approval

shall be in accordance with the applicable provisions of the Maine Administrative Procedure Act, Title 5, chapter 375 and rules of the state board adopted pursuant to section 405, subsection 3, paragraph E.

§2905. Nonrenewal of basic approval

The decision of the commissioner on nonrenewal of basic approval of any school applying for renewal shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 and rules adopted by the State Board of Education under section 405, subsection 3, paragraph E.

SUBCHAPTER II

APPROVAL FOR THE RECEIPT OF PUBLIC

FUNDS BY PRIVATE SECONDARY SCHOOLS

§2951. Approval for tuition purposes

A private secondary school may be approved for the receipt of public funds for tuition purposes only if it:

1. Basic approval. Meets the requirements for basic school approval under subchapter I;

2. Nonsectarian. Is a nonsectarian school in accordance with the First Amendment of the United States Constitution;

3. Incorporated. Is incorporated under the laws of the State of Maine or of the United States; and

4. Reports and audits. Complies with the reporting and auditing requirements in sections 2952 and 2953.

§2952. Report to commissioner

A private secondary school receiving state funds, either directly or indirectly, and a private school approved for tuition and attendance purposes shall annually, on or before July 15th, report to the commissioner the information he may require.

§2953. Audit

The following audit shall be made.

1. Annual audit. A private secondary school approved for tuition purposes shall, on or before September 1st of

each year, furnish to the State Auditor satisfactory proof that the books, accounts, financial documents and reports to the commissioner of the academy for the preceding fiscal year have been examined and found to be in a satisfactory and accurate condition with proper vouchers on file. An audit shall be made by the Department of Audit or by individuals or firms recognized as competent auditors by training and experience or by qualified public accountants.

2. Special audit. Audits by the State Auditor may be requested by 3 or more duly elected and qualified officers of the private secondary school. This audit shall be conducted at the expense of the requesting academy except when the audit is deemed necessary by the commissioner.

§2954. Rules of commissioner

The commissioner may adopt rules regarding tuition charges, accounting and other aspects of a private secondary school and school administrative unit relationships.

§2955. Penalty for noncompliance

Private secondary schools which have not complied with sections 2951 to 2953 before September 1st of each year may not receive tuition payments from any school administrative unit.

SUBCHAPTER III

SPECIFIC EDUCATION PROGRAMS

§3001. Schools for exceptional students

Private schools which operate programs for exceptional students shall conform to the applicable provisions of this chapter and chapters 301 and 303.

§3002. Vocational education

The commissioner may contract with a private school, which is serving one or more municipalities in lieu of a public secondary school, for the conduct of vocational courses which meet the same standards for approval as those conducted in public secondary schools.

SUBCHAPTER IV

PRIVATE SCHOOLS SERVING NONRESIDENTS

§3051. Non-Maine students

Schools enrolling only students whose parents are not residents of the State shall be subject to an annual review of their programs by the commissioner. The programs shall be approved if they meet standards equivalent to those required for private schools under this chapter.

CHAPTER 119

UNORGANIZED TERRITORY

SUBCHAPTER I

GENERAL PROVISIONS

§3201. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Unorganized territory. "Unorganized territory" means territory not part of a municipality.

2. Unorganized unit. "Unorganized unit" means an unorganized township, gore, strip, tract, surplus, point, patent, peninsula, island, deorganized town or plantation or any other distinct portion of the unorganized territory.

§3202. Rules

The commissioner may adopt rules to carry out this chapter.

SUBCHAPTER II

SCHOOL PRIVILEGES

§3251. School privileges

Persons between the ages of 5 and 20 years who reside with a parent or legal guardian in an unorganized territory shall be entitled to school privileges. These privileges shall be provided under the direction of the commissioner under rules adopted or amended by the commissioner in accordance with section 3 and approved by the Governor.

§3252. Elementary pupils

1. Elementary school privileges provided. The commissioner may provide elementary school privileges by establishing and maintaining elementary schools in an unorganized territory or by sending the students to another public

school as tuition students.

2. Admission by receiving school. Tuition students sent to a public school shall be admitted by the receiving school on receiving notice by the commissioner.

3. Benefits. Tuition students shall be entitled to all privileges and benefits and subject to the same rules as resident students of the school administrative unit.

4. Term. The minimum school year shall be as defined in section 4801.

5. Tuition. The commissioner shall pay tuition for each student in accordance with the proportional cost per student of the school attended or as agreed upon.

6. Transportation and board. Transportation and board may be paid in full or in part by the commissioner.

7. Exception. The commissioner may make arrangements for children living in the unorganized territory of Estcourt to attend a public school in Commission Scolaire Des Frontieres Sully, Province of Quebec. With the commissioner's approval tuition shall be paid by the State for these students.

