

# MAINE STATE LEGISLATURE

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## CHAPTER 505

## LOCATION OF SCHOOLS; CONDEMNATION

Sec.

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**§ 3561. School location; closing or suspension; conveyance; board**

The location of any school, legally established prior to the 17th day of March, 1893, continues unchanged, notwithstanding the district is abolished, but any town at its annual meeting, or at a meeting called for the purpose, may determine the number and location of its schools and may discontinue them or change their location. Such discontinuance or change of location shall be made only on the written recommendation of the superintending school committee and on conditions proper to preserve the just rights and privileges of the inhabitants for whose benefit such schools were established. In case any school shall hereafter have too few scholars for its profitable maintenance, the superintending school committee may suspend the operation of such school for not more than one year, but shall not close such school for a longer period nor again thereafter suspend operation of such school unless so instructed by the town, but any public school failing to maintain an average attendance for any school year of at least 8 pupils shall be and is suspended, unless the town in which said school is located shall, by vote at the annual meeting or at a meeting called for that purpose, after the said committee shall have made a written recommendation to that effect, instruct its superintending school committee to maintain said school. The superintendent of schools in each town shall procure the conveyance of all elementary school pupils residing in his town, a part or the whole of the distance, to and from the nearest suitable school, for the number of weeks for which schools are

maintained in each year, when such pupils reside at such a distance from the said school as in the judgment of the superintending school committee shall render such conveyance necessary. In all cases, conveyance so provided shall conserve the comfort, safety and welfare of the children conveyed and shall be in charge of a responsible driver who shall have control over the conduct of the children conveyed. Contracts for said conveyance may be made for a period not to exceed 5 years. The superintending school committee may authorize the superintendent of schools to pay the board of any pupil or pupils at a suitable place near any established school instead of providing conveyance for said pupil or pupils, when in their judgment it may be done at an equal or less expense than by conveyance.

Whenever a parent or guardian having children of compulsory school age in his care domiciles such children in a location remote from and inaccessible to schools or public highways, he shall be personally responsible for the cost of boarding these children within walking distance to an established public school or for providing suitable conveyance to a public highway. Failure to so provide conveyance or board shall be considered a violation of the truancy law and punished accordingly.

When a superintending school committee suspends or the voters of an administrative unit authorize the closing of all elementary schools within an administrative unit under this section, the superintending school committee shall make provision for the education of the children at a nearby administrative unit and the sending administrative unit shall pay the tuition charge to the receiving administrative unit.

R.S.1954, c. 41, § 14; 1961, c. 366, § 1; 1963, c. 216.

**§ 3562. Condemnation for school lots; damages; reversion to owner**

When a location for the erection or removal of a schoolhouse and requisite buildings has been legally designated by vote of the town at any town meeting called for that purpose or by the school directors of a School Administrative District, and the owner thereof refuses to sell, or, in the opinion of the municipal officers, asks an unreasonable price for it, or resides without the State and has no authorized agent or attorney therein, they may lay out a schoolhouse lot and playgrounds, not exceeding 25 acres for any one project, and appraise the damages as is provided for laying out town ways, and on payment or tender of such dam-

ages, or if such owner does not reside in the State, upon depositing such damages in the treasury of such town for his use, the administrative unit designating it may take such lot to be held and used for the purposes aforesaid. When such schoolhouse lot has ceased to be used for school purposes for 2 successive years, said lot reverts to the owner, his heirs or assigns, on demand by him or them in writing made to the municipal officers of the town or school directors of the School Administrative District, subject to the right of the town or school directors to enter upon said lot and remove said schoolhouse at any time within 6 months after said demand. Any administrative unit may take real estate for the enlargement or extension of any location designated for the erection or removal of a schoolhouse and requisite buildings and playgrounds. All schoolhouse lots and playgrounds that require fencing shall be fenced by the town, city or administrative district.

R.S.1954, c. 41, § 15; 1957, c. 364, § 5.