§3253. Secondary students

1. Qualified secondary students. The commissioner may authorize a qualified student whose parent or legal guardian resides in an unorganized territory to attend an approved secondary school which accepts the student.

2. Tuition. The commissioner shall pay the same amount for tuition as municipalities not supporting and maintaining an approved secondary school are required to pay, provided that the student maintains a satisfactory standard of deportment and scholarship.

3. Board. The commissioner may pay board in full or in part for a student attending school as provided in subsection 1. The commission:

A. Shall determine when board for a student is necessary;

B. Shall provide application forms;

C. May approve applications for boarding arrangements; and

D. Shall make payments for board for periods not less than one school month on receipt of a satisfactory attendance record of a student.

§3254. Other students

The commissioner may establish evening schools, day schools, classes and educational activities for persons over 16 years of age residing in the unorganized territory and not attending public school. Students in these schools or classes shall be subject to the same conditions, state and local rules and federal regulations as for public schools.

§3255. Children on government reservations

The commissioner may make special arrangements to provide elementary school privileges in cooperation with the Federal Government for children residing with a parent or legal guardian at a light station, fog warning station, lifesaving station or other place within a United States government reservation.

SUBCHAPTER III

COMMISSIONER'S POWERS

§3301. General powers

The commissioner shall have the following general powers.

1. Agents. The commissioner may appoint agents for an unorganized territory who shall act as attendance officers and perform school duties delegated to them by the commissioner.

2. Special attendance officers. The commissioner may appoint special attendance officers for an unorganized unit. Attendance officers shall be subject to the provisions of sections 3302 and 5052.

3. School buildings. School buildings not privately owned in an unorganized territory are declared to be the property of the State. The commissioner may hold, use and direct repairs, changes or additions to the school buildings.

4. Disposal of property. The commissioner may sell, transfer or dispose of school property or equipment in the unorganized territory. The proceeds of the sale, transfer or disposal shall be used as provided in section 3351.

§3302. General laws applicable

The following general laws shall apply.

1. General laws. Sections 6301, 6802 and 6804 to 6807 shall apply to children in the unorganized territory.

2. Application rules. The commissioner may adopt or amend rules concerning officials, appropriate courts, disposal of fines and similar matters that are necessary to apply to the unorganized territory the laws referred to in subsection 1. These rules shall be subject to approval by a Justice of the Supreme Judicial Court, who may approve them if they conform to the general principles of the law being applied.

3. Printing. The commissioner shall print these laws and rules in sufficient quantity for use in the unorganized territory and for persons requesting them.

§3303. Census

Before school privileges are provided in an unorganized territory and annually thereafter, as long as school privileges are provided in an unorganized unit under this chapter, the commissioner shall determine the number of persons resident in the unit on April 1st and the names and ages of those between 5 and 20 years of age who have not completed the 12th grade.

§3304. Tuition students in unorganized units

A school board may, when it seems advantageous and in the best interest of the students concerned, arrange for students who are entitled to school privileges in its school administrative unit, to attend schools maintained by the State in the unorganized territory, subject to the terms and conditions the commissioner may determine.

1. Charges. The commissioner may make allowances or adjustments for transportation costs or other services furnished by a sending unit for students sent as tuition students to a school in an unorganized unit. Per student tuition charges shall be computed as follows:

A. The total cost of schooling for the preceding fiscal year, excluding employer retirement contributions made by the State and transportation costs for the unorganized unit in which the school is located; and the total amount of assessment for capital expenditures made for the preceding fiscal year, shall be

divided by the average daily membership of students in the unorganized unit during the preceding school year.

A municipality which has contributed to the cost of the school building in compliance with a special legislative Act shall not pay the part of a tuition charge related to capital expenditures.

2. Income credited. The portion of tuition income based on capital expenditure shall be credited to the Unorganized Territory School and Capital Working Funds for the fiscal year in which it is earned and shall reduce the indebtedness charged against the unorganized unit in which it was earned. The balance of tuition income shall be credited to the General Fund for the year in which it is earned and shall be a credit in computing the school assessment on the property of the unorganized unit in which it was earned.

3. Payments. The school board shall pay, prior to June 30th of the school year for which a schooling agreement is made any sums agreed on and shall charge these sums to the appropriations of money raised in that school administrative unit.

§3305. Taking of land

The following provisions apply to taking land for school purposes in the unorganized territory.

1. Taking. The commissioner may designate, lay out and take a schoolhouse lot not to exceed 3 acres, after 30 days written notice to the owner, if:

A. The owner refuses to sell;

B. The commissioner determines the price is unreasonable; or

C. The owner resides outside the State and has no authorized agent or attorney in the State.

2. Appraisal and payment. Prior to a taking, the commissioner shall appraise the damages and pay or tender the damages to the owner. If the owner does not reside in the State, the commissioner shall deposit the damages with the Treasurer of State for the owner's use.

3. Reversion to owner. If the State does not erect a school building on the lot within 3 years from the date of taking, the lot shall revert to the owner, the owner's heirs or assigns.

4. Enlargement or extension of lot. The commissioner may extend or enlarge a schoolhouse lot according to the procedure and conditions in section 15705, subsection 10. Land taken may not be within 50 feet of a dwelling.

5. Fencing. When a schoolhouse lot or playground requires fencing, the commissioner shall fence it.

6. Appeals. If the owner is aggrieved at the location of the lot or the damages awarded, he may apply to the State Tax Assessor within 3 months. The State Tax Assessor may change the location and assess the damages. If the damages are increased or the location changed, the State shall pay the damages and costs, otherwise the costs shall be paid by the applicant.

SUBCHAPTER IV

FINANCING

§3351. Unorganized Territory School and Capital Working Funds

1. Appropriation by the Legislature. The Legislature may appropriate money to the Unorganized Territory School and Capital Working Funds.

2. Expenditures by the commissioner. The commissioner may expend amounts necessary to carry out subchapters II and III from the Unorganized Territory School and Capital Working Funds and for a purpose necessary for the schooling of children in the unorganized territory including:

A. Salaries, board and traveling expenses of teachers and supervisors;

B. Conferences, training programs and professional improvement of teachers;

C. Fuel and janitor service;

D. Tuition, board and transportation of elementary and secondary school students;

E. Text and reference books, school apparatus and supplies, leases or rentals of lots or school buildings;

F. Minor repairs to school buildings or equipment;

G. Services, expenses and fees of agents, attendance officers and clerical assistants;

H. Office expenses and utility service;

I. School medical and dental services;

J. The erection, equipping, major repair, remodeling or alteration of schoolhouses and other requisite buildings;

K. The purchase of lots or buildings for school purposes or faculty housing;

L. The purchase, equipment and major repair of school buses; and

M. For any other necessary capital expenses for providing schools in the unorganized territory.

3. Balances. Unencumbered balances in the Unorganized Territory School and Capital Working Funds shall not lapse but shall be carried forward to the same fund for use in the next fiscal year.

4. Gifts and bequests. The Treasurer of State may accept gifts, bequests and other funds from public or private agencies, subject to any conditions approved by the commissioner, to be credited to the fund. A gift, bequest or grant made for a particular designated project shall be credited to the fund created in this section.

5. Short-term investments. The treasurer of State may, with the approval of the commissioner, make short-term investments of accumulated assets in the fund. The income and capital shall be returned to the fund. The income may be expended by the commissioner for the purposes described in subsection 2.

SUBCHAPTER V

ORGANIZATION AND DEORGANIZATION

§3401. Organization of unorganized unit

If an unorganized unit becomes organized as a municipality or plantation, it shall, within 5 years of the date of organization, pay to the Treasurer of State for each school building within its limits erected or remodeled prior to August 20, 1951, a sum to be determined by the commissioner from records kept by the commissioner of the cost of these buildings, lots and improvements. The sum shall be credited to the General Fund. A municipality or plantation dissatisfied with the sum determined by the commissioner

may, after a vote taken by the municipality or plantation at a regular or special meeting called for the purpose, appeal to the Governor. The Governor's decision shall be final.

§3402. Deorganization of an organized unit

If a municipality or plantation becomes deorganized by the Legislature, all school property in that municipality shall become the property of the State and under the charge of the commissioner, as is other school property in the unorganized territory.

§3403. Failure of civil organization

1. Failure of organization. If the civil organization of a municipality or plantation becomes defunct, through failure to hold the annual meeting, failure to fill vacancies in necessary offices or in any other manner, and until the municipality or plantation recovers its civil organization or it is deorganized by the Legislature, the commissioner shall:

A. Assume charge of all school property within its area;

B. Require an accounting of all municipal or plantation school funds; and

C. Provide schools for children between 5 and 20 years of age whose parents are residents of the municipality or plantation.

2. School privileges. The commissioner may provide school privileges under the supervision of an agent of the unorganized territory or a special agent appointed for this purpose.

3. Expenses. The expense of these school privileges shall be paid from the appropriation for schools in the unorganized territory.

4. Recovery of expenses. If a municipality or plantation recovers its civil organization within 2 years, the expenses paid under subsection 3, on the recommendation of the commissioner, shall be deducted by the Treasurer of State from school funds that may subsequently become payable to the municipality. The Treasurer of State shall credit these deductions to the appropriation for schools in the unorganized territory.

**[DUE TO ITS SIZE, THIS LAW HAS BEEN DIVIDED INTO
THREE ELECTRONIC FILES. FOR THE REMAINDER OF THE
CHAPTER, SEE THE SECOND AND THIRD FILES.]**