### § 3563. Appeals

If the owner is aggrieved at the location of the lot or the damages awarded by the municipal officers, he may apply to the county commissioners within 6 months from the determination of such location and award of damages. The county commissioners of the county wherein such property or land is located shall constitute a board of appraisers which shall on such application meet and ascertain and determine what the location of the lot shall be, changing said location if they deem it proper, and determine the value of the property or land to be taken, make a correct return of their doings, signed by them, accompanied by an accurate plan of the land and state in their return the name of the person to whom damages are allowed, and the amount allowed. The county commissioners shall give reasonable notice to interested parties of the time and place of their meeting and afford interested parties an opportunity to be heard. Their return shall be filed with the clerk of the county commissioners and remain in the custody of their clerk for inspection, and notice thereof given to the interested parties. If the damages are increased or the location changed, such administrative unit shall pay the damages and costs; otherwise the costs shall be paid by the applicant. Any interested party aggrieved by their determination of location or damages may appeal from their determination to the Superior Court of the county within 30 days following the date of filing of their return with their said clerk. If no such appeal is made, the proceedings shall be closed, and become effec-

tual; all claims for damages not allowed by them be forever barred; and all damages allowed by them be final. If an appeal be taken at the time and in the manner provided, the court shall determine the location, changing said location if it deems it proper, and the damages by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the location and the damages recovered, and judgment for costs in favor of the party entitled thereto. The appellant shall file notice of his appeal with the county commissioners within the time above limited, and shall, when appeal is taken, include in the complaint a statement setting forth substantially the facts, upon which the case shall be tried like other cases. The party prevailing recovers costs to be allowed and taxed by the court, except that they shall not be recovered by the party claiming damages or change of location, but by the other party if on such appeal by either party, said claimant fails to recover a greater sum as damages than was allowed to him by the county commissioners or fails to have the location changed. The committee of reference shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts. An appeal may be taken to the law court as in other actions.

Upon final determination of the location of said lot the clerk of the administrative unit, clerk of the county commissioners or clerk of Superior Court, whichever one has custody of the records of the final hearing tribunal, shall cause a description of the lot and a plan thereof to be recorded in the registry of deeds for the county or registry district where the same is located.

R.S.1954, c. 41, § 16; 1957, c. 342; c. 443, §§ 4, 5; 1959, c. 317, §§ 13-15.

### **§ 3564. School lots; erroneous description**

If any administrative unit, by its officers or by a committee, has designated, located and described a lot upon which to erect, move or repair a schoolhouse, and from mistake or omission has failed to comply with the law, whereby such location has been rendered invalid, 3 legal voters and taxpayers thereof may apply in writing to the officers of said administrative unit and have the lot, so designated or described, reappraised by them.

R.S.1954, c. 41, § 17; 1957, c. 364, § 6.

**§ 3565. Notice of appraisal and hearing**

The selectmen of any town or the school directors of any School Administrative District to whom such application as provided for in section 3564 has been made shall forthwith give not less than 7 nor more than 20 days' notice to the clerk of said town or towns and to the owner of such real estate, or to the persons having the same in charge, of the time and place by them fixed for such hearing and shall, after examination and hearing of all interested, appraise the lot as set out and affix a fair value thereon, exclusive of improvements made by said administrative unit either by buildings or otherwise; and shall, as soon as practicable, notify the town clerk or clerks and the persons interested in said estate who had been notified of the sum at which said lot has been appraised.

R.S.1954, c. 41, § 18; 1957, c. 364, § 7.

**§ 3566. Assessment and collection**

The sum fixed as the value of said lot shall be assessed, collected and paid over as other school money.

R.S.1954, c. 41, § 19.

**§ 3567. Tender**

Any sum which has been tendered and is in the hands or under the control of the persons owning or having charge of such land shall be allowed in payment of said appraisal.

R.S.1954, c. 41, § 20.

**§ 3568. Appeal by either party**

If the administrative unit or persons owning or having charge of the land on which such location is made are dissatisfied with such appraisal, either party may within 10 days appeal to the county commissioners of the county in which the land lies, by filing a copy of the proceedings and a claim of appeal with said commissioners, and the determination of a majority of said commissioners not residents of said administrative unit may be appealed from by any interested party aggrieved by such determination to the Superior Court as provided under section 3563.

R.S.1954, c. 41, § 21; 1957, c. 364, § 8; 1959, c. 245.

**§ 3569. Improvements inure to administrative units**

When any administrative unit has erected or moved a building upon such lot or in any way improved the same, such improvement shall inure to the benefit of such administrative unit and the same may be as completely occupied and controlled by such administrative unit as it would have been if such location had been in strict conformity to law.

R.S.1954, c. 41, § 22; 1957, c. 364, § 9.

**§ 3570. Tax not affected by location error**

The legality of a tax assessed to build, repair or remove a schoolhouse and to pay for a lot shall not be affected by any mistake or error in the designation or location thereof.

R.S.1954, c. 41, § 23.